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Office of the City Clerk
Taped and Televised

**COMMON COUNCIL
Regular Meeting
Tuesday, May 11, 2021 - 7:30 PM
Or Immediately Following the
Sewer Utility Commission Meeting
Christine Nuernberg Hall/GoToMeeting Platform**

Minutes

1) Call to Order, Pledge of Allegiance Led by Alderman Gierl and Roll Call

Mayor Wirth called the meeting to order at 7:41 PM.

Present:

Mayor John Wirth
Alderman Robert Strzelczyk- remote
Alderman Glenn Bushee - remote
Alderman Dale Mayr
Alderman Jeffrey Hansher - remote
Alderman Mark Gierl - remote
Alderman Brian Parrish - remote
Alderman Kathleen Schneider - remote
Alderman Andrew Nerbun

Also present: City Administrator Jones, Assistant City Administrator Schoenemann, City Attorney Sajdak, City Clerk Fochs, Finance Director Krueger, Assistant Finance Director Keyser, City Engineer/Public Works Director Lundeen, Community Development Director Tollefson, Assistant Community Development Director Zader, Police Chief Pryor, IT Director McCaw, Deputy Director of Utilities Driscoll, press and interested public.

2) Public Hearings:

- a) **ORDINANCE 2021-1587** – An Ordinance Amending Chapter 58 of the Mequon Municipal Code, Adding Micro-Distilleries and Micro-Wineries to the List of Conditional Uses in the Town Center Zoning District; Recommended by Planning Commission March 22, 2021; First Reading at Common Council April 13, 2021; Further Recommendation Forthcoming by Public Welfare Committee May 11, 2021.

Motion to open the public hearing for **ORDINANCE 2021-1587**.

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

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

Motion to close the public hearing for **ORDINANCE 2021-1587**.

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

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

- b) **ORDINANCE 2021-1588** - An Ordinance Amending Chapter 58 of the Mequon Municipal Code, Adding Outdoor Power Equipment Stores to the List of Conditional Uses in the B-5 (Industrial) Zoning District; Recommended by Planning Commission March 22, 2021; First Reading at Common Council April 13, 2021; Further Recommendation Forthcoming by Public Welfare Committee May 11, 2021.

Motion to open the public hearing for **ORDINANCE 2021-1588**.

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

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

Motion to close the public hearing for **ORDINANCE 2021-1588**.

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

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

- c) **ORDINANCE 2021-1589** – An Ordinance Amending the Planned Unit Development (Ord. 2014-1424) for the Property Located at 10448 N. Port Washington Road; Recommended by Planning Commission March 22, 2021; First Reading at Common Council April 13, 2021.

Motion to open the public hearing for **ORDINANCE 2021-1589**.

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

AYES:	Strzelczyk, Bushee, Mayr, Hansher, Gierl, Parrish, Schneider, Nerbun
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Motion to close the public hearing for **ORDINANCE 2021-1589**.

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

AYES:	Strzelczyk, Bushee, Mayr, Hansher, Gierl, Parrish, Schneider, Nerbun
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3) Ordinances:

- a) **ORDINANCE 2021-1587** - An Ordinance Amending Chapter 58 of the Mequon Municipal Code, Adding Micro-Distilleries and Micro-Wineries to the List of Conditional Uses in the Town Center Zoning District.

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

AYES:	Strzelczyk, Bushee, Mayr, Hansher, Gierl, Parrish, Schneider, Nerbun
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- b) **ORDINANCE 2021-1588** - An Ordinance Amending Chapter 58 of the Mequon Municipal Code, Adding Outdoor Power Equipment Stores to the List of Conditional Uses in the B-5 (Industrial) Zoning District.

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

AYES:	Strzelczyk, Bushee, Mayr, Hansher, Gierl, Parrish, Schneider, Nerbun
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- c) **ORDINANCE 2021-1589** - An Ordinance Amending the Planned Unit Development (Ordinance 2014-1424) for the Property Located at 10448 N. Port Washington Road.

