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Office of the City Clerk
Taped and Televised

**Common Council
Regular Meeting
Tuesday, May 14, 2024 - 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 9:08 PM.

2) Pledge of Allegiance

3) Roll Call

Present:

Mayor Andrew Nerbun
Alderman Kelly Tolocko
Alderman Dale Mayr
Alderman Jeffrey Hansher
Alderman Gregg Bach
Alderman Brian Parrish
Alderman Peter Bratt
Alderman William Gebhardt

Excused: Alderman Strzelczyk

Also present: City Administrator Jones, City Attorney Sajdak, City Clerk Fochs, City Engineer/Public Works Director Lundeen, Community Development Director Tollefson, Assistant Community Development Director Zader, Acting Finance Director Keyser, press and interested public.

4) Public Hearings:

- a) **ORDINANCE 2024-1661** - An Ordinance Amending Chapter 58 of the Mequon Municipal Code, in Connection with Clarifying Certain Definitions, Design Standards and Location Standards for Residential Development within the City's Town Center and Arrival Corridor Zoning Districts.

1) Public Hearing

Motion to open the public hearing for **ORDINANCE 2024-1661**.

RESULT: Approved by Voice Acclamation [7-1]
MOVED BY: Alderman Mayr
SECONDED BY: Alderman Gebhardt

AYES:	Tolocko, Mayr, Hansher, Bach, Parrish, Bratt, Gebhardt
DEEMED NO:	Strzelczyk

Motion to close the public hearing for **ORDINANCE 2024-1661**.

RESULT: Approved by Voice Acclamation [7-1]
MOVED BY: Alderman Mayr
SECONDED BY: Alderman Hansher

AYES:	Tolocko, Mayr, Hansher, Bach, Parrish, Bratt, Gebhardt
DEEMED NO:	Strzelczyk

2) Consideration of ordinance

Motion to approve **ORDINANCE 2024-1661**.

RESULT: Approved by Roll Call Vote [6 to 2]
MOVED BY: Alderman Bach
SECONDED BY: Alderman Hansher

AYES:	Tolocko, Hansher, Bach, Parrish, Bratt, Gebhardt
NAYS:	Mayr
DEEMED NO:	Strzelczyk

- b) **ORDINANCE 2024-1662** - An Ordinance Repealing and Recreating Article XI within Chapter 58 of the Mequon Municipal Code, as it Relates to Floodplain Zoning.

1) Public Hearing

Motion to open the public hearing for **ORDINANCE 2024-1662**.

RESULT: Approved by Voice Acclamation [7-1]
MOVED BY: Alderman Bach
SECONDED BY: Alderman Parrish

AYES:	Tolocko, Mayr, Hansher, Bach, Parrish, Bratt, Gebhardt
DEEMED NO:	Strzelczyk

Nancy Tolocko spoke in opposition to **ORDINANCE 2024-1662**. The new flood maps increase the base flood elevation to 14" in her area. The new maps would affect flood-fringed homes and those with Letter of Map Amendments (LOMAs) adversely and increase insurance premiums. The request is for staff to take a deeper look at the maps before

approving.

Motion to close the public hearing for **ORDINANCE 2024-1662**.

RESULT: **Approved by Voice Acclamation [7-1]**
MOVED BY: Alderman Mayr
SECONDED BY: Alderman Gebhardt

AYES:	Tolocko, Mayr, Hansher, Bach, Parrish, Bratt, Gebhardt
DEEMED NO:	Strzelczyk

2) Consideration of ordinance

There is a strict, short deadline imposed by FEMA and the DNR to adopt this ordinance by July or the residents will lose flood insurance. Staff is questioning the accuracy of the new map. Mayor Nerbun explained that FEMA and the DNR are using a flood flow rate more than two times what has ever been recorded at the monitoring station. Discussion ensued. A request to host an open house for the residents with the DNR present was requested. Staff is pinpointing areas to study further. The ordinance must be completed and reported to FEMA and the DNR by June 30, 2024. Any of the city's proposed changes must be reviewed by the Wisconsin DNR first. It is important to note that if we approve the model ordinance and the maps as they are now, changes can be proposed after the deadline.

Motion to postpone consideration of **ORDINANCE 2024-1662**.

RESULT: **Tabled by Roll Call Vote [5 to 3]**
MOVED BY: Alderman Tolocko
SECONDED BY: Alderman Mayr

AYES:	Tolocko, Mayr, Bach, Parrish, Bratt
NAYS:	Hansher, Gebhardt
DEEMED NO:	Strzelczyk

5) Personal Appearances and Public Comment:

Count Fuller spoke about the soliciting ordinance. He spoke about the Malinda Law of 2010 which regulates traveling sales crews. The law requires traveling sales crews to register with the Department of Work Force Development before coming to the municipality to apply for permits. He has approached multiple communities in order to ensure that communities know about this law, uphold this law or update their ordinances.

