



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
Regular Meeting
Tuesday, May 9, 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) Public Hearing:

- a) **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); **Recommended by Planning Commission March 20, 2023; First Reading at Common Council April 11, 2023.**

- 1) Public Hearing
- 2) Consideration of Ordinance

5) 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.**

6) Public Officials' Reports:

- a) Mayor
 - 1) Public Service Recognition Week Proclamation
- b) City Administrator

7) Consent Agenda:

- a) Common Council meeting minutes of April 11 and April 18, 2023
- b) Architectural Board meeting minutes of March 13, 2023
- c) Economic Development Board meeting minutes of February 21, 2023
- d) Finance-Personnel Committee meeting minutes of February 14 and March 14, 2023
- e) Joint Mequon-Thiensville Bike & Pedestrian Way Commission meeting minutes of March 16, 2023
- f) Mequon Municipal Water Utility Commission meeting minutes of March 14, 2023
- g) Park and Open Space Board meeting minutes of February 28, 2023
- h) Planning Commission meeting minutes of March 20, 2023
- i) Public Safety Committee meeting minutes of April 11, 2023
- j) Public Welfare Committee meeting minutes of March 14, 2023
- k) Sewer Utility District Commission meeting minutes of March 14, 2023
- l) Zoning and Site Compliance Report Through May 1, 2023
- m) Ordinance Firsts 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 2023-1650** - An Ordinance Amending Chapter 2 of the Mequon Municipal Code, Adjusting the Per Diem for Employee Travel & Training to \$60 per Day; **Recommendation Forthcoming by Finance-Personnel Committee May 9, 2023.**

8) Ordinance:

- a) **ORDINANCE 2023-1648** - An Ordinance Amending Chapter 10 of the Mequon Municipal Code, Related to Residential Swimming Pools Standards; **Recommended by Public Welfare Committee April 11, 2023; First Reading at Common Council April 11, 2023.**

9) Resolutions:

- a) **RESOLUTION 4047** - A Resolution Approving Revisions to the City's Family Medical Leave Act Policy; **Recommendation Forthcoming by Finance-Personnel Committee May 9, 2023**
- b) **RESOLUTION 4048** - A Resolution Amending the City of Mequon Policies and Procedures Manual Regarding City Sponsored Cell Phone Usage; **Recommended by Public Welfare Committee April 11; Recommendation Forthcoming by Finance-Personnel Committee May 9, 2023.**

- c) **RESOLUTION 4049** - A Resolution Approving an Agreement for Commercial Building Fire Alarm and Fire Suppression Plan Review Services between the City of Mequon and the Southern Ozaukee Fire and Emergency Medical Services Department; **Recommended by Southern Ozaukee Fire & EMS Board March 8, 2023; Further Recommendation Forthcoming by Finance-Personnel Committee May 9, 2023.**
- d) **RESOLUTION 4050** - A Resolution Authorizing Execution of a Right-of-Way Agreement with MT Trails Foundation, Inc. for Construction of a Bike Path on Highland Road, from the Ozaukee Interurban Trail to Rotary Park; **Recommended by Joint Mequon-Thiensville Bike & Pedestrian Way Commission April 13, 2023; Further Recommended by Park and Open Space Board April 19, 2023; Further Recommendation Forthcoming by Public Works Committee May 9, 2023.**
- e) **RESOLUTION 4051** - A Resolution Authorizing Staff to Exceed \$25,000 for the Purchase of Culverts from Western Culvert of Oconomowoc, Wisconsin and Lannon Stone Products of Sussex, Wisconsin, to Complete Projects as Needed During the Remainder of Fiscal Year 2023' **Recommendation Forthcoming by Public Works Committee May 9th, 2023.**

10) Specified Unfinished Business From Prior Meetings: None.

11) Specified New Business:

- a) Mayoral Appointment: Karen Dredge, Tree Board, Member, At Large
- b) Aldermanic Appointment: Nancy Tolocko, Ethics Board, Member, District 2

12) Potential Closed Session:

- a) 12701 N. Farmdale Rd., LLC and Grizzly Acres, LLC Nuisance/Permitting Issues: 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.

13) Adjourn

Dated: May 4, 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 accommodation 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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www.ci.mequon.wi.us

Office of Community Development

TO: Common Council
FROM: Jac Zader, Assistant Director Community Development
DATE: April 11, 2023
SUBJECT: 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) and C-2 (General Conservation) to R-1 and C-2 with an Agricultural Overlay (OA)

Background

The applicant, Alex Leykin, is requesting approval of a rezoning request for three properties located on North Birchwood Lane, from R-1 (Residential 5-Acre) and C-2 (General Conservancy) to R-1 and C-2 with an OA (Agricultural Overlay). Since ten acres is required to add an agricultural overlay, the applicant has also applied for a Certified Survey Map (see attached) to combine the three lots into one 19.9-acre parcel.

Originally, the site was one large lot and was subdivided into four lots with an out lot in 2010 by the previous owner. This was approved as part of a PUD (Planned Unit Development), since the proposed lots ranged in size from 2.5 to 3.1 acres with an out lot over the wetland area. In 2017, the owner rezoned the property to remove the PUD, and reconfigured the site into three lots of 6.5 acres in size. The current request will allow the applicant to construct a structure for agricultural use.

Analysis

Pursuant to the current request, the proposed rezoning will revert the parcel back to the same condition it was in prior to the zoning change approved in 2010. The applicant states that the desire to rezone the lot is to allow for agricultural uses on the property and construction of an agricultural structure. Any accessory structure over 1,000 square feet will require Planning Commission approval. Since the OA overlay requires ten acres, the zoning change will not go into effect until the Certified Survey Map (CSM) is recorded. Staff has added a condition of approval to the proposed ordinance that the CSM shall be recorded prior to Common Council action on the rezoning.

Fiscal Impact

The fiscal impact is neutral.

Recommendation

The Planning Commission recommended approval by a vote of 8-0 at its meeting on March 20, 2023.

Attachments:

Exhibit A: Zoning Map (PDF)

Exhibit B: CSM (PDF)

COMMON COUNCIL
OF THE
CITY OF MEQUON

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) and C-2 (General Conservation) to R-1 and C-2 with an Agricultural Overlay (OA)

RECITALS

A. Pursuant to section 62.23(3) of the Wisconsin Statutes, 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 to approval on the 20th day of March, 2023.

C. The required due notice and public hearing by the Common Council of the City of Mequon occurred on the 9th day of May, 2023.

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

SECTION I

1. The City of Mequon Zoning Map is hereby amended so as to change the zoning classification of the property illustrated in Exhibit A to R-1 (Residential 5-Acre) and C-2 (General Conservancy) with an OA (Agricultural Overlay) subject to the following conditions:

- a. The Certified Survey Map (CSM) shall be recorded with the Register of Deeds prior to Common Council action on the rezoning.
- b. The property shall be deed-restricted from development until a current wetland delineation is performed and approved by the City of Mequon and the Wisconsin DNR.
- c. Final staff technical review and approval of CSM. The applicant shall make any technical corrections to the final CSM.
- d. If a soil test was not performed to indicate a private onsite wastewater treatment system option, the applicant shall submit a soil test prior to recording of the CSM. Alternatively, it may be noted on the face of the CSM that a soil test was not performed in conjunction with the CSM.
- e. For improvements that exceed 5,000 square feet of new impervious area, a green infrastructure plan meeting City and MMSD requirements must be approved and implemented.
- f. 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).

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: May 9, 2023

I certify that the foregoing Ordinance was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on May 9, 2023.

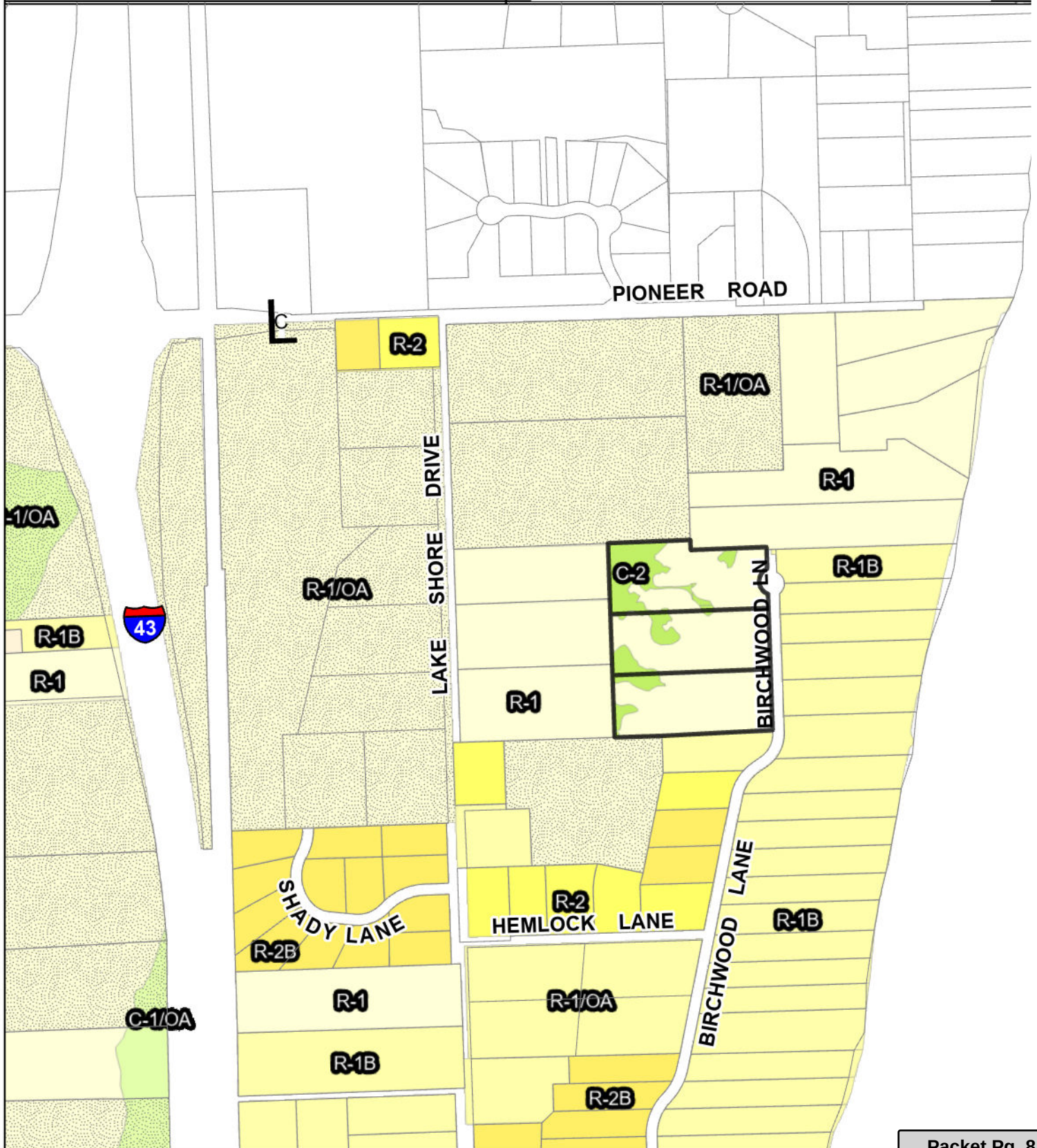
Caroline Fochs, City Clerk

Published: _____

ALEX LEYKIN - REZONING AND CSM

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

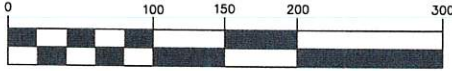
4.a.2.a



Attachment: Exhibit A: Zoning Map (ORDINANCE 2023-1647 : Alex Leykin Rezoning)

CERTIFIED SURVEY MAP NO. _____

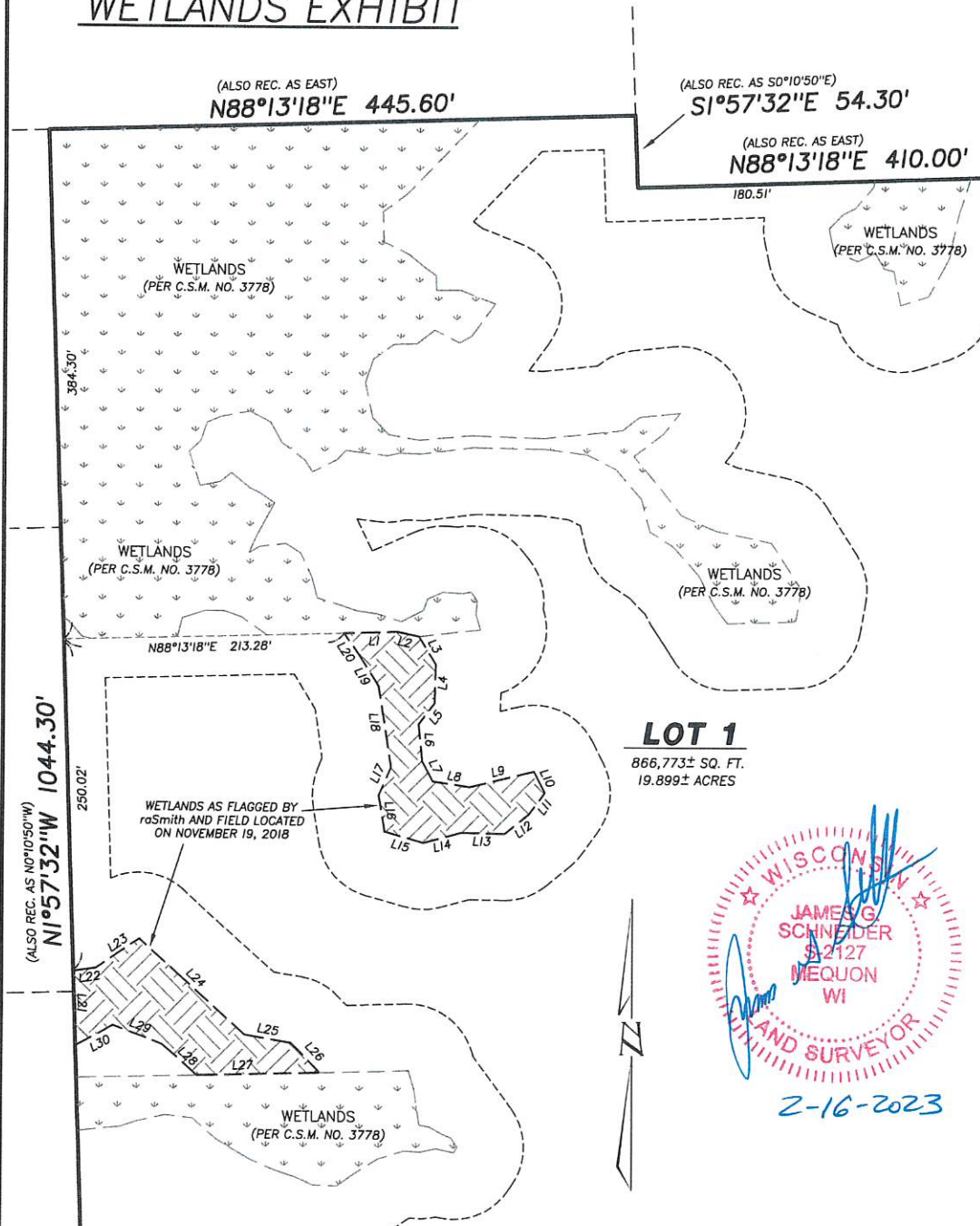
A REDIVISION OF LOTS 1, 2 AND 3 OF CERTIFIED SURVEY MAP NO. 4043, BEING A PART OF NORTHWEST 1/4, SOUTHWEST 1/4 AND SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 5, TOWN 9 NORTH, RANGE 22 EAST, IN THE CITY OF MEQUON, OZAUKEE COUNTY, WISCONSIN.



SCALE 1" = 100'

NOTE:

1. SEE SHEET 3 OF 5 FOR WETLAND LINE TABLE.

WETLANDS EXHIBIT

CERTIFIED SURVEY MAP NO. _____

A REDIVISION OF LOTS 1, 2 AND 3 OF CERTIFIED SURVEY MAP NO. 4043, BEING A PART OF THE NORTHWEST 1/4, SOUTHWEST 1/4 AND SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 5, TOWN 9 NORTH, RANGE 22 EAST, IN THE CITY OF MEQUON, OZAUKEE COUNTY, WISCONSIN.

SURVEYOR'S CERTIFICATE

I, James G. Schneider, Professional Land Surveyor, do hereby certify:

THAT I have surveyed, divided and mapped the following parcel of land:

A redivision of Lots 1, 2 and 3 of Certified Survey Map No. 4043, being a part of the Northwest 1/4, Southwest 1/4 and Southeast 1/4 of the Northeast 1/4 of Section 5, Township 9 North, Range 22 East, in the City of Mequon, Ozaukee County, Wisconsin, bounded and described as follows:

Commencing at the Northwest corner of the Northeast 1/4 of said Section 5; thence S1°57'32"E along the West line of said 1/4 Section, 1265.70 feet to a point in the Westerly extension of the North line of Parcel 1 of Certified Survey Map No. 3033; thence N88°13'18"E along the North line of said Parcel 1, 874.40 feet to the Northwest corner of Lot 3 of Certified Survey Map No. 4043 and the point of beginning of lands to be described; thence continuing N88°13'18"E along the North line of said Lot 3, 445.60 feet to a point in the West line of Lot 2 of Certified Survey Map No. 3031; thence S1°57'32"E along the West line of said Lot 2, 54.30 feet to the Southwest corner of said Lot 2; thence N88°13'18"E along the South line of said Lot 2, 410.00 feet to a point in the West right of way line of Birchwood Lane; thence S1°57'32"E along the West right of way line of Birchwood Lane, 116.36 feet; thence Southeasterly along said West right-of-way line, being the arc of a curve to the left (having a radius of 75.00 feet, whose chord bears S1°57'32"E, 137.48 feet) 173.89 feet to a point; thence S1°57'32"E along said West right of way line, 736.16 feet to the Southeast corner of Lot 1 of Certified Survey Map No. 4043; thence S88°13'18"W along the South line of said Lot 1, 855.60 feet to the Southwest corner of said Lot 1, said point also being the Southeast corner of Parcel 3 of Certified Survey Map No. 3033; thence N1°57'32"W along the West line of Lot 1, 2 and 3 of Certified Survey Map No. 4043 and the East line of Parcels 1, 2 and 3 of Certified Survey Map No. 3033, 1044.30 feet to the point of beginning.

Said lands containing 19.899 acres of land, more or less.

That I have made such survey, land division, and plat at the direction of Alex Leykin and Zhana Leykin 2016 Revocable Trust, OWNER of said lands.

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 complied with Section 236.34 of the Wisconsin Statutes and the requirements of the City of Mequon.


James G. Schneider S-2127



This instrument was drafted by James G. Schneider

CERTIFIED SURVEY MAP NO. _____

A REDIVISION OF LOTS 1, 2 AND 3 OF CERTIFIED SURVEY MAP NO. 4043, BEING
A PART OF THE NORTHWEST 1/4, SOUTHWEST 1/4 AND SOUTHEAST 1/4 OF THE
NORTHEAST 1/4 OF SECTION 5, TOWN 9 NORTH, RANGE 22 EAST, IN THE CITY
OF MEQUON, OZAUKEE COUNTY, WISCONSIN.

OWNER'S CERTIFICATE

I, Alex Leykin (Trustee) of the Alex Leykin and Zhana Leykin 2016 Revocable Trust,
OWNER, do hereby certify: THAT I have caused the lands described in the foregoing
certificate of James G. Schneider, Surveyor, to be surveyed, divided and mapped.

Witness

Alex Leykin (Trustee)

WITNESS the hand and seal of said OWNER on this _____ day of _____
20__.

STATE OF WISCONSIN)
OZAUKEE COUNTY)^{ss}

PERSONALLY came before me on this _____ day of _____, 20____
Alex Leykin (Trustee) of the Alex Leykin and Zhana Leykin 2016 Revocable Trust, to me
known to be the person who executed the foregoing certificate and acknowledged the
same.

Notary Public

My Commission expires _____

CITY OF MEQUON PLAN COMMISSION APPROVAL

APPROVED by the City of Mequon Plan Commission on this _____ day of _____
20____.

Chairman

Secretary

This instrument was drafted by James G. Schneider

Sheet 5 of 5 Sheets



2-16-2023

Attachment: Exhibit B: CSM (ORDINANCE 2023-1647 : Alex Leykin Rezoning)

***City of Mequon, Wisconsin
Proclamation Recognizing
Public Service Recognition Week***

Every year since 1985, the first week of May has been set aside as Public Service Recognition Week, a time to thank dedicated public servants from federal, state, and local governments across the country. In the City of Mequon, nearly 200 hard-working, talented people are employed with more than 1,500 combined years of government service. Each day, Mequon public employees work to keep the City operating by ensuring proper management of municipal services and the strategic implementation of public resources.

Public servants include teachers, doctors, scientists, planners, engineers, nurses, inspectors, judges, laborers, clerks, computer technicians, park rangers and countless other occupations. Many public servants, including military personnel, police officers, firefighters, astronauts, utility workers, and others, risk their lives each day in service to the people of the United States and around the world. Day in and day out, they provide the diverse services demanded at all levels of government, with efficiency and integrity. Without these individuals, continuity would be nearly impossible in a democracy that regularly changes its leaders and elected officials.

Public employees do not just take jobs, they take oaths. Often in difficult circumstances, our public employees are the unsung heroes that protect and enhance the quality of life for our residents, businesses, and visitors. In this spirit, the public employees of the City of Mequon are committed to exhibiting the highest standards of professional excellence, creativity, skill, and customer service to all that we serve.

ACCORDINGLY, I, Andrew J. Nerbun, Mayor of the City of Mequon, on behalf of all citizens of the City of Mequon, proclaim May 7 - 13, 2023, as Public Service Recognition Week in the City of Mequon, and encourage all community members to recognize the accomplishments and contributions of government employees at all levels – federal, state, county, and city.

Dated May 7, 2023.

Andrew J. Nerbun, Mayor
City of Mequon



draft

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**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

Attachment: 04-11-23_CC draft minutes (8356 : Common Council meeting minutes of April 11 and April 18, 2023)

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
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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
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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



draft

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Office of the City Clerk
Taped and Televised

**COMMON COUNCIL
Annual Organizational Meeting
Tuesday, April 18, 2023 - 7:00 PM
Christine Nuernberg Hall**

Minutes

1) Call to Order

Mayor Nerbun called the meeting to order at 7:03 PM.

2) Pledge of Allegiance

3) Roll Call

Present:

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

Also present: City Administrator Jones, City Attorney Sajdak, City Clerk Fochs, Assistant City Administrator/Human Resources Director Schoenemann, press and interested public.

4) Report of April 4, 2023 Election Results

City Clerk Fochs announced that Kelly Tolocko was elected to District 2 for a three-year term, Dale F. Mayr was re-elected to District 3 for a three-year term and Gregg Bach was elected to District 5 for a three-year term.

5) Recognition of Outgoing Council Members

- a) Mark Gierl: Mayor Nerbun read a proclamation for outgoing Alderman Mark Gierl, outlining his nine years of service to the City.

Attachment: 04-18-23_CC Organizational draft minutes (8356 : Common Council meeting minutes of April 11 and April 18, 2023)

- b) Glenn Bushee: Mayor Nerbun read a proclamation for outgoing Alderman Glenn Bushee, outlining his six years of service to the City. Alderman Bushee said a few parting words.

6) City Clerk to Administer Oath of Office to:

City Clerk Fochs administered the oaths of office to the newly elected aldermen.

- a) Alderman Kelly Tolocko, District 2
- b) Alderman Dale Mayr, District 3
- c) Alderman Gregg Bach, District 5

7) Election of Common Council President

- a) Nominations: Alderman Strzelczyk nominated Alderman Mayr for Common Council President. Alderman Schneider seconded the nomination. Alderman Parrish nominated Alderman Strzelczyk for Common Council President. Alderman Gebhardt seconded the nomination.
- b) Election: Four votes would be needed to elect a Common Council President. Voting by Common Council President was conducted by secret ballot.

City Clerk Fochs announced that Alderman Strzelczyk received 3 votes and Alderman Mayr received 5 votes. The Mayor declared Alderman Mayr the new Common Council President.

8) Nominations and Election of Committee Members

- a) Nomination by Common Council President

- i) Planning Commission

Common Council President Mayr recommended Alderman Strzelczyk as the Aldermanic Representative to the Planning Commission and Alderman Parrish as the Alternate.

- ii) Finance-Personnel Committee

Common Council President Mayr recommended Alderman Strzelczyk, Alderman Parrish and Alderman Gebhardt as the Aldermanic Representatives to the Finance-Personnel Committee.

- iii) Public Safety Committee

Common Council President Mayr recommended Alderman Tolocko, Alderman Mayr and Alderman Bach as the Aldermanic Representatives to the Public Safety Committee.

