



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**

Minutes

1) Call to Order

Mayor Nerbun called the meeting to order at 7:40 PM.

2) Pledge of Allegiance

3) Roll Call

Present:

Mayor Andrew Nerbun
Alderman Robert Strzelczyk
Alderman Kelly Tolocko
Alderman Dale Mayr
Alderman Jeffrey Hansher
Alderman Gregg Bach
Alderman Brian Parrish
Alderman Kathleen Schneider
Alderman William Gebhardt

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

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

Motion to open the public hearing for **ORDINANCE 2023-1647**.

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

MOVED BY: Alderman Strzelczyk

SECONDED BY: Alderman Hansher

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

Motion to close the public hearing for **ORDINANCE 2023-1647**.

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

MOVED BY: Alderman Parrish

SECONDED BY: Alderman Mayr

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

2) Consideration of Ordinance

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).

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

MOVED BY: Alderman Strzelczyk

SECONDED BY: Alderman Parrish

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

5) **Personal Appearances and Public Comment:**

JoAnn Pipkorn spoke against the Potential Closed Session item regarding 12701 N. Farmdale Rd., LLC and Grizzly Acres, LLC.

6) **Public Officials' Reports:**

a) Mayor

1) Public Service Recognition Week Proclamation

Mayor Nerbun read a Proclamation for Public Service Recognition Week.

- b) City Administrator: City Administrator Jones announced that Governor Evers called for a Special Election for the 24th Assembly District Representative on Tuesday, July 18, 2023. A Special Primary, if necessary, will be held on June 20, 2023. Nomination papers are due to the Wisconsin Elections Commission by 5:00 PM on May 23, 2023. District 24 encompasses parts of Districts 1 through 5 in Mequon and will be voting at their regular polling sites.

Mr. Jones also announced Memorial Day services will be held on May 29th. The parade will start at 10:00 AM followed by ceremonies in front of City Hall.

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.

RESULT: **First Reading**

Motion to approve the Consent Agenda, items A - L.

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

MOVED BY: Alderman Hansher

SECONDED BY: Alderman Bach

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

8) Ordinance:

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

Discussion ensued on accessory structures and fencing vs. pool covers.

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

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

9) Resolutions:

- a) **RESOLUTION 4047** - A Resolution Approving Revisions to the City's Family Medical Leave Act Policy.

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

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

- b) **RESOLUTION 4048** - A Resolution Amending the City of Mequon Policies and Procedures Manual Regarding City Sponsored Cell Phone Usage.

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

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

- 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.

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

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

- 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.

Robin Johnson, representing Crossroads Church, requested that her group is included in the design process so that they can ensure the safety of their Highland Road entrance and the storm water basin located on the corner of Highland Road and Green Bay Road.

Discussion ensued on the endowment specifics, maintenance agreement, naming rights, regulatory signage, fund verification, potential risks in the future.

Lori Lorenz, representing the MT Trails Foundation, stated that there is currently \$100K in the endowment to cover maintenance and snow plowing throughout the life of the trail. Regarding naming rights, Ms. Lorenz stated that they have other fund raising they can do if the naming rights does not come to fruition. Public Works Director Lundeen clarified that the maintenance agreement identifies what the requirements/costs are but not specific dollar amounts. The agreement allows MT Trails Foundation to plow the path but does not require them to plow the path, just as the City is not obligated to plow the path's we own. She also confirmed that the City can review the Foundation's performance and have discussions on what, if any, action needs to be taken in the future.

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

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

- 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.

Director Lundeen clarified that this is not exceeding any budget authorization. This is only a vendor authorization.

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

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

10) Specified Unfinished Business From Prior Meetings: None.

11) Specified New Business:

- a) Mayoral Appointment: Karen Dredge, Tree Board, Member, At Large

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

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

- b) Aldermanic Appointment: Nancy Tolocko, Ethics Board, Member, District 2

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

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

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.

Motion to go into Closed Session to discuss 12701 Farmdale Road LLC and Grizzly Acres LLC Nuisance/Permitting Issues

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

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

The Common Council convened into Closed Session at 8:21 PM.

13) Adjourn

Motion to adjourn at 8:44 PM.

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

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

Respectfully Submitted,
Kathy Andrykowski
Deputy Clerk
Approved 06-13-23