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www.ci.mequon.wi.us

Office of the City Clerk
Taped and Televised

**Common Council
Tuesday June 8, 2021 - 7:30 PM
or Immediately Following the Mequon
Sewer Utility District Commission Meeting
Christine Nuernberg Hall/GoToMeeting Platform**

Agenda

HYBRID MEETING NOTICE: Pursuant to the current recommendations of the CDC, various regulatory agencies and the WEDC, and to provide safe access to the meeting to those people unwilling or unable to attend in-person because of COVID-19, this meeting will be held both virtually through the GoToMeeting platform and in-person with each member accessing the meeting in the manner they choose. Citizens wishing to attend the meeting are encouraged to watch the live broadcast of the meeting on the City's YouTube Account (<https://www.youtube.com/channel/UCZDJETJla2M-KQgIcEDiyMQ>), or on the City's Agenda Management Website (<http://mequoncitywi.iqm2.com/Citizens/default.aspx>). Citizens may also join the meeting online or by phone. Please go to <https://www.gotomeet.me/Mequon/cc> to join the meeting online or call into the meeting by dialing 1-866-899-4679 and enter access code 298-967-317. You may also attend the meeting in person at the location listed above.

WRITTEN PUBLIC COMMENTS may be submitted in advance of the meeting. Written comments should be directed to the City Clerk's Office at least 2 hours prior to the meeting by email at cfochs@ci.mequon.wi.us addressed to the intended committee. Written public comments may also be deposited in the drop box at City Hall at 11333 N. Cedarburg Road, Mequon, at least 2 hours prior to the meeting. Comments received timely will be forwarded to all members of the body for their consideration.

VERBAL PUBLIC COMMENTS and PUBLIC HEARING APPEARANCES will be accepted only from members of the public who register in advance if attending remotely. Registration shall be made by sending an email to City Clerk Caroline Fochs at cfochs@ci.mequon.wi.us or by leaving a message at 262-236-2912 no later than 2 hours prior to the meeting. Those attending in person should register at the meeting.

Reasonable accommodations will be made for those citizens who are unable to attend the meeting in the methods identified above upon at least 2 hours' notice. Notice can be given to the City Clerk's Office at 262-236-2914.

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

2) Public Hearing:

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 68-8 (Definitions) and 58-265 (Agricultural Overlay); **Recommended by Planning Commission Policy Subcommittee March 8, 2021; Recommended by Planning Commission May 3, 2021; First Reading at Common Council May 11, 2021; Further Recommendation Forthcoming by Public Welfare Committee June 8, 2021.**

3) Ordinance:

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 68-8 (Definitions) and 58-265 (Agricultural Overlay); **Recommended by Planning Commission Policy Subcommittee March 8, 2021; Recommended by Planning Commission May 3, 2021; First Reading at Common Council May 11, 2021; Further Recommendation Forthcoming by Public Welfare Committee June 8, 2021.**

4) Public Officials' Reports:

- a) Mayor
- b) City Administrator

5) Consent Agenda:

- a) Common Council meeting minutes of May 11, 2021
- b) Architectural Board meeting minutes of April 12, 2021
- c) Board of Appeals meeting minutes of May 6, 2021
- d) Board of Police and Fire Commissioners meeting minutes of May 4 and May 18, 2021
- e) Economic Development Board meeting minutes of April 27, 2021
- f) Festivals Committee meeting minutes of April 8, 2021
- g) Finance & Personnel Committee meeting minutes of April 13, 2021
- h) Park and Open Space Board meeting minutes of April 21, 2021
- i) Planning Commission meeting minutes of May 3, 2021
- j) Public Safety Committee meeting minutes of April 13, 2021
- k) Public Welfare Committee meeting minutes of April 13, 2021
- l) Public Works Committee meeting minutes of April 13, 2021
- m) Sewer Utility District Commission meeting minutes of February 9, 2021
- n) Acceptance of the FY2020 Comprehensive Annual Financial Report and Report on Internal Control

- o) **RESOLUTION 3847** - A Resolution Authorizing City Staff to File the City of Mequon's Compliance Maintenance Annual Report (CMAR) for Calendar Year 2020, in Accordance with Requirements Under Wisconsin Administrative Code NR208; **Recommendation Forthcoming by Sewer Utility District Commission June 8, 2021.**
- p) **RESOLUTION 3851** - A Resolution Approving a Special Event Agreement for the Mequon-Thiensville Sunrise Rotary Club to Utilize Goats as a Tool for Invasive Plant Control in Pukaite Woods. **Recommended by Park and Open Space Board May 27, 2021; Further Recommendation Forthcoming by Public Works Committee June 8, 2021.**

q) 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.

ORDINANCE 2021-1593 - An Ordinance Amending Chapter 58 of the Mequon Municipal Code to Rezone the Property Located at 9961 N. Baehr Road from R-2B, R-1B and Floodway to R-2B, R-4 and Floodway, and to Rezone the Property Located at 9931 N. Baehr Road from R-4 to R-2B; **Recommended by Planning Commission May 24, 2021; First Reading.**

6) Ordinance:

ORDINANCE 2021-1592 - An Ordinance Amending Section 50-100 of the Mequon Municipal Code Relating to Sex Offender Residency Restrictions and Child Safety Zones; **Recommended by Public Safety Committee May 11, 2021; First Reading at Common Council May 11, 2021.**

7) Resolutions:

- a) **RESOLUTION 3848** - An Amended and Restated Final Resolution Regarding Industrial Development Revenue Bond Financing For Copps Industries, Inc. Project; **Recommendation Forthcoming by Finance-Personnel Committee June 8, 2021.**
- b) **RESOLUTION 3849** - A Resolution Identifying Public Improvement Projects within Tax Increment District No. 3 for Design and Development Prior to April 15, 2023; **Recommendation Forthcoming by Public Works Committee June 8, 2021.**
- c) **RESOLUTION 3850** - A Resolution Authorizing the City of Mequon's Notice of Intent to We Energies for the Relocation of Overhead Utilities within Town Center Tax Increment District No. 3; **Recommendation Forthcoming by Public Work Committee June 8, 2021.**
- d) **RESOLUTION 3852** - A Resolution Approving the Purchase and Installation of a Replacement Plow Truck and Related Components from Lakeside International, LLC Milwaukee, Wisconsin, Universal Truck Equipment, Galesville, Wisconsin and Olson Trailer & Body, Green Bay, Wisconsin for a Total Cost of \$199,433; **Recommendation Forthcoming by Public Works Committee June 8, 2021.**

- e) **RESOLUTION 3853** - A Resolution Authorizing Execution of a Contract with D&H Demolition, LLC, of Milwaukee, Wisconsin for Demolition of the Property Located at 10036 N. Port Washington Road in an Amount Not to Exceed \$78,452, Plus the Applicable Costs of Electrical Utility Disconnection; **Recommendation Forthcoming by Public Works Committee on June 8, 2021.**
- f) **RESOLUTION 3854** - A Resolution Authorizing Execution of a State-Municipal Agreement Between the City of Mequon and the Wisconsin Department of Transportation (WisDOT) for the Completion of Sanitary Sewer Manhole Work in Connection with the Interstate Highway 43 Expansion Project; **Recommendation Forthcoming by Sewer Utility District Commission, June 8, 2021.**

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

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

10) **Specified Miscellaneous New Business:** None.

11) **Adjourn**

Dated: June 3, 2021

/s/ John Wirth, 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 accommodations 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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Office of Community Development

TO: Common Council
FROM: Kim Tollefson, Director of Community Development
DATE: May 11, 2021
SUBJECT: 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)

Background

The proposed text amendments include changes to Chapter 58 of the Municipal Code related to conditional uses in all residential zoning districts and conservation subdivisions in the R-1 zoning district. In addition, the proposed amendments include formatting changes, that will help make the Code clearer and more concise.

Analysis

Conditional Uses: The changes to conditional uses in residential zoning districts was based on recently enacted legislation (2017 Wisconsin Act 67) which among other things, makes significant changes to the rules and requirements regarding conditional use grants. The changes have been reviewed by the Planning Commission Policy Subcommittee and the Planning Commission over the last year and are now ready for final review and approval.

In making changes to the conditional use section for residential districts, staff made changes by one of the following methods:

- Change the use from conditional to permitted (In-Home Daycare)
- Move the use to the OA district (Microbrewers, Wineries)
- Remove the use and effectively make it prohibited (Churches, Public Admin.)
- Add specific conditions to the listed conditional use (Guesthouse, ADU's)

As part of this process staff tried to identify any existing uses that would become nonconforming based on the changes being proposed. If the proposed changes are acceptable, then additional action is necessary for a few specific sites (see attached list). To be consistent, with other similar uses, the impacted sites will be rezoned to IPS (Institutional).

Conservation Subdivisions: The use of conservation design subdivisions in the rural areas of Mequon has been extremely popular over the last 20 years not only for developers but for home buyers and residents. Currently, the process to approve a conservation subdivision requires a rezoning amendment to a Planned Unit Development. The proposed language would eliminate

the need to seek a rezoning of the property to utilize a conservation design. The rezoning process can add at least three months to the approval process and adds a layer of uncertainty to all stakeholders involved in the process. In conjunction with eliminating the rezoning requirement, the proposed amendment provides specific design criteria for conservation subdivisions. In the past, staff has relied on several established guidelines that have been used as a template to evaluate proposed development requests. Incorporating these requirements into the ordinance will make the process clear and transparent for all those involved or impacted by the development.

As stated above, the proposed text amendment details specific design and development requirements including the following:

- Specifying a minimum .75-acre lot size
- Requiring a maximum 10% lot coverage ratio
- Requiring a minimum 25 acres
- Specifying each development shall have at least two road connections
- Requiring 60% of the land area as open space
- Allowing a bonus lot for every 40 acres of land that is part of the subdivision
- Requiring a minimum 300-foot open space buffer to existing public roadways and residential lots

Many of the provisions listed above have been required conditions in previously approved PUD's. The most significant deviation from what has occurred in previously approved developments is the allowance for lots to be .75 acres in size. A majority of previously approved conservation subdivisions in the R-1 had lot minimums around 1.5 acres. The smaller lot size minimum is recommended because it will allow for more flexibility in design and will create larger clusters of homesites. This will in turn create larger areas of protected open space. The open space buffer requirement has also been increased from 200 feet to 300 feet as part of these changes. This will allow for a greater setback along existing roads to keep it in a natural setting.