Assistant Community Development Director noted a correction to the ordinance. The proposed FAR percentage should be 78% not 73%. This does not affect the building configuration or open space does not change.

RESULT: **Approved with Amendments [Unanimous]**
MOVED BY: Alderman Nerbun
SECONDED BY: Alderman Hansher

AYES:	Strzelczyk, Bushee, Mayr, Hansher, Gierl, Parrish, Schneider, Nerbun
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- d) **ORDINANCE 2021-1590** - An Ordinance Amending Section 14-25(6) of the Mequon Municipal Code Relating to the Sale of Intoxicating Liquor for Off-Premises Consumption.

City Attorney Sajdak stated that the Department of Revenue provides recommendations for items that can and cannot be used. All intoxicating liquor items sold for off-premise consumption must be sealed.

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

AYES:	Strzelczyk, Bushee, Mayr, Hansher, Gierl, Parrish, Schneider, Nerbun
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4) **Public Officials' Reports:**

- a) Mayor: Mayor Wirth announced the following: 1) Two houses on Cedarbrug Road south of the Isham Day House should be razed by May 28, 2021, 2) American Legion Post will hold a Memorial Day Observation ceremony in front of City Hall at 11:00 AM; 3) There will be no Memorial Day Parade this year; 4) Rotary Park's parking lot resurfacing should be completed by May 14th; 5) There will be a lot of road construction this summer throughout Mequon; 6) Extended 100th birthday wishes to Ms. Joan Ravenscraft Vickerman, former owners of the Port Zedler Motel.
- b) City Administrator: None.

5) **Consent Agenda:**

- a) Common Council meeting minutes of April 13, 2021.
- b) Common Council Organizational meeting minutes of April 20, 2021.
- c) Architectural Board meeting minutes of March 8, 2021.
- d) Economic Development Board meeting minutes of March 23, 2021.
- e) Festivals Committee meeting minutes of March 11, 2021.
- f) Finance-Personnel Committee meeting minutes of March 9, 2021.
- g) Landmarks Commission meeting minutes of March 19, 2019.
- h) Park and Open Space Board meeting minutes of March 17, 2021.
- i) Planning Commission meeting minutes of March 22, 2021.
- j) Public Safety Committee meeting minutes of March 9, 2021.
- k) Public Welfare Committee meeting minutes of March 23, 2021.
- l) Public Works Committee meeting minutes of March 9, 2021.
- m) 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 2021-1591** - An Ordinance Amending Chapter 58 of the Mequon Municipal Code as it Relates to: A) Conditional Uses in Residential Zoning Districts; B) Conservation Subdivision Requirements in the R-1 District; and C) Other Modifications to Sections 58-8 (Definitions) and 58-265 (Agricultural Overlay).

RESULT: **First Reading**

- 2) **ORDINANCE 2021-1592** - An Ordinance Amending Section 50-100 of the Mequon Municipal Code Relating to Sex Offender Residency Restrictions and Child Safety Zones and Creating Chapter 2, Article IX, Division 18 to Establish a Sex Offender Residency Appeal Board.

RESULT: **First Reading**

Motion to approve the monthly list of minutes and reports, Items A-L.

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

MOVED BY: Alderman Mayr

SECONDED BY: Alderman Nerbun

6) Resolutions:

- a) **RESOLUTION 3838** - A Resolution Authorizing Execution of a Professional Services Agreement for the Completion of an Information Technology Assessment and Strategic Plan with Avèro Advisors, Maryville, Tennessee, in an Amount Not-to-Exceed \$54,720.

RESULT: **Approved by Roll Call Vote [Unanimous]**

MOVED BY: Alderman Hansher

SECONDED BY: Alderman Parrish

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

- b) **RESOLUTION 3839** - A Resolution Authorizing a Development Agreement with Blue Ribbon Self Storage III, LLC for a Tax Increment District (TID) No. 5 Development Incentive in the Amount of \$462,000 for the Property Located at 10448 North Port Washington Road.