- iv) Public Welfare Committee

Common Council President Mayr recommended Alderman Mayr, Alderman Bach and Alderman Schneider as the Aldermanic Representatives to the Public Welfare Committee.

v) Public Works Committee

Common Council President Mayr recommended Alderman Tolocko, Alderman Hansher and Alderman Schneider as the Aldermanic Representatives to the Public Works Committee.

vi) Economic Development Board

Common Council President Mayr recommended Alderman Gebhardt as the Aldermanic Representative to the Economic Development Board and Alderman Hansher as the Alternate.

vii) Frank L. Weyenberg Library Board of Trustees

Common Council President Mayr recommended Alderman Hansher as the Aldermanic Representative to the Frank L. Weyenberg Library Board of Trustees and Alderman Schneider as the Alternate.

viii) Park and Open Space Board

Common Council President Mayr recommended Alderman Parrish as the Aldermanic Representative to the Park and Open Space Board and Alderman Bach as the Alternate.

ix) Joint Mequon-Thiensville Bike and Pedestrian Way Commission

There was no recommendation for the Joint Mequon-Thiensville Bike and Pedestrian Way Commission.

b) Common Council Confirmation by Majority Vote

Motion to approve all the Common Council President's recommendations for Item 8.

RESULT: Approved by Voice Acclamation\ [Unanimous]

MOVED BY: Alderman Schneider

SECONDED BY: Alderman Strzelczyk

AYES:	Strzelczyk, Tolocko, Mayr, Hansher, Bach, Parrish, Schneider, Gebhardt
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9) Designation of Official City Newspaper

City Clerk Fochs summarized the subscription rates, costs and deadlines of the two qualified options. Staff recommends designating the News Graphic as the City's official newspaper.

Motion to approve the News Graphics as the Official Newspaper.

RESULT: Approved by Voice Acclamation [Unanimous]

MOVED BY: Alderman Hansher

SECONDED BY: Alderman Bach

AYES: Strzelczyk, Tolocko, Mayr, Hansher, Bach, Parrish, Schneider, Gebhardt

10) Mayoral and Aldermanic Appointments

a) Motion to approve all the Mayoral and Aldermanic appointments.

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

AYES: Strzelczyk, Tolocko, Mayr, Hansher, Bach, Parrish, Schneider, Gebhardt

11) Other Business: None.

12) Adjourn

Motion to adjourn at 7:30 PM.

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

AYES: Strzelczyk, Tolocko, Mayr, Hansher, Bach, Parrish, Schneider, Gebhardt

Respectfully Submitted,
Kathy Andrykowski
Deputy Clerk



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INSPECTION DIVISION

ARCHITECTURAL BOARD MINUTES
Monday, March 13, 2023
6:00 PM
Lower-Level Conference Room

Minutes

1. Call to Order, Roll Call:

Present: Chairman Scott Reed

Members at Large: Paul Apfelbach, John Mikkelson, Tom Irvin, Curtis Helm,
 Janet Ehn, Bluma Lotman, Anthony LaGalbo

Building Inspector: Greg Golden

2. Meeting Minutes

Minutes from the February 13, 2023, meeting were approved by District Representative Janet Ehn and seconded by District Representative Tom Irvin. Minutes were approved unanimously.

Attachment: Arch Brd minutes_03-13-23 (8369 : Architectural Board meeting minutes of March 13, 2023)

3. Application Submittals:

No.	Alder. District /Time	Type of App	Owner(s) / Project Address	Contractor
1)	Dist. 4 6:00 pm	New Single-Family Residence	Wade & Ashley Williams 11045 N. Cedarburg Road Subd: N/A	Cont: TBD Arch: MFP Design
Moved to Approve: <u>Irvin</u> Seconded by: <u>Mikkelson</u> Approved: <u>Yes</u> Vote: <u>Unanimously</u> Conditions: Plans approved as submitted with the condition that an upper garage window is added on the south elevation.				
2)	Dist. 4 6:05 pm	Exterior Changes: Roofline	Ron & Tara Blecha 10923 N. Cedarburg Road Subd: N/A	Cont: DJB Constructs LLC Arch: Drexel
Moved to Approve: <u>LaGalbo</u> Seconded by: <u>Apfelbach</u> Approved: <u>Yes</u> Vote: <u>Unanimously</u> Conditions: Plans approved as submitted.				
3)	Dist. 5 6:15 pm	Addition: Mother-In-Law Suite	Vikram & Rupika Nangia 12060 N. Lake Shore Drive Subd: N/A	Cont: Gabor Design Build Arch: Bryan Wick
Moved to Approve: <u>Apfelbach</u> Seconded by: <u>LaGalbo</u> Approved: <u>Yes</u> Vote: <u>Unanimously</u> Conditions: Plans approved as submitted.				

Attachment: Arch Brd minutes_03-13-23 (8369 : Architectural Board meeting minutes of March 13, 2023)

4)	Dist. 5 6:25 pm	New Single-Family Residence	Michael & Jenna Sullivan 299 W. Hemlock Lane	Cont: Mikkelson Builders
			Subd: Hemlock Lane	Arch: Fred Dahms, Jr.

Moved to Approve: Irvin
 Seconded by: Apfelbach
 Recused: Mikkelson
 Approved: Yes
 Vote: Unanimously

Conditions: Plans approved as submitted.

5)	Dist. 5 6:30 pm	New Single-Family Residence	Jason & Kylli Schneider 13151 N. Oriole Lane	Cont: Anderson Homes
			Subd: N/A	Arch: Anderson Homes

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

Conditions: Plans approved as submitted with the following conditions:
 1. Board and Batton should be added to right and left elevation peaks to match front elevation.
 2. Add 2-windows (garage) to right elevation.

6)	Dist. 5 6:35 pm	Shed	Mark Gierl 1051 W. Pioneer Road	Cont: MW Sheds/Owners
			Subd: N/A	Arch: MW Sheds

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

Conditions: Plans approved as submitted with the following conditions:
 1. Windows on all four elevations to be consistent with grids.
 2. Garage doors on previously approved shed should be painted black to match the black front door of this shed.

7)	Dist. 5 6:45 pm	New Single-Family Residence	Samuel & Nina Kirk 13418 N. Lakewood Drive Subd: N/A	Cont: Owners Arch: Kristin Dederling
Moved to Approve: <u>Helm</u> Seconded by: <u>Irvin</u> Approved: <u>Yes</u> Vote: <u>Unanimously</u> Conditions: Plans approved as submitted with the following conditions: 1. Add grids to (5) windows on north elevation. 2. Add grids to (3) windows on south elevation.				

4. **Action:**

Chairman Scott Reed made a motion to adjourn the meeting.
District Representative Anthony LaGalbo seconded the motion.

A vote was taken; vote passed unanimously.

Meeting adjourned at 6:45 p.m.



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ECONOMIC DEVELOPMENT BOARD
Tuesday, February 21, 2023
8:00 AM
North Conference Room

Minutes

1) Call to Order, Roll Call

Present:

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

2) Appointment of a Chair pro tempore

Action

Board member Johnson made a motion to appoint Board member Mike Kramer Chair pro tempore.

Board member Sipiora seconded the motion.

A voice vote was taken; vote passed (6-0)

3) Approval of Meeting Minutes from January 24, 2023

Action

Board member Engle made a motion to approve the meeting minutes from January 24, 2023.

Alderman Gebhardt seconded the motion.

A voice vote was taken; vote passed (6-0)

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

4) P2 Development - DA Extension

Director Tollefson stated that the request is for the P2 Development project that is currently under construction on Buntrock Avenue consisting of 42 townhomes. The developer assembled two dilapidated, underutilized parcels for this new development. They have a TC TIF Incentive, which was recommended by the Board, and advanced through the approval process of both the Finance and Personnel Committee (“F&P”) and the Common Council. The incentive is pay-as-you-go and there is a projected project value anticipated and documented as part of the Development Agreement (“DA”) as well as a construction time frame agreed upon by the developer and the city. Upon completion of the project, final costs vetted, after the first year of assessment and the first year of taxes are paid, at that point the city starts reimbursing at a percentage point for just the cost of the cleanup and demolition.

The original DA anticipated the project would be completed by June of 2023, and a 90-day extension is being requested until September 2023. The Board packet details some of the delays incurred by the developer. There is no financial impact to the developer or the city because of the timing within the calendar year.

The DA also contemplates the changes in potential value; the agreed upon costs for demolition and the agreed upon projected estimated project value, both values are revised and vetted for a final dollar amount and the incentive is adjusted accordingly.

Staff recommend approval of the extension request as there is no financial impact to either entity. EDB recommendation will be advanced to F & P in March and the Common Council will also take action on it that same night.

A representative for the applicant answered that there are no additional delays are expected.

Action

Board member Engle made a motion to recommend the approval of the requested extension until September 2023.

Board member Plautz seconded the motion.

A voice vote was taken; vote passed (6-0)

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

5) Industrial Land Use

Dir. Tollefson stated that based on the previous meeting the mayor has communicated that he would like the EDB to focus on this policy item. Last month a land use chart of industrial uses was provided and both Menomonee Falls and Germantown have been added to that chart per the request of the Board.

She explained that the Board was requested to vet through the uses to determine two factors:

1. Which uses would exceed the tolerability in the city so they can be eliminated from the chart.
2. The marketability and whether the uses should be classified as conditional (use can be denied, staff and the Planning Commission can vet the type of use and mitigate potential negative impacts) or permitted (no application, use not vetted).

She talked about the context of the surrounding area and the potential impact of the Ozaukee Washington land (“OWLT”) parcel to potential users. She explained the different zoning of the neighboring parcels in the nearby area. She mentioned that excluding OWLT, there is about 200 acres of possible land available for industrial users.

Dir. Tollefson stated that a next step is for staff to reach out the existing property owners in that area to learn more about their future plans for the next 5-10 years. She has reached out to Ozaukee Economic Development to discuss what interests they are receiving for possible industrial users in Ozaukee County, and she will reach out to M-7 and WEDC as well.

The Board discussed this new area including advantages and disadvantages to this location, different levels of manufacturing and what level should be allowed in this new area, what level of uses are allowed by the neighboring communities, infrastructure concerns, road conditions in the area, creating the new zoning district and controlling operational issues for the neighbors.

The Board voiced a preference for light-medium manufacturing but do not want to eliminate the option of heavy use, they are interested to hear the feedback from M-7 and WEDC. They believe it is critical to have the availability of infrastructure there. There was some discussion about conditional vs permitted uses. The Board talked through the chart of uses included in the packet and learned that each use will eventually be classified as permitted, conditional or prohibited.

Dir. Tollefson outlined the next steps:

- The uses need to be put into categories.
- Neighboring property owners will be contacted.
- Better understand market conditions with other entities.

She offered the idea of hiring a broker later in the process to conduct a small market analysis to better understand the market so that appropriate decisions can be made for this new zoning district. The Board supports this due diligence.

6) Staff Updates

Dir. Tollefson stated that the Common Council approved the TIF expenditures from Town Center for just over \$5M. The improvements will begin this spring.

7) Announcements

The next meeting is Tuesday, March 21, 2023, at 8:00 a.m.

8) Adjourn

Respectfully Submitted,

Kim Tollefson
Director of Community Development



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Office of the City Administrator

FINANCE-PERSONNEL COMMITTEE

Tuesday, February 14, 2023

6:15 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, Marie Keyser, Assistant Finance Director, Caroline Fochs, City Clerk, Kimberly Tollefson, Community Development Director and Brian Sajdak, City Attorney.

2) Approve Meeting Minutes

a. January 10, 2023 Finance-Personnel Meeting Minutes

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

MOVED BY: Alderman Strzelczyk

SECONDED BY: Alderman Bushee

AYES:	Bushee, Parrish, Strzelczyk
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3) License Applications

a. February, 2023 Licenses

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

MOVED BY: Alderman Strzelczyk

SECONDED BY: Alderman Parrish

AYES:	Bushee, Parrish, Strzelczyk
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4) Vouchers Paid

a. January 2023 Vouchers Paid List

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

MOVED BY: Alderman Bushee
SECONDED BY: Alderman Parrish

AYES: Bushee, Parrish, Strzelczyk

5) Resolutions

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

City Clerk Fochs explained this is the first project before the Committee from the ARPA spending plan that was approved by Council last fall. The City wants to purchase 32 electronic poll books. This would allow for four at each polling site. The total cost of the electronic poll books will not only include the hardware, but employee training, a four-year warranty and software support as well. Ms. Fochs explained that if this were to pass Council tonight, staff would look to implement in 2024. Electronic poll books streamline the check in process on election days, enhance the absentee ballot process, reduce the number of poll workers needed for each election site and streamline the voter registration process. Efficiencies are also gained post-election when staff manually records every voter and every new registrant. Badger Books uses an import file and all information is recorded within minutes versus about two weeks.

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

MOVED BY: Alderman Strzelczyk

SECONDED BY: Alderman Parrish

AYES: Bushee, Parrish, Strzelczyk

- b. **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

Community Development Director Tollefson stated this program was used twice in the past. One time Ruby Tap expanded their outdoor dining area, and most recently Mammoth Fitness used it for building improvements and equipment purchase. This is different than any Revolving Loan Fund or TIF incentive. This is a program that other communities use in conjunction with Bank Five Nine. The bank works with municipalities on specific objectives the City would like to accomplish and they develop a loan program geared towards meeting those objectives. This is a conventional, private loan between the bank and business entity. The City is not loaning any of its money for this program. The City is acknowledging that the use of this loan does meet the City objectives. Tamatito will be using the money for new equipment and general business start up costs. The Economic Development Board did approve this on January 24.

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

MOVED BY: Alderman Bushee

SECONDED BY: Alderman Parrish

AYES: Bushee, Parrish, Strzelczyk

6) Information Items

a. 2022 YTD Investment Report as of 12/31/2022

Assistant Director Keyser shared the City's cash position and investment position at the end of Quarter 4, 2022. The majority of the increase in cash is due to the December property tax collection. The money is disbursed to the other taxing authorities in mid-January. Other inflows of cash were general city business, utility payments, cell tower leasing payments, state shared revenue and the money market interest. Outflows of cash included payroll/benefits and accounts payable. Both were similar to prior quarters.

The investments at both Dana and Ehlers saw a positive return for the three months ending December 31, 2022. On a year-to-date basis, the City did recognize investment loss, however investment interest as well as money market account interest have seen a significant increase since the beginning of 2022 and the future appears positive. Also due to the conservative nature of the portfolios, the City does not realize any of these losses since the securities are held until maturity.

b. Finance & Personnel Work Plan

Alderman Strzelczyk asked for a review of the City debt portfolio and the outlook of future borrowing in a high inflation environment since there are and will be new Council members. It was determined that the City is already doing this through the Long-Term Financial Planning Process with the City's Financial Advisor Ehlers, in conjunction with the Financial Stewardship pillar of the Strategic Plan.

7) Adjourn

A motion to adjourn was made at 6:43 PM by Alderman Bushee, seconded by Alderman Strzelczyk. All voted in favor "aye."

Respectfully Submitted,

Marie Keyser
Assistant Finance Director



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Office of the City Administrator

FINANCE-PERSONNEL COMMITTEE

Tuesday, March 14, 2023

6:00 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, Marie Keyser, Assistant Finance Director, Caroline Fochs, City Clerk, Brian Sajdak, City Attorney, Kimberly Tollefson, Community Development Director, Jac Zader, Assistant Community Development Director, Greg Golden, Inspections Supervisor, D.A. Mattox, E-Plan Exam and other interested persons.

2) Approve Meeting Minutes

a. February 14, 2023 Finance-Personnel Meeting Minutes

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

MOVED BY: Alderman Strzelczyk

SECONDED BY: Alderman Bushee

AYES: Bushee, Parrish, Strzelczyk

3) License Applications

a. March, 2023 Licenses

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

MOVED BY: Alderman Parrish

SECONDED BY: Alderman Strzelczyk

AYES: Bushee, Parrish, Strzelczyk

4) Vouchers Paid

a. February 2023 Vouchers Paid List

Alderman Bushee questioned why the two enterprise funds (sewer and water) are being approved at the same time the rest of the City funds are approved since they are separate entities. Mayor Nerbun stated they are separate funds, yet the City is the fiscal agent for all of them.

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

AYES: Bushee, Parrish, Strzelczyk

5) Resolutions

- a. **RESOLUTION 4024** A Resolution Clearing the Personal Property Tax Roll of Delinquent Accounts Deemed Uncollectible for Tax Roll Year 2021

Alderman Parrish asked why the City is removing this tax owed if the business is still operating. Director Engroff stated this is removing the receivable off of the City's books because we have exhausted our collection efforts and are sending to a collection agency to collect on our behalf.

Alderman Strzelczyk asked what "doomage" meant. Director Engroff stated the basis of the tax calculation for personal property is from a personal property return that the business owner submits to the City. If they do not submit the form to the City and are an active business, the Assessor will "doomage" the business and determine a value.

Attorney Sajdak told the Committee that Waukesha County could pursue court action should their efforts go uncollectible and the amount owed is large enough.

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

AYES: Bushee, Parrish, Strzelczyk

- b. **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

Director Tollefson stated the project completion date is being extended from June 1 to September 1, 2023. It does not have any negative impact in terms of the value of the project. It also does not affect the timing of the project and its benefit to the TIF and would not affect the agreement that is in place with the developer in terms of the incentives as long as it gets done by December 31. The Economic Development Board did recommend approval by a vote of 6-0.

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

AYES: Bushee, Parrish, Strzelczyk

- c. **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

Director Tollefson stated the City has used contracted services for various commercial inspections and permitting related responsibilities. Historically the City utilized "John Eagon" who used to work for the state of Wisconsin. The City offers his services to customers for a plan review in lieu of sending the plan to the state for review. The state tends to take quite a bit of time in getting their comments and approvals back. Mr. Eagon is phasing into retirement and has joined services with E-Plan Exam over the last several months. Staff met with E-Plan Exam to talk about their services and this resolution would approve a three-year service agreement with them. The benefit to City customers is they offer an expedited plan review and the benefit to the Inspections division staff is they will serve as a consultant in terms of interpretations of various codes. Unlike the John Eagon agreement, 10% of the pass-through cost to E-Plan Exam for the review will be passed to the City. As such, there will be a little bit of enhanced revenue.

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

MOVED BY: Alderman Parrish

SECONDED BY: Alderman Strzelczyk

AYES: Bushee, Parrish, Strzelczyk

- d. **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 Bushee

SECONDED BY: Alderman Strzelczyk

AYES: Bushee, Parrish, Strzelczyk

- 6) Information Items
a. Finance & Personnel Work Plan

- 7) Adjourn

A motion to adjourn was made at 6:27 PM by Alderman Bushee, seconded by Alderman Parrish. All voted in favor "aye."

Respectfully Submitted,

Marie Keyser
Assistant Finance Director



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Public Works Department

Joint Mequon-Thiensville Bike and Pedestrian Way Commission
Thursday, March 16, 2023
9:00 AM
North Conference Room

Minutes

1. Call to Order, Roll Call

Chair Azinger called the meeting to order at 9:01 a.m.

Present:

Commissioner Kenneth Maciolek
Chair T. Azinger
Commissioner Jim Doornek
Commissioner Ron Heinritz
Commissioner Rob Holyoke
Commissioner John Liegeois

Absent:

Commissioner Kristin Wade

Also present were Director of Public Works/City Engineer Kristen Lundeen, Assistant City Engineer Cole McCraw, Administrative Assistant Kris Leach, Representatives from M-T Trails Foundation: Lori Lorenz, Mike Van Treeck, and Holly Leider.

2. Approval of Meeting Minutes
February 9, 2023 Minutes

RESULT: **Approved [Unanimous]**

MOVED BY: Commissioner Doornek

SECONDED BY: Commissioner Maciolek

AYES:	Maciolek, Azinger, Doornek, Heinritz, Holyoke, Liegeois
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3. Resident Communications

Chair Azinger asked if there were any residents wishing to speak. Mr. Dave Schlageter asked to address the Commission.

Mr. Schlageter reminded the Commission that the Rails to Trails event is coming up on April 22, 2023. He advised that they have obtained necessary the permit and will be having a tent at Spur 16. They have promotional items that will be available at the event. He invited the Commission to participate in the event, as they still have space available.

4. Discussion/Action Items

a. M-T Trails Updates on Highland Road Off-Road Path

Chair Azinger turned the floor over to representatives from M-T Trails Foundation: Lori Lorenz, Mike Van Treeck, and Holly Leider who wished to address the Commission regarding their Highland Road bike & pedestrian path project.

Lori Lorenz advised that their group presented their plan for the path to the Committee of the Whole on Tuesday night, and it was well received as the project has no fiscal impact to the City. The project is estimated to cost 1.5 million dollars. They have acquired most of their funding through a TAP grant and private funding. They will be having a significant fundraiser this fall to secure the remaining funds needed for the project. The path will be off-road and is designed to connect bike and pedestrian travel from the OIT to Rotary Park.

b. Master Plan Scope of Services: Scope Review

Director of Public Works/City Engineer Lundeen reminded the Commission that the TAP Grant application is due March 24th. She asked if the basis for the dollar amount of grant application would remain the same based on the Master Plan RFP or if there were any other considerations. Assistant City Engineer McCraw informed the Commission that he reached out to the City of Port Washington for information as they had received a TAP Grant last year. A discussion ensued. It was determined that the basis for the estimated funds outlined in the TAP Grant application would remain the same.

5. Other Business

Chair Azinger asked if there was any other business. No other business was brought forward.

6. Adjourn

Motion to Adjourn at 10:00 a.m.

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

MOVED BY: Commissioner Maciolek

SECONDED BY: Commissioner Heinritz

AYES: Maciolek, Azinger, Doornek, Heinritz, Holyoke, Liegeois

Respectfully Submitted,

Kris Leach



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Water Utility

MEQUON MUNICIPAL WATER UTILITY COMMISSION

Regular Meeting

Tuesday, March 14, 2023

7:15 PM

Christine Nuernberg Hall

Minutes

1) Call to Order, Roll Call

Commissioner Nerbun called the meeting to order at 8:12 PM

Present:

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

City Administrator Jones, Assistant City Administrator Schoenemann, City Attorney Sajdak, City Clerk Fochs, Director of Public Works/City Engineer Lundeen, Deputy Director of Utilities Driscoll, Administrative Assistant Schlereth, Director of Community Development Tollefson, Assistant Director of Community Development Zader, Building Inspections Supervisor Golden, press and interested public.

2) Approval of Meeting Minutes

a. February 14, 2023 Minutes

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

MOVED BY: Commissioner Strzelczyk

SECONDED BY: Commissioner Mayr

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

3) Discussion and Possible Action

a. Water Connection Policy Amendment - Reimbursement

The requested amendment relates to reimbursement for water system requirements. Staff clarified that projects will be designed in conformance with utility standards. Any public infrastructure eligible for reimbursement will require public bidding.

Commissioner Mayr questioned how the amount of reimbursement will be determined. Director Lundeen stated that for upsizing, the project would be bid for both pipe sizes and the difference in cost between the two would be eligible for reimbursement. Commissioner Mayr requested that be stated in the Policy.

A motion was made to approve the amendment to the Water Connection Policy conditioned upon including the modification in the language, as approved by City Attorney Sajdak.

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

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

4) Adjourn

a. Motion to Adjourn at 8:22 PM

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

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

Respectfully Submitted,

Ren Schlereth
Administrative Assistant



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Office of Parks and Operations

PARK AND OPEN SPACE BOARD

Tuesday, February 28, 2023

6:30 PM

South Conference Room

Minutes

1) Call to Order, Roll Call

Chair Cain called meeting to order at 6:30 PM

Present:

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

Also Present: Parks and Forestry Superintendent Gies, Administrative Assistant Schlereth and resident Jennifer Wirth (12517 Emily Lane).

Vice Chair Plier arrived at 6:42 PM.

Chair Cain left at 7:11 PM.

2) Approval of Meeting Minutes

a. January 18, 2023, Minutes

David Wolfson's attendance was changed from Absent to Excused.

RESULT:	Approved with Amendments [Unanimous]
MOVED BY:	Alderman Parrish
SECONDED BY:	Board Member Wolfson

AYES: Cain, Plier, Parrish, Branch, Lysaught, Usowski, Vite, Wolfson
NOT PRESENT: Bratt, Hansher

3) Discussion Item and Possible Action

a. Parks CIP List & Budget Meeting Updates

Conversation ensued on how to best prioritize the CIP list. It was agreed that for the March meeting, each Board Member will bring a top five list of the projects they would like money spent on in the next few years.

b. Palladium Patios and Landscaping, LLC. - Yin and Yang

The board asked that Palladium Patios and Landscaping provide other options for a patio design and plaque for the March meeting.

c. Parks and Forestry Superintendent Report

a) Candle Light Walk Update

Update was given that the 3rd Annual Candlelight walk had a great turn out with an estimate of about 400 people having attended.

b) Arbor Day - Volunteers

Board Members Plier, Lysaught, Branch, Wolfson and Vite all offered to volunteer April 30th from 1-3PM at River Barn Park.