There is a new provision that would allow a density bonus of one lot for every 40 acres. On a 40-acre development, this would change the density from 5-acre lot size to 4.44-acre lot size. The density bonus is meant to encourage the use of conservation subdivisions by offsetting some of the cost associated with developing in this manner. The bonus will also encourage consolidation of smaller parcels to get to the 40-acre threshold.

The proposed ordinance will now require two or more road connections for every new development. For future connections to undeveloped parcels, the Code will dictate that an eyebrow be installed within 150 feet of the property line unless the Planning Commission determines that the adjacent parcel will be developed in a near future. The area from the eyebrow to the property line will be dedicated as unimproved right-of-way and will be the responsibility of the developer of the adjacent parcel to install.

Other Changes: As part of the proposed text amendments, the structure of the Residential Zoning District Section of Chapter 58 has been modified to make it more user friendly. This includes the addition of use tables similar to what are found in the TC (Town Center) Zoning

District. Changes have also been made to Section 58-8 (Definitions) and 58-265 (Agricultural Overlay) of the Code to be consistent with the changes to residential sections.

Public Welfare Committee

The Public Welfare Committee reviewed the proposed language at its May 11th and May 25th meetings. The Committee asked staff to add language that would give the Common Council the ability to review and act on any conservation subdivision application if there were objections from neighborhood residents. Staff has prepared language that would allow neighbors to file a protest petition related to the development layout plan. Approval of the plan would require a super majority of the Common Council. In addition, staff added language that two alderman or one alderman and the mayor would be able to call up the development plan to the Common Council, similar to a conditional use grant. The Committee will be reviewing the proposed language at its June 8, 2021, meeting (see proposed changes attached in Exhibit A).

Fiscal Impact

The fiscal impact is neutral.

Recommendation

On May 3, 2021, the Planning Commission recommended adoption of the proposed ordinance amendments by a vote of 8-0.

Attachments:

Exhibit A With Public Welfare Changes (DOCX)

Exhibit B (DOCX)

Exhibit C (DOC)

Exhibit D (PDF)

Suggested Amendment Language from Chairman Gierl 5 17 21 (PDF)

COMMON COUNCIL
OF THE
CITY OF MEQUON

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)

RECITALS

A. The Common Council of the City of Mequon previously adopted a Zoning Code that is presently codified in Chapter 58 of the Mequon Municipal Code.

B. On May 3, 2021, the Planning Commission approved changes to Chapter 58 as it relates to Conditional Uses in the Residential Zoning Districts, Conservation Subdivisions in the R-1 Zoning District, as well as changes to 58-8 (Definitions) and 58-265 (Agricultural Overlay)

C. The Common Council wishes to amend the Zoning Code as it relates to Conditional Uses in the Residential Zoning Districts and Conservation Subdivisions (as attached in Exhibit A), modify Section 58-8 of the Zoning Code related to definitions (as attached in Exhibit B) and Section 58-265 of the Code of Zoning Code as it relates to the Agricultural Overlay (as attached in Exhibit C), add tables for permitted uses, conditional uses, accessory uses, and technical chart (as attached in Exhibit D)

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

SECTION I

Chapter 58 of the Municipal Code as it relates to Conditional Uses in Residential Districts, Conservation Subdivisions, certain definitions, the Agricultural Overlay and general uses and technical components of the code is amended as shown in the attached Exhibits a through D.

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 repealed.

SECTION IV

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

Approved by: John Wirth, Mayor

Date Approved: June 8, 2021

I certify that the foregoing Ordinance was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on June 8, 2021.

Caroline Fochs, City Clerk

Published: _____

DIVISION 3. - RESIDENTIAL DISTRICTS**Sec. 58-234. - R-1 single-family rural residential district.**

- (a) *Purpose.* The R-1 district is intended to provide for large lot single-family residential development in rural areas that are not served by public water or sewerage facilities and that are not yet appropriate for development at higher densities. This district shall generally be located within the area designated on the land use plan map as "rural service area."
- (b) *Design standards – generally.* The following design standards shall apply to all residential developments on development sites of 25 acres or larger developed after the effective date of the ordinance from which this section is derived, including both estate lot design subdivisions and conservation subdivisions:
 - (1) Residential dwelling lots shall be accessed from streets classified as land access by Resolution 607.
 - (2) Developments shall include hard surface (asphalt, stone or other materials approved by the planning commission) bikeway/pedestrian path connections to adjoining sites unless, as determined by the planning commission, such connections are not feasible. Connections shall be required even if the adjoining sites do not yet have paths. The owners of a development shall be responsible for the operation, maintenance and replacement as required of the bikeway/pedestrian path connections, including any requirements for snow removal as set forth in this code.
 - (3) Public and private streets shall satisfy the following requirements:
 - a. The development shall have two or more street connections at the boundaries of the development.
 - b. Provided at least one street connection creates legal access to an existing street, any other connection may be made to one or more adjoining undeveloped parcels or, as approved by the planning commission, parcels likely to be redeveloped. For future street connections to undeveloped parcels, the street shall terminate in an eyebrow, in accordance with Standard Specifications of Land Development, within 150 feet of the property line of the undeveloped parcel. The area from the eyebrow to the property line shall be designated as right of way and shall be at least 60 feet wide. The developer shall install bollards on each side of the right of way. The bollards shall be placed at the property line and halfway to the eyebrow. The owners shall maintain the bollards in good condition and repair and replace them as necessary until such time as a street is constructed over the right of way. If an adjoining site has constructed one or more eyebrows as part of a prior development, the subject parcel shall be required to provide a street connection to each previously constructed eyebrow.

Exhibit A

- c. In lieu of the eyebrow described in the preceding paragraph, the planning commission may, if it determines in its discretion that development of an adjoining parcel is likely to occur in the foreseeable future, require the right of way area to be constructed as a street with a hammerhead termination. The planning commission may eliminate the hammerhead requirement if it determines, in its discretion, that the adjoining parcel will be developed before conclusion of the subject development.
- d. Streets shall be designed, as determined by the planning commission, to ensure that adjoining parcels have adequate connection to maximize development.
- e. Public streets and required rights of way shall be dedicated to the city at or prior to final plat final approval.

(c) *Conservation subdivisions.*

- (1) *Purposes.* The city encourages conservation subdivision design for development sites of 25 acres or larger, having determined that, if the majority of future residential developments in the R-1 district are conservation subdivisions, the city will:
 - a. Implement adopted city policies seeking to conserve a variety of irreplaceable and environmentally sensitive resource lands as set forth in the city's land use plan and other similar plans.
 - b. Conserve open land, including those areas containing unique and sensitive natural features such as woodlands, steep slopes, streams, wetlands, floodplains, drainage courses, natural meadows, specimen trees and scenic features, by setting them aside from development.
 - c. Provide greater design flexibility and efficiency in the siting of services and infrastructure, including the opportunity to reduce utility runs and the amount of paving required for residential development.
 - d. Reduce erosion and sedimentation by retaining existing vegetation and the minimizing development on steep slopes.
 - e. Protect areas of the city with productive agricultural soils for continued or future agricultural use by conserving blocks of land large enough to allow for efficient farm operations.
 - f. Create neighborhoods with direct visual access to open land, neighborhood open space and a strong neighborhood identity.
 - g. Create environmental amenities through creative design.

- h. Conserve scenic views and elements of the city's rural character, and minimize perceived density, by minimizing views of new development from existing streets.
 - i. Protect the physical and visual integrity of environmental corridors and natural isolated areas as defined by the Southeastern Wisconsin Regional planning commission.
- (2) *Minimum development site size.* Conservation subdivisions shall only be permitted on development sites of 25 acres or larger. Two or more adjoining parcels may be combined to create a development site of 25 acres or larger.
 - (3) *Minimum protected conservancy area.* At least 60% of the land area in a conservation subdivision shall be protected conservancy area(s).
 - (4) *Density.* One dwelling shall be allowed for every five acres (including protected conservancy areas) in a conservation subdivision. Additionally, as an incentive to develop as a conservation subdivision rather as an estate lot design subdivision, there shall be one bonus dwelling for every 40 acres in a conservation subdivision.
 - (5) *Design standards.* In addition to the standards set forth in (m), the following design standards shall apply to all conservation subdivisions developed after the effective date of the ordinance from which this section is derived:
 - a. A minimum 300-foot open space buffer shall be maintained between preexisting public streets and any residential dwelling lot unless, and only to the extent that, the planning commission determines that a lesser buffer is required to allow construction of the allowed homes while maintaining critical environmental features.
 - b. For lots in conservation subdivisions on which a residential dwelling may be located, the minimum average lot width and lot length shall be flexible and subject to planning commission approval of the conservation subdivision plan.
 - c. For structures on lots in conservation subdivisions on which a residential dwelling may be located, the minimum building setback shall be flexible and subject to planning commission approval of the conservation subdivision plan; however, the location of residential lots shall be subject to the design standards for conservation subdivisions set forth below.
 - d. In addition to bikeway/pedestrian paths, nature trails shall be included to provide subdivision resident access from internal streets to the protected conservancy area(s). The owners of a development shall be responsible for the operation, maintenance and replacement as required of the nature trails.

Exhibit A

(d) *Protected conservancy areas and other common areas and facilities.*

(1) *Ownership.*

- a. *Homeowner Association or Condominium Association.* Protected conservancy areas and other common areas and facilities shall be held in common ownership by a homeowner association or shall be controlled through a condominium declaration and held as common elements. In either instance, the following regulations shall apply:
 1. Prior to approval of the final plat, the applicant shall provide the city a description of the organization of the proposed homeowner or condominium association, together with copies of its governing documents, including all documents governing ownership, maintenance and use restrictions for common facilities or common elements. All such documents shall be consistent with the provisions of this ordinance.
 2. The homeowner or condominium association shall be operating (with financial subsidization by the owner or applicant, if necessary) before the earlier of the sale of any dwelling or approval of the final plat
 3. Membership in the homeowner or condominium association shall be mandatory for all purchasers of property in the development and their successors in title.
 4. The homeowner or condominium association shall be responsible for maintaining in good condition and repair, repairing, replacing as necessary and maintaining insurance in connection with common facilities (including without limitation bikeway/pedestrian trails and nature paths), common elements and the protected conservancy area. Such responsibility shall be memorialized in recordable agreements acceptable to the city.
 5. The homeowner or condominium association shall have the power and authority to assess members for their proportionate share of costs associated with maintenance of such common facilities and areas. If the homeowner or condominium association fails to perform the work, the city may do so and special assess all homeowners or condominium unit owners for such costs.
 6. The governing documents for the homeowner or condominium association shall confer legal authority on the homeowner or condominium association to place a lien on the property of any member who falls delinquent in dues or assessments. Such dues and assessments shall be paid with the accrued interest before the lien may be lifted.
 7. Written notice of any proposed transfer of common facilities by the homeowner or condominium association or the assumption of maintenance for common facilities must be given to all members of

the homeowner or condominium association and to the city no less than 30 days prior to such event.

