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Office of the City Clerk
Taped and Televised

**COMMON COUNCIL
Regular Meeting
Tuesday, May 10, 2022 - 7:30 PM
Or Immediately Following the
Mequon Municipal Water Utility Commission
Christine Nuernberg Hall**

Minutes

1) Call to Order

Mayor Nerbun called the meeting to order at 7:38 PM.

2) Pledge of Allegiance

3) Roll Call

Present:

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

Also present: City Administrator Jones, Assistant City Administrator Schoenemann, City Attorney Sajdak, City Clerk Fochs, Assistant Community Development Director Zader, Engineering and Public Works Director Lundeen, Finance Director Engroff, Deputy Director of Public Works Weyker, Assistant City engineer, McCraw, Deputy Director of Utilities Driscoll, Inspection Supervisor Hadley, Public Works Mechanic Zeller, Joe Bukovich of Point Real Estate, Ben Walljasper, Fleet Consultant for Enterprise, press and interested public.

4) Public Hearing:

- a) **ORDINANCE 2022-1620** - An Ordinance Amending Chapter 58 of the Mequon Municipal Code to Rezone the 86-Acre Parcel Located on the West Side of Swan Road, North of County Line Road from R-1 (5-Acre) to R-3 (1-Acre) with a CGA (Central Growth Area) Overlay and Amend the City's Land Use Plan Map from Rural Residential to Residential 1-Acre, in Connection with an 83-Lot Single-Family Residential Development;

Recommended by Planning Commission March 21, 2022; First Reading at Common Council April 12, 2022.

1) Public hearing

Motion to open the public hearing for **ORDINANCE 2022-1620**.

RESULT: **Approved by Voice Acclamation [7 to 1]**
MOVED BY: Alderman Strzelczyk
SECONDED BY: Alderman Schneider

AYES:	Strzelczyk, Bushee, Mayr, Hansher, Gierl, Parrish, Schneider
DEEMED NO:	Vacant Seat

The following residents spoke against **ORDINANCE 2022-1620**: Patrick Humpal, Kyle Oberdorf, and James J. Jossie. They petitioned to keep the rural character, eliminate the road connections and the four-way stop, reduce the number of lots and lights, add walking and bike paths and green spaces and erect fences around the retention ponds.

The following residents opposed **ORDINANCE 2022-1620** but did not wish to speak: Vicky Oberdorf, Tim and Lynn Buszkiewicz,

Bruce Barnes spoke in favor of **ORDINANCE 2022-1620**, however, he opposed the use of stop signs citing traffic levels do not warrant it.

Motion to close the public hearing for **ORDINANCE 2022-1620**.

RESULT: **Approved by Voice Acclamation [7 to 1]**
MOVED BY: Alderman Strzelczyk
SECONDED BY: Alderman Bushee

AYES:	Strzelczyk, Bushee, Mayr, Hansher, Gierl, Parrish, Schneider
DEEMED NO:	Vacant Seat

Assistant Community Development Director Zader outlined the changes to **ORDINANCE 2022-1620** that were made since the Planning Commission meeting. The conditions placed upon approval were sidewalk locations, 110 feet lot width requirement which changed the configuration slightly, and open space increased after eliminating a lot. He addressed the residents' concerns about road connections. They are supported and appropriate for emergency services, school bus routes, and snow plowing. Lighting plans are discussed at the preliminary plat stage and a traffic analyses report was not felt to be warranted.

Public Works/City Engineer Lundeen stated that fences around retention ponds are not allowed because the City needs unrestricted access. They are constructed with safety shelves. A haul route is designated at the time of the preliminary plat so construction traffic would not be routed through Hunting Park streets. Debris, stone and mud will be addressed through the Erosion Control Permit and through the individual lot permits to address pollution concerns,

curb/gutter standards are addressed as part of the stormwater management plan at the time of preliminary plat.

Joe Bukovich of Point Real Estate stated the only streetlights could be at the entrance of Swan Road and the Central Growth Area Overlay preserves over 30% of the open space of the site and the wooded areas and natural wetlands. Interconnectivity between subdivisions and the Mequon Nature Preserve are included in the design.

2) Consideration of ordinance

Council discussion ensued on keeping the 5-acre lot size, connections to the Huntingon Park subdivision, the positioning of four lots near the two boulevard entrances and options to rectify the maneuverability issues, the definition/concept of a Conservation Subdivision, stop sign usage, effect of road connections on emergency services, density, community enhancement, green space connectors, public water, farm run off, and use of 1-acre land use in Central Growth Area.

Motion to amend **ORDINANCE 2022-1620** to move the setback of Lots 1, 13, 14 and 83 to approximately 75 feet from the front parcel line of the subdivision.