4) Work Plan

a. January 2023 Work Plan

5) Adjourn

a. Motion to Adjourn at 7:41PM

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

MOVED BY: Board Member Lysaught

SECONDED BY: Board Member Vite

AYES: Cain, Plier, Parrish, Branch, Lysaught, Usowski, Vite, Wolfson
NOT PRESENT: Bratt, Hansher

Respectfully Submitted,

Ren Schlereth
Administrative Secretary



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Department of Community Development
Taped and Televised

PLANNING COMMISSION
Regular Meeting
Monday, March 20, 2023
6:00 PM
Christine Nuernberg Hall

Minutes

1) Call to Order, Roll Call

Present:

Alderman Brian Parrish – Acting Chair
Alderman Robert Strzelczyk
Commissioner Bruce Barnes
Commissioner Martin Choren
Commissioner Dan Gentges
Commissioner Stephanie Hawley
Commissioner Rick Lemke
Commissioner John Stoker
Chair Andrew Nerbun - **Absent**
Commissioner James Schaefer - **Absent**
Commissioner Rebecca Schaefer - **Absent**

Acting Chair, Ald. Parrish called the meeting to order at 6:00 p.m.

a) Approval of Minutes from February 27, 2023

Action

Ald. Strzelczyk made a motion to approve the meeting minutes from February 27, 2023.
Commissioner Hawley seconded the motion.
A voice vote was taken, vote passed (8-0)

RESULT:	APPROVED [8 TO 0]
MOVER:	Robert Strzelczyk, Alderman
SECONDER:	Stephanie Hawley, Commissioner
AYES:	Strzelczyk, Barnes, Choren, Gentges, Hawley, Lemke, Parrish, Stoker
ABSENT:	J. Schaefer, R. Schaefer
EXCUSED:	Nerbun

2) Public Hearing

- a) Mikkelson Builders for Gino Pak. The applicant is seeking conditional use grant approval to allow for a dwelling unit to be added to the existing residence for the property located at 12875 N. Highgate Court.

Action

Commission Hawley made a motion to open a public hearing.

Commission Stoker seconded the motion.

A voice vote was taken, vote passed (8-0)

No Public Comment

Action

Ald. Strzelczyk made a motion to close the public hearing.

Commission Stoker seconded the motion.

A voice vote was taken, vote passed (8-0)

Planner Laurie Miller stated that this request is for an accessory dwelling unit within an existing residential home. An oven will be added to an existing unit which under the code will then meet the code definition of a kitchen and requiring a Conditional Use Grant ("CUG"). Staff recommends approval as they meet all requirements per the code.

Action

Ald. Strzelczyk made a motion to close the public hearing.

Commission Stoker seconded the motion.

A voice vote was taken, vote passed (8-0)

RESULT:	APPROVED [8 TO 0]
MOVER:	Robert Strzelczyk, Alderman
SECONDER:	John Stoker, Commissioner
AYES:	Strzelczyk, Barnes, Choren, Gentges, Hawley, Lemke, Parrish, Stoker
ABSENT:	J. Schaefer, R. Schaefer
EXCUSED:	Nerbun

- b) Gerald Nell, Inc. for Roettgers Company. The applicant is seeking expansion of a non-conforming use and building and site plan amendment approval to allow for a car wash and ancillary facilities for the property located at 11155 N. Wauwatosa Road.

Action

Ald. Strzelczyk made a motion to open a public hearing.

Commission Hawley seconded the motion.

A voice vote was taken, vote passed (8-0)

No Public comment

Action

Commission Stoker made a motion to close the public hearing.

Ald. Strzelczyk seconded the motion.

A voice vote was taken, vote passed (8-0)

Planner Miller stated this request is for a building and site plan amendment to allow for a car wash, which is considered a non-conforming use, at an existing gas station. This request is considered an expansion of a non-conforming use and is held to a higher level of criteria during the review process. She explained that the Planning Commission must consider whether this use is consistent with public interest, the expansion will not have a negative effect on the property or the surrounding neighborhood as well as assuring that all building and site plans meet the current code of the B-1 zoning district.

The proposal includes the following:

- On-site staff would increase to 2 full-time employees.
- Car wash would have the same operating hours as the gas station:
 - Mon-Sat 6:00 a.m. – 9:00 p.m.
 - Sunday 6:00 a.m. – 8:00 p.m.

Staff recommends the car wash hours be more aligned with the hours of the Kwik Trip car wash and Jilly's Car Wash, starting at 7:00 a.m.

Planner Miller explained that the proposed car wash building would be 878 sq. ft. in size and stand approximately 3 feet shorter in height than the existing store. The façade and roof will match the color of the convenient store and the materials. The north and south elevations will have two glass block windows which staff believes make the building appear dated and recommends the applicant consider a different window cover. There will be two polycarbonate overhead doors for the east and west elevations. The west elevation rendering shows a 7' tall doorway but there were no details provided about this feature.

There were no rooftop or mounted mechanicals shown on the proposed plan, but they will need to be screened per code requirements.

There is signage shown on the plan, but the signs will need to go through the sign review process.

The car wash is proposed to be located on the south side of the convenient store, approximately 20 feet from the south property line. It does meet all setbacks and offset requirements. The queuing of the cars will be located along the west property line which allows the queue lane to be somewhat hidden from both Mequon and Wauwatosa Roads. Staff have concerns about the queue lane and drive lane behind the store as it gives the appearance that there is a second lane, but it is not wide enough to get a car through. Staff requested a turning analysis which reported that vehicles have to enter the queue lane in order to get around the building. Staff recommends

that the striping be redone to indicate that there is only one lane and that signage be visible that indicates the area is for car wash patrons only. Additionally, staff have concerns about the drive lane behind the store and the potential negative impact of the few parking stalls on the east side of the store and recommends signage in that area.

The dumpster enclosure location requires coordination with the trash collection contractor to avoid conflicts with the car wash queue. The car wash kiosk plan details were not provided but are required for review and approval.

New asphalt is proposed for a portion of the site, but staff recommends replacement in all areas indicated as “New Pavement” on the Pavement Analysis Map included in the board packet.

The parking analysis and proposed parking includes:

- The parking analysis conducted by staff indicates 13 spaces are required, which includes 8 spaces at the pumps.
- 18 spaces were indicated on the proposed plan.
- Staff recommend the removal of 4 of the 6 new parking stalls near the intersection of Mequon and Wauwatosa Roads.

A vacuum and tire air pump are currently located near Mequon Road with no discernable parking spaces. New combo units will replace the current units, although only a concept drawing was provided and will require further review. Two of the new proposed parking spaces will be located in this location.

The landscaping plan shows that most of the landscaping will remain as is on site. The proposed plan does not meet the code for street trees, parking lot shading, 30% open space requirements or parking lot landscaping. Staff have concerns about the planned investment in landscaping of the site and the reliance of the landscaping of neighboring properties to provide screening and shading. Staff recommends that the applicant update the landscaping plan to meet code requirements, include higher quality landscaping as well as features to show intent of meeting the 30% open space requirement.

No additional lighting improvements were proposed.

In summary, staff recommends tabling this item to allow the applicant time to resubmit plans that comply with code requirements (a table was included in the staff report).

The applicant stated the plans are conceptual but are willing to make some of the changes that are recommended by staff: including complying with the recommendations regarding the striping, mitigating issues regarding the back of the car wash, landscaping issues, repaving the asphalt, curb extension around the site, changing of the windows and eliminating some of the parking spaces.

The Planning Commission agreed with the recommendation to table the item as there are too many unresolved issues. The issue of the noise level at the site was mentioned as a concern as it relates to neighboring properties. It was stated that this is a respected and welcomed business

located at an important intersection/gateway to the city and certain aesthetics are required. There is some concern about the volume of queuing and the potential negative impact of having cars spill out on the roads. The Planning Commission reminded the applicant that conceptual plans would not be accepted and final plans are required for approvals.

Action

Commissioner Lemke made a motion to table the item.

Commission Choren seconded the motion.

A voice vote was taken, vote passed (8-0)

RESULT:	TABLED [8 TO 0]
MOVER:	Rick Lemke, Commissioner
SECONDER:	Martin Choren, Commissioner
AYES:	Strzelczyk, Barnes, Choren, Gentges, Hawley, Lemke, Parrish, Stoker
ABSENT:	J. Schaefer, R. Schaefer
EXCUSED:	Nerbun

3) Regular Business

- a) Arch Solar C&I for Harry and Rose Samson Family Jewish Community Center. The applicant is seeking minor request approval to allow for rooftop solar panels for the property located at 10813 N. Port Washington Road (Gan Ami Preschool).

Planner Miller stated that the requested solar panels will supply approximately 50% of the center's energy needs. Wisconsin state statute limits local restrictions on solar developments and the location of the panels cannot be changed unless another agreeable location can be found.

The proposal is for 64 panels covering approximately 1,300 sq. ft.: with 16 panels facing the east elevation and the remainder on the south elevation. The south solar panels will not be visible from Port Washington Road.

Staff has noted a few compliance issues on site:

- A portion of the parking lot is approximately 20 feet over the property line and does not meet the 20-foot setback requirement.

This was not approved by the Planning Commission and as a condition of approval, staff recommends that this portion of the parking lot be removed, landscaping be restored, and continuous curbing be installed along the drive lane by June 1, 2024.

- The site does not meet Section 58-564 of the zoning code related to the landscaping: the street trees, shading and landscaping between the public road and the parking lot.

At a minimum, staff recommends street trees and landscaping to screen the parking lot view should be installed by November 1, 2023.

In conclusion, staff recommends approval per the conditions in the staff report.

Action

Commissioner Choren made a motion to approve the item.

Commission Gentges seconded the motion.

A voice vote was taken, vote passed (8-0)

RESULT:	APPROVED [8 TO 0]
MOVER:	Martin Choren, Commissioner
SECONDER:	Dan Gentges, Commissioner
AYES:	Strzelczyk, Barnes, Choren, Gentges, Hawley, Lemke, Parrish, Stoker
ABSENT:	J. Schaefer, R. Schaefer
EXCUSED:	Nerbun

- b) Eastbrook Drive, LLC. The applicant is seeking development agreement and building and site plan approval to allow for 10 side-by-side condominiums for the property located immediately west 11649 N. Port Washington Road.

Assistant Director Jac Zader stated that last November a PUD Amendment was approved for Phase 3 of the Lexington Square development. The site plan mostly mirrors the concept plan and meets all the requirements and conditions of the R-6, the PUD and the PUD amendment.

After feedback from the Commission, the Common Council and the Commission architect, there has been several iterations of the architecture and building plan.

He explained the varying designs provided in the board packet:

- Original plan – the front shows a shed roof, stucco-type material and earth-tone colors. Staff were concerned about the shed rooflines and the proposed materials.
- Option 2 – shows a different front design, different materials and colors. There was discussion about the garages being separated.
- Option 3 – the applicant tried to emulate adjacent neighborhoods but the buildings are much thinner.

Staff recommends street trees be added to match the existing pattern along the drive.

Staff believe that Option 2 is the most desirable building plan. Asst. Dir. Zader discussed some of the qualities of the neighboring Eastbrook and Aster Woods communities. Commission feedback is requested, and the final architecture plan will be reviewed and approved by the Architectural Review Board. Staff recommends approval per the conditions in the staff report.

The applicant stated that they prefer that the garages are split. The issue of the south access point was raised, and staff agreed to modify staff report condition #13.

The Planning Commission provided feedback in support of the plan with separated garages and several of the Commissioners prefer Option 3. They will defer to the Architectural Review Board to whether the front two buildings should have more natural materials on them.

Action

Ald. Strzelczyk made a motion to approve with design Option 3 (separated garages) with more stone to be added to the front entrance area façade, based on the Architectural Review Board recommendation and condition #13 of the staff report to be reviewed between the applicant and staff for final decision from staff on the location of the access drive.

Commission 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:	Choren, Commissioner
AYES:	Strzelczyk, Barnes, Choren, Gentges, Hawley, Lemke, Parrish, Stoker
ABSENT:	J. Schaefer, R. Schaefer
EXCUSED:	Nerbun

- c) The Green at Mequon. The applicant is seeking final plat, street tree plan and landscape plan approval to allow for a 7-lot conservation subdivision for the property located at the southwest corner of Villa Grove and Freistadt.

Planner Miller stated this request is for final plat, street tree plan and landscape plan approval for a 7-lot subdivision. Staff supports approval except for one condition that the final plat should show a 30' front setback from the pavement edge of the private road instead of the 11' setback shown. The street tree plan was previously approved by the Tree Board with the suggestion to replace the Northern Catalpa with a Common Hackberry and shall be installed by December 31, 2023.

The landscape plan meets code and PUD requirements except for the height of the evergreen trees which cannot be less than 7' tall at the time of installation. As a condition of approval, staff requires a letter of credit or escrow for 125% of the cost of the landscaping. The plantings shall be completed by December 31, 2023.

Two specimen trees were removed without Planning Commission approval and an outstanding fine of \$4,100 must be paid before recording of the final plat.

City Assistant Engineer Cole McCraw stated that there are a few outstanding easements that need to be reviewed by the City Attorney and will need to be recorded.

Staff recommends approval per the conditions in the staff report.

Action

Commissioner Choren made a motion to approve per staff conditions.

Commission Gentges seconded the motion.

A voice vote was taken, vote passed (8-0)

RESULT:	APPROVED [8 TO 0]
MOVER:	Martin Choren, Commissioner
SECONDER:	Dan Gentges, Commissioner
AYES:	Strzelczyk, Barnes, Choren, Gentges, Hawley, Lemke, Parrish, Stoker
ABSENT:	J. Schaefer, R. Schaefer
EXCUSED:	Nerbun

- d) Swan Ridge Farms. The applicant is seeking preliminary plat, development agreement, open space plan, landscape plan, street tree plan and fill permit for 30,000 C.Y. approval to allow for an 83-lot subdivision for the lands immediately south of and west of 10129 N. Swan Road.

Public Feedback

Jane Chevako – 10129 N. Swan Road – she lives in an existing home immediately south of the proposed subdivision. Her concerns include:

- She would like Phase 1 to include her home in city water and sewer connection.
- She hopes to retain as many trees as possible.
- She feels that the bike path should connect to Foxkirk Drive.
- She is concerned about the proposed pond being located close to the park.

Kristin Humpal – 10144 N. Concord Drive – she has the following concerns:

- She would like kids to be rezoned prior to starting 4K so as not to have to move schools later on.
- She has concerns about the water displacement and requests that it be explained in a way that is easier to understand.

Asst. Dir. Zader stated that the preliminary plat meets all the requirements of the zoning change done in May 2022. The lots along the frontage road have been increased to 75 feet per ordinance and all the average lot widths are now 110 feet. All the recommendations and suggestions from staff were incorporated and the sidewalks will run along the main thoroughfare and connect to the bike path. There will be two connection points into Huntington Park.

He explained that the two residential homes were incorporated into the sewer service plan when it was expanded for the entire area and at that time it was not contemplated that the proposed

subdivision would be a two-phase development. Due to a grading issue, the site cannot be graded front to back, so in order to get the sewer service to the two homes it would need to be extended outside of the Phase 1 boundary. The phasing will delay the extension of the sewer service for a few years, but it will be guaranteed by the developer that the connection will take place.

The landscape plan looks good with the only issue being the lack of screening of the out lot along Swan Road. Staff recommends about 120 additional trees be planted in that location. The applicant indicated they are concerned about the pond lay out there and there may be a pitch point and not enough depth for the trees. A new plan has been submitted that staff will review.

Asst. Eng. McCraw stated that there is a significant portion of the Development Agreement (“DA”) that addresses the sewer system extension. The current request is that a Letter of Credit (“LOC”) be submitted by the developer until the connection is made for the two single family home parcels.

He explained that after storm water ponds are constructed and the development is completed, that the run-off rate must be the same or less as before development (pre-settlement) in certain storm events. It is a restrictive storm water ordinance for run-off.

He also commented that the pond mentioned that is located by the park does need to be addressed during plan review, although it is believed that it will be a dry pond.

The applicant, represented by Joe Bukovich and Mike Kaerek, stated that the pond near the park will be a dry pond. Mr. Bukovich explained that the sewer connection originates at the southwest corner and makes sense from a development standpoint to do the Phase 1 area first and do provide a LOC as a guarantee that the connection will be made in the next few years. They are prepared to add 78 trees for screening along Swan Road.

Ald. Parrish addressed the concern about the school redistricting that was mentioned during the public feedback, and he stated that the school district will need to answer that question, but he empathizes that it was a community wide redistricting that took place and affected many families.

The Planning Commission asked about streetlights in the subdivision. The applicant is not proposing lighting at this time. There was some discussion about the traffic impact on the area.

Public Feedback

Ken Jonas – 9627 W. Huntington Drive – he is on the Huntington Park Water Trust Board. He talked about the option for the Huntington Park subdivision to have the opportunity to connect to city water and he believes that during construction a valve should be installed.

There was discussion about the process for a connection to be installed for Huntington Park. It was stated that the Water Utility would handle this issue.

Action

Commissioner Stoker made a motion to approve per staff conditions.
Commission Lemke seconded the motion.

Ald. Parrish made a friendly amendment to include the two residential properties to have some flexibility regarding sewer and water line location due to tree preservation purposes.

The amendment was accepted based solely on storm water management placement.
A voice vote was taken, vote passed (8-0)

RESULT:	APPROVED WITH CONDITIONS [8 TO 0]
MOVER:	John Stoker, Commissioner
SECONDER:	Rick Lemke, Commissioner
AYES:	Strzelczyk, Barnes, Choren, Gentges, Hawley, Lemke, Parrish, Stoker
ABSENT:	J. Schaefer, R. Schaefer
EXCUSED:	Nerbun

- e) Alex Leykin. The applicant is seeking rezoning recommendation to include an agricultural overlay and certified survey map approval to allow for three lots to be combined into 1-lot for the property located at 14207 N. Birchwood Land.

Asst. Dir. Zader stated that this was one large parcel that was split into four parcels with an out lot in the back to protect the wetlands. When the applicant purchased the land, he rezoned it to remove the PUD and rezoned it back to R-1 to allow for three 6-acre lots. The current request is to rezone it R-1/OA and make it back into one large lot. The applicant eventually wants to build a large agricultural building and in order to do so, he needs the OA zoning, which requires at least 10 acres.

This request is contingent on the CSM being approved prior to Common Council action on the rezoning to change the zoning from R-1 to R-1/OA. He commented that any agricultural building in excess of 1,000 sq. ft. needs Commission approval. Staff does recommend approval.

The applicant, Alex Leykin, stated that he would like condition #3 in the staff report omitted as it is related to wetland delineation, as he believes it is not valid as this is a vacant lot.

Asst. Eng. McCraw stated that a deed restriction could be added to ensure that no structure being placed in the wetland setback and the wetland location needs to be known.

He offered a change to condition #3 “The property shall be deed restricted from the development until the current wetland delineation is performed as approved by the City of Mequon and the DNR”.

There was some discussion about agricultural buildings and the uses allowed and how they are

monitored as well as how wetland delineations are typically handled. It was commented that staff need to ensure that no building occurs in the wetland setback.

Action

Ald. Strzelczyk made a motion to approve per staff conditions with the amendment to condition #3 to require a deed restriction in place of a wetland delineation.

Commission Gentges seconded the motion.

A voice vote was taken, vote passed (8-0)

4) Announcements

The next meeting is Monday, April 24, 2023, at 6:00 p.m.

5) Adjourn

Action

Commissioner Choren made a motion to adjourn.

Commission Stoker seconded the motion.

A voice vote was taken, vote passed (8-0)

Meeting adjourned at 7:55 p.m.

Respectfully Submitted,

Jac Zader



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Police and Fire Departments

PUBLIC SAFETY COMMITTEE

Tuesday, April 11, 2023

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: Police Chief Pryor, City Attorney Brian Sajdak, Administrative Coordinator Melina Bowen, and Leah Godonou.

2) Approve Meeting Minutes

- a. Public Safety Committee - Regular Meeting - Mar 14, 2023 5:00 PM

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

MOVED BY: Alderman Bushee

SECONDED BY: Alderman Gierl

AYES: Schneider, Bushee, Gierl

3) Discussion

- a. False Alarm Waiver Request - 8905 W. Highlander Dr.

Leah Godonou, owner of 8905 W. Highlander Dr., requested that the Committee waive the false alarm fee. The Committee determined the cause of the alarms to be false and denied Godonou's request to have the fee waived. No vote was taken due to the request being denied previously at the March 14, 2023, meeting of the Public Safety Committee where Godonou was not present due to illness.

4) Adjourn

- a. Motion to Adjourn

Motion to adjourn the meeting at 5:10 PM.

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

MOVED BY: Alderman Bushee

SECONDED BY: Alderman Schneider

AYES: Schneider, Bushee, Gierl

Respectfully Submitted,

Melina Bowen



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Office of the City Administrator

PUBLIC WELFARE COMMITTEE

Tuesday, March 14, 2023

5:15 PM

Lower Conference Room

Minutes

I) Call to Order

Present:

Chair Dale Mayr
Alderman Mark Gierl
Alderman Kathleen Schneider

Also Present: Assistant City Administrator Schoenemann, City Attorney Sajdak, Assistant Community Development Director Zader, Inspections Supervisor Golden, and Executive Assistant Enea

II) Approval of Meeting Minutes

1. February Meeting Minutes

Alderman Gierl pointed out that the February Minutes stated that the pool cover item would be revisited on the March agenda, but it was not listed as an item for discussion. City Attorney Sajdak said the calculations related to the strength of pool covers was not ready for the March meeting, but it would be ready for the April meeting.

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

MOVED BY: Alderman Mayr

III) Ordinances

Action requested: review and recommend approval

- 1. 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

The Community Development Department's proposed commercial plans examination contractor provider, E-Plan Exam, reviewed the City's ordinances and made recommended language changes based on the state's requirements for building permits. The proposed amendments from E-Plan Exam were reviewed and recommended by staff from the Community Development Department.

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

AYES: Mayr, Gierl, Schneider

IV) Discussion Items

1. Chapter 58 Zoning Code Text Amendment Related to the Length of Recreational Vehicles

One of Alderman Mayr's constituents requested that the length of recreational vehicles to be stored on residential property be discussed and possibly modified from 20 feet to 22 feet. According to Community Development staff, there have been 42 complaint-driven violations of this particular requirement. Most complaints are about size or if the recreational vehicle is on grass. Assistant Community Development Director Zader researched some other organizations to see what length is allowed in their respective communities. Assistant Director Zader found that Menomonee Falls and Fox Point allow up to 35 feet, Verona and Neenah allow 22 feet, and Sun Prairie allows 25 feet. Some communities have time frames to allow for loading and unloading, and others have different restrictions for summer vs. winter. Assistant Director Zader pointed out the current code does not say that the recreational vehicle needs to be on a pad. The Committee thought a pad or gravel should be specified. The language will be cleared up and brought back to the next meeting.

2. City Provided Cell Phone Policy Discussion

Assistant City Administrator Schoenemann told the Committee that the City's cell phone policy was last updated in 2012. The recent IT Strategic Plan identified that it needed to be updated again. The Committee suggested that no personal accounts or apps should be on an employee's phone. Also, it should be used for work purposes only or for personal use only in cases of emergency. The policy will be updated based on the Committee's feedback and brought back for review at the next meeting.

V) Work Calendar

1. Pool Covers
2. Recreational Vehicles
3. Cell Phone Policy
4. Composting
5. Home Irrigation Systems

VI) Adjourn

Alderman Gierl moved to adjourn at 5:44 P.M. and Alderwoman Schneider seconded.

Respectfully Submitted,

Carrie Enea

Executive Assistant

Attachment: Public Welfare Mins 03-14-23 (8400 : Public Welfare Committee meeting minutes of March 14, 2023)



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Public Works/Engineering
Taped and Televised

SEWER UTILITY DISTRICT COMMISSION

Tuesday, March 14, 2023

7:15 PM

Christine Nuernberg Hall

Minutes

I) Call to Order

Present:

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

City Administrator Jones, Assistant City Administrator Schoenemann, City Attorney Sajdak, City Clerk Fochs, Director of Public Works/City Engineering Lundeen, Deputy Director of Utilities Driscoll, Administrative Assistant Schlereth, Director of Community Development Tollefson, Assistant Director of Community Development Zader, Building Inspections Supervisor Golden, press and interested public.

II) Approval of Meeting Minutes

a. January 10, 2023, Minutes

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

MOVED BY: Commissioner Strzelczyk

SECONDED BY: Commissioner Hansher

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

Action requested: review and recommend approval

Attachment: 3-14-23 Sewer Utility Min (8414 : Sewer Utility District Commission meeting minutes of March 14, 2023)

- a. **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

Deputy Director Driscoll stated the main factors for recommending Applied Technologies, Inc., were the company’s familiarity with the facilities and the focus on staffs input on the design.

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

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

- b. **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

Staff clarified that if testing of the laterals passed, they would not be sealed resulting in the total cost being less than \$687,632.