8. The homeowner or condominium association shall administer, maintain, replace as necessary and operate such common facilities.
9. If at any time the homeowner or condominium association does not exist for any reason, each owner of record of property rights in the development shall be liable for the owners' obligations set forth in this ordinance to the same extent such owner would have been liable for the costs of such obligations if such association had been properly formed and currently existing.

b. *Private conservation organization.* Alternatively, with consent of the city, an owner may transfer either fee simple title of the protected conservancy areas or easements on the protected conservancy areas to a private nonprofit conservation organization provided that:

1. The conservation organization is acceptable to the city and is a bona fide conservation organization intended to exist indefinitely in accordance with the Internal Revenue Service Code requirements.
2. The conveyance contains appropriate provisions for reverter or retransfer if the organization becomes unwilling or unable to continue carrying out its functions.
3. The protected conservancy area is permanently restricted from future development through a conservation easement and the city is given the ability to enforce these restrictions; and
4. A maintenance agreement acceptable to the city is established between the owner and the organization.

c. *Dedication of easements to the city.* The city may, but shall not be required to, accept easements for public use of any portion of the common land or facilities. In such cases, the facility remains in the ownership of the condominium association, homeowner association or private conservation organization while the city holds the easements. In addition, the following requirements shall apply:

1. There shall be no cost of acquisition to the city.
2. A satisfactory maintenance agreement shall be reached between the owner and the city designating the owner as responsible for operation and maintenance.

(2) *Uses.* The following uses and no others are allowed in a protected conservancy area unless otherwise prohibited pursuant to applicable law. A use described below is only allowed if it is specified in the easement described below. Each of the

following uses is limited as provided by other applicable laws and shall be subject to all applicable approvals and permits required for them under this code.

- a. Each of the following uses is permitted in protected conservancy areas:
 1. Conservation of open land (e.g., woodland, wetland or managed meadow).
 2. Silviculture in accordance with approved standards for selective harvesting and sustained yield forestry and subject to the city's specimen tree ordinance.
- b. Each of following uses is permitted in protected conservancy areas provided the planning commission, as part of the concept plan approval or upon separate application, determines that the use, in the location proposed, does not interfere with or propose a threat to sensitive natural features and provided such use complies with all other applicable laws:
 1. Agricultural and animal-related uses that are permitted uses in the R-1 district.
 2. Pastureland for horses for non-commercial recreational use.
 3. Passive recreational amenities and designated areas for active recreational amenities. Amenities include, but are not limited to, features such as gardens, trail systems leading to destinations, sport courts, gathering and seating areas and children's play equipment.
 4. Sewage disposal systems, wells and storm water detention/retention systems that service individual lots or for all or part of the subdivision.
 5. Easements and facilities for drainage, access and public sewer and water.
 6. Easements for gas, electric, telecommunications and other city-approved private purpose.
- c. The following are conditional uses in protected conservancy areas:
 1. Agricultural and animal-related uses that are conditional uses in the OA or R-1 district.
 2. Golf courses.
 3. Equestrian facilities for subdivision recreational use.

The planning commission may deny or impose conditions on approval of any such conditional use if the planning commission determines that such use is inconsistent with the protection of the specific natural features of the protected conservancy area or if and to the extent the planning commission would otherwise be allowed to deny or impose conditions upon such use under this code or other applicable law.

- (3) *Design standards.* The following design standards shall apply to all protected conservancy areas:
- a. There shall be no minimum lot size, minimum average lot width or minimum lot length for a protected conservancy area.
 - b. Any structure in a protected conservancy area shall be at least 100 feet from any local street or arterial.
 - c. Whenever possible, protected conservancy areas shall connect with existing or likely protected conservancy areas on adjoining parcels.
 - d. Protected conservancy areas shall be delineated outside individual dwelling lots.
 - e. Each protected conservancy area shall be accessible by subdivision residents from internal streets either directly or from paths that connect to such streets.
 - f. Protected conservancy areas shall be designed with appropriate advice and counsel from professional naturalists, landscape architects, biologists, horticulturists, or other qualified professional acceptable to the city.
 - g. Berms shall be permitted in a protected conservancy area, subject to the city's berm and other applicable regulations, unless and to the extent that the planning commission determines that a proposed berm would be inconsistent with the protection of the specific natural features of the protected conservancy area.
- (4) *Protected conservancy area easement.* Each protected conservancy area shall be subject to an easement in form and content approved by the planning commission. The easement shall, among other things:
- a. Define ownership.
 - b. Obligate the owner for the cost and responsibility of maintaining, replacing as necessary and maintaining insurance in connection with all common facilities (including without limitation bikeway/pedestrian trails and nature paths regardless of whether located in the protected conservancy areas), common elements and the protected conservancy area.
 - c. Define the range of permitted activities and uses and prohibit activities and uses not approved by the planning commission.
 - d. Incorporate the stewardship plan described below.

- e. Define the means for funding the owner's maintenance and insurance obligations, including both long-term capital improvements and annual operating and maintenance costs.
- f. Permit the city to enter the premises and correct any violation of the terms of the easement and provide that the costs of such corrective action, plus administrative costs and penalties, may be charged to the responsible owner and/or individual property owners who make up a condominium or homeowner association and may include administrative costs and penalties. All such costs shall become a lien against all properties in the development.

The approved and executed easement shall perpetually run with the land and be recorded in the Office of the Ozaukee County Register of Deeds.

- (5) *Stewardship plan.* Protected conservancy areas and rights of way adjoining the protected conservancy areas shall be subject to a stewardship plan professionally prepared and in form and content acceptable to the planning commission. The stewardship plan shall:
 - a. Establish objectives and timelines for each open space area and critical environmental area, including:
 - 1. Restoration efforts.
 - 2. Correction of increasing destructive conditions such as erosion.
 - 3. Measures for restoring historic features.
 - 4. The proposed end state for the area.
 - 5. The measures proposed for achieving the end state.
 - b. Commit the owner to control regulated weeds within the protected conservancy areas and adjoining rights of way within a reasonable time established in the stewardship plan, and effectively maintain that control, using either integrated management methods or a single management method only if such method is the most practical and economical method for achieving and maintaining control. As used in this paragraph, the following terms have the following meanings:
 - 1. "Control" means to destroy the above-ground portion of a regulated Weed in a manner and at the proper time to prevent the development and distribution of the Regulated Weed, and to prevent the spread of such Regulated Weed from one area to another.
 - 2. "Integrated management" means the use of a combination of several weed control tools to suppress regulated weeds, stimulate the competitive vigor of desirable plants or landscaping and prevent additional regulated weeds or the growth or expansion of regulated

Exhibit A

weeds, including without limitation the replacement of regulated weeds with recommended plants.

3. “Regulated weeds” means:

- i. All noxious weeds (as defined in Wis. Stat. § 66.96, as amended from time to time);
- ii. Nuisance weeds (as defined in Wis. Stat. § 66.995, as amended time to time);
- iii. The following health-related weeds: common burdock (*arctium minus*), common ragweed (*ambrosia artemisiifolia*), giant ragweed (*ambrosia trifida*), poison ivy (*rhhus radicans*) and wild parsnip (*pastinaca sativa*);
- iv. The following woody plants: autumn-olive (*elaeagnus umbellata*); buckthorn bushes (common buckthorn/*rhamnus cathartica*; glossy buckthorn/*rhamnus frangula*); honeysuckle bushes (morrow’s honeysuckle/*lonicera morrowii*; tartarian honeysuckle/*lonicera tatarica*; bella honeysuckle/*lonicera x bella*); and oriental or Chinese bittersweet (*celastrus orbiculatus*); and
- v. The following herbaceous plants: velvet leaf or indian mallow (*abutilon theophrasti*); garlic mustard (*alliarica petiolata*); spotted knapweed (*centaurea maculosa*); yellow nutsedge (*cyperus esculentus*); common and cut-leaved teasel (*dipsacus laciniatus* and *dipsacus sylvestris*); black nightshade (*solanum nigrum*); and cocklebur (*xanthium strumarium*).

c. Establish necessary regular and periodic operation and maintenance responsibilities for the various kinds of open space (i.e., lawns, playing field, meadows, pastures, croplands, woodlands, etc.) including:

1. Mowing schedules.
2. Weed control.
3. Planting schedules.
4. Clearing and clean-up.

d. Be incorporated in the easement described above.

e. Be a perpetual obligation of the owner of the protected conservancy area.

(e) *Process.*

- (1) *Concept plan.* For all developments, the planning commission shall take action on a concept development layout plan prior to the applicant filing for approval of a preliminary plat. The concept plan shall identify the following:

Exhibit A

- a. Primary conservation features including but not limited to wetlands, floodplains, drainage courses, steep slopes and specimen trees.
- b. Secondary conservation features including but not limited to woodlands, natural meadows, scenic features, passive and active recreational amenities and view sheds.
- c. Location of house sites.
- d. Street alignments and trails.

(2) Council Review.

- a. The common council shall review an approved concept development layout plan for a conservation subdivision, as described in section 58-234(e)(1)), upon the occurrence of and as follows:
 - 1. In the event of a written request from two aldermen or one alderman and the mayor, the concept development layout plan shall be referred to the common council and shall not be effective unless confirmed by the common council.
 - 2. In the event of a written protest against the concept development layout plan, duly signed and acknowledged by the owners of 51 percent or more of the parcels of land located in or whole or in part within 1,320 feet of the property line of the land included in such conservation subdivision, the development layout plan shall be referred to the common council and shall not become effective except by the favorable vote of six members of the common council. Each page of the protest shall describe the land that is the subject of the proposed conservation subdivision, a statement that the people signing the petition oppose the concept development layout plan and a statement describing the reasons for the opposition to the concept development layout plan. Any person signing a petition on behalf of an entity owner shall specify in the petition the name of the entity and the legal capacity on behalf of the entity in which he or she is signing the petition. The city shall conclusively determine which parcels are in or whole or in part within 1,320 feet of the land included in the conservation subdivision by utilizing the buffer or notification feature of the current version of the city's GIS software. In the case of a petition circulated by one or more individuals among multiple owners (as opposed to an individual acknowledgment by any singular owner), each circulator shall include an acknowledgment under penalty of perjury on the petition certifying that the circulator is an owner qualified to protest under this section; that the circulator personally

circulated the petition and personally obtained each of the signatures; that the circulator knows that the signers are also owners qualified to protest under this section and that the address of each owner is correctly included on the petition; that the circulator knows the owners signed the petition with full knowledge of its content; and, that the circulator knows each signer signed on the date stated opposite his or her name.