6) Public Officials' Reports:

- a) Mayor: None.
- b) City Administrator: City Administrator Jones announced that the Open House to review the new flood plain maps will be on Wednesday, May 29, 2024 in the Christine Nuernberg Hall

at City Hall from 9:30 am to 7:00 pm. Staff is working to get representatives from both FEMA and the Wisconsin DNR to attend all or some part of this Open House. There will be staff presentations at 10:00 am, 1:00 pm, and 6:00 pm. Postcards have been sent out to those potentially affected by the changes. The new maps for 2024 are available on the City website.

7) Consent Agenda:

- a) Common Council meeting minutes of April 9 and April 16, 2024.
- b) Architectural Board meeting minutes of March 11, 2024.
- c) Board of Appeals meeting minutes of January 4, 2024.
- d) Festivals Committee meeting minutes of March 20, 2024.
- e) Finance-Personnel Committee meeting minutes of March 12, 2024.
- f) Joint Mequon-Thiensville Bike and Pedestrian Way Commission meeting minutes of March 14, 2024.
- g) Mequon Municipal Water Utility Commission meeting minutes of October 30, 2023.
- h) Park and Open Space Board meeting minutes of April 2, 2024.
- i) Planning Commission meeting minutes of March 18, 2024.
- j) Public Safety Committee meeting minutes of March 12, 2024.
- k) Public Welfare Committee meeting minutes of March 12, 2024.
- l) Public Works Committee meeting minutes of March 12, 2024.
- m) Southern Ozaukee Fire & EMS Board meeting minutes of May 10, July 12, September 13, November 8, 2023 and January 10, 2024.
- n) Southern Ozaukee Fire & EMS Commission meeting minutes of May 10, July 12, September 13, November 8, 2023 and January 10, 2024.
- o) Zoning Enforcement and Site Compliance Report Through May 1, 2024.

Motion to approve the monthly list of minutes and reports, Consent Agenda Items A-O.

RESULT: Approved by Voice Acclamation [7-1]
MOVED BY: Alderman Mayr
SECONDED BY: Alderman Gebhardt

AYES:	Tolocko, Mayr, Hansher, Bach, Parrish, Bratt, Gebhardt
DEEMED NO:	Strzelczyk

8) Ordinance:

- a) **ORDINANCE 2024-1663** - An Ordinance Repealing and Recreating the City of Mequon Aldermanic District Map, Due to 2024 Senate and Assembly Redistricting.

RESULT: Approved by Voice Acclamation [7-1]
MOVED BY: Alderman Gebhardt
SECONDED BY: Alderman Bratt

AYES:	Tolocko, Mayr, Hansher, Bach, Parrish, Bratt, Gebhardt
DEEMED NO:	Strzelczyk

9) Resolutions:

- a) **RESOLUTION 4117** - A Resolution Appointing Marie A. Keyser to the Position of Acting Finance Director/City Treasurer.

RESULT: **Approved by Voice Acclamation [7-1]**
MOVED BY: Alderman Gebhardt
SECONDED BY: Alderman Hansher

AYES:	Tolocko, Mayr, Hansher, Bach, Parrish, Bratt, Gebhardt
DEEMED NO:	Strzelczyk

- b) **RESOLUTION 4118** - A Resolution Awarding a Contract for Completion of a Joint Mequon-Thiensville Bicycle & Pedestrian Way Planning Study to GRAEF of Milwaukee, Wisconsin in an Amount Not-to-Exceed \$70,000 and Authorizing Execution of a Memorandum of Understanding with the Village of Thiensville for the Project's Local Share.

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

AYES:	Tolocko, Mayr, Hansher, Bach, Parrish, Bratt, Gebhardt
DEEMED NO:	Strzelczyk

- c) **RESOLUTION 4119** - A Resolution Rejecting Bids Received for the Replacement of Various HVAC Units and Other Upgrades within the Council Chambers at City Hall.

Public Works Director Lundeen stated that she was looking for Council direction on which alternatives, if any, should be included in the re-bid process and also provide direction on the ceiling selection. The Public Works Committee discussed bidding all the options and then taking out items if it surpasses the budget. However, Director Lundeen asked for Council's opinion on the ceiling options in order to limit the scope of the re-bid. Council recommended the ceiling option on Page 204 of the packet, suspended metal panels with a wood grain look.

RESULT: **Approved by Voice Acclamation [7-1]**
MOVED BY: Alderman Bach
SECONDED BY: Alderman Hansher

AYES:	Tolocko, Mayr, Hansher, Bach, Parrish, Bratt, Gebhardt
DEEMED NO:	Strzelczyk

- d) **RESOLUTION 4120** - A Resolution Authorizing Execution of a Memorandum of Understanding with the Village of Brown Deer for Road Improvements on County Line Road Between Cedarburg Road and the Railroad Tracks East of 52nd Street/Garden Drive, in the Estimated Amount of \$445,000.