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

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

- c. **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 Voice Acclamation [Unanimous]**
MOVED BY: Commissioner Strzelczyk
SECONDED BY: Commissioner Schneider

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

IV) Adjourn

1. Motion to Adjourn at 8:12 PM

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

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

Respectfully Submitted,

Ren Schlereth
Administrative Assistant

	A	B	C	D	E	F	G	I	J	K
1				CODE ENFORCEMENT SUMMARY MAY 1, 2023						
2										
3	0					OTC	REQUIREMENT	COURT DATE	COMMENTS	ACTIVE
4	DIST.	PARCEL #	ADDRESS	OWNER	VIOLATION TYPE/COMPLAINT	ISSUED	DATE		(See Key Column)	YES/NO
5	8	151050504000	10843 N PEBBLE LANE	ABBAS OR FATIMA ALI	YARD WASTE LEAVES AND BRANCHES	1/21/2022	6/1/2022		1	NO
6	4	140341500100	6110-6112 W COUNTY LINE ROAD	JEFFERY KRETZ	PARKING	12/1/2021	12/15/2021		#5 CITATION 1,2	NO
7	1	140300600500	12323 W MEQUON ROAD	JONATHON SCHOTTE	PARKING	10/21/2021	11/4/2021		1	NO
8	3	140221000600	11512 N WAUWATOSA ROAD	RICK OR PATRICIA FREYMUTH	TEMPORARY STRUCTURE	10/22/2021	11/5/2021		1	NO
9	4	EXEMPT	110010 N BUNTROCK AVENUE	WILSON SCHOOL	ELECTRONIC MESSAGE SIGN ILLUMINATION	12/8/2021	12/17/2021		1	NO
10	1	141550010000	13760 N BONNIWELL COURT	GALINA OR MISHA SHEPSHELEVICH	PARKING	ONGOING	ONGOING	NOT SET	#5, CIRCUIT COURT	YES
11	3	RENTAL	6200 W MEQUON ROAD	ST PAULS FISH	BANNER/SIGNS	11/17/2021	11/20/2021		1	NO
12	2	140820548000	2916 W SHOLES DRIVE	DAVID OR ELIZABETH SANDE	HOME BUSINESS	11/22/2021	12/5/2021		1	NO
13	1	141550011000	13702 N BONNIWELL COURT	MICHAEL OR SHELLEY OLSON	PARKING	11/22/2021	11/5/2021		1	NO
14	4	140270101200	10910 INDUSTRIAL DRIVE	SUPER STEEL LLC	BANNER/SIGNS	11/17/2021	11/20/2021		1	NO
15	8	RENTAL	10042 N PORT WASHINGTON ROAD	NEARLY NEW CONSIGNMENT SHOP	BANNER	11/17/2021	11/20/2021		1	NO
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	140340500100	6809 W DONGES BAY ROAD	MEQUON LAWN AND GARDEN	BANNER	11/17/2021	11/20/2021		1	NO
19	6	150191301600	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	150201001800	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	150290600200	11150 N PORT WASHINGTON ROAD	CULVER'S	BANNER/SIGN	11/17/2021	11/20/2021		1	NO
32	4	140270201000	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	6330 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	140500612000	5616 W DONGES BAY ROAD	LIBBY MONTANA	BANNER	11/17/2021	11/20/2021		1	NO
37	6	150300600500	2635 W MEQUON ROAD	THE RANGE LINE INN	BANNER/SIGN	11/17/2021	11/20/2021		1	NO
38	6	151580001000	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 1	NO
46	6	RENTAL	11525 N PORT WASHINGTON ROAD	JIMMY JOHNS	BANNER/FLAGS	11/17/2021	11/20/2021	3/2/2022	#5, CITATION 1	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	140500903002	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	140500903002	10360 N CEDARBURG ROAD	KWIK TRIP	BANNER/FLAGS	11/17/2021	11/20/2021	3/2/2022	#5, CITATION 1,2	NO
50	8	150291100500	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	140840107000	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	140250600600	11050 N RIVER ROAD	ROBERT STERN	OUTSIDE STORAGE	11/17/2021	11/24/2021		#5 CITATION 1	NO
53	4	140501204000	10056 N CEDARBURG ROAD	WILLIAM WISTH	OUTSIDE STORAGE	ONGOING	ONGOING	NOT SET	#5 CIRCUIT COURT	YES
54	3	140870805000	11715 N SILVER AVENUE	LUJESS	PARKING	ONGOING	ONGOING	NOT SET	#5 CIRCUIT COURT	YES
55	6	151000203000	12539 N ISLAND DRIVE	WILLIAM WISTH	OUTSIDE STORAGE	ONGOING	ONGOING	NOT SET	#5 CIRCUIT COURT	YES
56	8	151070412000	819 W SIERRA LANE	VANN FAMILY TRUST	OUTSIDE STORAGE	2/25/2022	3/11/2022		1	NO
57	8	151070412000	819 W SIERRA LANE	VANN FAMILY TRUST	PARKING	2/25/2022	3/11/2022		1	NO
58	2	140241201000	11249 N RIVERLAND ROAD	PAUL FREDERICK	OUTSIDE STORAGE	2/25/2022	3/11/2022		1	NO
59	2	140241201000	11249 N RIVERLAND ROAD	PAUL FREDERICK	PARKING	2/25/2022	3/11/2022		#5 CITATION 1	NO
60	1	140121200300	3500 W HIGHLAND ROAD	THOMAS LEMENS	OUTSIDE STORAGE	2/25/2022	3/11/2022		1	NO
61	1	140121200300	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
62	1	140191500200	11206-11210 W MEQUON ROAD	JORDON OR KRISTY LARSON	PARKING	2/25/2022	3/11/2022		1	NO
63	1	140191500200	11206- 11210 W MEQUON ROAD	JORDON OR KRISTY LARSON	OUTSIDE STORAGE	2/25/2022	3/11/2022		1	NO
64	1	140191500200	11206-11210 W MEQUON ROAD	JORDON OR KRISTY LARSON	OUTSIDE MAINTANCE	2/25/2022	5/30/2022		1	NO
65	2	140950607000	9033 W RENEE COURT	IGOR OR MARGARITA LETKIN	PARKING	3/8/2022	3/22/2022		1	NO
66	6	150300800400	10841 N ORIOLE LANE	NICHOLAS OR LAURA MEYER	OUTSIDE STORAGE	3/14/2022	3/31/2022		1	NO
67	6	150300800400	10841 N ORIOLE LANE	NICHOLAS OR LAURA MEYER	GENERAL MAINTENANCE	3/14/2022	5/30/2022		1	NO
68	6	140950607000	2030 W SUNNYDALE LANE	DIANNE MCCLELLAN	PARKING	3/14/2022	3/31/2022		1	NO
69	6	140950607000	2030 W SUNNYDALE LANE	DIANNE MCCLELLAN	OUTSIDE STORAGE	3/14/2022	3/31/2022		1	NO
70	4	140271200400	6926 W DONGES BAY ROAD	GO RITEWAY	PARKING	3/17/2022	3/21/2022		1	NO
71	4	140271200400	6926 W DONGES BAY ROAD	GO RITEWAY	ADVERTISING FLAG	3/17/2022	3/21/2022		1	NO
72	4	140840205000	9612 W MEQUON PLACE	LEWIS OR JEAN BIRKEL	OUTSIDE MAINTENANCE	3/23/2022	6/1/2022		1	NO
73	7	150850000002	3100 W COUNTRY CLUB DRIVE	NORTH SHORE COUNTRY CLUB	LANDSCAPING	3/23/2022	6/1/2022		1	NO
74	4	140500709001	1863/461 N 1/2 LOT 9 BLK 7 CEDARBURG ROAD	WILLIAM CONLEY	MAINTENANCE	3/24/2022	7/1/2022		1	NO
75	4	140270901200	10541-10601 N COMMERCE STREET	MEGAL DEVELOPMENT CORPORATION	BUSINESS OCCUPANCY PERMIT	3/31/2022	4/8/2022		1	NO
76	2	140240701200	11610 N RIVER ROAD	MARILYN MANKE	OUTSIDE STORAGE	3/31/2022	4/7/2022		1	NO
77	5	RENTAL	11700 N PORT WASHINGTON ROAD	MARCUS NORTH SHORE CINEMA	LITTER	4/6/2022	4/13/2022		1	NO
78	5	150200701100	11616 N PORT WASHINGTON ROAD	ELITE HIGHLANDER MEQUON INC	LITTER	4/6/2022	4/13/2022		1	NO
79	5	RENTAL	11558 N PORT WASHINGTON ROAD	METRO MARKET	LITTER	4/6/2022	4/13/2022		1	NO
80	3	140860207000	11345 N SOLAR AVE	JEFFREY MCCLONE	PARKING	4/21/2022	4/28/2022	#5 CITATION 1,2		NO
81	3	140892402000	11425 N VEGA AVE	DENNIS HERRERA	PARKING	4/21/2022	4/28/2022		1	NO
82	3	140210101000	11932 N VEGA AVE	JOHN OR STACEY MURRAY	PARKING	4/21/2022	4/28/2022		1	NO
83	3	141220004000	11912 N SOLAR AVE	JAMES MCNICHOL	PARKING	4/21/2022	4/28/2022	#5 CITATION 1,2		NO
84	3	140870708000	11625 N VEGA AVE	ROBERT MACKIEWICZ	PARKING	4/21/2022	4/28/2022		1	NO
85	3	140881402000	8509 W POPLAR DR	WILLIAM BLATZ	PARKING	4/21/2022	4/28/2022		1	NO
86	4	140840509000	4808 W HIAWATHA DR	PAUL SCHUMACHER	HOOP HOUSE	4/21/2022	5/5/2022		1	NO
87	2	141160010000	12335 N WOODFIELD CT	JEFFREY OR SUSAN POMERANTZ	OUTSIDE STORAGE	4/22/2022	4/29/2022		1	NO
88	3	140500102002	6714 W MEQUON ROAD	MICHAEL OR TRACY LALONDE	OUTSIDE STORAGE	4/28/2022	5/13/2022	#5 CITATION 1,2		NO
89	7	150560205000	1425 W ZEDLER LANE	BRADFORD FIGG	GARBAGE	5/10/2022	5/13/2022	#5 CITATION 1		NO
90	2	141160010000	12335 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
93	3	RENTAL	6006 W MEQUON ROAD	SPUR 16	BANNER/FLAG	5/17/2022	5/21/2022		1	NO
94	8	RENTAL	10900 N PORT WASHINGTON ROAD	THE FEED BAG	BANNER	5/17/2022	5/21/1955		1	NO
95	2	EXEMPT	3906 W MEQUON ROAD	ST BONIFACE CHURCH	BANNER	5/17/2022	5/21/2022		1	NO
96	5	151001214000	1630 W DOROTHY PLACE	DAVID OR SHELLY HAUGH	OUTSIDE MAINTENANCE	5/25/2022	6/18/2022		1	NO
97	5	151001214000	1630 W DOROTHY PLACE	DAVID OR SHELLY HAUGH	OUTSIDE STORAGE	5/25/2022	7/1/2022		1	NO
98	3	140870504001	11733 N WAUWATOSA ROAD	DELORES FILLAFER	OUTSIDE STORAGE	5/25/2022	6/15/2022		1	NO
99	3	140870504001	11733 N WAUWATOSA ROAD	DELORES FILLAFER	OUTSIDE MAINTENANCE	6/7/2022	7/5/2022		1	NO
100	4	140341600200	BAEHR AND COUNTY LINE/ NO ADDRESS	BILL FINE/COUNTY LINE HOLDINGS	PARKING	6/13/2022	6/29/2022	#5 CITATION 1,2		YES
101	6	150570602000	1424 W ZEDLER LANE	ROSEMARY KOLLER	GRASS	6/15/2022	6/22/2022		1	NO
102	8	151070412000	819 SIERRA LANE	VANN FAMILY TRUST	GRASS	6/15/2022	6/22/2022		1	NO
103	7	141510000500	9853 N RANGE LINE ROAD	CYNTHIS COAKLEY	OUTSIDE STORAGE	6/15/2022	6/29/2022		1	NO
104	5	151090214001	12707 N EAST SHORELAND DRIVE	GARMAN LIVING TRUST	PARKING	6/15/2022	6/29/2022		1	NO
105	5	151090211000	12731 N EAST SHORELAND DRIVE	TED RUEHL	OUTSIDE STORAGE	6/15/2022	6/29/2022		1	NO
106	4	140640202000	10811 N SHERWOOD DRIVE	CHARLES CONRAD	YARD WASTE BRANCHES	6/21/2022	6/28/2022		1	NO
107	8	151070412000	819 W SIERRA LANE	VANN FAMILY TRUST	TRASH/LITTER	6/21/2022	6/28/2022		1	NO
108	6	150710411000	11604 N HILLSIDE LANE	MICHAEL GMIREK OR SUZANNE PEPLINSKI	TURF GRASS	6/21/2022	6/28/2022		1	NO
109	6	150710405000	11433 N COUNTRY LANE	WILLIAM GENSRIK	TEMPORARY STRUCTURE	6/21/2022	6/28/2022		1	NO
110	6	150710405000	11433 N COUNTRY LANE	WILLIAM GENSRIK	PARKING	6/21/2022	6/28/2022		1	NO
111	6	150690108000	11320 N VALLEY DRIVE	JONATHAN SCHULTZ	PARKING	6/21/2022	6/28/2022		1	NO
112	7	140700803000	9327 BURGANDY COURT	LYNN VORBECK	PARKING	6/21/2022	6/28/2022		1	NO
113	6	150990701000	12345 N EAST SHORELAND DRIVE	ANDREW OR WENDY PETZOLD	OUTSIDE MAINTENANCE	6/23/2022	7/29/2022	EXTENSION RAZE		YES
114	6	150990701000	12345 N EAST SHORELAND DRIVE	ANDREW OR WENDY PETZOLD	TURF GRASS	6/23/2022	7/14/2022		1	NO
115	5	150060901900	13804 N MARTIN WAY SUITE 2400	13804 N MARTIN WAY LLC	POOL FENCE	7/1/2022	7/29/2022	#5 CITATION 1		YES
116	5	150061500900	1908 W BONNIWELL ROAD	RAVI NARAYAN OR SOWMYA SUBRAMANIAN	POOL FENCE	8/11/2021	8/26/2022		1	NO
117	2	150911001000	2517 W CHESTNUT ROAD	TAOFIKI OR KERRY ALABI	PARKING	7/15/2022	7/22/2022		1	NO
118	4	140501305007	9807 N CEDARBURG ROAD	RYAN OR KATHERINE KAUTZER	TURF GRASS	7/15/2022	7/22/2022		1	NO
119	6	XXXXXXXXXX	NORTH SHORE ESTATES	DEBRA NEWELL PRESIDENT	OUTSIDE STORAGE	7/14/2022	8/5/2022		1	NO
120	3	142010051000	10879 N WILDCAT WAY	AMBER SCHROEDER	FENCE	5/16/2022	5/27/2022	#5 CITATION 1,2		YES
121	3	140860205000	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
123	1	XXXXXXXXXX	HIGHLANDS LOT 8	KINGS WAY HOMES	OUTSIDE MAINTENANCE	7/22/2022	7/29/2022		1	NO
124	4	140270201500	6835 W. MEQUON ROAD	RESERVE FRONT LOT	LANDSCAPING	7/22/2022	8/16/2022		1	NO
125	4	140270200200	6729 W MEQUON ROAD	STORYPOINT SENIOR LIVING	SIGNS	7/22/2022	8/19/2022		1	NO
126	7	150850000002	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	140820210001	3015 W SHOLES DRIVE	THOMAS OR CAPTOLA BACHER	2 SHEDS	8/11/2022	9/11/2022		1	NO
129	5	151120203000	13837 N LAKE SHORE DRIVE	GREGORY OR NICOLE PATERSON	OUTDOOR STORAGE	8/11/2022	8/26/2022	EXTENSION		YES
130	6	150300802300	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	1615 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	8/26/2022		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	140271601200	10433 N BAEHR ROAD	NORTH SHORE DANCE	SIGNS	7/7/2022	7/29/2022		#5 CITATION 1	NO
141	1	141440022001	7421 RIDGEVIEW DRIVE	YOUSSEF BERRADA	PLUMBING PERMIT	8/24/2022	9/7/2022		EXTENSION	YES
142	1	141440022001	7421 RIDGEVIEW DRIVE	YOUSSEF BERRADA	ELECTRIC PERMIT	8/24/2022	9/7/2022		EXTENSION	YES
143	1	141440022001	7421 RIDGEVIEW DRIVE	YOUSSEF BERRADA	BUILDING PERMIT	8/24/2022	9/7/2022		EXTENSION	YES
144	1	141440022001	7421 RIDGEVIEW DRIVE	YOUSSEF BERRADA	FILL PERMIT	8/24/2022	9/7/2022		EXTENSION	YES
145	1	141440022001	7421 RIDGEVIEW DRIVE	YOUSSEF BERRADA	SURVEY	8/24/2022	9/7/2022		EXTENSION	YES
146	7	150500116000	1828 W FIESTA LANE	CHARLES MAYER	GRASS	8/31/2022	9/8/2022		1	NO
147	7	140700145000	3531 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	151010106001	12866 N SHORELAND PARKWAY	NANCY TOLOCKO	DECK	9/13/2022	12/14/2022		BOARD OF APPEALS	YES
151	5	150970019000	12848 N RIVER FOREST CIRCLE	JOHN OR JULIE HENNINGS	PARKING	9/13/2022	9/23/2022		1	NO
152	5	150970019000	12848 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	7160 W DONGES BAY ROAD	WARREN BARNETT INTERIORS	CONDITIONAL USE GRANT	9/20/2022	10/4/2022		#5 CITATION 1	YES
155	6	150190400400	11743 N PORT WASHINGTON ROAD LOT 1	SHELY 2012 IRREVOCABLE TRUST	GRASS	9/22/2022	10/7/2022		1	NO
156	6	150190400500	11743 N PORT WASHINGTON ROAD LOT 2	SHELY 2012 IRREVOCABLE TRUST	GRASS	9/22/2022	10/7/2022		1	NO
157	6	150190400600	11743 N PORT WASHINGTON ROAD LOT 3	SHELY 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	150740120000	317 E CIRCLE ROAD	JEFFREY OR JENNIFER PARULSKI	PARKING	9/29/2022	10/13/2022		#5 CITATION 1	NO
160	4	140840306000	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	DAYALUV 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	THERPUTIC 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	6	150300600900	2505 W MEQUON ROAD	NORTH SHORE DENTAL	BANNER	10/6/2022	10/13/2022		1	NO
169	3	RENTAL	7605 W MEQUON ROAD	HOMESTEAD FAMILY DENTISTRY	BANNER	10/6/2022	10/13/2022		1	NO
170	6	150710405000	11433 N COUNTRY LANE	WILLIAM OR CAROL GENSRIK	OUTSIDE STORAGE	10/6/2022	10/27/2022		1	NO
171	6	150710405000	11433 N COUNTRY LANE	WILLIAM OR CAROL GENSRIK	OUTSIDE MAINTENANCE	10/6/2022	11/10/2022		1	NO
172	6	150310101100	10355 N PORT WASHINGTON ROAD	CLARK GAS STATION	OUTSIDE MAINTENANCE	10/12/2022	11/12/2022		#5 CITATION 1	YES
173	1	140200600700	10505 W FREISTADT ROAD	HERMAN OR SANDRA STERN	PARKING	10/19/2022	11/11/2022		1	NO
174	1	140171101100	10516 W FREISTADT ROAD	JENNIFER JOHNSON OR JOSHUA COMFORT	PARKING	10/19/2022	11/11/2022		1	NO
175	4	140500404000	11155 N CEDARBURG ROAD	MEQUON AUTO TECH	WATER TO FACILITY	10/19/2022	11/25/2022		#5 CITATION 1	YES
176	5	150170800500	12531 N LAKESHORE DRIVE	STEVEN OR KIMBERLY BROWN	SHED PERMIT	10/19/2022	11/4/2022		EXTENSION	YES
177	4	140271601200	10433 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	150920201000	11404 N PINEHURST CIRCLE	US BANK	GRASS	10/27/2022	11/4/2022		EXTENSION	YES
180	5	150920201000	11404 N PINEHURST CIRCLE	US BANK	OUTSIDE MAINTENANCE	10/27/2022	11/27/2022		EXTENSION	YES
181	8	151070112002	1027 W DONGES BAY	MARY JOHNSON	OUTSIDE MAINTENANCE	10/27/2022	11/27/2022		EXTENSION	YES
182	6	151260105000	10451 N STRATFORD PLACE	STEFAN OR SARAH GENDELMAN	BUILDING PERMIT	10/28/2022	11/21/2022		EXTENSION	YES
183	5	151200017000	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
184	5	151200017000	11633 N LAKE SHORE DRIVE	BARBARA PFAFF	OUTSIDE STORAGE	1/19/2022	2/9/2022		#5 CITATION 1	YES
185	1	140090300200	14015 N CEDARBURG ROAD	WHITE RABBIT RESTAURANT	MONUMENT SIGNS	11/9/2022	11/23/2022		1	NO
186	6	150191602200	1400 W MEQUON ROAD	CONCORD 37 LLC	OUTSIDE MAINTENANCE	11/10/2022	12/2/2022		EXTENSION	YES
187	5	150191602300	1350 W MEQUON ROAD	CONCORD 37 LLC	OUTSIDE MAINTENANCE	11/10/2022	12/2/2022		EXTENSION	YES
188	8	150320700200	10000 N PORT WASHINGTON ROAD	PARK AVENUE PLAZA OF MEQUON	OUTSIDE MAINTENANCE	11/10/2022	12/2/2022		EXTENSION	YES
189	6	151850001000	1511 MARKET STREET	LAKESIDE DEVELOPMENT COMPANY	OUTSIDE MAINTENANCE	11/10/2022	12/2/2022		EXTENSION	YES
190	5	150201101000	11300 N PORT WASHINGTON ROAD	(PNS) SCHMIDT MEQUON LLC	OUTSIDE MAINTENANCE	11/15/2022	12/16/2022		EXTENSION	YES
191	7	140501403003	10015 N RIVER ROAD	JEFF OR BETH ASTEMBORSKI	OUTSIDE STORAGE	11/17/2022	12/2/2022		1	NO
192	4	140341100400	9716 N WAUWATOSA ROAD	ANDREW BERGMAN	PARKING	11/17/2022	12/2/2022		EXTENSION	YES
193	4	140341100400	9716 N WAUWATOSA ROAD	ANDREW BERGMAN	OUTSIDE STORAGE	11/17/2022	12/2/2022		EXTENSION	YES
194	4	140340500800	10146 N WAUWATOSA ROAD	ROBERT PETZOLD JR	PARKING	11/17/2022	12/2/2022		EXTENSION	YES
195	4	140340500800	10146 N WAUWATOSA ROAD	ROBERT PETZOLD JR	OUTSIDE STORAGE	11/17/2022	12/2/2022		EXTENSION	YES
196	1	140181300800	12031 N GRANVILLE ROAD	LINDENWOOD FARMS	PARKING	11/17/2022	12/2/2022		1	NO
197	1	140181300800	12031 N GRANVILLE ROAD	LINDENWOOD 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	NO
199	6	151530001000	1505 W MEQUON ROAD	EAST TOWNE SQUARE MALL	BANNER/FLAGS	11/30/2022	12/8/2022		1	NO
200	3	140860219000	11428 N VEGA AVENUE	MARK KRUEGER	OUTSIDE STORAGE	12/6/2022	12/20/2022		1	NO
201	3	140860219000	11428 N VEGA AVENUE	MARK KRUEGER	PARKING	12/6/2022	12/20/2022		1	NO
202	3	140860220000	7907 W WILLOWBROOK DRIVE	BENJAMIN AHANGER	OUTSIDE STORAGE	12/6/2022	12/20/2022		1	NO
203	6	150191500300	1836 W MEQUON ROAD	REGINALD FLETCHER	OUTSIDE STORAGE	12/6/2022	12/20/2022		1	NO
204	3	140881604000	11329 N MEADOWBROOK DRIVE	JEREMY GONZALES	PARKING	12/7/2022	12/14/2022		1	NO
205	3	140881602000	11309 N MEADOWBROOK DRIVE	KIMBERLY SCIDMORE OR KERRY HANSEN	PARKING	12/7/2022	12/14/2022		1	NO
206	3	140870807000	11730 N RIDGEWAY AVENUE	DAVID WOZNIAK	PARKING	12/7/2022	12/14/2022		1	NO
207	3	140881708000	11310 N MEADOWBROOK DRIVE	GREEN HILL PROPERTIES	PARKING	12/7/2022	12/14/2022		#5 CITATION 1,2	YES
208	3	140871001000	11932 N SILVER AVENUE	DANIEL MUELLER	PARKING	12/7/2022	12/14/2022		1	NO
209	4	140270201200	11030 N BUNTROCK AVENUE	SANG WOO NAM	PARKING	12/9/2022	12/16/2022		1	NO
210	5	150830013001	13560 N LAKESHORE DRIVE	MICHAEL COLE	PARKING	12/13/2022	12/27/2022		1	NO
211	2	150180600500	12750 N SHORELAND PARKWAY	GRANTIT 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	140140400100	12435 N RIVER ROAD	JOSEPH OR MELANIE DEVORKIN	BUILDING PERMIT	12/22/2022	1/6/2023		EXTENSION	YES
214	1	141440022001	7421 RIDGEVIEW DRIVE	YOUSSEF BERRADA	ACCESSORY STRUCTURE (2)	12/29/2022	1/27/2023		#5 CITATION 1	YES
215	1	141440022001	7421 RIDGEVIEW DRIVE	YOUSSEF BERRADA	SURVEY	12/29/2022	1/12/2023		EXTENSION	YES
216	6	150600216000	10212 SUNNYCREST DRIVE	HPA III ACQUISITIONS 1 LLC	PARKING	1/6/2023	1/19/2023		1	NO
217	4	140340600900	7227 W DONGES BAY ROAD	ANTOINETTE JACKSON	PARKING	1/11/2023	1/27/2023		EXTENSION	YES
218	4	140340600900	7227 W DONGES BAY ROAD	ANTOINETTE JACKSON	OUTSIDE STORAGE	1/11/2023	1/27/2023		EXTENSION	YES
219	3	140510104000	11201 N SOLAR AVENUE	CHRISTOPHER BESLER	OUTSIDE MAINTENANCE	1/12/2023	1/19/2023		#5 CITATION #1	YES
220	8	151790001000	10526 N PORT WASHINGTON ROAD	CONCORD 34 LLC	ELECTRIC	1/19/2023	2/17/2023		EXTENSION	YES
221	8	151790001000	10526 N PORT WASHINGTON ROAD	CONCORD 34 LLC	DUMPSTER DOORS	1/19/2023	4/15/2023		EXTENSION	YES
222	8	151790001000	10526 N PORT WASHINGTON ROAD	CONCORD 34 LLC	STORAGE CONTAINER	1/19/2023	2/17/2023		EXTENSION	YES
223	4	140500506000	11100 N GREEN BAY ROAD	EW DEVELOPMENT CORP	REFUSE	1/20/2023	2/3/2023		5 CITATION 1	YES
224	4	140500506000	11100 N GREEN BAY ROAD	EW DEVELOPMENT CORP	OUTSIDE MAINTENANCE	1/20/2023	5/1/2023			YES
225	6	150190400400	11743 N PORT WASHINGTON ROAD	SHELY 2012 IRREVOCABLE TRUST	OUTSIDE MAINTENANCE	1/26/2023	2/7/2023		#5 CITATION 1	YES
226	3	140510104000	11201 N SOLAR AVENUE	CHRISTOPHER BESLER	PARKING	2/2/2023	2/9/2023		1	NO
227	6	151290001000	11001 N PORT WASHINGTON ROAD	ACE HARDWARE	COMMUNITY SPIRIT LETTER	2/9/2023	OPEN			YES
228	6	150300100700	1425 W MEQUON ROAD	BMO HARRIS BANK	COMMUNITY SPIRIT LETTER	2/9/2023	OPEN			YES
229	6	151290017000	1317 W TOWNE SQUARE ROAD	MEQUON UNIT 17 LLC	COMMUNITY SPIRIT LETTER	2/9/2023	OPEN			YES
230	8	151750010144	10144 N PORT WASHINGTON ROAD	SSRF LLC	COMMUNITY SPIRIT LETTER	2/9/2023	OPEN			YES
231	6	151710002000	10602 N PORT WASHINGTON ROAD	PJL 10335 LLC	COMMUNITY SPIRIT LETTER	2/9/2023	OPEN			YES
232	5	150200600100	1025 W GLEN OAKS LANE	GLEN OAKS OFFICE PARK LLC	COMMUNITY SPIRIT LETTER	2/9/2023	OPEN			YES
233	3	140500202001	6200 W MEQUON ROAD	ST PAULS FISH COMPANY	OUTSIDE STORAGE	2/14/2023	2/28/2023		1	YES
234	4	140271600600	6130 W DONGES BAY ROAD	JWI LLC	OUTSIDE STORAGE	2/16/2023	3/10/2023		EXTENSION	YES
235	4	140261100700	10412 N BAEHR ROAD	MEHTA PROPERTIES LLC	COMMUNITY SPIRIT LETTER	2/16/2023	OPEN			YES
236	4	RENTAL	5900 W MEQUON ROAD	CAFÉ HOLLANDER	BANNER	2/21/2023	2/28/2023		1	YES
237	6	151001310000	12510 N PILOT DRIVE	JEAN GORSKI	OUTSIDE MAINTENANCE	2/22/2023	5/31/2023			YES
238	1	141440022001	7421 RIDGEVIEW DRIVE	YOUSSEF BERRADA	BUILDING PERMIT	2/27/2023	3/14/2023		EXTENSION	YES
239	3	140892302000	11433 N TOWER LANE	JULIS OR ALICE HOLDEN	SUMP PUMP	2/28/2023	3/8/2023		1	YES
240	1	140171101200	10545 W HEATHER DRIVE	STEPHANIE WELDON	BUILDING PERMIT	3/1/2023	3/14/2023		EXTENSION	YES
241	6	150291100700	10510 N PORT WASHINGTON ROAD	PETU	HVAC AND ELECTRIC PERMITS	3/7/2023	4/7/2023			YES
242	2	140130600800	12602 N RIVER ROAD	GARY OR JUNE GEIGER	BASKETBALL COURT	3/9/2023	5/31/2023		EXTENSION	YES
243	8	150291100200	10404 N PORT WASHINGTON ROAD	FERRANTES PIZZA	OUTSIDE MAINTENANCE	3/16/2023	7/28/2023			YES
244	8	RENTAL	10972 N PORT WASHINGTON ROAD	THE JOINT CHIROPRACTIC	SIGN	3/16/2023	3/23/2023		1	NO