- b. Any request for confirmation under subsection a or any protest under subsection b must be filed with the clerk not later than 12:00 noon on the third Friday following the planning commission's approval of the concept development layout plan or any material change to the concept development layout plan. The common council shall take action on the request for confirmation or protest petition no later than the second common council meeting following the approval of the planning commission.
- c. If both a request for confirmation and a proper protest are timely filed, the common council shall proceed under the rules of the protest.
- d. In considering a request for confirmation or a protest, the common council may and should attempt to modify the development layout plan to mitigate legitimate concerns presented by the members of the common council requesting confirmation or the protesters rather than denying.

- (3) Easement and stewardship plan. For any application containing protected conservancy areas, including all conservation subdivisions, the easement and stewardship plan are required to be submitted with the preliminary plat and are subject to planning commission approval at the time of the preliminary plat.

Sec. 58-235. - R-1B single-family rural residential district.

The R-1B district is intended to provide for large lot single-family residential development primarily within the area designated on the land use plan map as "rural service area." The district regulations are designed to accommodate homes which will generally be served with private on-site waste facilities.

Sec. 58-236. - R-2 single-family rural residential district.

The R-2 district is intended to provide for large lot single-family residential development of a semi-rural nature in areas where public water or sewerage facilities are not reasonably available. This district shall generally serve as a transition between the urban and rural service area illustrated on the land use plan map. Additionally, this district is appropriate for development adjacent to rivers, streams, Lake Michigan, and other sensitive environmental areas.

Sec. 58-237. - R-2B single-family suburban residential district.

The R-2B district is intended to provide for large lot single-family residential development primarily within the area designated on the land use plan map as "urban service area." The district regulations are designed to reasonably accommodate large homes which may potentially be served by public sewerage facilities.

Sec. 58-238. - R-3 single-family suburban residential district.

The R-3 district is intended to provide for large lot single-family residential development primarily within the area designated on the land use plan map as "urban service area." The district regulations are designed to reasonably accommodate large homes which may potentially be served by public sewerage facilities.

Sec. 58-239. - R-4 single-family suburban residential district.

The R-4 district is intended to provide for medium sized lot single-family residential development within the area designated on the land use plan map as "urban service area." The district regulations are designed to accommodate moderately large homes in a manner which efficiently utilizes potential public water and sewerage facilities.

Sec. 58-240. - R-5 single-family suburban residential district.

The R-5 district is intended to provide for relatively small lot single-family residential development within the area designated on the land use plan map as "urban service area." The district regulations are designed to accommodate specialized housing needs characteristic of reduced lot and home size.

Sec. 58-241. - R-6 two-family and three to four unit multiple-family suburban residential district.

The R-6 district is intended to provide for high quality medium density residential development for two-family dwellings and multiple-family dwellings with no more than four units per structure within the areas designated on the land use plan map as "single-family attached." All uses are subject to planning commission approval of the building, site and operational plans.

Sec. 58-242. - RM multiple-family residential district.

The RM district is intended to provide for high quality, low density multiple-family development within the areas designated on the land use plan map as "multi-family." All uses are subject to planning commission approval of the building, site and operational plans.

Secs. 58-243—58-245. - Reserved.

Sec. 58-246. – Permitted uses in residential districts.

Table 58-246 sets forth the permitted uses for each residential zoning district. Permitted uses in any protected conservancy area in the R-1 district are set forth in section 58-234(d)(2).

[INSERT TABLE]

Sec. 58-247. – Permitted accessory uses in residential districts.

- (a) *Permitted accessory uses generally.* Table 58-247 sets forth the permitted accessory uses for each residential zoning district.

[INSERT TABLE]

- (b) *Garages and carports.*

- (1) No garage or carport shall be erected prior to the erection of the principal building to which it is accessory.
- (2) The following provisions apply to properties zoned R-1 through R-5:
 - a. Except as otherwise specifically provided below, no more than one principal garage, either attached or detached, shall be permitted on a lot.
 - b. If there is a residence without an attached garage, one principal detached garage not to exceed 800 square feet in area shall be permitted.
 - c. If a residence was constructed prior to year 2003 with an attached garage in which two full-sized personal automobiles cannot reasonably be stored side-by-side, one principal detached garage not to exceed 675 square feet in area shall be permitted, provided no such garage structure shall be sited in front of an existing residence or in such other location as shall unreasonably affect or adversely impact the beauty and general enjoyment of existing residences or adjoining properties.
 - d. Enclosed vehicular storage space for not more than one vehicle may be rented to persons not resident on the lot, such space being defined as an area not to exceed 300 square feet.

Exhibit A

(c) *Detached storage structures.*

In addition to any permissible garages, a single detached storage shall be permitted in the following zoning districts subject to the following conditions:

- (1) On any property zoned R-1 provided that no such detached storage structure shall exceed the lesser of 2,178 square feet or one percent of the area of the property; however, if the property is subject to an AO agricultural overlay, the property shall not be restricted in the number or size of detached storage structures.
- (2) On any property zoned R-1B through R-5 subject to the following conditions:
 - a. If a guesthouse is constructed as a conditional use, no detached storage structure is permitted.
 - b. A detached storage structure shall not exceed one percent of the lesser of (a) five acres or (b) the area of the property if the property is not divisible in the current zoning district or, if it is divisible, the zoning district's minimum lot size.

(d) *Parking requirements for the RM Zoning District.*

- (1) *Enclosed Parking.* Each dwelling unit shall be provided a minimum of the following number of enclosed parking spaces:
 - a. One-bedroom units: 1.75 parking spaces.
 - b. Two-bedroom units: 2.00 parking spaces.
 - c. Three-bedroom units: 2.00 parking spaces.
- (2) *Off-street parking ratio.* Off-street parking for guest parking shall be provided at the rate of one space for every two dwelling units, but no less than four spaces per development.

(e) *Home occupations.*

- (1) The home occupations shall be clearly incidental to the principal residential use.
- (2) The home occupation shall be carried on wholly within the principal residential dwelling or within a permitted accessory structure and only by residents occupying the premises and one additional person not a resident on the premises.
- (3) No article or service shall be sold or offered for sale on the premises except by telephone or electronically with products stored and any physical delivery occurring elsewhere.

Exhibit A

- (4) The home occupation shall not normally generate customer or client traffic to the residential premises.
- (5) No retail or wholesale business shall be conducted on the premises.
- (6) No sand, gravel, stone, topsoil or peat moss shall be removed from the premises for commercial purposes.
- (7) No materials, equipment or vehicles used in the home occupation shall be stored outside.
- (8) Any off-street parking area shall be maintained reasonably dustless and adequately screened from adjoining residential properties.
- (9) The home occupation shall not generate or result in offensive noise, vibration, smoke, dust, odors, heat, or glare if any of the foregoing creates a nuisance or is otherwise incompatible with the surrounding residential area.
- (10) In the R-6 zoning district, there shall be no signs for the home occupation. A sign for a home occupation in any other residential zoning district shall comply in all respects with the requirements in the sign code for home occupation signs.

Sec. 58-248. – Conditional uses in residential districts.

- (a) *Generally.* Table 58-248 sets forth the conditional uses for each residential zoning district. Specific conditions and requirements for each conditional use are set forth in the provisions following Table 58-248. These conditions and requirements are in addition to those set forth in, and imposed, under article II, division 3 and elsewhere in this Code.

[INSERT TABLE]

Exhibit A

(b) *Commercial outdoor recreational facilities.*

- (1) Such facilities are open to the public or available through membership.
- (2) Examples include, but are not limited to, athletic fields, sport courts, playgrounds, and golf courses.
- (3) Structures customary to such facilities may be approved; however, the primary activity shall be conducted outdoors.
- (4) Except for conservation subdivisions in the R-1 zoning district, these uses must be approved through a planned unit development.

(c) *Utility, transmission and distribution lines, poles, and other accessories.*

- (1) When a utility proposes a main inter-city transmission facility, the utility shall give notice to the planning commission of such intention and of the date of hearing before the public service commission and, before actual construction, shall file with the planning commission a map description of the route of transmission line.
- (2) Public and/or private utility installations less than three feet in height shall be subject only to city staff approval and may be allowed subject to staff-imposed conditions regarding, among other things, effective screening from public view with all-season vegetation.

(d) *Community living arrangements.*

- (1) No structure shall be greater than two stories.
- (2) Structures shall comply with the city's Architectural Guidelines for Residential Structures in effect at the time of approval.
- (3) The maximum floor area ratio shall be 20%.
- (4) Parking shall be located on the side or rear of the primary structure, shall be offset at least 30 feet from all property lines and shall be screened with all-season vegetation from adjoining one-family dwelling or two-family dwelling.
- (5) No signs shall be allowed.
- (6) The use shall be licensed to the extent required by state law, located as restricted by state law and subject to hearings before the common council to the extent allowed by state law.

Exhibit A

- (7) The planning commission, subject to all fair housing law requirements, may reject any application for a conditional use for a community living arrangement at its discretion.
- (e) *Accessory dwelling units.*
- (1) An accessory dwelling unit is an area, other than an area in a basement, attached to or contained within a primary dwelling unit with its own bathroom, kitchen and sleeping area. As used in this paragraph, a kitchen is an area with a sink, a refrigerator and a stove, range, oven or cooktop.
 - (2) The primary dwelling unit must be owner occupied at any time that a person other than the owner or a legal dependent of the owner occupies the accessory dwelling unit. A property shall be deemed to be owner occupied if an owner or in the case of an owner entity, the person who has voting control of the entity, is either registered to vote using that address or claims the property as the person's primary residence for the Wisconsin lottery and gaming credit.
 - (3) An accessory dwelling unit may only be occupied by a family member, blood relative, legal dependent, caretaker or paid servant of a resident of the primary dwelling unit.
 - (4) There can be no more than one accessory dwelling unit per one-family dwelling.
 - (5) The total living area of an accessory dwelling unit can be no larger than 40% of the total living area of the primary dwelling to which it is attached or contained. Total living area shall be measured from the outside of exterior walls (excluding cellars, basements, open porches, breezeways, garages and other spaces that are not used frequently or during extended periods for living, eating or sleeping purposes).
 - (6) The accessory dwelling unit must have at least one common entrance with the primary dwelling unit.
 - (7) There shall not be separate direct entrances for each dwelling unit on the front of the building unless this prohibits handicapped access.
 - (8) An accessory dwelling unit may not have a separate postal address.
 - (9) An area in a basement that would qualify as an accessory dwelling unit if not in a basement shall be permitted without a conditional use grant provided there is no accessory dwelling unit on the property and provided that the city and the owner record an agreement that encumbers the property by which the owner covenants that no accessory dwelling unit may be constructed on the property and the use of such basement area shall be subject to the requirements of (2), (3), (6), (7) and (8).