RESULT: Approved by Voice Acclamation [7 to 1]
MOVED BY: Alderman Mayr
SECONDED BY: Alderman Strzelczyk

AYES:	Strzelczyk, Bushee, Mayr, Hansher, Gierl, Parrish, Schneider
DEEMED NO:	Vacant Seat

b) Motion to approve **ORDINANCE 2022-1620** as amended.

RESULT: Approved as Amended by Roll Call Vote [5 to 3]
MOVED BY: Alderman Hansher
SECONDED BY: Alderman Parrish

AYES:	Bushee, Hansher, Gierl, Parrish, Schneider
NAYS:	Strzelczyk, Mayr
DEEMED NO:	Vacant Seat

5) Convene as the Sewer Utility District Commission

The Common Council convened as the Sewer Utility District Commission at 8:35 PM.

6) Reconvene as the Common Council

The Sewer Utility District Commission reconvened as the Common Council at 8:48 PM.

7) Personal Appearances and Public Comment:

The following residents spoke about Kwik Trip concerns and safety issues: Richard Nagel, Perry Robinson, Jeremy LaSage, Paul Coulter, Tim Hetrick, Deborah Hetrick, and Michael Radmer. The complaints are public safety concerns, garbage overflow, 24-hour access, increased traffic during the day and night, noise and lack of noise buffers, accident rate at corner, and light pollution after dark. They proposed closing the business between 11:00 pm and 5:00 am., building taller fences, and adding trees.

8) Public Officials' Reports:

- a) Mayor: None.
- b) City Administrator: City Administrator Jones announced that there are many opportunities available for interns in various city departments, seasonal full-time maintenance workers, and life guards and front desk staff for the pool. Also the Memorial Day Parade will be held Monday, May 30th starting at 10:00 AM. Observances will be at City Hall post parade.

9) Consent Agenda:

- a) Common Council meeting minutes of April 12 and April 19, 2022.
- b) Architectural Board meeting minutes of March 14, 2022.
- c) Economic Development Board meeting minutes of March 15, 2022.
- d) Festivals Committee meeting minutes of March 9, 2022.
- e) Finance-Personnel Committee meeting minutes of March 8, 2022.
- f) Joint Mequon-Thiensville Bike and Pedestrian Way Commission meeting minutes of March 2, 2022.
- g) Mequon Municipal Water Utility Commission meeting minutes of March 8, 2022.
- h) Park and Open Space Board meeting minutes of March 16, 2022.
- i) Planning Commission meeting minutes of March 21, 2022.
- j) Public Welfare Committee meeting minutes of March 8, 2022.
- k) Public Works Committee meeting minutes of March 8, 2022.
- l) Sewer Utility District Commission meeting minutes of March 8, 2022.
- m) Zoning Enforcement and Site Compliance Report through May 1, 2022.
- n) **RESOLUTION 3948** - A Resolution Approving Revisions to the Mequon Aldermanic Ward Listing, Aldermanic Ward Map and Polling Site Designations, Due to Assembly Redistricting.
- 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 2022-1621** - An Ordinance Amending a Planned Unit Development for the Property Located at 12831 N. Port Washington Road, in Connection with Expanding Hours of Operation to 7:00 a.m. - 7:00 p.m.

RESULT: First Reading

- 2) The rules were suspended to act on this ordinance after the Consent Agenda.
- 3) **ORDINANCE 2022-1623** - An Ordinance Amending Various Provisions of the Mequon Municipal Code in Connection with Establishment of the Southern Ozaukee Fire & Emergency Medical Services Department.

RESULT: **First Reading**

Motion to approve the Consent Agenda, Items A-N.

RESULT: **Approved by Voice Acclamation [7 to 1]**

MOVED BY: Alderman Strzelczyk

SECONDED BY: Alderman Schneider

AYES:	Strzelczyk, Bushee, Mayr, Hansher, Gierl, Parrish, Schneider
DEEMED NO:	Vacant Seat

Motion to suspend the rules and take action on **ORDINANCE 2022-1622** - An Ordinance Revising the Wards in Mequon Aldermanic Districts 1 & 4, Due to Assembly Redistricting.

RESULT: **Approved by Voice Acclamation [7 to 1]**

MOVED BY: Alderman Schneider

SECONDED BY: Alderman Bushee

AYES:	Strzelczyk, Bushee, Mayr, Hansher, Gierl, Parrish, Schneider
DEEMED NO:	Vacant Seat

Motion to approve **ORDINANCE 2022-1622**.

RESULT: **Approved by Voice Acclamation [7 to 1]**

MOVED BY: Alderman Strzelczyk

SECONDED BY: Alderman Mayr

AYES:	Strzelczyk, Bushee, Mayr, Hansher, Gierl, Parrish, Schneider
DEEMED NO:	Vacant Seat

10) Ordinance:

Motion to remove **ORDINANCE 2022-1618** from the table.