	A	B	C	D	E	F	G	I	J	K
245	8	RENTAL	10916 N PORT WASHINGTON ROAD	ELITE NUTRITION	SIGN	3/16/2023	3/23/2023		1	NO
246	8	RENTAL	10902 N PORT WASHINGTON ROAD	NEROLI SALON	SIGN	3/16/2023	3/23/2023		1	NO
247	8	151060024000	429 W THORNAPPLE LANE	FRANK TRUST	PARKING	4/4/2023	4/11/2023		1	NO
248	8	RENTAL	10984 N PORT WASHINGTON ROAD	MARSHALLS MEQUON	COMMUNITY SPIRIT LETTER	4/10/2023	OPEN			YES
249	8	RENTAL	10964 N PORT WASHINGTON ROAD	PET SUPPLIES PLUS MEQUON	COMMUNITY SPIRIT LETTER	4/10/2023	OPEN			YES
250	8	RENTAL	10930 N PORT WASHINGTON ROAD	SENDIKS MARKET MEQUON	COMMUNITY SPIRIT LETTER	4/10/2023	OPEN			YES
251	8	RENTAL	10930 N PORT WASHINGTON ROAD	BRIXMOR MEQUON	COMMUNITY SPIRIT LETTER	4/10/2023	OPEN			YES
252	4	140710027000	4807 W ELMDALE ROAD	OLEG KONOVCHKO	PARKING	4/18/2023	4/26/2023		EXTENSION	YES
253	6	151230502000	12010 N RIVER GLENN LANE	KENNETH R NASON OR LESLEY A SCHWARTZ-NASON	OUTSIDE STORAGE	4/18/2023	4/26/2023		EXTENSION	YES
254	4	140500905004	10240 N CEDARBURG ROAD	SYBARIS	OUTSIDE MAINTENANCE	4/26/2023	5/15/2023			YES
255	4	140501001000	10365 N CEDARBURG ROAD	TAYLOR AND DUNNS	OUTSIDE MAINTENANCE	4/26/2023	6/1/2023			YES
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Office of Administration

TO: Common Council
FROM: Justin Schoenemann, Assistant City Administrator
DATE: May 1, 2023
SUBJECT: ORDINANCE 2023-1650 An Ordinance Amending Chapter 2 of the Mequon Municipal Code, Adjusting the Per Diem for Employee Travel & Training to \$60 per Day

Background

In 2016, the City established a standardized meal reimbursement ordinance for employee travel & training. The ordinance details a maximum daily meal per diem of up to \$50, which is broken down as follows: \$10 for breakfast; \$15 for lunch; and \$25 for dinner.

Recently, the Mequon Police Association reached out to inquire if the City would consider increasing its meal per diem, which has prompted the Police Chief and Human Resources Division to bring such before the Common Council for consideration.

Analysis

The \$50 daily per diem limit has remained unchanged since 2016. To determine if the City should consider an amendment, staff looked at the U.S. General Service Administration's website listing per diem rates for locations within Wisconsin where employees commonly attend training or conferences. Below is a table listing the City's current per diem rate and those locations.

	Breakfast	Lunch	Dinner	Incidentals	Maximum Meal Per Diem
Mequon	\$10	\$15	\$25	0	\$50
Appleton	\$13	\$15	\$26	\$5	\$59
Madison	\$14	\$16	\$29	\$5	\$64
Milwaukee	\$14	\$16	\$29	\$5	\$64
Wisconsin Dells	\$13	\$15	\$26	\$5	\$59

The table shows that per diem rates have increased over the last several years. With that in mind, City staff recommends increasing the meal per diem rate to \$60 per day with \$15 for breakfast, \$17 for lunch, and \$28 for dinner to adjust for inflation. Additionally, in light of the varying venues employees attend on City business, staff also recommends increasing the tip limit to up to 18% from the current limit of 15%.

Fiscal Impact

While this ordinance amendment increases the approved meal reimbursement amount, it does not have a direct budgetary impact. Each Department has funds set aside for travel expenses as part of its annual budget. The increase in the per diem for meals would be financed by those funds.

Recommendation

A recommendation is forthcoming from the Finance-Personnel Committee on May 9, 2023.

COMMON COUNCIL
OF THE
CITY OF MEQUON

ORDINANCE 2023-1650

An Ordinance Amending Chapter 2 of the Mequon Municipal Code, Adjusting the Per Diem for
Employee Travel & Training to \$60 per Day

RECITALS

A. The Common Council previously adopted section 2-236(5) of the Mequon Municipal Code which established a personnel policy related to the reimbursement of meals while employees are traveling.

B. The maximum meal allowances have not been updated by the City since 2016, and the Common Council desires to increase the same.

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

SECTION I

Section 2-236 (5) of the Mequon Municipal Code is amended to read as follows (NOTE: Deleted text is ~~struck through~~; Added text is **bolded & double-underlined**):

Meals. Employees traveling on city business shall be reimbursed in the event that the employee pays for their own meal subject to the following policy guidelines. The maximum daily meal allowances are set forth below in Table 1. Claims for meals shall represent actual, reasonable and necessary expenses. Tips are limited to ~~15~~**18** percent. Employees shall submit receipts with their reimbursement request.

Table 1

Breakfast	Lunch	Dinner	Maximum daily meal per diem
~~\$105~~	~~\$157~~	~~\$258~~	~~\$560~~

The city shall not provide reimbursement for those meals included within conference registration, ticket cost, or training/tuition fees. Only those meals not covered by such fees shall be reimbursed by the city. The city will not pay for alcoholic beverages.

An employee is entitled the flexibility to combine the daily lunch and dinner allowances as desired, as long as the total allowable for the consecutive meals per day is not exceeded and said meal(s) are not included within conference registration, ticket cost, or training/tuition fees.

Employees will be eligible for 50 percent of the maximum per diem rate for the first day of travel and the last day of travel. If meal maximums are not reached on one day, the savings do not accrue and cannot be applied to expenses claimed on another day or for other costs such as lodging. Each day is considered separately for application of this policy. The department head shall determine what meals shall be allowed based upon the times and dates of travel.

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 VI

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: May 9, 2023

I certify that the foregoing Ordinance was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on May 9, 2023.

Caroline Fochs, City Clerk

Published: _____



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Office of City Attorney

TO: Common Council
FROM: Brian Sajdak, City Attorney
DATE: February 9, 2023
SUBJECT: ORDINANCE 2023-1648 An Ordinance Amending Chapter 10 of the Mequon Municipal Code, Related to Residential Swimming Pools Standards

Background

The City presently adopts the Wisconsin Uniform Building Code with respect to the installation of swimming pools. The Code requires fences for all non-temporary pool installations. A resident approached the Public Welfare Committee to request that the City consider amending its Code to allow for power safety covers in lieu of fences for residential pools. After lengthy discussion, the Council approved changes last fall that allow for power safety covers in certain circumstances.

Following implementation of the changes, City building inspection staff identified multiple changes that could be made to clarify the regulations around pools and power safety covers and also eliminate conflict points between the ordinance and the American Society for Testing and Materials (ASTM) standard. These changes will clarify the approval process for both staff and residents.

Discussion

Attached is a proposed ordinance which repeals and recreates Section 10-26 of the Municipal Code. The primary reason for the full repeal and re-adoption is that the current section contained online does not reflect consistent numbering for paragraphs as is the case throughout the rest of the Code (e.g., in other sections the first paragraph in a section is labeled (a), whereas in this section it is labeled (1)). It is unclear if this was the result of drafting when the Code was originally adopted or if this was an error by the company that codifies the City's Code. This ordinance will clarify that the same numbering standard should apply here.

Also attached is a version of Section 10-26 that shows the changes made in a black-lined format. These changes include the following:

1. The definition of power safety cover is amended to simply require that the cover meets the applicable ASTM standard. Under the current version of the definition, the City deviates from the standard in two ways. First, the City requires the operating switch to be placed at least five feet above the ground in all cases. Under the standard, only a switch that is not lockable (e.g., secure enclosure, keypad, keyed operation) needs to be that high. Second, the City specifies that a cover shall hold a minimum weight of 2,000. Staff have discovered that

companies do not certify weights other than what is required by the ASTM standard. Further, there is a difference between the standard and the City's current language as well. The Code language specifies only that the pool cover hold 2,000 pounds in total, whereas the ASTM specification (485 pounds) is based on a modified pounds per-square-foot basis (individual weights within 1 square foot and the total weight clustered within a 3-foot radius). A cover that meets the ASTM specification will hold a higher amount of weight across the full area of the cover. Additionally, the ASTM standard is the better standard to address the safety concerns previously identified, in that the per-square-foot basis ensures higher safety than a standard across the full cover. This coupled with the lack of certification method for the 2,000-pound standard suggests that modification of this requirement is appropriate.

Per the Public Welfare Committee's request, attached is a document showing the calculation for the capacity equating the per-square-foot weight from the ASTM standard with the total capacity weight that is presently in the Code. As is evident, typically sized pools all easily exceed the 2,000-pound limit that the Code presently contains. Small pools, on the other hand, do not exceed the 2,000-pound limit. However, it is believed that this is still acceptable because (a) most small pools are not that deep, thereby minimizing the risk of drowning for adults who would fall through; and (b) it would be less likely that excessive weight would be on the surface of the cover given the small surface area (e.g., it is easy for multiple people to be on a surface where the width is 12 feet versus 6 feet).

2. In both areas where latches are described, the height for the latching mechanism is reduced from 54 inches to 36 inches, which is the height specified in the Uniform Building Code. This height retains the safety for toddlers, while also ensuring that the latches comply with ADA accessibility concerns.

3. The requirement for both an alarm and a pool cover has been removed. The Code as adopted requires that where a power safety cover is in place, the cover needs to be closed unless it is actively in use or supervised by someone over the age of 15. However, the Code also requires that the pool in these circumstances be equipped with an alarm. These requirements are contradictory in that the alarm would not be armed if the pool is in use, but there would be no need for an alarm where the cover is in place - which is required if the pool is not in use. In addition, staff has learned that some types of alarms would physically conflict with a pool cover's operation.

Recommendation

On April 11, 2023, the Public Welfare Committee approved a recommendation in favor of adopting the proposed ordinance amendments by a vote of 3-0.

Attachments:

Swimming Pool Ordinance Update - 2-23 Blackline (DOCX)

Pool Cover Capacity Calculation (DOCX)

COMMON COUNCIL
OF THE
CITY OF MEQUON

ORDINANCE 2023-1648

An Ordinance Amending Chapter 10 of the Mequon Municipal Code, Related to Residential
Swimming Pools Standards

RECITALS

A. The Common Council previously adopted Section 10-26 of the Mequon Municipal Code, which establishes certain regulations for residential swimming pools, including the use of power safety covers.

B. Following the adoption of those regulations, City staff identified multiple corrections or clarifications that would improve the enforcement of the Code.

C. The Common Council desires to amend those regulations pursuant to staff recommendations.

D. The regulation of swimming pools 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 10-26 of the Mequon Municipal Code is repealed and recreated to read as follows:

10-26 - Residential Swimming Pools.

No person shall construct, install or enlarge a residential swimming pool not enclosed in a permanent building within the city except in accordance with the following regulations.

(a) Definitions.

(1) "Swimming pool" means any depression in the ground, either temporary or permanent, or a container of water, either temporary or permanent and either above or below the ground, in which water more than 18 inches deep is contained and which is used primarily for the purpose of bathing or swimming. "Swimming pool" includes a spa, hot

tub, and temporary pool unless otherwise specifically excluded within this section.

(2) "Temporary pool" means any swimming pool that has a surface area of less than 314.159 square feet (20-foot diameter) which is installed for any length of time less than four (4) months and which is installed after May 1 and removed by September 30 in the same year.

(3) "Power safety cover" means a barrier which can be placed over the water area of a pool that provides a high level of safety for children under the age of five by inhibiting their access to the water which is certified to meet the minimum qualification criteria for a Power Safety Cover as specified in American Society for Testing and Materials (ASTM) Specification 1346-91, provided that any operating switch be located within the line of sight of the operation of the cover and is operated by a secure key or keypad. An operating switch that is not operated by a key or keypad shall be installed at least 5 feet above the surface below the switch.

(4) "Decorative" as applied to fences means that a fence is made of PVC, wrought iron, or aluminum pickets, or is a painted or stained shadow-box or board-on-board type fence, or similar design as approved by the Department of Community Development. Decorative shall not include chain link, snow or other temporary fencing.

(b) Permit.

(1) Required. No person shall construct, install, enlarge or alter any private swimming pool, including changing any fence or safety device, unless a permit therefor has first been obtained from the Building Inspector. A temporary pool shall be exempt from this permit requirement.

(2) Application. The following information shall be required:

a. Survey or accurate drawing of the property, in duplicate, showing all existing structures, proposed swimming pool or spa location, fencing if required, and overhead or underground electrical wiring.

b. Type of pool installation, above ground or in-ground.

c. Pool height above highest point of grade if above ground installations.

d. Type and height of fence, if proposed.

- e. Type and support of decking, if proposed.
- f. Type and location of safety features to be installed, if proposed.
- g. Overall size and locations of the above in regard to existing buildings and lot lines for property survey reference.
- h. Any change in finished grade near pool.
- i. County Health Department approval for properties using a private septic system, where applicable.
- j. Site inspection letter from a local wiring utility.
- k. Two copies of a brochure which shows the type, style, etc. of the swimming pool and safety features to be installed.

(c) Construction Requirements.

- (1) No swimming pool shall be located, erected, constructed or maintained within any front yard or closer to any side or rear lot line than allowed by Chapter 58 for permitted accessory structures, and the waterline of any swimming pool shall not be less than four feet from any lot line, wall, fence, structure or building, unless a more stringent requirement is provided for elsewhere in this code.
- (2) No connection shall be made to the sanitary sewer or septic system.
- (3) Gaseous chlorination systems shall not be used for disinfecting swimming pool waters.
- (4) Swimming pools shall be located from well and septic systems in accordance with the Wisconsin State Plumbing Code, Wis. Admin. Code § SPS 383.

(d) Fences or Other Safety Measures.

- (1) All non-temporary swimming pools not enclosed within a permanent building shall be completely enclosed by a decorative fence of sufficient strength to prevent access to the swimming pool, not less than four feet in height and so constructed as not to have voids, holes or

openings larger than four inches in one dimension. No fence shall be located, erected, constructed or maintained closer than four feet to a swimming pool. Gates or doors shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when not in actual use. Latches shall be located at least three feet above the ground, accessible deck or stairs. Temporary non-decorative fencing may be approved by the Department of Community Development for a period not to exceed 30 days where necessitated by construction and or safety concerns.

(2) The wall of the house or building facing a swimming pool may be incorporated as a portion of the fence required under paragraph (1) above provided that the swimming pool is equipped with at least one of the following:

- a. Removable mesh fencing that meets the standards of ASTM Specification F2286 in conjunction with a gate that is self-closing and self-latching and can accommodate a key lockable device.
- b. Exit alarms on all doors within a residence that provide direct access to the swimming pool or spa. The exit alarm may cause either an alarm noise or a verbal warning, such as a repeating notification that “the door to the pool is open.”
- c. A self-closing, self-latching device with a release mechanism placed no lower than 36 inches above the floor on all doors of a residence providing direct access to the swimming pool or spa.

(3) In lieu of a fence under paragraph (1) above, a swimming pool may utilize a power safety cover provided that:

- a. The pool is located on a single-family residential parcel within a single-family residential zoning district;
- b. The power safety cover is in working order;
- c. The power safety cover is closed and secured at all times where the pool is not in use by a person of at least 15 years of age or under supervision of a person who is outdoors, within 10 feet of the pool, and is at least 15 years of age;
- d. The water line of the pool is not closer than 30 feet from

any lot line; and

e. The pool is also equipped with at least one of the following:

i. Removable mesh fencing that meets the standards of ASTM Specification F2286 in conjunction with a gate that is self-closing and self-latching and can accommodate a key lockable device.

ii. Exit alarms on all doors within a residence that provide direct access to the swimming pool or spa. The exit alarm may cause either an alarm noise or a verbal warning, such as a repeating notification that “the door to the pool is open.”

iii. A self-closing, self-latching device with a release mechanism placed no lower than 36 inches above the floor on all doors of a residence providing direct access to the swimming pool or spa.

(4) Above ground swimming pools with platforms and railings that are four feet or more in height above ground and temporary pools are not required to be enclosed as provided in paragraph (1) above; however, all ladders and stairways providing access to such swimming pools shall be removed from the swimming pool or shall be adequately fenced and fitted with gates or folded up and locked to prevent entry when the swimming pool is not in use.

(5) Spas and hot tubs are exempt from the fence requirement under paragraph (1) above provided that such spa or hot tub has a locking safety cover which is certified to meet ASTM Specification 1346-91 and which shall be in place and locked when the hot tub or spa is not in use.

(e) Electrical Requirements. All electrical installations shall require separate permits and shall be governed by the City or State Electrical Code.

(f) Pool Lights. If overhead flood or other artificial lights are used to illuminate the swimming pool at night, such lights shall be shielded to direct light only on the swimming pool.

(g) Swimming Pool Decks. All decks shall be constructed in accordance with the Uniform Building Code. Decking shall be considered an integral part of the swimming pool and shall comply with the applicable setback dimensions per the

local zoning code.

(h) Drainage. In no case shall any swimming pool be drained onto lands of property owners other than the owner of the swimming pool. Drainage shall be in accordance with city code.

(i) Use of Swimming Pool. No swimming pool shall be so operated as to create a nuisance, a hazard or an eyesore or otherwise to result in a substantial adverse effect on neighboring properties. Repeated violations of this code shall constitute a public nuisance, abatement of which may include removal of the pool in addition to all other remedies available by law.

(j) Applicability of codes and standards. Where this section adopts or references a specific code, standard, specification or the like, such adoption or reference shall include all amendments and revisions thereto, and the most recent version in effect at the time a pool (or any of its safety features) is constructed, installed, changed, remodeled, or enlarged shall apply.

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 be in full force and effect upon passage and on the day after its publication.

Approved by: Andrew Nerbun, Mayor

Date Approved: May 9, 2023

I certify that the foregoing Ordinance was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on May 9, 2023.

Caroline Fochs, City Clerk

Published: _____

10-26 – Residential Swimming Pools.

No person shall construct, install or enlarge a residential swimming pool not enclosed in a permanent building within the city except in accordance with the following regulations.

(a) Definitions.

- (1) "Swimming pool" means any depression in the ground, either temporary or permanent, or a container of water, either temporary or permanent and either above or below the ground, in which water more than 18 inches deep is contained and which is used primarily for the purpose of bathing or swimming. "Swimming pool" includes a spa, hot tub, and temporary pool unless otherwise specifically excluded within this section.
- (2) "Temporary pool" means any swimming pool that has a surface area of less than 314.159 square feet (20-foot diameter) which is installed for any length of time less than four (4) months and which is installed after May 1 and removed by September 30 in the same year.
- (3) "Power safety cover" means a barrier which can be placed over the water area of a pool that provides a high level of safety for children under the age of five by inhibiting their access to the water which ~~meets all of the following minimum qualifications:~~
 - a. ~~Static Load — the power safety cover shall hold a minimum weight of 2,000 pounds, irrespective of the width or diameter of the pool.~~
 - b. ~~Operating switch — the switching device shall be:~~
 - i. ~~located a minimum of five feet above the ground or surface below such switching device; and~~
 - ii. ~~locked in a secure enclosure, or operated by a key or touchpad.~~
 - c. ~~Except as provided above, the power safety cover shall be~~ is certified to meet the minimum qualification criteria for a Power Safety Cover as specified in American Society for Testing and Materials (ASTM) Specification 1346-91, **provided that any operating switch be located within the line of sight of the operation of the cover and is operated by a secure key or keypad. An operating switch that is not operated by a key or keypad shall be installed at least 5 feet above the surface below the switch.**
- (4) "Decorative" as applied to fences means that a fence is made of PVC, wrought iron, or aluminum pickets, or is a painted or stained shadow-box or board-on-board type fence, or similar design as approved by the Department of Community

Development. Decorative shall not include chain link, snow or other temporary fencing.