Exhibit A

(f) *Guesthouses.*

- (1) A guesthouse is a detached structure with living quarters and is intended for the temporary stay of occasional guests.
- (2) A guesthouse may not contain a stove, oven, range or cooktop.
- (3) A guesthouse may not be rented or used as a separate dwelling.
- (4) A guesthouse may not be constructed unless the property contains a primary residence.
- (5) If a guesthouse is constructed, no detached storage structure is permitted unless the property is in the R-1 zoning district.
- (6) A guesthouse shall not exceed one percent of the lesser of (a) five acres or (b) the area of the property if the property is not divisible in the current zoning district or, if it is divisible, the zoning district's minimum lot size.
- (7) A guesthouse may not have a separate postal address.

(g) *Historically significant structures used as private clubs or private lodges.*

- (1) A structure is only historically significant if it is listed on the National Register of Historic Places or has been designated a local landmark by the Mequon Landmarks Commission.
- (2) No more than one vehicle may be temporarily parked in a driveway in front of the primary structure. All other exterior parking shall be located on the side or rear of the primary structure, shall be offset at least 30 feet from all property lines and shall be screened with all-season vegetation from any adjoining one-family dwelling or two-family dwelling.

(h) *Bed and breakfast establishments.*

Bed and breakfast establishments shall be licensed under, meet the requirements of and be operated in accordance with Wis. Stat. § 97.01 and Wis. Admin. Code § ATCP 73, as amended or renumbered from time to time, and all other applicable laws.

(i) *Landscape contracting businesses.*

- (1) The business shall occupy no more than 10 acres.
- (2) No outside storage of materials or equipment.

Exhibit A

- (3) The business and its primary operations must be at least 500 feet from any dwelling on any adjoining parcel.
- (4) No on-site sales of mulch or other related products.

Sec. 58-249. – Technical requirements of residential districts.

- (a) *Generally.* Table 58-249 sets forth the technical requirements for each residential zoning district.

[INSERT TABLE]

- (b) *Explanations.* As used in Table 28-248:

- (1) Minimum living area shall be measured from the outside of exterior walls (excluding cellars, basements, open porches, breezeways, garages and other spaces that are not used frequently or during extended periods for living, eating or sleeping purposes).
- (2) Minimum building setback shall be measured from the ultimate right-of-way line of each public street, road, or highway which abuts the subject property.
- (3) Minimum building offset shall be measured from each side and rear lot line other than a lot line subject to a minimum building setback.
- (4) Maximum lot coverage percentage shall be the percentage of a property covered by buildings and structures.

- (c) *Special maximum lot coverage standards.*

- (1) Maximum lot coverage percentage shall not apply to a residential planned unit development unless the common council determines otherwise in the ordinance that creates the planned unit development.
- (2) If a property is in the R-1 through R-3 zoning districts and the property is smaller than the minimum lot size for the zoning district in which it is located, the maximum lot coverage percentage shall be the percentage applicable to the zoning district with a minimum lot size smaller than, but closest in size to, the property.

Secs. 58-250—58-262. - Reserved.

Exhibit B**Sec. 58-8**

The following definitions shall be added to section 58-8 (the definitions section for the zoning code):

Attached means, when referencing a structure attached to a dwelling, that (a) the attached structure has interior access to the dwelling at or above grade, (b) a wall on the attached structure shares a wall on the primary dwelling, or is continually connected to a wall on the primary dwelling, for at least 30% of the shared or connected wall on the primary dwelling, but in any event for no less than six feet, (c) the attached structure and the primary dwelling have a common roof line or the attached structure has a connection between its roofline and the primary dwelling, and (d) there is a connection between the foundation of the attached structure and the primary dwelling. An attached structure shall be deemed to be part of the dwelling. This definition shall not modify the definition for the defined term *attached dwelling*. *Detached* means an adjoining structure or other structure on the property that does not meet the foregoing definition of attached and is not an attached dwelling.

Conservation subdivision means a residential development other than an estate lot design subdivision.

Estate lot design subdivision means a residential subdivision in which the minimum residential lot size is at least five acres.

Protected conservancy area means that portion of a development that is permanently set aside for the protection of sensitive natural features, farmland, scenic views and other unique features.

The following definitions already existing in section 58-8 shall be modified as follows (additions are underlined and deletions are stricken):

Dwelling, single-family, means a structure designed exclusively for use and occupancy by one family and that is not an attached dwelling.

Dwelling, two-family means a structure arranged or designed to provide dwelling units as attached dwellings for occupancy by two families living independently of each other.

Dwelling, multiple-family, means a structure arranged or designed as attached dwellings to be occupied by three or more families living independently of each other.

Lot coverage means that portion of the lot that is covered by buildings and structures.

The term “one-family” shall be replaced with “single-family” in the following locations of the code.

Section 58-301 – h1, k1, k2, m3

Section 58-302 - h1, k1, k2, m3

Section 58-303 -(B) Planned Residential Neighborhood a, b,

Exhibit B

The following sections of the code shall be modified as follows (additions are underlined and deletions are stricken):

Sec. 58-202. Establishment of districts.

In order to carry out the purpose and provisions of this chapter, the City of Mequon is hereby divided into the following districts:

R-1 single-family rural residential district five-acre minimum)

R-1B single-family rural residential district (2.5-acre minimum)

R-2 single-family rural residential district (two-acre minimum)

R-2B single-family suburban residential district (1.5-acre minimum)

R-3 single-family suburban residential district (one-acre minimum)

R-4 single-family suburban residential district ($\frac{3}{4}$ -acre minimum)

R-5 single-family suburban residential district ($\frac{1}{2}$ -acre minimum)

R-6 two-family and three to four unit multiple-family suburban residential district (20,000-square-foot minimum structure)

RM multiple-family residential district (low density: four to eight units/acre multiple-family dwellings)

Sec. 58-530(c)(4)

- (4) Feces shall be removed from yards and enclosures daily and stored in tightly covered metal containers that are setback at least 50 feet from the property line.

Sec. 58-532(f)(2)

- (2) No building housing producing animals shall be closer than 50 feet to any lot line except for chicken enclosures on residentially zoned properties, which are governed by the specific standards for chickens set forth above.

Sec. 58-639. - Dedications.

- (a) All facilities and improvements installed prior to the final approval of the plat shall be considered dedicated along with streets and other public areas upon the approval of the plat, certified survey map or condominium declaration. Facilities and improvements completed under bond or other financial guarantee after the approval of the plat shall be considered dedicated upon their approval and acceptance and release of the bond or other guarantee. The city may require one or more transfer documents.
- (b) In the case of a land division, subdivision or condominium in the R-1 zoning district of a development site of more than 25 acres (including two or more parcels that in the aggregate are greater than 25 acres) for a conservation subdivision for which approval is sought after the effective date of the ordinance from which

Exhibit B

this article is derived, and the approval for which shall be conditioned upon the dedication of public right of way, then for the purpose of determining lot size compliance and/or permissible lot yield, the area of land so dedicated shall not be subtracted from the total area of the resulting development site or parcels.

Sec. 58-265. - OA agricultural overlay district.

(a) *Purpose.* The OA agricultural overlay district is intended to provide for, maintain, preserve, and enhance agricultural lands. The purposes of the district are to:

- (1) Protect and encourage the continuation of existing farm operations.
- (2) Minimize conflicts between farm and non-farm uses.

(b) *Permitted uses.*

- (1) Any use by right in the underlying base district.
- (2) All uses commonly classified as agriculture, horticulture, or forestry, including crop and tree farming, truck farming, gardening, nursery operation, stock raising (not including raising of fur-bearing animals, or animal hospitals), dairy farming, and forestry operations, together with the operation of any machinery or vehicles incidental to the above uses.
- (3) Municipal utilities.
- (4) Barns, sheds and other similar agricultural structures, but not greenhouses or structures that will house domestic animals or wild animals, each as defined in section 58-516. Greenhouses are regulated by the provisions of the underlying zoning district. Structures housing domestic animals and wild animals are regulated by the provisions of division 11 of this chapter. If a structure permitted under this provision is more than 1,000 square feet, the design is subject to planning commission approval. Other district standards, such as lot coverage ratio, apply. The application processing fee will be waived. The common council has approved this waiver to minimize the burden to the city's farmers and to encourage agricultural pursuits.

(c) *Permitted accessory uses.*

- (1) Permitted accessory uses in the underlying base district.
- (2) Temporary roadside stands for display and sale of agricultural products grown or produced on the premises. Such uses shall be subject to planning commission approval and the following requirements:
 - a. Off-street parking for a minimum of four vehicles shall be provided.
 - b. No stand shall be permitted in a location where it would create a traffic hazard or nuisance. Driveways shall be located to minimize possible interference with normal flow of highway traffic.

Exhibit C

- c. No such stand shall be closer than 50 feet to the existing street line or closer than 20 feet to any other lot line.
- d. One sign, not exceeding 20 square feet in area, shall be set back at least ten feet from the road right-of-way.

(d) *Conditional uses.*

- (1) Conditional uses in the underlying base district.
 - (2) Commercial hatcheries.
 - (3) Commercial greenhouses and nurseries.
 - (4) Animal and animal-related uses specified in division 11 as conditional uses in the OA district.
 - (5) Parks, forest preserves, and recreational areas.
 - (6) Public and or private utility, transmission and distribution lines, poles, and other accessories provided that when the utility proposes a main inter-city transmission facility, the utilities shall give notice to the planning commission of such intention and of date of hearing before the public service commission, and before actual construction shall file with the planning commission a map description of the route of transmission line. Public and/or private utility installations less than three feet in height shall be subject only to City of Mequon staff approval and may be allowed subject to staff-imposed conditions of section 58-265 regarding, among other things, effective screening from public view with all season vegetation.
 - (7) Landscape contracting businesses.
 - (8) Commercial outdoor recreational facilities subject to the conditions set forth in section 58-248(b).
 - (9) Wineries.
- (e) *Lot size.* The minimum lot size shall have an area of not less than ten acres for uses in the OA district. The minimum lot size for property used only as residential shall be in accordance with the underlying base district.
- (f) *Building height.*
- (1) The height of any dwelling unit shall not exceed 42 feet.
 - (2) The height of other farm structures shall not exceed 60 feet.