RESULT: **Approved by Roll Call Vote [Unanimous]**

MOVED BY: Alderman Hansher

SECONDED BY: Alderman Bushee

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

- c) **RESOLUTION 3840** - A Resolution Appointing Marie A. Keyser to the Position of Acting Finance Director/City Treasurer.

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

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

- d) Common Council paused discussion on **RESOLUTION 3846** and took up after Item 6f.
- e) **RESOLUTION 3841** - A Resolution Authorizing an Agreement with the Wisconsin Department of Transportation to Purchase a Temporary Limited Easement at Katherine Kearney Carpenter Park for the I-43 North South Freeway Project.

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

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

- f) **RESOLUTION 3842** - A Resolution Approving a Policy Revision to the City of Mequon Inflow and Infiltration Reduction Program, and Authorizing Staff to Enter into a Funding Agreement with the Milwaukee Metropolitan Sewerage District.

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

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

RESOLUTION 3846 - A Resolution Terminating the City of Mequon's Declared Public Health Emergency in Response to COVID-19.

The Standard Operating Procedures for the Parks and Pools will remain in place. These procedures will terminate when the case status set by the Ozaukee-Washington County Health Department reaches a "low" status as opposed to the current "high" status.

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

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

- g) **RESOLUTION 3843** - A Resolution Awarding a Contract to R.A. Smith, Inc., Brookfield, Wisconsin, for Sanitary Sewer Project Inspection Services in the Amount of \$58,801.

RESULT: **Approved by Roll Call Vote [Unanimous]**

MOVED BY: Alderman Parrish

SECONDED BY: Alderman Hansher

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

- h) **RESOLUTION 3844** - A Resolution Awarding a Contract for Sanitary Sewer Rehabilitation Work in Various Locations to Visu-Sewer, Inc. of Pewaukee, Wisconsin in the Amount of \$189,186.

RESULT: **Approved by Roll Call Vote [Unanimous]**

MOVED BY: Alderman Schneider

SECONDED BY: Alderman Bushee

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

- i) **RESOLUTION 3845** - A Resolution Awarding a Contract for Replacement of a Sanitary Force Main in County Line Road to Globe Contractors Inc., Pewaukee, Wisconsin, in the Amount of \$405,684.

RESULT: **Approved by Roll Call Vote [Unanimous]**

MOVED BY: Alderman Hansher

SECONDED BY: Alderman Parrish

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

7) **Specified Unfinished Business:** None.

8) **Presentation of Petitions, Memorials, and/or Remonstrances and Communications:** None.

9) **Specified Miscellaneous New Business:**

Mayoral Appointments: Jim Doornek, Joint Mequon-Thiensville Bike and Pedestrian Way Commission, Member, At Large; Jenna Daniele, Architectural Board, Alternate Member #2, At Large and Nathaniel Stein, Architectural Board, Regular Member, At Large

Motion to approve the Mayoral appointments.

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

MOVED BY: Alderman Hansher

SECONDED BY: Alderman Bushee

AYES:	Strzelczyk, Bushee, Mayr, Hansher, Gierl, Parrish, Schneider, Nerbun
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10) Potential Closed Session:

The Lakes of Ville Du Parc Condominium Association, Inc. vs. City of Mequon, et al. – Settlement Strategy. The Common Council may convene into closed session pursuant to Wis. Stat. §19.85(1)(g) for the purpose of conferring with legal counsel who is rendering oral or written advice concerning strategy to be adopted by the Council with respect to litigation in which it is involved, and then re-enter open session to take such action as it deems appropriate.

Motion to go into Closed Session to discuss the Lakes of Ville du Parc Condominium Association, Inc. vs. City of Mequon, et al. - Settlement Strategy.

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

AYES:	Strzelczyk, Bushee, Mayr, Hansher, Gierl, Parrish, Schneider, Nerbun, Wirth
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11) Adjourn

Motion to adjourn at 9:08 PM.

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

AYES:	Strzelczyk, Bushee, Mayr, Hansher, Gierl, Parrish, Schneider, Nerbun
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Respectfully Submitted,
Kathy Andrykowski
Approved 06-08-21