(b) Permit.

- (1) Required. No person shall construct, install, enlarge or alter any private swimming pool, including changing any fence or safety device, unless a permit therefor has first been obtained from the Building Inspector. A temporary pool shall be exempt from this permit requirement.
- (2) Application. The following information shall be required:
 - a. Survey or accurate drawing of the property, in duplicate, showing all existing structures, proposed swimming pool or spa location, fencing if required, and overhead or underground electrical wiring.
 - b. Type of pool installation, above ground or in-ground.
 - c. Pool height above highest point of grade if above ground installations.
 - d. Type and height of fence, if proposed.
 - e. Type and support of decking, if proposed.
 - f. Type and location of safety features to be installed, if proposed.
 - g. Overall size and locations of the above in regard to existing buildings and lot lines for property survey reference.
 - h. Any change in finished grade near pool.
 - i. County Health Department approval for properties using a private septic system, where applicable.
 - j. Site inspection letter from a local wiring utility.
 - k. Two copies of a brochure which shows the type, style, etc. of the swimming pool and safety features to be installed.

(c) Construction Requirements.

- (1) No swimming pool shall be located, erected, constructed or maintained within any front yard or closer to any side or rear lot line than allowed by Chapter 58 for permitted accessory structures, and the waterline of any swimming pool shall not be less than four feet from any lot line, wall, fence, structure or building, unless a more stringent requirement is provided for elsewhere in this code.

- (2) No connection shall be made to the sanitary sewer or septic system.
 - (3) Gaseous chlorination systems shall not be used for disinfecting swimming pool waters.
 - (4) Swimming pools shall be located from well and septic systems in accordance with the Wisconsin State Plumbing Code, Wis. Admin. Code § SPS 383.
- (d) Fences or Other Safety Measures.
- (1) All non-temporary swimming pools not enclosed within a permanent building shall be completely enclosed by a decorative fence of sufficient strength to prevent access to the swimming pool, not less than four feet in height and so constructed as not to have voids, holes or openings larger than four inches in one dimension. No fence shall be located, erected, constructed or maintained closer than four feet to a swimming pool. Gates or doors shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when not in actual use. Latches shall be located at least three feet above the ground, accessible deck or stairs. Temporary non-decorative fencing may be approved by the Department of Community Development for a period not to exceed 30 days where necessitated by construction and or safety concerns.
 - (2) The wall of the house or building facing a swimming pool may be incorporated as a portion of the fence required under paragraph (1) above provided that the swimming pool is equipped with at least one of the following:
 - a. Removable mesh fencing that meets the standards of ASTM Specification F2286 in conjunction with a gate that is self-closing and self-latching and can accommodate a key lockable device.
 - b. Exit alarms on all doors within a residence that provide direct access to the swimming pool or spa. The exit alarm may cause either an alarm noise or a verbal warning, such as a repeating notification that “the door to the pool is open.”
 - c. A self-closing, self-latching device with a release mechanism placed no lower than 3654 inches above the floor on all doors of a residence providing direct access to the swimming pool or spa.
 - (3) In lieu of a fence under paragraph (1) above, a swimming pool may utilize a power safety cover provided that:
 - a. The pool is located on a single-family residential parcel within a single-family residential zoning district;

- b. The power safety cover is in working order;
 - c. The power safety cover is closed and secured at all times where the pool is not in use by a person of at least 15 years of age or under supervision of a person who is outdoors, within 10 feet of the pool, and is at least 15 years of age;
 - d. The water line of the pool is not closer than 30 feet from any lot line; and
 - e. The pool is also equipped with:
 - i. ~~An alarm that, when placed in a swimming pool or spa, will sound upon detection of accidental or unauthorized entrance into the water. The alarm shall meet and be independently certified to the ASTM Standard F2208 "Standard Safety Specification for Residential Pool Alarms," which includes surface motion, pressure, sonar, laser, and infrared type alarms. A swimming protection alarm feature designed for individual use, including an alarm attached to a child that sounds when the child exceeds a certain distance or becomes submerged in water, is not a qualifying drowning prevention safety feature.~~
 - ii. ~~And at least one of the following:~~
 - 1. Removable mesh fencing that meets the standards of ASTM Specification F2286 in conjunction with a gate that is self-closing and self-latching and can accommodate a key lockable device.
 - 2. Exit alarms on all doors within a residence that provide direct access to the swimming pool or spa. The exit alarm may cause either an alarm noise or a verbal warning, such as a repeating notification that "the door to the pool is open."
 - 3. A self-closing, self-latching device with a release mechanism placed no lower than 36~~54~~ inches above the floor on all doors of a residence providing direct access to the swimming pool or spa.
- (4) Above ground swimming pools with platforms and railings that are four feet or more in height above ground and temporary pools are not required to be enclosed as provided in paragraph (1) above; however, all ladders and stairways providing access to such swimming pools shall be removed from the swimming pool or shall be adequately fenced and fitted with gates or folded up and locked to prevent entry when the swimming pool is not in use.

- (5) Spas and hot tubs are exempt from the fence requirement under paragraph (1) above provided that such spa or hot tub has a locking safety cover which is certified to meet ASTM Specification 1346-91 and which shall be in place and locked when the hot tub or spa is not in use.
- (e) Electrical Requirements. All electrical installations shall require separate permits and shall be governed by the City or State Electrical Code.
- (f) Pool Lights. If overhead flood or other artificial lights are used to illuminate the swimming pool at night, such lights shall be shielded to direct light only on the swimming pool.
- (g) Swimming Pool Decks. All decks shall be constructed in accordance with the Uniform Building Code. Decking shall be considered an integral part of the swimming pool and shall comply with the applicable setback dimensions per the local zoning code.
- (h) Drainage. In no case shall any swimming pool be drained onto lands of property owners other than the owner of the swimming pool. Drainage shall be in accordance with city code.
- (i) Use of Swimming Pool. No swimming pool shall be so operated as to create a nuisance, a hazard or an eyesore or otherwise to result in a substantial adverse effect on neighboring properties. Repeated violations of this code shall constitute a public nuisance, abatement of which may include removal of the pool in addition to all other remedies available by law.
- (j) Applicability of codes and standards. Where this section adopts or references a specific code, standard, specification or the like, such adoption or reference shall include all amendments and revisions thereto, and the most recent version in effect at the time a pool (or any of its safety features) is constructed, installed, changed, remodeled, or enlarged shall apply.

Basic Capacity Calculation

$$Capacity = Area \times Capacity \text{ Per Area of Unit}$$

ASTM Standard

ASTM Standard provides the following certification test:

This test shall be conducted to demonstrate that the cover is capable of supporting a weight of (a) 485 lbs (composed of one 210-lb, one 225-lb or one 50-lb weight) for pools or spas within a width or diameter greater than 8 ft or (b) 275 lbs (composed of one 225-lb and one 50-lb weight) for a pool or a spa with a width or diameter equal to or less than 8 ft distributed over 1 ft² each, all of which are within a 3-ft radius without the test objects causing damage which would allow any of the test objects to pass through the cover.

Two components: Large Pools and Small Pools

Large Pools

Total of 485 pounds spread over 28.274 sq. ft. ($28.274 \text{ sq. ft.} = \pi 3 \text{ ft.}^2$) results:

$$485 \text{ lbs} \div 28.274 \text{ sq. ft.} = \frac{17.153 \text{ lbs}}{\text{sq. ft.}}$$

1. Assuming pool with minimum diameter of 8 feet per the standard:

$$\text{Area: } 50.265 \text{ sq. ft.} = \pi 4 \text{ ft.}^2$$

$$\text{Capacity: } 862.19 \text{ lbs} = 50.265 \text{ sq. ft.} \times 17.153 \frac{\text{lbs}}{\text{sq. ft.}}$$

2. Assuming a pool with 16-foot diameter:

$$\text{Area: } 201.06 \text{ sq. ft.} = \pi 8 \text{ ft.}^2$$

$$\text{Capacity: } 3,448.81 \text{ lbs} = 201.06 \text{ sq. ft.} \times 17.153 \frac{\text{lbs}}{\text{sq. ft.}}$$

3. Assuming Rectangular Pool 12 x 24:

$$\text{Area: } 288 \text{ sq. ft.} = 12 \text{ ft.} \times 24 \text{ ft.}$$

$$\text{Capacity: } 4,940.064 \text{ lbs} = 288 \text{ sq. ft.} \times 17.153 \frac{\text{lbs}}{\text{sq. ft.}}$$

4. Assuming Rectangular Pool 16 x 32:

$$\text{Area: } 512 \text{ sq. ft.} = 16 \text{ ft.} \times 32 \text{ ft.}$$

$$\text{Capacity: } 8,782.336 \text{ lbs} = 512 \text{ sq. ft.} \times 17.153 \frac{\text{lbs}}{\text{sq. ft.}}$$

Small Pools

Total of 275 pounds spread over 28.274 sq. ft. ($28.274 = \pi 3^2$) results:

$$275 \text{ lbs} \div 28.274 \text{ sq. ft.} = \frac{9.726 \text{ lbs}}{\text{sq. ft.}}$$

1. Assuming pool with a 6-foot diameter:

$$\text{Area: } 28.274 \text{ sq. ft.} = \pi 3 \text{ ft.}^2$$

$$\text{Capacity: } 274.993 \text{ lbs} = 28.274 \text{ sq. ft.} \times 9.726 \frac{\text{lbs}}{\text{sq. ft.}}$$



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Office of Administration

TO: Common Council
FROM: Justin Schoenemann, Assistant City Administrator
DATE: May 1, 2023
SUBJECT: RESOLUTION 4047 A Resolution Approving Revisions to the City's Family Medical Leave Act Policy

Background

The City of Mequon is an employer that meets the standards of the Federal and State Family Medical Leave Act (FMLA), which requires organizations of a certain size to provide leave benefits for employees who experience qualifying health events. Qualified events under FMLA include childbirth, child adoptions, foster care placement of a child, and when a serious health condition is suffered by an employee or the employee's parent, child, or spouse. The City's current policy was identified by Labor Counsel at von Briesen as being in need of updating, to better account for the varying types of leaves provided under FMLA. Additionally, the Human Resources Division will also be implementing updated forms to ensure employees are provided with the information they need to utilize leave correctly, and so that supervisors are able to plan for leave when it occurs.

Analysis

The proposed policy was drafted by FMLA experts at von Briesen with the intent of providing a formulaic approach to the application of FMLA leave benefits, while also ensuring compliance with the laws' requirements. Federal and State FMLA laws prescribe the amount of leave employees are entitled to over specified periods of time, which the City is required to follow. The proposed policy follows FMLA leave requirements precisely, except for one enhancement.

On page six, Section 7(2), language was added to allow employees the option to hold 40 hours of Paid Time Off (PTO) or vacation from the mandatory draw down period. This addition intends to afford employees who must take FMLA leave with the option to keep some paid benefit time in reserve for use later in the calendar year for follow-up appointments or vacation, instead of exhausting all their time off benefits during one FMLA leave. This proposed addition is fiscally neutral for the City, as any employee who chooses to keep some time in reserve will then go unpaid during any corresponding period of qualifying FMLA leave. Providing this optional flexibility for employees is common amongst employers, and will help the City retain staff as the organization will be better positioned to provide support through qualifying health situations.

Fiscal Impact

The proposed policy does not have any additional financial impact on the organization. The City already accounts for FMLA leave through accrued benefits, such as PTO, vacation, and medical leave bank, that are all supported within the City's annual budget.

Recommendation

A recommendation is forthcoming by the Finance-Personnel Committee on May 9, 2023.

Attachments:

City of Mequon Proposed FMLA Policy (PDF)

COMMON COUNCIL
OF THE
CITY OF MEQUON

RESOLUTION 4047

A Resolution Approving Revisions to the City's Family Medical Leave Act Policy

RECITALS

A. The City of Mequon meets Federal and State Family Medical Leave Act (FMLA) standards, requiring the organization to provide leave for qualified employees experiencing qualifying health events.

B. Labor Counsel has indicated that the City's current policy requires updating to better comply with the standards of FMLA laws while ensuring equal application of such leave benefits for the City's qualifying employees.

C. The proposed FMLA policy was reviewed and approved by the Finance-Personnel Committee at its May 9, 2023, meeting.

BASED UPON THE FOREGOING RECITALS, IT IS RESOLVED by the Common Council of the City of Mequon, Wisconsin that the Family Medical Leave Act Policy, attached hereto as Exhibit A, is approved and adopted for use in the City.

Approved by: Andrew Nerbun, Mayor

Date Approved: May 9, 2023

I certify that the foregoing Resolution was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on May 9, 2023.

Caroline Fochs, City Clerk

Exhibit A
City of Mequon, Wisconsin
Family and Medical Leave Policy

It is the policy of the City of Mequon (the “City”) to provide family and medical leave as required by State and Federal laws. This Policy does not necessarily incorporate all provisions of such laws directly into the City’s personnel policies. Posters summarizing Federal and State FMLA laws can be found with other employment-related postings.

Leave taken under this Policy may be covered by Federal law, State law, or both. The eligibility and entitlements are defined differently under Federal and State law. When both Federal and State law govern leave taken by an eligible employee under this policy the more generous provisions will control in the event of a conflict. However, when leaves are governed by State or Federal law, but not both, the applicable law will control under this policy. Certain leaves may be covered by both State and Federal law for only a portion of the leave. To the extent permitted by law, time off that is qualifying leave under the Federal FMLA and under the State FMLA, will run concurrently (i.e., at the same time) with leave granted under other City policies.

Employees may be required to provide advance notice and certain information as set forth below to be eligible for leave under this Policy. Employees may also be required to submit leave requests in writing when circumstances and applicable law permit. After an employee provides the City the required information, the City will evaluate it and make a determination as to whether the absence qualifies as FMLA leave. The City will notify the employee of its final determination. If the employee fails to provide the City with the required information within the time specified, the employee’s absence will be unexcused. If the time off is FMLA qualifying, the leave will be designated as such and the employee will receive notice of the designation, along with information on the specifics of the leave, consistent with this policy. Use of other leaves provided by the City for the reasons covered by law, will be treated as use of leave under this Policy whenever applicable law allows.

If it is determined that the leave does not qualify, then any absence shall be subject to the terms of the City’s attendance policy, or attendance policy as specified in a collective bargaining agreement. The City has the right to designate qualifying leave as FMLA whether or not the employee specifically requests it.

Section 1 - Eligibility Requirements

To be eligible for Federal FMLA leave, the employee must have been employed by the City for at least 12 months, must have worked at least 1,250 hours during the 12-month period immediately prior to the start of the requested leave, and must be employed at a worksite where 50 or more employees are employed by the City within a 75-mile radius. To be eligible for leave under the Wisconsin FMLA, the employee must have been employed for more than 52 consecutive weeks and have been paid for at least 1,000 hours.

Section 2 – Amount and Types of Leave Available

Under the guidelines set out in this Policy and in accord with the law, the City will grant an eligible employee up to twelve (12) workweeks of unpaid Federal FMLA leave within a rolling 12-month

period for the following reasons:

- the birth or placement of a child for adoption or foster care
- to care for the employee's covered family member suffering from a serious health condition
- for the employee's own serious health condition
- for any "qualifying exigency" arising as a result of the employee's child, parent or spouse serving on active military duty in support of contingency operations.

In addition, if the employee is eligible for Federal FMLA leave as defined in this policy, the employee may be entitled to take a total of up to twenty-six (26) workweeks of unpaid Federal FMLA leave in a single twelve-month period, to care for a covered service member who has incurred a serious injury or illness in the line of duty ("Military Caregiver Leave"). During that twelve-month period, the employee will be entitled only to a combined total of 26 workweeks of Federal FMLA leave for service member care and for any other Federal FMLA purpose.

When a husband and wife both work for the City, they are limited to an aggregate of 12 workweeks of Federal FMLA leave for birth, adoption/foster care, care of a seriously ill parent, or a qualifying exigency. Up to a combined total of 26 weeks may be used to care for a seriously ill or injured military service member.

Federal FMLA leave will run concurrently, when applicable, with the total of ten (10) workweeks of Wisconsin FMLA leave which is specifically allocated over a calendar year as follows:

- Two (2) workweeks for an employee's own serious health condition;
- Six (6) workweeks related to the birth or adoption of a child for bonding leave; and
- Two (2) workweeks to allow an employee to care for a parent, parent-in-law, spouse, registered domestic partner or child due to their incapacity caused by a serious health condition

Applicable Definitions:

"Domestic Partner" for this purpose includes only those individuals who were registered as domestic partners under Wisconsin Law before April 1, 2018.

"Child" under this paragraph includes a biological, adopted or foster child, a stepchild, legal ward, or a child for whom the employee have assumed the obligations of a parent and who is either under 18 years of age, or is unable to care for him or herself due to a physical or mental disability.

For purposes of Wisconsin FMLA only, "Parent" includes the parent of an eligible employee's spouse or registered domestic partner.

“Serious Health Condition” under this policy means an illness, injury, impairment, or physical or mental condition that involves any of the following:

- (1) Any period of incapacity or treatment connected with inpatient care.
- (2) A continuing period of incapacity and/or any subsequent treatment relating to the same condition that also involves continuing treatment by or under the supervision of a health care provider.
- (3) Incapacity due to a chronic serious health that also involves periodic treatment by a health care provider.
- (4) Any period of incapacity due to pregnancy or prenatal care.
- (5) A period of incapacity due to a permanent or long-term condition for which treatment may not be effective, but for which the employee or family member must be under the continuing supervision of a health care provider.
- (6) Any period of absence to receive multiple treatments by a health care provider for a condition that would likely result in a period of incapacity in the absence of medical intervention or treatment.

In most cases, a short-term condition, such as a cold, flu, earache, upset stomach, or other minor ailment would not qualify as a serious health condition. It also does not include routine treatment, doctor or dental visits. Conditions for which cosmetic treatments are administered are generally not considered to be serious health conditions.

Section 3 – Calculating Available Leave

- (1) To determine the amount of Federal FMLA leave to which an employee is entitled for a *specific* leave request, the City uses a rolling 12-month period looking backward from the start of the new leave to determine how much leave has been used in the preceding 12-month period. Each time an employee takes Federal FMLA leave the remaining Federal leave entitlement is the balance of the 12 weeks which has not been used during the immediately preceding 12 months.
- (2) Entitlement to Wisconsin FMLA leave is calculated based on what type of Wisconsin FMLA leave has been used in the calendar year.
- (3) If an employee suffers a work-related injury that qualifies as a serious health condition, FMLA leave provided under this Policy will be considered to run concurrently with the leave required under the worker’s compensation laws.

Section 4 – Leave Request Process

- (1) Except in situations where an employee is unable to provide a written request because of the need for emergency health care, the employee is to provide the City with a written application for family or medical leave prior to the requested start of the leave.

- (2) In cases where the need for the leave is foreseeable, the request is to be made at least 30 days prior to the beginning of the anticipated leave. In cases where the need for the leave does not become known more than 30 days in advance, the request is to be made as soon as the employee becomes aware of the need for leave. In all cases, the employee must comply with the City's standard call-in procedures for absences. However, calling in sick, without providing additional information, is not sufficient notice of the need for FMLA leave.
- (3) All requests must be submitted on an FMLA Request Form which can be obtained from Human Resources. The Form must be fully completed including the beginning and ending dates of the leave.
- (4) An employee undergoing planned medical treatment or requesting intermittent or reduced schedule leave, is required to make a reasonable effort to schedule the treatment to minimize disruptions to the City's operations. This requires the employee to work with the employee's supervisor to schedule the leave. Failing to provide reasonable notice or work with the supervisor on the timing of the leave may result in the delay, denial or cancellation of FMLA leave.
- (5) The City may delay the taking of a requested leave until at least 30 days after the date the employee provides notice when the employee fails to provide proper advance notice, unless the employee was unable to comply because of the need for emergency health care or other reasonable excuse.

Section 5 – Certification Requirements

- (1) An FMLA leave request must be supported by a certification issued by the employee's health care provider or as appropriate, the health care provider of the employee's spouse, domestic partner, child, parent or next of kin. The City reserves the right to have certified all information permitted by law. The Medical Certification Form can be obtained from Human Resources Division.
- (2) The employee must return the fully completed medical certification form to the Human Resources Division within fifteen (15) days from the date the employee receives the medical certification form. Failure to provide the City with timely and responsive certification from a health care provider within fifteen (15) days of the City's request for certification may result in denial of the leave. If the employee submits a certification that is insufficient or incomplete, the City will require the employee to provide a corrected certification within seven days.
- (3) Where medical leave of the employee or the employee's family member is involved, the City may at its expense, require the employee or a family member to obtain the opinion of a second health care provider chosen by the employer. If a dispute exists, a third opinion may be secured.
- (4) The City will require an employee to re-certify the medical condition as allowed by law.

- (5) The City may require an employee to provide a Fitness-For-Duty Certification prior to returning from a leave for the employee's serious health condition.
- (6) Failure to provide timely certifications may result in denial or delay of the leave.
- (7) If leave is requested for other non-medical purposes, the City may require certification or additional documents pertinent to that leave request, such as a copy of the birth or placement documents, confirmation of a family, *in loco parentis* or domestic partner relationship or reflecting the military exigency purpose.

Section 6 – Intermittent or Partial Leave

- (1) An employee may take intermittent leave, whenever certified as medically necessary or otherwise required, for their own serious health condition, to care for a qualifying family member with a serious health condition, or for military-related leaves. If the leave is for planned medical treatment and will be taken on an intermittent basis or by a reduced schedule, the employee is expected to schedule the treatment so as to create minimum disruption for the City. Again, this requires the employee to work with the City to schedule the treatment. The smallest increment that an employee may take for intermittent leave is the smallest measure of time that employees are able to take for any non-FMLA leave, which is 15 minutes.
- (2) Where the need for intermittent leave or leave on a reduced work schedule is foreseeable based on planned medical treatment, the City may temporarily transfer the employee to an available equivalent position if the employee is qualified and the position better accommodates the recurring leave.
- (3) An employee may take Federal FMLA leave for the birth, adoption or foster care placement of a child intermittently or on a reduced leave schedule only with permission of the City. The employee must request the leave and obtain written approval for such partial leave before the Federal FMLA leave begins. When leave for birth or adoption is taken under the Wisconsin FMLA, the leave may be taken intermittently or on a reduced schedule as long as the employee works with the City to schedule the leave in advance so as to create minimum disruption for the City. Federal FMLA leave related to birth, adoption or foster care must be used within one year of the birth or placement of the child. The last segment of requested intermittent or reduced schedule leave for any Wisconsin FMLA portion of leave related to birth or adoption must begin within sixteen (16) weeks before or after the child birth or placement.

Section 7 - Pay Status and Substitution

FMLA leave is generally unpaid. However, an eligible employee may request use of paid leave – “substitute” – accrued and available paid leave under certain circumstances during the time the employee is on FMLA leave.

- (1) An employee may substitute any, or all, of the employee's accrued and available paid leave of any type provided by the City during Wisconsin FMLA leave.

- (2) When an employee is using solely Federal FMLA leave for the employee's own serious health condition, the City will require the employee to use the balance of the employee's sick, vacation, Paid-Time-Off, or personal leave during that period of federal FMLA leave. A full-time employee may elect to keep up to 40 hours of PTO or vacation time in reserve from the mandatory drawdown requirement. A part-time employee may elect to keep a proration of 40 hours of PTO or vacation in reserve, based on their FTE status. The employee must specify at the time leave is requested, the type and amount of paid time off that the employee will be reserving.
- (3) For FMLA leaves governed exclusively under Federal law, the employee must meet all notice and eligibility policy requirements governing the paid leave, unless the City specifically waives the provisions. If an employee fails to meet the paid leave policy requirements, the Federal FMLA leave will be unpaid.