Exhibit C

- (g) *Minimum average lot width.* The minimum average lot width shall be no less than 400 feet when land is used in accordance with the OA district. Average lot widths for other uses shall be in accordance with the underlying base district.
- (h) *Minimum building setback.* In accordance with the underlying base district.
- (i) *Minimum building offset.* Residential structures shall be in accordance with the underlying base district. Buildings or structures housing livestock shall not be erected closer than 50 feet to a side or rear lot line. Structures for the housing of farm equipment shall not be erected closer than 30 feet to the side or rear lot line.

Table 58-246

	R-1	R-1B	R-2	R-2B	R-3	R-4	R-5	R-6	RM
Single-family dwellings	X	X	X	X	X	X	X		
Two-family dwellings and multiple-family dwellings for no more than four families								X	
Multiple-family dwellings with no more than eight units per building									X
Community living arrangements for eight or fewer persons in accordance with Wis. Stat. § 62.23(7)(i)	X	X	X	X	X	X	X	X	X
Community living arrangements for more than eight but less than 16 residents in accordance with Wis. Stat. § 62.23(7)(i)									X
Animals and animal-related uses specified in division 11 as permitted uses in this zoning district	X	X	X	X	X	X	X	X	X
Long-term rental of a dwelling	X	X	X	X	X	X	X	X	X

Table 58-247

	Additional Regulations Below	R-1	R-1B	R-2	R-2B	R-3	R-4	R-5	R-6	RM
Private garages	X	X	X	X	X	X	X	X	X	X
Private carports	X	X	X	X	X	X	X	X		
Paved parking areas	X	X	X	X	X	X	X	X	X	X
Home occupations and professional offices	X	X	X	X	X	X	X	X	X	X
Detached storage structures	X	X	X	X	X	X	X	X	X	X
Family child care homes in accordance with Wis. Stat. §§ 66.1017 and 48.65		X	X	X	X	X	X	X	X	X
Private outdoor recreational facilities normally accessory to a residential use		X	X	X	X	X	X	X	X	X
Short-term rental of a dwelling in accordance with section 58-422		X	X	X	X	X	X	X		
Non-commercial greenhouses that do not exceed 150 square feet - such uses do not count against the total detached storage structures allowed		X								

Table 58-248

	R-1	R-1B	R-2	R-2B	R-3	R-4	R-5	R-6	RM
Commercial outdoor recreational facilities	X	X	X	X	X	X	X	X	
Public and or private utility, transmission and distribution lines, poles, and other accessories	X	X	X	X	X	X	X	X	X
Community living arrangements for more than eight but less than 16 residents in accordance with Wis. Stat. § 62.23(7)(i)	X	X	X	X	X	X	X	X	X
Community living arrangements for 16 or more persons in accordance with Wis. Stat. § 62.23(7)(i)	X	X	X	X	X	X	X	X	X
Accessory dwelling units	X	X	X	X	X	X			
Guesthouses	X	X	X	X	X				
Historically significant structures used as private clubs or private lodges	X	X	X	X	X				
Bed and breakfast establishments	X		X						
Landscape contracting businesses	X								

Table 58-249

	R-1									
	Estate Lot Design	Conservation	R-1B	R-2	R-2B	R-3	R-4	R-5	R-6	RM
Minimum Lot Size	5.0 acres (217,800 sq. ft.)	0.75 acres (32,670 sq. ft.)	2.5 acres (108,900 sq. ft.)	2.0 acres (87,120 sq. ft.)	1.5 acres (65,340 sq. ft.)	1.0 acre (43,560 sq. ft.)	0.75 acres (32,670 sq. ft.)	0.5 acres (21,780 sq. ft.)	1.0 acre (43,560 sq. ft.)	One-bedroom units, 6,000 square feet (i.e., 7.26 units per acre) Two-bedroom units, 7,000 square feet (i.e., 6.2 units per acre) Three-bedroom units, 10,000 square feet (i.e., 4.35 units per acre)
Density	N/A	one dwelling per five acres	N/A	N/A	N/A	N/A	N/A	N/A	Four units per acre	N/A
Minimum Living Area										
Single-family dwelling unit	1,800 sq. ft.	1,800 sq. ft.	1,600 sq. ft.	1,800 sq. ft.	1,400 sq. ft.	1,800 sq. ft.	1,600 sq. ft.	1,400 sq. ft.	N/A	N/A
One-bedroom units	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	1,000 sq. ft.	900 sq. ft.
Two-bedroom units	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	1,200 sq. ft.	1,100 sq. ft.
Three-bedroom units	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	1,400 sq. ft.	1,300 sq. ft.
Maximum Building Height*										
Dwelling Height	42 ft.	42 ft.	42 ft.	42 ft.	42 ft.	42 ft.	42 ft.	42 ft.	42 ft.	42 ft.
Accessory Structures	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.
Minimum Average Lot Width and Minimum Average Lot Length	300 ft.	N/A	200 ft.	200 ft.	175 ft.	150 ft.	130 ft.	120 ft.	150 ft.	150 ft.
Minimum Building Setbacks										
Local Streets	100 ft.	See text	50 ft.	75 ft.	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.	50 feet (planning commission may vary to no less than 25 feet)
Expressways - Freeways	100 ft.	See text	200 ft.	75 ft.	200 ft.	200 ft.	200 ft.	200 ft.	100 ft.	100 ft.
Primary Arterials	100 ft.	See text	100 ft.	75 ft.	100 ft.	100 ft.	100 ft.	100 ft.	100 ft.	100 ft.
Secondary Arterials	100 ft.	See text	80 ft.	75 ft.	80 ft.	80 ft.	80 ft.	80 ft.	80 ft.	80 ft.
Local Arterials	100 ft.	See text	70 ft.	75 ft.	70 ft.	70 ft.	70 ft.	70 ft.	70 ft.	70 ft.
Minimum Building Offset										
Generally	30 ft.	30 ft.	25 ft.	30 ft.	25 ft.	20 ft.	20 ft.	20 ft.	20 ft. (side); 35 ft. (rear)	15 ft.
Building or structures housing livestock	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.	N/A	N/A	N/A
Maximum Lot Coverage Percentage	5%	10%	10%	10%	15%	15%	15%	20%	30%	30%

* See section 58-418(d)

Justin Schoenemann

From: Mark Gierl
Sent: Monday, May 17, 2021 8:27 AM
To: Justin Schoenemann; Brian Sajdak; mgierl@sbcglobal.net
Subject: Special Public Welfare Meeting;

Justin,

I notice someone named Dan was watching in on our most recent Public Welfare meeting.

The next morning, I called Dan Abendroth to see if it was him.

He said yes and offered the following solution to help keep Common Council oversight. He said that alderman Wirth actually wrote the following for a similar situation a few years back.

"Mark

Here is the language from chapter 58 regarding conditional use grants:

Confirmation. Conditional use grant approvals shall require common council confirmation upon written request from two aldermen or one alderman representative and the mayor. Such request shall be made within 14 days of the corresponding planning commission approval of the conditional use grant petition. The burden of persuasion on the issue of whether the development, if completed as proposed, will comply with the requirements of this chapter remains at all times on the applicant. d)

You can just substitute "conservation subdivision concept plan" approvals for "conditional use grant" approvals and add it to the new R-1 ordinance.

Dan"

This should solve the problem I brought up about the Planning Commission having no oversight.

Please include this in our packet for the upcoming meeting. As a committee we will take it up.

Brian,

As I understand it the ordinance for discussion covers just Conservation Subdivisions.

It would not affect any other rezoning and the protest petition for those would still be in effect. Correct?

Thank you,

Alderman Mark Gierl
 Committee Chair

Attachment: Suggested Amendment Language from Chairman Gierl 5 17 21 (ORDINANCE 2021-1591 : Chapter 58 Conservation Subdivision &



draft

11333 N. Cedarburg Rd.
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
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
Alderman Glenn Bushee
Alderman Dale Mayr
Alderman Jeffrey Hansher
Alderman Mark Gierl
Alderman Brian Parrish
Alderman Kathleen Schneider
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**.

Attachment: 05-11-21_Council draft minutes (6265 : Common Council meeting minutes of May 11, 2021)

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

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

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

- 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

- 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

- 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

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

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

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

Respectfully Submitted,
Kathy Andrykowski

**ARCHITECTURAL BOARD MINUTES****Monday, April 12, 2021****6:30 PM****Via Teleconference GoToMeeting****Minutes****1. Call to Order, Roll Call**

Present: Chairman Scott Reed

Members at Large: Paul Apfelbach, John Mikkelson

Aldermanic District Members: Anthony LaGalbo, Jason Dozark, Curtis Helm

Building Inspector: Mike Hadley

2. Meeting Minutes

Minutes from the March 8, 2021 meeting were approved by Chairman At-Large, Scott Reed and seconded by Architect At-Large, John Mikkelson.

3. Application Submittals:

No.	Alder. District /Time	Type of App	Owner(s) / Project Address	Contractor
1)	Dist. 4 6:30 pm	Addition: Enclosed Porch	John & Laura Leszczynski 8440 W. Highlander Drive Subd: Highlander Estates	Cont: Rustic Retreats Arch: Owner
Moved to Approve: _____ Seconded by: _____ Approved: _____ Vote: _____ Conditions: _____ CANCELED				

2)	Dist. 5 6:40 pm	New Single-Family Residence	Koben & Debbie Miceli 2348 W. Saddlebrook Lane	Cont: Regency Builders
			Subd: Saddlebrook Park	Arch: Steve Wollersheim

Moved to Approve: _____

Seconded by: _____

Approved: _____

Vote: _____

CANCELED

Conditions: _____

3)	Dist. 7 6:45 pm	Addition: Second Floor	Tim & Amy Damon 3030 W. Donges Bay Road	Cont: Owner
			Subd: Wey Acres	Arch: Meg Baniukiwicz

Moved to Approve: Mikkelson

Seconded by: Dozark

Approved: Yes

Vote: Unanimously

Conditions: Plans approved as submitted with the condition that a metal roof should be installed.