RESULT: **Approved by Voice Acclamation [7 to 1]**

MOVED BY: Alderman Bushee

SECONDED BY: Alderman Gierl

AYES:	Strzelczyk, Bushee, Mayr, Hansher, Gierl, Parrish, Schneider
DEEMED NO:	Vacant Seat

- a) **ORDINANCE 2022-1618** - An Ordinance Creating Section 10-26 of the Mequon Municipal Code, Related to Residential Swimming Pools.

City Attorney Sajdak gave an overview of the ordinance and some changes made since March. The definition and condition required for the power safety cover were amended by 1) adding 485 lb. weight tolerance, 2) the switch to operate should be at least five feet off the surface to which it is attached, and 3) supervision of pool should be by someone at least 14 years of age.

Council discussion ensued on pool standards, compliance monitoring, and safety of fencing vs. power pool covers.

Resident Amber Schroeder spoke in favor of **ORDINANCE 2022-1618** citing that power safety covers, according to statistics, are the better, safer technology to protect drowning. Smaller lot sizes and setback requirements should not be a deterrent to passing this ordinance. Fencing is an old school level of protection. Residents should have the option to choose how they wish to protect their families and others.

Council discussion further continued on inspection procedures for fences, drowning statistics in Mequon, setbacks for pools, non-compliance reporting, and standards for water surface alarms and door alarms. The power pool cover is still an option for homeowners as a measure of added protection.

RESULT: Failed [2 to 6]
MOVED BY: Alderman Bushee
SECONDED BY: Alderman Gierl

AYES:	Bushee, Gierl
NAYS:	Strzelczyk, Mayr, Hansher, Parrish, Schneider
DEEMED NO:	Vacant Seat

11) Resolutions:

- a) **RESOLUTION 3949** - A Resolution Authorizing Execution of a Professional Services Agreement for the Completion of a Classification and Compensation Study of Non-Represented Positions with Carlson Dettmann Consulting, Appleton, Wisconsin in an Amount Not-to-Exceed \$27,750.

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

AYES:	Strzelczyk, Bushee, Mayr, Hansher, Gierl, Parrish, Schneider
DEEMED NO:	Vacant Seat

Motion to convene into Committee of the Whole at 10:08 PM.

RESULT:	Approved by Voice Acclamation [7 to 1]
MOVED BY:	Alderman Parrish
SECONDED BY:	Alderman Hansher

AYES:	Strzelczyk, Bushee, Mayr, Hansher, Gierl, Parrish, Schneider
DEEMED NO:	Vacant Seat

Motion to recommend **RESOLUTION 3950** - A Resolution Authorizing the City to Enter into a Master Equity Lease Agreement with Enterprise Fleet Management for Subsequent Leasing and Fleet Management of the Passenger Vehicle Segment of the City's Fleet, to the Common Council.

Committee of the Whole discussion ensued about how the Master Agreement would work, including possible interest rates at the time of vehicle purchase/lease, residuals, oversight of agreement, agreement termination option, and risk.

Ben Walljasper, Fleet Consultant of Enterprise, confirmed that the City will have the right to choose what the residual is. Enterprise always uses a standard depreciation percentage for their reduced book value so the City will always have a say on where they want the reduced book value before signing for any individual lease.

RESULT:	Approved by Roll Call Vote [5 to 4]
MOVED BY:	Alderman Parrish
SECONDED BY:	Alderman Schneider

AYES:	Bushee, Hansher, Parrish, Schneider, Nerbun
NAYS:	Strzelczyk, Mayr, Gierl
DEEMED NO:	Vacant Seat

Motion to recommend **RESOLUTION 3951** – A Resolution Authorizing an Application Submittal for Wisconsin Department of Transportation 2022 Surface Transportation Program – Urban (STP) Funding for Road Replacement Along Mequon Road, to the Common Council.

Director Lundeen stated that the application will require consideration of bicycle accommodations that will be vetted in the design process.

RESULT:	Approved by Voice Acclamation [8 to 1]
MOVED BY:	Alderman Mayr
SECONDED BY:	Alderman Strzelczyk

AYES:	Strzelczyk, Bushee, Mayr, Hansher, Gierl, Parrish, Schneider, Nerbun
DEEMED NO:	Vacant Seat

Motion to recommend **RESOLUTION 3952** – A Resolution Awarding the 2022 County Line Road Box Culvert Replacement Contract to C.W. Purpero, Inc. of Oak Creek, Wisconsin, in an Amount Not-to-Exceed \$300,000, to the Common Council.

RESULT:	Approved by Voice Acclamation [8 to 1]
MOVED BY:	Alderman Mayr
SECONDED BY:	Alderman Schneider

AYES:	Strzelczyk, Bushee, Mayr, Hansher, Gierl, Parrish, Schneider, Nerbun
DEEMED NO:	Vacant Seat

The Committee of the Whole reconvened as the Common Council at 10:27 PM.