Section 8 – Continuation and Accrual of Benefits During Leave

- (1) Coverage under any group health plan will be maintained for the duration of an eligible employee's leave at the same level and under the same conditions as if the employee continued to work. This means that in order to continue group health coverage during the employee's FMLA leave, the employee must continue to pay the same share of the health insurance premiums as the employee did prior to leave. The City will also continue to pay any portion of group health insurance premiums for coverage that it was responsible for paying immediately prior to the leave as required by law.
- (2) It is the employee's responsibility to make arrangements with the Human Resources Division for making premium payments for group health insurance during leaves. For employees using paid leave during FMLA, the employee's share of premiums will be paid through the City's normal payroll deduction method. If an employee is on unpaid FMLA leave, the employee must make advance arrangements with Human Resources to make timely payments.
- (3) To the extent permitted by law, the City reserves the right to require an employee to place up to eight weeks' health insurance premiums in escrow prior to leave, or to discontinue coverage if such premiums are received more than thirty days late.
- (4) The use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.
- (5) Benefits will not accrue during unpaid FMLA leave. However, if an employee uses accrued paid leave during FMLA leave, benefits will accrue as indicated by City Policy during use of that paid leave.

Section 9 – Leave Status and Return to Work

- (1) An employee who fails to return to work at the end of the FMLA leave will be considered to have voluntarily terminated unless the employee was unable to return due to a continuing serious health condition, health care emergency, or other reasonable excuse. In that circumstance, the employee must provide advance notification to the City of the reason the employee is unable to return.

- (2) While on continuous FMLA leave, the City requires an employee to periodically confirm leave status and the employee's intention to return to work. Any employee who decides while on leave that he or she will not be returning to work at the end of the leave should immediately inform the City.
- (3) A returning employee must contact the Human Resources Division and his or her supervisor during business hours to confirm the employee's return to work date.
- (4) Employees able to return to work prior to their approved leave end date must notify Human Resources preferably at least one (1) week, but no later than two (2) full working days, prior to their new return date.
- (5) If leave is due to the employee's serious health condition, the employee may be required to present a Fitness for Duty Certification to their supervisor upon returning to work.
- (6) An employee returning from FMLA leave will be entitled to reinstatement to the same job or an equivalent job with the same pay, benefits, and terms and conditions of employment as if the employee had continued working. However, this right to reinstatement will not apply if leave continues after the FMLA leave is exhausted or if the employee indicates that he or she will not return to work at the City from FMLA leave. This policy does not entitle an employee to any right, benefit, or position of employment other than those to which the employee would have been entitled, had the employee not taken leave. The City reserves all rights concerning restoration of employment or denial of same under State or Federal law.

Updated: May 9, 2023



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Office of Administration

TO: Common Council
FROM: Justin Schoenemann, Assistant City Administrator
DATE: May 1, 2023
SUBJECT: RESOLUTION 4048 A Resolution Amending the City of Mequon Policies and Procedures Manual Regarding City Sponsored Cell Phone Usage

Background

At its May and April meetings, the Public Welfare Committee reviewed the City Sponsored Cell Phone Policy located within the organization's Policies and Procedures Manual. The policy was last updated in 2012 and was also identified by the IT Strategic Plan as a policy that needs modernization.

Analysis

In its review of the policy, the Committee coalesced around the following amendments:

1. Stating City provided phones are property of the City.
2. Stating no personal accounts or apps may be used on City provided phones.
3. Specifying that calling, messaging, and use of all phone features should be limited to City business.
4. Specifying that personal use of City provided phones for calls or messages should be limited to emergency situations.
5. Employees are responsible for the security of City-provided phones.
6. The phone must be password protected.
7. Employees shall report lost or stolen phones as soon as possible.

The listed amendments are incorporated into the proposed policy update. A red-lined copy of the amended policy is attached as Exhibit A.

Fiscal Impact

There are no fiscal impacts associated with this policy amendment.

Recommendation

On April 11, 2023, the Public Welfare Committee approved a recommendation in favor of adopting the proposed amendments by a vote of 3-0. A recommendation by the Finance-Personnel Committee is forthcoming on May 9.

Attachments:

Exhibit A- City Sponsored Cell Phone Policy (PDF)

COMMON COUNCIL
OF THE
CITY OF MEQUON

RESOLUTION 4048

A Resolution Amending the City of Mequon Policies and Procedures Manual Regarding City
Sponsored Cell Phone Usage

RECITALS

A. The City of Mequon issues cell phones to employees as needed for the completion of work on behalf of the organization, and the use of such phones is governed by the City Sponsored Cell Phone Policy contained within the City's Policies and Procedures Manual.

B. The Policy was identified as requiring updating, amended, and ultimately approved by the Public Welfare Committee at its April 11, 2023, meeting.

C. Furthermore, the amended policy was favorably endorsed by the Finance-Personnel Committee at its May 9, 2023, meeting.

BASED UPON THE FOREGOING RECITALS, IT IS RESOLVED by the Common Council of the City of Mequon, Wisconsin that the City Sponsored Cell Phone Policy, as amended as shown on the attached Exhibit A, is hereby approved for inclusion into the City's Policies and Procedures Manual.

Approved by: Andrew Nerbun, Mayor

Date Approved: May 9, 2023

I certify that the foregoing Resolution was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on May 9, 2023.

Caroline Fochs, City Clerk

Exhibit A

City Sponsored Cell Phone Policy

If deemed necessary by the Department Head, an employee may be required to carry a City sponsored cell phone for official business. The cell phone and its contents are the property of the City. An employee with a City sponsored cell phone is responsible for the phone's security and must have the device password protected.

Use of the City sponsored cell phone functions shall be limited to City related business. No personal accounts and applications shall be installed or connected to a City sponsored cell phone. Personal use of the City sponsored cell phone for calling, texting, and messaging should be ~~kept to a minimum~~ limited to emergency situations. Employee use of the phone is not confidential, the City Administrator, his/her designee, or the Department Head has the right to view cell phone activity.

Use of any cell phone is prohibited while driving a City sponsored vehicle unless the phone is being used for emergency purposes. Texting while driving is prohibited.

A lost or stolen cell phone must be reported by an employee to their supervisor as soon as possible.



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Office of City Attorney

TO: Common Council
FROM: Brian Sajdak, City Attorney
DATE: May 9, 2023
SUBJECT: RESOLUTION 4049 A Resolution Approving an Agreement for Commercial Building Fire Alarm and Fire Suppression Plan Review Services between the City of Mequon and the Southern Ozaukee Fire and Emergency Medical Services Department

Background and Discussion

Among the services provided by fire departments are sprinkler/alarm inspections and building plan review for buildings. Just as the City's Inspections Division contracted with EPLEX for an additional option for plan review services other than utilizing the State's plan review program, EPLEX is also authorized to conduct plan reviews for fire alarm and fire suppression systems in certain large commercial buildings. Because the Southern Ozaukee Fire and Emergency Medical Services Department does not presently have any staff qualified to complete these plan reviews, these reviews are presently completed by the State. In order to provide the option to have local plan reviews done, SOFD would like to utilize EPLEX for plan reviews as well, which will give developers an additional option for ensuring timely review of their plans.

The FY2023 budget that has been approved by the City for SOFD also includes a line item for inspection and plan review fees. In order to keep the budget on track, the agreement before the Council authorizes EPLEX to conduct plan reviews for SOFD while also ensuring that the fee-sharing component of the EPLEX agreement with the City is allocated to SOFD for plan reviews of fire alarm and fire suppression systems.

Fiscal Impact

The EPLEX agreement with the City provides that the City retains a fixed amount from each service EPLEX provides on the City's behalf. This includes fire alarm and fire suppression system plan reviews. The agreement calls for a pass-through of the fees for fire alarm and fire suppression systems from the City to SOFD, which results in the agreement being effectively revenue neutral.

Recommendation

The Agreement was recommended by the SOFD Board on March 8, 2023. A recommendation is forthcoming from the Finance-Personnel Committee on May 9, 2023.

Attachments:

SOFD Plan Review Agreement (DOCX)

COMMON COUNCIL
OF THE
CITY OF MEQUON

RESOLUTION 4049

A Resolution Approving an Agreement for Commercial Building Fire Alarm and Fire Suppression Plan Review Services between the City of Mequon and the Southern Ozaukee Fire and Emergency Medical Services Department

RECITALS

A. The City of Mequon and the Village of Thiensville entered into the Southern Ozaukee Fire and Emergency Medical Services Agreement, an intergovernmental agreement that provides for the creation and operation of the Southern Ozaukee Fire and Emergency Medical Services Department (“SOFD”).

B. The City previously approved the SOFD budget for the 2023 fiscal year which included, among other things, anticipated revenue related to conducting plan review services.

C. The City has contracted with EPLEX, LLC (d/b/a E-Plan Exam) to provide building plan reviews of certain commercial buildings under the State’s Designated Agent/Appointed Agent program.

D. EPLEX has the capability to provide plan review services for commercial building fire alarm and fire suppression services, which SOFD is presently unable to provide because they lack personnel with the appropriate qualifications.

E. Prior to the creation of SOFD, the City’s Fire Department utilized City plan review services or the State plan review process for these reviews.

F. The City and SOFD desire to offer EPLEX plan review services for commercial building fire alarm and fire suppression systems as an option with the appropriate fee share being allocated to SOFD.

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

1. The Agreement for Commercial Building Fire Alarm and Fire Suppression Plan Review Services between the City and SOFD 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 City Clerk are authorized and directed to execute and deliver the same.

Approved by: Andrew Nerbun, Mayor

Date Approved: May 9, 2023

I certify that the foregoing Resolution was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on May 9, 2023.

Caroline Fochs, City Clerk

AGREEMENT FOR COMMERCIAL BUILDING FIRE ALARM AND FIRE SUPPRESSION PLAN REVIEW SERVICES

This Agreement for Commercial Building Fire Alarm and Fire Suppression System Plan Review Services (the “Agreement”) is entered into by and between the City of Mequon (the “City”) and the Southern Ozaukee Fire and Emergency Medical Services Department (“SOFD”) as of this ____ day of March, 2023.

Recitals

A. SOFD is the Authority Having Jurisdiction for purposes of commercial building plan reviews of fire alarm and fire suppression systems pursuant to Wisconsin Administrative Code.

B. SOFD lacks certified personnel to complete plan reviews for certain buildings (e.g., containing more than 20 sprinkler heads, etc.) and presently sends such plans to the State of Wisconsin for review.

C. The City is contracting with EPLEX, LLC (d/b/a E-Plan Exam) to provide for building plan review of certain commercial buildings under the State’s Designated Agent/Appointed Agent program.

D. EPLEX is certified to provide plan reviews of fire alarm and fire suppression systems.

E. SOFD desires to have EPLEX complete plan reviews for fire alarm and fire suppression systems.

NOW, THEREFORE, the parties hereby agree as follows:

1. Upon determination by SOFD that fire alarm and/or fire suppression system plans are beyond the capability of SOFD personnel to complete, SOFD shall direct that the plans be sent to the State of Wisconsin for review or to be sent to EPLEX for review.

2. The City shall collect the appropriate fee consistent with the approved fee schedule for such plan reviews.

3. For all plan reviews completed by EPLEX, the City’s portion of the fee for plan review of fire alarm and/or fire suppression systems shall be paid by the City to SOFD. Such payments shall be made as they are collected.

4. No change or other agreement will be binding unless in writing and signed by the parties.

CITY OF MEQUON

Andrew Nerbun, Mayor

Caroline Fochs, City Clerk

Approved as to Form:

Brian C. Sajdak
Mequon City Attorney

**SOUTHERN OZAUKEE FIRE AND
EMERGENCY MEDICAL SERVICES DEPARTMENT**

Van A. Mobley, President

Andrew Nerbun, Vice President



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Office of Engineering

TO: Common Council
FROM: Kristen Lundeen, Director of Public Works/City Engineer
DATE: May 9, 2023
SUBJECT: RESOLUTION 4050 A Resolution Authorizing Execution of a Right-of-Way Agreement with MT Trails Foundation, Inc. for Construction of a Bike Path on Highland Road, from the Ozaukee Interurban Trail to Rotary Park

Background

MT Trails Foundation, Inc. is a local non-profit whose mission is to develop and support a system of family friendly bicycling and walking off road trails throughout Mequon and Thiensville. The Common Council previously approved a resolution in support of an application by the MT Trails Foundation, Inc. for a Transportation Alternatives Program (TAP) grant for construction of an off-road bicycle path connecting the Ozaukee Interurban Trail (OIT) to Rotary Park on Highland Road.

MT Trails Foundation, Inc. was awarded the TAP grant and is preparing to move forward with the project. The foundation is in the process of selecting a design consultant and will be required to execute a State/Municipal Agreement (SMA) for the project. WisDOT will allow MT Trails Foundation, Inc. to be the local sponsor for the project. Therefore, the City has no financial participation in the project, and MT Trails Foundation, Inc. will be the executor of all grants and contracts.

As the trail is proposed within the right-of-way - land that is owned and maintained by the City - the City must approve the terms and conditions for the trail. These terms and conditions were previously reviewed at a Committee of the Whole (COTW) meeting in March 2023, and are memorialized in the attached agreement.

Analysis

Based upon the feedback at the COTW, City staff generated the attached draft agreement. That agreement is a combination of the template for the Parks Dedication Agreement and the City's Right-of-Way waiver template. It includes the following terms and conditions:

- MT Trails Foundation's commitment to being the long-term financial support for the operation and maintenance of the path.
- Reiteration of the requirement that the proposed improvements meet the City's Standard Specifications for Land Development.
- Specification of no financial commitment from the City for design, construction, operation and maintenance, or future replacement.
- Requirement that if a signalized beacon is approved for a crossing along Highland Road,

that it be installed to be self-sustaining, including the energy source (i.e., solar powered) and that MT Trails Foundation, Inc. is financially responsible for repair and replacement of the beacon, consistent with other requirements for private infrastructure within the right-of-way.

- Clarification of which operations and maintenance are authorized through the agreement, and which require further permitting or approval by the City.
- A right-of-way waiver, indemnifying the City for any damage to the path and requiring that MT Trails Foundation, Inc. be responsible for any repair or replacement costs. This is consistent with requirements for other private infrastructure within the right-of-way, such as subdivision monument signs, irrigation systems, dog fencing, etc.
- That MT Trails Foundation, Inc. does not enter into construction contracts or execute the State/Municipal Agreement until the agreement with the City is approved.

Staff recommends that the Public Works Committee favorably endorse and the Common Council approve the agreement.

Please note that the MT Trails Foundation, Inc. subsequently requested consideration of an amendment to Section 2.4(4) to allow for signage and a sponsor for naming rights. City staff and the City Attorney will continue to work with the foundation on the request, and bring forth any amendments requiring Common Council approval.

Fiscal Impact

In accordance with the City's financial policies, the attached agreement addresses the fact that the infrastructure will be located within the City's right-of-way, and therefore place a potential financial burden on the City. The agreement further defines that MT Trails Foundation, Inc. will be financially responsible for the design, construction, operation and maintenance of the path. Should the foundation fail to perform in accordance with the agreement, the City retains the rights to all decision making for the path.

Recommendation

Both the Joint Mequon-Thiensville Bike and Pedestrian Way Commission and the Park and Open Space Board unanimously recommended approval of the agreement. A further recommendation is forthcoming by the Public Works Committee on May 9, 2023.

Attachments:

ROW Agreement (M-T Trails) (PDF)

COMMON COUNCIL
OF THE
CITY OF MEQUON

RESOLUTION 4050

A Resolution Authorizing Execution of a Right-of-Way Agreement with MT Trails Foundation, Inc. for Construction of a Bike Path on Highland Road, from the Ozaukee Interurban Trail to Rotary Park

RECITALS

A. MT Trails Foundation, Inc. received a Wisconsin Department of Transportation (WisDOT) Transportation Alternatives Program (TAP) Project grant (Grant) for the construction of an off-road path on the north side of Highland Road between the Ozaukee Interurban Trail and Rotary Park.

B. The Common Council passed Resolution 3926 in support of the TAP Grant conditioned upon entering into an agreement with the City to address the terms and conditions for constructing the path within the right-of-way and for long-term maintenance thereof.

C. The proposed path must adhere to the Standard Specifications for Land Development, current edition and meet ADA requirements.

D. The MT Trails Foundation, Inc. is responsible for the operation and maintenance of the path, including snow removal and future replacement as defined in the attached agreement.

E. The City has no financial responsibility for the project.

F. The attached agreement defines the rights and responsibilities of MT Trails, Foundation, Inc. as it relates to the off-road path on Highland Road.

G. The Public Works Committee recommended approval at its meeting on May 9, 2023.

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

1. The Right-of-Way Agreement for the Highland Road off road path 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: May 9, 2023

I certify that the foregoing Resolution was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on May 9, 2023.

Caroline Fochs, City Clerk

**RIGHT-OF-WAY AGREEMENT FOR HIGHLAND ROAD BIKE/PEDESTRIAN SPUR
FROM THE OZAUKEE INTERURBAN TRAIL TO ROTARY PARK**

THIS RIGHT-OF-WAY AGREEMENT ("Agreement"), made as of the day of MONTH, YEAR, by and between MT Trails Foundation, Inc. ("MT Trails") and the City of Mequon, Wisconsin ("CITY") (referred to individually, each of the foregoing is a "Party" and collectively, the "Parties") for the Highland Road Bike Spur (the "Project").

RECITALS

WHEREAS, Rotary Park and a portion of the Ozaukee Interurban Trail (OIT) are part of the CITY's park system and are under the jurisdiction of the CITY and the Mequon Park and Open Space Board; and

WHEREAS, the CITY's Comprehensive Park, Recreation & Open Space Plan ("Park Plan") identifies recreational facilities and active and passive parks as critical components enhancing the quality of life within the City of Mequon; and

WHEREAS, a connection between the OIT and Rotary Park are not included as high priority projects within the Park Plan; and

WHEREAS, MT Trails applied for and received a Transportation Alternatives Program (TAP) grant through the Wisconsin Department of Transportation; and

WHEREAS, MT Trails proposes to install a 10' paved path with gravel shoulders from the OIT to Rotary Park at its sole cost of design, construction, operation and maintenance; and

WHEREAS, adding infrastructure to a public park facility results in maintenance costs to the CITY upon construction of said infrastructure; and

WHEREAS, without the MT Trails Project, the City would not incur these maintenance costs; and

WHEREAS, MT Trails has agreed to donate the infrastructure to the City and accept ongoing operation and maintenance responsibilities and cost; and

WHEREAS, MT Trails has raised funds sufficient to pay for the design, construction and ongoing operation and maintenance of the Project that it intends to construct on CITY property; and

WHEREAS, the Project is subject to CITY review and approval of the plans and renderings for the Project and agrees that the Project would be an asset to the CITY and the residents of the CITY, but needs to make sure that the Project will be completed in a timely and workmanlike manner without the expenditure of any CITY money;

NOW, THEREFORE, the Parties agree as follows:

ARTICLE I OBLIGATIONS OF THE PARTIES

Section 1.1 MT Trails. MT Trails shall construct, at its sole cost and expense, the Project between the OIT and Rotary Park in accordance with the Approved Plans for the Project. Plans must be submitted to the CITY, and will be reviewed for approval against the following terms:

(1) The design of the proposed improvements shall adhere to the Standard Specifications for Land Development, current edition.

(2) Any improvements shall be located within the Highland Road right-of-way or within a public pedestrian easement dedicated solely to the CITY. The CITY will not be responsible for the negotiation of required easements. If easements on private property are required, the CITY shall provide the easement language, subject to review and approval by the City Attorney. MT Trails shall provide the legal description and easements for the document prior to recording. The final easement is subject to Common Council approval prior to recording.

(3) The grant application implies the installation of a “signal beacon” at River Road and Highland Road. Prior to including the “signal beacon” on the plans submitted to the CITY for approval, MT Trails shall submit a traffic impact analysis (TIA) of the intersection, with a recommendation by a traffic engineer as to whether a “signal beacon” is warranted. Including the “signal beacon” on the plans is subject to Common Council approval. If the TIA conclusively determines that a “signal beacon” is warranted, the selection of the equipment is at the sole discretion of the CITY. The energy source for the “signal beacon” shall be solar power, so the CITY does not incur ongoing energy costs for the infrastructure.

Section 1.2 Ozaukee Interurban Trail Advisory Committee. After receiving Approved Plans from CITY, MT Trails shall also gain approval from the Ozaukee Interurban Trail Advisory Committee prior to bidding. If the Ozaukee Interurban Trail Advisory Committee requires any modifications to the Approved Plans, the plans shall be resubmitted to the CITY for approval prior to bidding.

Section 1.3 Modifications. Any changes or deviations to the Project must be approved in writing by the CITY.

Section 1.4 Project Management. The Project will be managed by MT Trails under the oversight of the CITY. MT Trails is required to hire a construction inspection firm that will submit daily inspection reports to the CITY on a weekly basis. At the conclusion of the Project, MT Trails must submit a certification to the CITY that the project was constructed per the Approved Plans. Prior to acceptance of the Project, the CITY shall complete a final inspection. Approval is subject to completion of all punchlist items.

Section 1.5 Lien Waivers. After the Project is fully completed (as determined by the CITY), MT Trails will provide lien waivers from contractors.

Section 1.6 Condition. MT Trails shall maintain the Project in good condition. Should the Project deteriorate, need repair, or create a hazard, MT Trails agrees, at MT Trails' sole expense, to remedy said condition(s) to the satisfaction of the CITY, or remove the Project and restore the area to match the surrounding area.

Section 1.7 Operation and Maintenance. MT Trails shall operate and maintain, at its sole cost and expense, the Project between the OIT and Rotary Park. Operation and maintenance are subject to the following terms:

(1) Any endowment from MT Trails shall be placed into a segregated, non-lapsing fund utilized for the operation, maintenance, rehabilitation, repair and/or replacement of this Project only. Should the endowment be insufficient to cover the ongoing life cycle costs for the Project, the CITY reserves the right to make long-term decisions up to and including removal of the Project. The minimum operation and maintenance costs, which the endowment must fund, includes, but is not limited to:

- (a) Annual inspection of the bicycle path and shouldering for required maintenance and repair.
- (b) Maintenance of the path and shoulders free from debris and garbage.
- (c) Maintenance of gravel shoulders in compliance with the Standard Specifications for Land Development which may include, but is not limited to, regrading of the existing material and/or addition of new material.
- (d) Maintenance of the asphalt in compliance with the Standard Specifications for Land Development which may include, but is not limited to, filling cracks with bicycle safe materials, sealing the asphalt to slow pavement deterioration, removal and replacement of sections of the asphalt, mill and overlay, and/or pulverize and repave.
- (e) Reimbursement to the CITY for annual inspection and any reasonably required maintenance or repairs of the "signal beacon".
- (f) Response to CITY notification of reasonable issues or concerns.

(2) The CITY currently does not remove snow from locally owned off road paths and cannot due to equipment and staffing constraints. MT Trails may contract a private snow removal firm if snow removal is desired or required. Prior to entering into the contract, MT Trails shall provide a copy of the contractor's liability insurance, naming the City as an additional insured, and submit to the CITY so the CITY is aware of the contractor's equipment and labor capabilities. No right-of-way permit shall be required for snow removal.

(3) If a "signal beacon" is installed, the CITY reserves the right to review the life cycle costs and the cost/benefit ratio of maintaining the infrastructure in perpetuity, and retains the right to make all decisions regarding operation, maintenance, repair and replacement.

Section 1.8 Access. CITY will provide reasonable public access to MT Trails within the right-of-way between the Ozaukee Interurban Trail and Rotary Park for the construction, operation and maintenance of the Project. Permits to work within the right-of-way shall not be required for snow removal, debris and garbage removal and operation or maintenance activities which do not permanently alter the right-of-way. Permits will be required for those activities outlined in Section 5.a.(3) and (4), as well as any construction, operation or maintenance activities which permanently alter the right-of-way.

Section 1.9 Diggers Hotline. MT Trails acknowledges that it will contact Diggers Hotline prior to the installation of the Project and will coordinate as needed with the CITY to ensure that CITY and other public utilities in said public right-of-way are not damaged as part of said installation.

Section 1.10 Drainage. MT Trails acknowledges that the installation, operation and maintenance of the Project may not block or dam existing surface drainage patterns through the area.

Section 1.11 Permits. Recommendation by the Park and Open Space Board, Finance-Personnel Committee and approval of the Common Council does not constitute the right to construct. Proper permits must be obtained through the City Engineering Division.

Section 1.12 Easement. Any easement that may be required for the installation of private utilities shall be approved by the Common Council.

Section 1.13 Fees. MT Trails shall not charge any fee for the use of the property without the express written consent of CITY, which consent can be withheld in its sole and absolute discretion.

Section 1.14 Impact. Should CITY resurface, reconstruct, improve, or otherwise modify the right-of-way between the OIT and Rotary Park, MT Trails is not owed repayment or damages for donated infrastructure if the CITY's work impacts the IMPROVEMENTS.

ARTICLE II REPRESENTATIONS AND WARRANTIES

Section 2.1 Purpose. The purpose of this Agreement is to:

(1) Memorialize the understanding of the CITY and MT Trails regarding public access to the Project.

Section 2.2 Representations and Warranties of CITY. The CITY makes the following representations and warranties:

(1) CITY is a municipal corporation of the State of Wisconsin and has the power to enter into this Agreement and carry out its obligations hereunder.