4)	Dist. 8 6:55 pm	Addition: First & Second Floor	Kane Harvey 729 W. San Jose Drive	Cont: Entech Builders
			Subd: Bonnie Lynn Highlands	Arch: Drexel Building Supply

Moved to Approve: Mikkelson

Seconded by: Dozark

Approved: Yes

Vote: Unanimously

Conditions: Plans approved as submitted with the following conditions:

1. Add shutters to windows on addition except for small laundry room window.
2. Move windows on left elevation addition to allow for shutters.

5)	Dist. 8 7:05 pm	Addition: Attached Garage	Drake & Jennifer Zortman 11027 N. Lake Shore Drive Subd: N/A	Cont: Owner Arch: Owner
----	--------------------	--------------------------------------	--	--------------------------------

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

Conditions: Plans approved as submitted with the condition that shutters be added to all windows (where possible).

6)	Dist. 8 7:15 pm	New Single-Family Residence	David & Judy Eager 10298 N. Wildwood Court Subd: Wildwood Preserve	Cont: Regency Builders Arch: Regency Builders
----	--------------------	--	--	--

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

Conditions: Plans approved as submitted.

7)	Dist. 1 7:20 pm	Inground Swimming Pool & Cabana	Curt & Tammy Trau 13071 N. West Shoreland Dr. Subd: N/A	Cont: Owner Arch: Pool Works, Inc.
----	--------------------	--	---	---

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

Conditions: Plans approved as submitted with the condition that grids are added to all double hung windows.

Attachment: Arch Brd_04-12-21 (6254 : Architectural Board meeting minutes of April 12, 2021)

8)	Dist. 1 7:30 pm	Outbuilding	Dave & Jean Johnson 3330 W. Freistadt Road Subd: N/A	Cont: Morton Building, Inc. Arch: Morton Building, Inc.
----	--------------------	--------------------	--	--

Moved to Deny: Reed
 Seconded by: Mikkelson
 Approved: Submitted Plans Denied
 Vote: Unanimously

Conditions: Plans denied as submitted. Homeowner has the option of resubmitting to Architectural Board with new plans showing material (not metal) that is consistent with the Guidelines for a residential property or apply to the Board of Appeals for approval.

9)	Dist. 1 7:40 pm	Detached Garage	Adam & Kathryn Meltzer 8616 N. Bonniwell Road Subd: N/A	Cont: Coach House Homes Arch: Hundt Architecture
----	--------------------	------------------------	---	---

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

Conditions: Plans approved as submitted with the condition that the window grids match the existing structure..

10)	Dist. 1 7:50 pm	New Single-Family Residence	John Alden & Oscar Dromin 12837 N. Highgate Court Subd: Highgate	Cont: Trustway Homes, Inc. Arch: Michael Kuhr
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Moved to Approve Foundation Only: Reed
 Moved to Table Structure: Reed
 Seconded by: Mikkelson
 Approved: Yes
 Vote: Unanimously

Conditions: Plans were tabled for redraw but were approved for footings and foundation only.

Attachment: Arch Brd_04-12-21 (6254 : Architectural Board meeting minutes of April 12, 2021)

11)	Dist. 1 7:55 pm	New Single-Family Residence	Michael & Ann Regenfuss 13420 N. Silver Fox Drive	Cont: Lakeside Development
			Subd: Fox Farms	Arch: Lakeside Development

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

Conditions: Plans approved as submitted.

12)	Dist. 1 8:00 pm	New Single-Family Residence	Michael E. Van Treeck 12765 N. Rotary Park Court	Cont: Demlang Builders, Inc.
			Subd: N/A	Arch: Demlang Builders, Inc.

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

Conditions: Plans approved as submitted with the following conditions:

1. Remove stone beltline from front and east elevation.
2. Stone focal point on front elevation bump-out/gables only, with stone dying at inside corners.
2. Window grids consistency throughout.

13)	Dist. 1 8:05 pm	New Single-Family Residence	Anderson Homes LLC 13774 N. Pine View Court	Cont: Anderson Homes LLC
			Subd: Riverland Estates	Arch: Anderson Homes LLC

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

Conditions: Plans approved as submitted with the following condition:

1. Brick to be added on the east elevation around lower-level windows (recreation area) and dying on inside corners.

Attachment: Arch Brd_04-12-21 (6254 : Architectural Board meeting minutes of April 12, 2021)

14)	Dist. 1 8:10 pm	New Single-Family Residence	Anderson Homes LLC 13853 N. Pine View Court Subd: Riverland Estates	Cont: Anderson Homes LLC Arch: Anderson Homes LLC
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Moved to Approve: Apfelbach
 Seconded by: Reed
 Approved: Yes
 Vote: Unanimously

Conditions: Plans approved as submitted with the following conditions:
 1. Add stone beltline on front elevation left of the fireplace.
 2. Add stone beltline on entire north elevation.
 3. Add stone beltline on entire west elevation except on the master bedroom bump out.
 4. All stone should dye on inside corners.

15)	Dist. 3 8:15 pm	Addition: Second Floor	Justin & Terri Black 11851 N. Ridgeway Avenue Subd: Solar Heights	Cont: Gabor Design Build Arch: Bryan Wick
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Moved to Approve: Dozark
 Seconded by: Reed
 Approved: Yes
 Vote: Unanimously

Conditions: Plans approved as submitted.

16)	Dist. 5 8:25 pm	Re-Submittal: New Single-Family Residence	Jonathan Omer 2049 W. Martin Way Subd: Bonniwell Trace	Cont: Kingfogl Construction Arch: Kingfogl Construction
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Moved to Approve: Helm
 Seconded by: Mikkelson
 Approved: Yes
 Vote: Unanimously

Conditions: Re-submitted plans approved.

4. Action:

District Three Representative, Jason Dozark made a motion to adjourn
 Architect At-Large, John Mikkelson seconded the motion
 A vote was taken; vote passed unanimously

Meeting adjourned at 8:25 p.m.



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www.ci.mequon.wi.us

Office of the City Clerk

BOARD OF APPEALS
Thursday, May 6, 2021
6:00 PM
Virtual Meeting

Minutes

1) Call to Order, Roll Call

Chairman Massey called the meeting to order at 6:00 PM.

Present:

Chair Kathleen Massey
Vice Chair William Komisar
Board Member Thomas Flanagan
Board Member Ramona Larson
Board Member Joseph Russell
Board Member Robert Stern
Board Member Lori Kornblum -- **Excused**

Also present: City Attorney Brian Sajdak, City Clerk Caroline Fochs, City Inspector Supervisor Mike Hadley, David and Jean Johnson, press and interested public.

Chairman Massey explained the rules of virtual meeting per Mayor Wirth's Proclamation.

All parties appearing before the Board of Appeals were sworn.

2) Approve meeting minutes of April 1, 2021

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

MOVED BY: Board Member Russell

SECONDED BY: Board Member Larson

AYES:	Massey, Komisar, Larson, Russell
ABSTAIN:	Stern

Attachment: BOA_05-06-21_minutes (6288 : Board of Appeals meeting minutes of May 6, 2021)

3) Hear evidence concerning; debate, deliberate and decide the request of:

Appellants: David and Jean Johnson

Owners: David and Jean Johnson

Appeal: Opportunity will be afforded to all interested in being heard concerning the petition by David and Jean Johnson appealing the Architectural Board decision of April 12, 2021 to reject the submitted plans for the accessory structure at 3330 W. Freistadt Road.

Hearing no objection, Chairman Massey opened the public hearing.

There were no written public comments received in advance of this meeting. Chairman Massey stated the appeal.

Inspection Supervisor Hadley stated that the appellants are requesting to build a 36' x 56' accessory structure and that the Architectural Board denied the replacement of the old metal structure with a new metal structure. The denial was based on their opinion that metal buildings do not belong in residential zoning districts and a more suitable design could have been submitted with material more conducive to a residential use. Staff recommends approval of the originally submitted building plans since it is appropriate for a metal building to be erected at this location, adjacent to and surrounded on four sides by a commercial property (golf course), the plans were approved by the Landmark Commission and other buildings of this size have been approved in residential zoning districts.

The appellant Jean Johnson responded to the Architectural Board Chairman Scott Reed's written comments: 1) The Architectural Board guidelines states that "Materials must be compatible with those of the residence. Generally metal sheds are discouraged"; 2) The guidelines also state "The several elevations of the home must be consistent with one another and compatible with the existing homes in the neighborhood and the natural features of the lot and surroundings in order to avoid disharmony and the appearance of haphazard development"; and 3) The size of storage sheds must reflect residential usage, not that of a commercial application....". She stated that their home is fieldstone and a fieldstone shed would be inappropriate, the proposed colors would match the colors on the home and roof, the shutters and cupolas would also match the home, their home is not in a residential area of homes, the building is barely visible from the road, the proposed building is one-third smaller than the original building, there is no garage on the property. If the appeal is lost the appellants would be forced to build a larger, grand-fathered in building.

Motion to close the public hearing.

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

MOVED BY: Board Member Komisar

SECONDED BY: Board Member Larson

AYES: Massey, Komisar, Larson, Russell, Stern

Board discussion ensued:

- The proposed building is surrounded on four sides by the golf course and is not a residential setting.
- The proposed building is replacing the existing building.
- The new metal building is replacing an old metal building.
- The Landmark Commission has already approved this type of structure.
- The size of the proposed structure is similar to others in the R-1 zoning district.

Motion to reverse the decision of the Architectural Board and order approval of the structure as presented.

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

MOVED BY: Board Member Stern

SECONDED BY: Board Member Larson

AYES: Massey, Komisar, Larson, Russell, Stern

4) Adjourn

Motion to adjourn at 6:20 PM.

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

MOVED BY: Board Member Komisar

SECONDED BY: Board Member Larson

AYES: Massey, Komisar, Larson, Russell, Stern

Respectfully Submitted,
Kathy Andrykowski
Deputy Clerk
Approved 05-20-21

Board of Police and Fire Commissioners**May 4, 2021****MINUTES****PRESENT:** Commissioners Pukaite, Michalski, Nuernberg, and Szymborski**ALSO PRESENT:** Police Chief Pryor, Fire Chief Bialk, Deputy Fire Chief Zellmann,
Assistant City Administrator Schoenemann, Melina Bowen,
Administrative Coordinator**ABSENT:** Commissioner Ridley**1. Call to Order, Roll Call**

The meeting was called to order at 8:00 AM.

2. Personal Appearances and Public Comment

None.