RESULT: **Approved by Roll Call Vote [7-1]**
MOVED BY: Alderman Hansher
SECONDED BY: Alderman Parrish

AYES:	Tolocko, Mayr, Hansher, Bach, Parrish, Bratt, Gebhardt
DEEMED NO:	Strzelczyk

- e) **RESOLUTION 4121** - A Resolution Approving Award of a Three-Year Landscape Maintenance Contract for Road Medians and Other Public Properties to Northern Exposure Landscaping, Inc. of Mequon, Wisconsin, at an Annual Cost of \$35,000.

RESULT: **Approved by Roll Call Vote [7-1]**
MOVED BY: Alderman Hansher
SECONDED BY: Alderman Gebhardt

AYES:	Tolocko, Mayr, Hansher, Bach, Parrish, Bratt, Gebhardt
DEEMED NO:	Strzelczyk

- f) **RESOLUTION 4122** - A Resolution Approving the Purchase of a Replacement Plow Truck Chassis from Truck Country, Oak Creek, Wisconsin in the Amount of \$117,546.

RESULT: **Approved by Roll Call Vote [7-1]**
MOVED BY: Alderman Hansher
SECONDED BY: Alderman Parrish

AYES:	Tolocko, Mayr, Hansher, Bach, Parrish, Bratt, Gebhardt
DEEMED NO:	Strzelczyk

- g) **RESOLUTION 4123** - A Resolution Rejecting a Carbon Reduction Program (CRP) Grant and Authorizing City Staff to Pursue a Contract with WE Energies for the Replacement of 14 Street Lights on Mequon Road between Valley Drive and the Milwaukee River.

Concern was expressed about the need for more lights at certain streets intersecting Mequon Road. Director Lundeen clarified that these 14 lights are the only city-owned lights on Mequon Road and therefore the only lights impacted by the grant and the request to contract with WE Energies. City staff will follow-up about the residents' concerns.

RESULT: Approved by Voice Acclamation [7-1]
MOVED BY: Alderman Hansher
SECONDED BY: Alderman Mayr

AYES: Tolocko, Mayr, Hansher, Bach, Parrish, Bratt, Gebhardt
DEEMED NO: Strzelczyk

- h) **RESOLUTION 4124** - A Resolution Authorizing a Sanitary Service Deferral Agreement for the Property Located at 10056 North Cedarburg Road.

Mayor Nerbun confirmed that the Sewer Utility District Commission approved the deferral at the meeting earlier this evening.

Motion to approve the Sanitary Service Deferral Agreement for the property located at 10056 N. Cedarburg Road.

RESULT: Approved by Roll Call Vote [7-1]
MOVED BY: Alderman Gebhardt
SECONDED BY: Alderman Bach

AYES: Tolocko, Mayr, Hansher, Bach, Parrish, Bratt, Gebhardt
DEEMED NO: Strzelczyk

- i) **RESOLUTION 4125** - A Resolution Authorizing the Designation of 2010 West Ranch Road as the Replacement Site Location for the Construction of Lift Station E (Ranch Road).

The Sewer Utility District Commission approved with amendments.

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

AYES: Tolocko, Hansher, Bach, Bratt, Gebhardt
NAYS: Mayr, Parrish
DEEMED NO: Strzelczyk

10) Specified Unfinished Business From Prior Meetings: None.

11) Specified New Business:

a) Mayoral Appointments

- 1) Board of Appeals: Stephen Helfer, Member, At Large and James Wawrzyn, Alternate Member #2

2) Board of Review: Richard Mueller, Alternate Member #2, At Large

b) Aldermanic Appointments

1) Ethics Board: Luke Behnke, Member, District 8

2) Ethics Board: Barbara Levin, Member, District 6

Motion to approve all Mayoral and Aldermanic Appointments.

RESULT: **Approved by Voice Acclamation [7-1]**
MOVED BY: Alderman Gebhardt
SECONDED BY: Alderman Bratt

AYES:	Tolocko, Mayr, Hansher, Bach, Parrish, Bratt, Gebhardt
DEEMED NO:	Strzelczyk

12) Adjourn

Motion to adjourn at 9:56 PM.

RESULT: **Approved by Voice Acclamation [7-1]**
MOVED BY: Alderman Hansher
SECONDED BY: Alderman Bratt

AYES:	Tolocko, Mayr, Hansher, Bach, Parrish, Bratt, Gebhardt
DEEMED NO:	Strzelczyk

Respectfully Submitted,
Kathy Andrykowski
Deputy Clerk
Approved 06-11-24