(2) CITY makes no representation or warranty, either express or implied, as to the Property, or its condition or the soil conditions thereon, or that the Property shall be suitable for MT Trails' purposes or needs.

(3) Neither the execution and delivery of this Agreement, the consummation of the transactions contemplated hereby, nor the fulfillment of or compliance with the terms and conditions of this Agreement is prevented, limited by or conflicts with or results in the breach of, the terms, conditions or provision of any law, ordinance, charter, contractual restriction, evidence of indebtedness, agreement or instrument of whatever nature to which the CITY is now a party or by which it is bound, or constitutes a default under any of the foregoing.

(4) The private development of the Project is consistent with the public purposes, plans and objectives of the CITY.

(5) If MT Trails requests inclusion in the issuance of standard CITY contracts (i.e. cracksealing, GSB-88 or Road Improvements), notice shall be provided to the CITY no later than January 15 on the year the contract is requested. Separate bid items will be provided for the Project and reimbursement will be equal to actual costs. MT Trails will be provided with the cost of the bid items prior to contract award. Upon receipt of the cost of the bid items, MT Trails must notify City Staff within five (5) business days that sufficient funds have been allocated for MT Trails to reimburse the City and that reimbursement will be provided within thirty (30) days of invoicing or that MT Trails will not participate and the bid items should not be awarded.

Section 2.3 Grant Funding. The Grant will pay for up to \$988,000 of the cost of the Project not to exceed the Grant award as defined in the Grant contract. The local match requirement is all remaining Project costs. MT Trails will provide all required project sponsor match funds and any additional project costs not covered under the Grant agreement.

Section 2.4 Representations and Warranties of MT Trails. MT Trails makes the following representations and warranties:

(1) MT Trails shall not have or obtain any legal rights to said public right-of-way by virtue of such construction, installation, maintenance, expenditure of money or usage. CITY may at any time proceed or permit grading, utility installation, repair, maintenance, plowing, reconstruction, and/or similar activities in said public right-of-way without being obligated to MT Trails in any way and without any compensation to MT Trails for the Project.

(2) MT Trails is a Wisconsin Non-Stock/Non-Profit Corporation and has the power to enter into this Agreement and to perform its obligations hereunder and is in good standing under the laws of the State of Wisconsin.

(3) MT Trails will cause the Project to be constructed in accordance with the terms of this Agreement, the Plans and Specifications and all local, state and federal laws, ordinances, approvals, licenses, and regulations (including, but not limited to, environmental, zoning, energy conservation, building code and public health laws, ordinances and regulations), except for minor changes to

the Plans and Specifications approved in writing by City staff which will not have a material adverse effect on the Project.

(4) MT Trails will not erect any signs, plaques or sell any naming rights for infrastructure within the public right-of-way or located on public property, including within Rotary Park.

(5) Neither the execution and delivery of this Agreement, the consummation of the transactions contemplated hereby, nor the fulfillment of or compliance with the terms and conditions of this Agreement is prevented, limited by or conflicts with or results in the breach of, the terms, conditions or provision of any contractual restriction, evidence of indebtedness, agreement or instrument of whatever nature to which MT Trails is now a party or by which it is bound, or constitutes a default under any of the foregoing.

(6) Insurance. MT Trails or its contractors shall maintain, until CITY's acceptance of the dedication of the Project, Commercial general liability insurance covered under a comprehensive general liability policy including contractual liability issued by insurers licensed in the State of Wisconsin, with Best's A ratings and in the financial size category as insurers of similar projects, with such policies (the "Insurance Policies") in amounts maintained by developers of similar projects, and insuring against bodily injury, including personal injury, death, property damage and other risks and casualties. Each Insurance Policy shall require the insurer to provide at least thirty (30) days prior written notice to the CITY of any material change or cancellation of such policy. The CITY shall be named as an additional insured/loss payee on all policies of insurance except worker's compensation insurance. MT Trails further understands and agrees that any builders risk coverage is its responsibility.

(7) Indemnification.

- (a) Except as caused, in whole or in part, by negligence or wrongful act or omission of the CITY, if the persons or property of others sustain loss, damage or injury resulting directly or indirectly from the negligence or wrongful act or omission of MT Trails or its contractors, subcontractors or materialmen in their performance of this Agreement or from MT Trails' failure to comply with any of the provisions of this Agreement or of law, MT Trail shall indemnify and hold the CITY harmless from any and all claims and judgments for damages, and from costs and expenses to which the CITY may be subjected or which it may suffer or incur by reason thereof, provided; however, that the CITY shall provide to MT Trails promptly, in writing, notice of the alleged loss, damage or injury.
- (b) In conjunction with the construction, installation and maintenance of the Project by MT Trails within said public right-of-way, MT Trails will assume all liability for any damage to CITY facilities or other public utilities located in said public right-of-way. MT Trails will indemnify and hold the CITY or other public utilities harmless from any claims for personal injuries or property damage caused by MT Trails arising out of the construction, installation or maintenance by MT Trails of the Project within said public right-of-way.

(8) The Project shall at all times be subject to CITY inspection and approval, and the CITY shall not be required to accept conveyance of the Project unless it has been constructed in a good workmanlike manner, in accordance with the approved plans. Following approval by the CITY of the completed Project, the Project shall be dedicated and conveyed to the CITY, at no cost or expense to the CITY. The MT Trails shall provide to the CITY, from the general contractor constructing the Project, a one-year warranty against defects in construction, materials and workmanship, from the date of conveyance to the CITY, in a customary form reasonably acceptable to the CITY.

(9) MT Trails acknowledges and agrees that it is not entitled to any just compensation for the donation of the improvements to CITY and that this donation is a material inducement for CITY to permit the construction of such improvements upon CITY-owned real property.

(10) MT Trails acknowledges and agrees that CITY will ultimately retain jurisdiction over the improvements associated with the Project and has the right to provide use of the improvements to other entities, subject to CITY approval.

ARTICLE III DEFAULT AND REMEDIES

Section 3.1 Default. The occurrence of any one or more of the following events shall constitute a default ("Default") hereunder.

(1) Any representation or warranty made by MT Trails or the CITY in this Agreement, or any document or financial statement delivered by MT Trails pursuant to this Agreement, shall prove to have been false in any material respect as of the time when made or given; or

(2) Except as provided for in (a), MT Trails or the CITY shall breach or fail to perform timely any of its covenants or obligations under this Agreement, and such failure shall continue for thirty (30) days following written notice thereof from the other party; however, if the breach or failure was not the result of an intentionally wrongful act or omission of the breaching party and the breach or failure cannot be cured using commercially reasonable and diligent efforts within such 30-day period but could, with additional time, be cured using commercially reasonable and diligent efforts, such 30-day cure period shall be extended for the period reasonably necessary to cure if (and for such period as) (i) the breaching party uses commercially reasonable and diligent efforts during such 30-day period; (ii) the breaching party continues to use all commercially reasonable and diligent efforts to cure after such 30-day period; and (iii) such efforts are adequate to ensure a cure; or

(3) Construction of the Project shall be abandoned (no material work having been completed) for more than ninety (90) consecutive days after commencement, or if the Project is not completed on or before the deadlines set forth in this Agreement, or if any portion of the Project shall be damaged by fire or other casualty and not be repaired, rebuilt or replaced; or

(4) If MT Trails shall cease to exist; or

Except as otherwise set forth in this Agreement, upon the occurrence of any Default,

without further notice, demand or action of any kind by the non-defaulting party, the non-defaulting party may, at its option, pursue any or all of the rights and remedies available at law and/or in equity against the defaulting party and/or the Project. The non-defaulting party shall also have the right to suspend performance of any of its obligations or covenants under this Agreement and/or to terminate this Agreement. Except as otherwise set forth herein, no remedy herein conferred upon the non-defaulting party is intended to be exclusive of any other remedy and each and every such remedy shall be cumulative and shall be in addition to every other remedy given under this Agreement, and/or now or hereafter existing at law or in equity. No failure or delay on the part of the non-defaulting in exercising any right or remedy shall operate as a waiver thereof nor shall any single or partial exercise of any right preclude other or further exercise thereof or the exercise of any other right or remedy.

MT Trails shall pay all costs and expenses, including attorney's fees and costs, associated with the enforcement of the CITY's rights against MT Trails under this Agreement, including without limitation the enforcement of such rights in any bankruptcy, reorganization or insolvency proceeding involving MT Trails. Any and all such fees, costs and expenses incurred by the CITY which are to be paid by MT Trails, shall be paid by MT Trails to the CITY within 90 days following delivery of invoices documenting the costs.

ARTICLE IV MISCELLANEOUS PROVISIONS

Section 4.1 Execution in Multiple Counterparts. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original and all of which together shall constitute one and the same instrument.

Section 4.2 Construction. The Parties acknowledge and represent that this Agreement has been the subject of negotiation by all Parties and that all Parties together shall be construed to be the drafter hereof and this Agreement shall not be construed against any Party individually as drafter.

Section 4.3 Legal Relationship. Nothing in this Agreement shall be construed to create an employer/employee relationship, joint employer, joint venture or partnership relationship, or a principal/agent relationship.

Section 4.4 Survival. All agreements, representations, covenants and warranties made herein shall survive the execution of this Agreement and the making of the grants hereunder. This Agreement shall be binding upon the Parties, their respective successors and assigns.

Section 4.5 No Waiver. The failure of any Party to require strict performance of any provision of this Agreement will not constitute a waiver of the provision or of any other of that Party's rights under this Agreement. Rights and obligations under this Agreement may only be waived or modified in writing. A writing waiving a right must be signed by the Party waiving the right. If an obligation of a Party is being waived or released, the writing must be signed by the affected Parties. Waiver of one right, or release of one obligation, will not constitute a waiver or release of any other right or obligation of any Party. Waivers and releases shall affect only the specific right or obligation waived or released and will not affect the rights or obligations of any other Party that did not sign the waiver or release.

Section 4.6 Severability of Provisions. If any provision of this Agreement shall be held or declared to be invalid, illegal or unenforceable by reason of its being contrary to any applicable law, such provision shall be deemed to be deleted from this Agreement without impairing or prejudicing the validity, legality or enforceability of the remaining provisions.

Section 4.7 Law Governing. This Agreement will be governed and construed in accordance with the laws of the State of Wisconsin. Except as otherwise specifically and expressly set forth in this Agreement, the venue for any disputes arising under this Agreement shall be the Circuit Court for Ozaukee County.

Section 4.8 Notices and Demands. Except as otherwise expressly provided in this Agreement, a notice, demand or other communication under this Agreement by any Party to any other shall be sufficiently given or delivered if it is dispatched by registered or certified mail, postage prepaid, return receipt requested, or delivered personally, and

- (a) in the case of MT Trails is addressed to or delivered personally to:

Ms. Lori Lorenz, Board Member
MT Trails Foundation Inc.
9801 N Hilltop Lane
Mequon, WI 53092

- (b) in the case of CITY is addressed to or delivered personally to:

Mr. William H. Jones, Jr., City Administrator
City of Mequon
11333 N. Cedarburg Rd.
Mequon, WI 53092

With a Copy to:

Mr. Brian C. Sajdak, City Attorney
Wesolowski, Reidenbach & Sajdak, S.C.
11402 W. Church St.
Franklin, WI 53132

or at such other address with respect to any such Party as that Party may, from time to time, designate in writing and forward to the other, as provided in this Section.

Section 4.9 Force Majeure. As used herein, the term "Force Majeure" shall mean any accident, breakage, war, insurrection, civil commotion, riot, act of terror, act of God or the elements, governmental action (except for governmental action by CITY with respect to obligations of CITY under this Agreement), alteration, strike or lockout, picketing (whether legal or illegal), inability of a Party or its agents or contractors, as applicable, to obtain fuel or supplies, unusual weather conditions, or any other cause or causes beyond the reasonable control of such Party or its agents or contractors, as applicable. No Party to this Agreement shall be in default hereunder for so long as such Party or its agents and contractors, if applicable,

are prevented from performing any of its obligations hereunder due to a Force Majeure occurrence.

Section 4.10 Compliance. Nothing contained in this Agreement is intended to or has the effect of releasing MT Trails, its successors and/or assigns, from compliance with all applicable laws, rules, regulations and ordinances in addition to compliance with all terms, conditions and covenants contained in this Agreement.

Section 4.11 Amendment. This Agreement may be rescinded, modified or amended, in whole or in part, by mutual agreement of the Parties hereto, their successors and/or assigns, in writing signed by all Parties.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement as of the date indicated.

M-T Trails Foundation, Inc.

CITY

BY: _____

BY: _____
Andrew Nerbun, Mayor

ATTEST:

BY: _____
Caroline Fochs, Clerk

Dated: _____

Dated: _____

Approved by: _____
Brian C. Sajdak, City Attorney

Attachment: ROW Agreement (M-T Trails) (RESOLUTION 4050 : MT Trails ROW Agreement)



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: May 9, 2023
SUBJECT: RESOLUTION 4051 A Resolution Authorizing Staff to Exceed \$25,000 for the Purchase of Culverts from Western Culvert of Oconomowoc, Wisconsin and Lannon Stone Products of Sussex, Wisconsin, to Complete Projects as Needed During the Remainder of Fiscal Year 2023

Background

The Public Works Highway Division purchases and installs drainage culverts under local roadways and driveways within the road right-of-way. Culvert installations can be routine road maintenance operations, part of a larger road project, or by request of a private property owner for a driveway fronting on a public road. Typically, the Highway Division checks prices from available vendors each year and purchases from the vendor with the lowest price. Culvert installation requires both installation of the culvert pipe itself and bedding the pipe and filling the trench with aggregate.

The City's Financial Policies requires Common Council authorization of expenditures in excess of \$25,000 with an individual vendor. As culvert pipe and aggregate is acquired by multiple Divisions and Departments, staff is requesting authorization to exceed the \$25,000 threshold with Western Culvert and Lannon Stone.

Analysis

During spring of each year, demand for pipes throughout the state is high. As such, vendor pricing and available stock changes weekly. ETNA Supply currently does not have culverts in stock. They would need to be specially ordered, if available. Western Culvert carries the largest selection of various size culverts and has also been the best stocked supplier with adequate delivery time as they are the closest to the City of Mequon. A sample price comparison from various culvert vendors is shown below:

15" & 18" Diameter Corrugated Metal Culvert Pipe Arch (CMPA)

Western Culvert - \$20.50/foot and \$27.30/foot

ETNA Supply - Currently not in stock

Capital City Culvert - \$30.00/ft and \$35.00/ft.

Part of the installation process for culverts, regardless of location and project, is the need for bedding and fill aggregate material to properly install culverts. Lannon Stone has been a reliable source based on location and pricing. Not only does the Road Program and DPW require this material, but the Water Utility also utilizes Lannon Stone as their source for bedding and fill. Lannon Stone has acquired most of the gravel pits in the area and has become the single source

for this material and is the closest supplier to the City of Mequon.

Fiscal Impact

The request to exceed \$25,000 with each vendor does not impact authorized funding. The Road Program is in Year 2 of a three-year borrowing and there are sufficient funds to purchase the culverts and aggregate required for the projects. The Highway and Parks Divisions and Water Utility all have authorization for the culvert and/or aggregate purchases authorized through their respective FY2023 budgets.

By ordinance, the Department of Public Works installs all driveway culverts. A driveway culvert installation, including materials and labor, is then invoiced to the property owner based on the approved 2023 fee schedule. Accordingly, while the Highway Division's culvert expenses are projected to go over budget, these expenses are offset by associated permit fee revenue.

Recommendation

A recommendation is forthcoming from the Public Works Committee on May 9, 2023.

COMMON COUNCIL
OF THE
CITY OF MEQUON

RESOLUTION 4051

A Resolution Authorizing Staff to Exceed \$25,000 for the Purchase of Culverts from Western Culvert of Oconomowoc, Wisconsin and Lannon Stone Products of Sussex, Wisconsin, to Complete Projects as Needed During the Remainder of Fiscal Year 2023

RECITALS

A. The Department of Public Works' Highway Division purchases and installs drainage culverts under local roadways and driveways within the road right-of-way at the request of property owners under Sec. 10-59 of the Municipal Code.

B. Culvert installations for driveways and crossroad installations for the annual Road Program are paid for by the City or residents based on homeowner selection.

C. Culvert installations for driveways are reimbursed by property owners through the sale of supplies according to the City's approved 2023 fee schedule.

D. It is anticipated that expenditures to Western Culvert and Lannon Stone Products will exceed \$25,000 during FY2023, which requires Common Council approval.

BASED UPON THE FOREGOING RECITALS, IT IS RESOLVED by the Common Council of the City of Mequon, Wisconsin that City staff is authorized to purchase the necessary culverts and stone for requested driveway culvert and crossroad installations in 2023 from whichever vendor has available stock. If that vendor is Western Culvert of Oconomowoc, Wisconsin for culverts, and Lannon Stone Products for stone, staff is authorized to exceed \$25,000 for each vendor in expenditures during the remainder of Fiscal Year 2023, in order to complete scheduled and/or requested culvert replacements/installations.

Approved by: Andrew Nerbun, Mayor

Date Approved: May 9, 2023

I certify that the foregoing Resolution was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on May 9, 2023.

Caroline Fochs, City Clerk

APPOINTEE INFORMATION SHEET

Name of Board or Commission: Tree Board

Position: Member
(Indicate Member, Trustee, Alternate, Architect, etc).

Name of Appointee: Karen Dredge

Address: 13136 NW Shoreland Drive (53097)
(Include zip code)

Appointment by Mayor: X Appointment by Alderman: _____

At Large Appointment: X Aldermanic
Dist. Appointment _____
(Dist. Number)

Appointee Term Length: 3 year term Appointee Term
Expiration Date: 5/1/2026

Comments: _____

TYPE OF APPOINTMENT

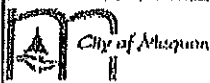
New: _____ Reappointment: X

If new, is this appointment filling an unexpired term? Yes: _____ No: _____

Name of person being replaced: _____

Date submitted to Council: May 9, 2023

Copy to Website _____



11300 N. Greenburg Road, 5th
Mequon, WI 53092

CITY OF MEQUON

BOARD, COMMISSION AND/OR COMMITTEE TALENT BANK APPLICATION

Please complete and return to the Administration Office, Mequon City Hall

Application also available at www.ci.mequon.wi.us

Name: Karen Dredge

Address: 1336 NW Shoreland Drive Zip Code: 53097

Home Phone Number: 414-~~729~~-573-4211 Years of Residence in Mequon: 18

Employer (or School): University of Wisconsin - Milwaukee

Address: 2442 E. Hartford Ave. Milwaukee, WI 53201 Occupation: Asst. to Dean of College of Letters & Science

Can you be reached during working hours: Yes Work Phone: 414.229-5895

E-mail Address (es): kdredge@shcglobal.net OR kdredge@uwm.edu

Would you be able to attend scheduled evening meetings on a regular basis: Yes

What qualifications would contribute to your role as a Board, Commission or and/or Committee member (use additional paper if necessary):

40 years of gardening experience, landscape designer specializing in Native S. Currently enrolled in Landscape Design degree @ Chicago Botanical Gardens

Have you been active in organized community groups in the past such as homeowners associations, referenda, and/or special interest groups (use additional paper if necessary): 1 1/2

Sat on Library Board for ~~1~~ terms

Periodically, the City may convene a committee on a temporary basis for a specific project. Do you possess any special skills that could be applied to a specific project (i.e. health care, benefits administration, human resources, economic development, communications, technologies):

PR experience, excel/word suite expertise.

SCHOOL	NO. OF YEARS ATTENDED	AREAS OF STUDY	WHERE
High School	4	Gen/Academic	Palos Verdes, California
College	4.5	Rhetoric, BA	Berkeley, California
Post Graduate	2.0	Master in Education	U.S.U. Dominguez Hills
Trade/Specialty	2.0	Horticulture	Chicago Botanic Gardens

Rate the Board(s), Commission(s) and/or Committee(s) in order of preference - #1 being first choice:

☐ Architectural Board	☐ Hiram Schmidt Fund
☐ Board of Appeals	☐ Joint Mequon-Thiensville Bike & Pedestrian Way Commission
☐ Board of Police & Fire Commissioners	☐ Landmarks Commission
☐ Board of Review	☒ Mequon Nature Preserve Advisory Committee
☐ Economic Development Board	☒ Milwaukee River Advisory Committee
☐ Ethics Board	☒ Park and Open Space board
☐ Festivals Committee	☐ Planning Commission
☐ Frank L. Weyenberg Library Board of Trustees	☒ Tree Board

The following information will be held in confidence and is for review if considered for the Board of Police and Fire Commission. Have you ever been convicted of a criminal offense? NO

Would you be willing to allow the Police Department to conduct a background investigation? Yes

I understand that the information provided to the City of Mequon contained herein becomes public upon submittal of this application.

Signature

Date

Revised: November 2017

Attachment: Dredge Tree Board (8394 : Mayoral Appointment - Tree Board)

APPOINTEE INFORMATION SHEET

Name of Board or Commission: Ethics Board

Position: Member
(Indicate Member, Trustee, Alternate, Architect, etc).

Name of Appointee: Nancy Tolocko

Address: 12644 N. Shoreland Parkway, 53092
(Include zip code)

Appointment By Mayor: _____ By Alderman Kelly Tolocko
(Name)

At Large Appointment: _____ Aldermanic
Dist. Appointment 2
(Dist. Number)

Appointee Term Length: 3 years Appointee Term
Expiration Date: 5/1/2026

Comments: _____

TYPE OF APPOINTMENT

New: X Reappointment: _____

If new, is this appointment filling an unexpired term? Yes: _____ No: X

Name of person being replaced: Jan Druetzler-Katz

Date submitted to Council: 5/9/23

Attachment: Tolocko_Ethics (8393 : Aldermanic Appointment)



CITY OF MEQUON
BOARD, COMMISSION AND/OR COMMITTEE TALENT BANK APPLICATION
Please complete and return to the Administration Office, Mequon City Hall
Application also available at www.ci.mequon.wi.us

Name: Nancy Tolocko

Address: 12644 N. Shoreland Pkwy Zip Code: 53092

Home Phone Number: 262-573-9049 Years of Residence in Mequon: 39

Employer (or School): _____

Address: _____ Occupation: Retired

Can you be reached during working hours: _____ Work Phone: _____

E-mail Address (es): nancytupper12@gmail.com

Would you be able to attend scheduled evening meetings on a regular basis: yes

What qualifications would contribute to your role as a Board, Commission or and/or Committee member (use additional paper if necessary):

While my experience as a project manager for several decades within the private sector has afforded me knowledge & understanding of a variety of business practices, I believe my lifelong personal standards with regard to ethical & moral behavior are a more important element for this board position. As a 39 yr. Mequon resident, I am committed to the city; and, as a recent retiree, I am in a position to serve (and I would be honored to do so).

Have you been active in organized community groups in the past such as homeowners associations, referenda, and/or special interest groups (use additional paper if necessary):

Derse Community Service Committee

Twilighter Golf League - President

Periodically, the City may convene a committee on a temporary basis for a specific project. Do you possess any special skills that could be applied to a specific project (i.e. health care, benefits administration, human resources, economic development, communications, technologies):

Revised: November 2017

Attachment: Tolocko_Ethics (8393 : Aldermanic Appointment)

<u>SCHOOL</u>	<u># OF YEARS ATTENDED</u>	<u>AREAS OF STUDY</u>	<u>WHERE</u>
High School	4		Solomon Juneau
College	2	Business	MATC
Post Graduate			
Trade/Specialty			

Rate the Board(s), Commission(s) and/or Committee(s) in order of preference -#1 being first choice:

☐ Architectural Board	☐ Hiram Schmidt Fund
☐ Board of Appeals	☐ Joint Mequon-Thiensville Bike & Pedestrian Way
☐ Board of Police & Fire Commissioners	☐ Commission
☐ Board of Review	☐ Landmarks Commission
☐ Economic Development Board	☐ Mequon Nature Preserve Advisory Committee
☒ 1 Ethics Board	☐ Milwaukee River Advisory Committee
☐ Festivals Committee	☐ Park and Open Space board
☐ Frank L. Weyenberg Library	☐ Planning Commission
☐ Board of Trustee	☐ Tree Board

The following information will be held in confidence and is for review if considered for the Board of Police and Fire Commission. Have you ever been convicted of a criminal offense? _____

Would you be willing to allow the Police Department to conduct a background investigation? _____

I understand that the information provided to the City of Mequon contained herein becomes public upon submittal of this application.

Nancy Tolocko

Signature

4/23/23

Date

Revised: November 2017

Attachment: Tolocko_Ethics (8393 : Aldermanic Appointment)



11333 N. Cedarburg Road
Mequon, WI 53092-1930
Phone: 262-242-3100
Fax: 262-242-9655

www.ci.mequon.wi.us

Office of City Attorney

TO: Common Council
FROM: Brian Sajdak, City Attorney
DATE: May 4, 2023
SUBJECT: Closed Session public memo

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 nuisance and permitting issues associated with activities at 12701 N. Farmdale Road.

Recommendation

Should the Council decide that it wishes to enter closed session, a motion 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.