- b) **RESOLUTION 3950** - A Resolution Authorizing the City to Enter Into a Master Equity Lease Agreement with Enterprise Fleet Management for Subsequent Leasing and Fleet Management of the Passenger Vehicle Segment of the City's Fleet.

RESULT:	Approved by Roll Call Vote [5 to 4]
MOVED BY:	Alderman Schneider
SECONDED BY:	Alderman Bushee

AYES:	Bushee, Hansher, Parrish, Schneider, Nerbun
NAYS:	Strzelczyk, Mayr, Gierl
DEEMED NO:	Vacant Seat

- c) **RESOLUTION 3951** - A Resolution Authorizing an Application Submittal for Wisconsin Department of Transportation 2022 Surface Transportation Program - Urban (STP) Funding for Road Replacement Along Mequon Road, North Lake Shore Drive and Zedler Lane.

RESULT:	Approved by Voice Acclamation [7 to 1]
MOVED BY:	Alderman Bushee
SECONDED BY:	Alderman Schneider

AYES:	Strzelczyk, Bushee, Mayr, Hansher, Gierl, Parrish, Schneider
DEEMED NO:	Vacant Seat

- d) **RESOLUTION 3952** - A Resolution Awarding the 2022 County Line Road Box Culvert Replacement Contract to C.W. Purpero, Inc., of Oak Creek, Wisconsin, in an Amount Not-to-Exceed \$300,000.

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

AYES:	Strzelczyk, Bushee, Mayr, Hansher, Gierl, Parrish, Schneider
DEEMED NO:	Vacant Seat

- e) **RESOLUTION 3953** - A Resolution Authorizing a Boundary Amendment to the City of Mequon Sanitary Sewer Service Area.

RESULT: Approved by Voice Acclamation [6 to 2]
MOVED BY: Alderman Parrish
SECONDED BY: Alderman Hansher

AYES:	Strzelczyk, Bushee, Hansher, Gierl, Parrish, Schneider
NAYS:	Mayr
DEEMED NO:	Seat

- f) **RESOLUTION 3954** - A Resolution Approving Award of a Contract for Rehabilitation of Ninety-Six (96) Sanitary Sewer Laterals in the Riverdale Park and Riverland Drive Lift Station Areas to Visu-Sewer, Inc., Pewaukee, Wisconsin in an Amount Not-to-Exceed \$298,001.

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

AYES:	Strzelczyk, Bushee, Mayr, Hansher, Gierl, Parrish, Schneider
DEEMED NO:	Vacant Seat

- g) **RESOLUTION 3955** - A Resolution Approving Award of a Contract to Inspect the Rehabilitation of Ninety-Six (96) Sanitary Sewer Laterals in the Riverdale Park and Riverland Drive Lift Station Areas to Bloom Companies, LLC, Milwaukee, Wisconsin in an Amount Not-to-Exceed \$63,294.

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

AYES:	Strzelczyk, Bushee, Mayr, Hansher, Gierl, Parrish, Schneider
DEEMED NO:	Vacant Seat

- h) **RESOLUTION 3956** - A Resolution Authorizing a Change to the Sanitary Sewer Manhole Rehabilitation Contract Awarded to National Power Rodding of Chicago, Illinois on December 14, 2021, in the Amount of \$587.

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

AYES:	Strzelczyk, Bushee, Mayr, Hansher, Gierl, Parrish, Schneider
DEEMED NO:	Vacant Seat

12) Specified Unfinished Business From Prior Meetings: None.

13) Specified New Business:

Mayoral Appointments:

- a) Park and Open Space Board, David Wolfson, Member, At-Large
- b) Frank L. Weyenberg Library Board of Trustees, Graham Baxter, Trustee, At-Large
- c) Board of Police and Fire Commissioners, Warner Jackson, Member, At-Large
- d) Festivals Committee, Deanna Conaty, Member, At-Large
- e) Southern Ozaukee Fire and EMS Board of Directors, Kathleen Schneider, Director, At-Large

Motion to approve all the Mayoral appointments.

RESULT: Approved by Voice Acclamation [7 to 1]
MOVED BY: Alderman Bushee
SECONDED BY: Alderman Mayr

AYES:	Strzelczyk, Bushee, Mayr, Hansher, Gierl, Parrish, Schneider
DEEMED NO:	Vacant Seat

14) Adjourn

- a) Motion to adjourn at 10:34 PM.

RESULT: Approved by Voice Acclamation [7 to 1]
MOVED BY: Alderman Gierl
SECONDED BY: Alderman Bushee

AYES:	Strzelczyk, Bushee, Mayr, Hansher, Gierl, Parrish, Schneider
DEEMED NO:	Vacant Seat

Respectfully Submitted,
Kathy Andrykowski
Deputy Clerk
Approved 06-14-22