3. Approve meeting minutes of March 18, 2021

Moved by Commissioner Michalski, seconded by Commissioner Nuernberg to approve the meeting minutes of March 18, 2021. Motion approved by voice acclamation - unanimous.

4. Chief's Reports

Chief Pryor (Police)

- Staffing Update: Officers are at full staff; two new officers are doing very well in field training and expected to move to solo patrol in June.
- The department had a full-time dispatcher retire on April 6th, as well as the Executive Assistant around that same time. One of the part-time dispatcher resigned but will be staying on in a pool capacity to help fill shifts as needed.
- There have been two rounds of interviews for the position of dispatcher. One background has been completed for the full-time candidate; with a hopeful start date at the end of May. A second background will be started for a part-time position in the near future.
- Call volume remains steady and slightly high which is expected with the warmer weather.

Chief Bialk (Fire Department)

- Approximately one year ago the City had entered an MOU with the Association due to staffing shortages has been continued in 2021 and will continue to be required as staffing continues to be difficult. Six people in EMT and Six in Fire 1, which leave them approximately one short every day.
- The new Battalion Chief (internal candidate) started in the beginning of April, is adjusting his schedule to assist with staffing shortages. The second Battalion Chief (external candidate) is starting Monday, May 10, 2021. He will work a few eight hour shifts before switching to 24 hour shifts. The third Battalion Chief candidate turned down the offer, another candidate will be coming in to discuss the position further.

- Call volume is back to pre-Covid numbers.
- The swearing in ceremonies for Chief Schneider, Chief Ackley, and hopefully a third will be postponed due to COVID restrictions.

4. Election of Commission President

Commissioner Michalski nominated Commissioner Pukaite for Commission President, seconded by Commissioner Nuernberg.

With no further nominations proposed, the vote for Commissioner Pukaite for Commission President was passed by voice acclamation - unanimous.

5. Election of Commission Vice President

Commissioner Michalski nominated Commissioner Nuernberg for Commission Vice President, seconded by Commissioner Szymborski.

With no further nominations proposed, the vote for Commissioner Nuernberg for Commission Vice President was passed by voice acclamation - unanimous.

6. Review/Certify Eligibility List for Fire Department Recruits

Deputy Chief Zellmann discussed the two proposed recruits' information and qualifications with commissioners. Recruit summary information provided was discussed/clarified with mention by Chief Bialk that 90% of the Fire Department's staff have other full-time jobs and families.

Moved by Commissioner Michalski, seconded by Commissioner Nuernberg to approve/certify proposed Fire Department recruits. Motion approved by roll call vote (4/0).

Ayes: Michalski, Nuernburg, Pukaite, Szymborski

4. Adjourn

Moved by Commissioner Michalski, seconded by Commissioner Nuernburg to adjourn the meeting at 8:18 AM. Motion approved by voice acclamation.

Respectfully Submitted,
Melina Bowen

**Board of Police and Fire Commissioners
May 18, 2021
MINUTES**

PRESENT: Commissioners Michalski, Ridley, Nuernberg, and Szymborski

ALSO PRESENT: Fire Chief Bialk, Deputy Fire Chief Zellmann, Assistant City
Administrator Schoenemann, Administrative Coordinator Bowen

ABSENT: Commissioner Pukaite, Police Chief Pryor

1. Call to Order, Roll Call

The meeting was called to order at 8:01 AM.

2. Personal Appearances and Public Comment

None.

3. Approve meeting minutes of May 4, 2021

Moved by Commissioner Ridley, seconded by Commissioner Szymborski to approve the meeting minutes of May 4, 2021. Motion approved by voice acclamation.

4. Review/Certify Eligibility List for Fire Department Battalion Chiefs and Recruits

Chief Bialk discussed the initial three candidates; Schneider and Ackley have already started and the third declined the position. The next candidate, Brandon Boettcher, was proposed to become the next Battalion Chief.

Moved by Commissioner Ridley, seconded by Commissioner Michalski to approve/certify the proposed Fire Department Battalion Chief Brandon Boettcher. Motion approved by roll call vote (4/0).

Ayes: Michalski, Nuernberg, Ridley, Szymborski

Chief Zellmann discussed the proposed recruit's information and qualifications with commissioners.

Moved by Commissioner Ridley, seconded by Commissioner Michalski to approve/certify the proposed Fire Department recruit. Motion approved by voice acclamation (4/0).

5. Adjourn

Moved by Commissioner Michalski, seconded by Commissioner Ridley to adjourn the meeting at 8:12 AM. Motion approved by voice acclamation.

Respectfully Submitted,
Melina Bowen



See Agenda Packet for
Login and Complete Packet Details
Mequon, WI 53092
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ECONOMIC DEVELOPMENT BOARD
Tuesday, April 27, 2021
8:00 AM
Virtual Meeting

Minutes

1) Call to Order, Roll Call

Present:

Chair Timothy Carr
Alderman Brian Parrish
Board Member James Baka
Board Member Daniel Gannon
Board Member Michael Kramer
Board Member Bruce Sipiora
Board Member Andrew Petzold -- **Absent**
Board Member Rick Shneyder -- **Absent**

2) Approval of Meeting Minutes from March 23, 2021

Action

Mr. Gannon made a motion to approve the meeting minutes from March 23, 2021.
Mr. Kramer seconded the motion.
A voice vote was taken; vote passed (6-0)

RESULT:	Approved [Unanimous]
MOVED BY:	Board Member Gannon
SECONDED BY:	Board Member Kramer
AYES:	Carr, Parrish, Baka, Gannon, Kramer, Sipiora
ABSENT:	Petzold, Shneyder

3) Port Washington Tax Increment District (TID) No. 5 Incentive Request

1. Port Washington Road Tax Increment District (TID) No. 5 Incentive Request for property located at 10448 N. Port Washington Road.

Dir. Tollefson gave some background on the TIF district for the new Board members joining the call. She explained that there are two TIF districts along Port Washington Road and both are located south of Mequon Road. The property requesting the TIF Incentive is in TID District #5.

The proposed new construction value for this project is approximately \$4.7M which is a substantial net value increase compared to what is currently there. Because the proposed project will only remove portions of the building and will use the majority of the existing structure, staff worked with the developer and builder to evaluate the loss of the improvement value based on what portions of the building are being removed. The eligible incentive available is a little more than \$462,000. Based on the estimated new value, the tax revenue generated from it and the city returning 100% of that revenue; the payback period will be just over 6 years. This falls with the 15-year criteria for paying back the developer as well as within the time frame of paying back the TID before it is closed. Staff recommends approval of the incentive because the proposal meets the standards to qualify for TID funds under the approved Fast Track Formula as well as the project will generate a net financial benefit to the TID and sponsors the redevelopment at a high visibility location.

Dir. Tollefson explained that if the Board recommends approval of the incentive request, the item will be forwarded to the Finance and Personnel Committee as well as the Common Council at their May 11th meeting and it will be supplemented with a Development Agreement (“DA”) which aligns with this projects’ rezoning request.

The applicant, Michael Kelly from Blue Ribbon Management, stated that the property is scheduled to be fully vacant in May and they are ready to start construction this summer to convert it to a class-A storage facility. Life Storage will most likely be the operator; they are a national company with around 1,000 locations across the country. Based on feedback from the Planning Commission, the hours of operation have been changed from 24-hours to operating between 6:00 a.m. to midnight and there will be an interior loading area with a glass door, and it will be a fully contained use.

Based on questions from the Board, Mr. Kelly answered that the color of the building will be changed to a natural palate, 4 bump outs will be incorporated on the building facade, and glass features will be added. The dock area will be filled in and a glass wall will be added there. Additionally, a significant amount of green space will be given back to this site as much of the parking lot area will be removed.

There were questions and discussion from the Board and the applicant regarding the incentive process and the redevelopment and improvements that are proposed.

Action

Mr. Baka made a motion to make a recommendation of approval of the TIF incentive to the Common Council.

Ald. Parrish seconded the motion.

A voice vote was taken; the vote passed (5-1) (No Vote: Sipiora).

RESULT: **Approved**
MOVED BY: Board Member Baka
SECONDED BY: Alderman Parrish
AYES: Carr, Parrish, Baka, Gannon, Kramer
NAYS: Sipiora
ABSENT: Petzold, Shneyder

4) Port Washington Road Redevelopment

Asst. Dir. Zader stated that at the last meeting the Board discussed different scenarios throughout the city of developments that went well and developments that could have been done better and the level of city involvement in those projects. Staff is providing recommendations for the approach moving forward regarding incentives and what will help to spur redevelopment along the Port Washington Road Corridor (south of Mequon Road). Included in the packet (page 19) is a matrix with blue highlights of areas where changes could be made to further spur redevelopment. One example is Economic Tools and staff will look to modify the current incentive or create a new incentive for applicability on what projects would qualify for an incentive. The Fast-Track Formula currently in place does not work for some projects and staff will work to modify it as well as look to possibly create specific incentives for targeted properties.

Asst. Dir. Zader stated that at the next meeting a visual graphic will be provided that will show both of the TIF districts, the boundaries, the parcels, which buildings in the boundaries have been redeveloped and which have not been redeveloped yet and areas where there may be some opportunity for targeted investments.

Asst. Dir. Zader explained that an ad hoc committee has been formed to review and modify the architecture design guidelines and the Board will review the guidelines as well.

Finally, the topic of beautification will need to be addressed. There are excess funds in both TIF districts that can be used towards these efforts. Staff has considered hiring a design consultant to help recommend and adopt a plan for beautification and enhanced aesthetics of the area.

He asked for feedback from the Board on the proposed plan to review and evaluate this area. There was discussion amongst the Board regarding whether the best approach is to focus on the whole area or on a site-by-site review. There was a suggestion to incentivize assemblage of parcels to allow for more buildable areas. Overall, the Board supports the course of action recommend by staff.

5) Overview of Town Center TID Workshop on May 4, 2021

Dir. Tollefson stated that the presentation will be given to the Committee of the Whole on Tuesday, May 4th and this virtual meeting is open to the public to attend. She explained that staff is also reaching out to developers, property owners, business owners and residents that

have invested in the neighborhood over the last several years for their feedback on what they believe the city needs to do to protect the investment they have made, what their ideas are about continuing the economic growth momentum and what services or amenities in their daily life they feel are missing or could be enhanced. She stated that the type of projects that can be done with the TIF funds are limited but the feedback from the stakeholders is important and they are expressing their interest in continuing to invest in the neighborhood. Other feedback from the stakeholders includes the importance of connectivity among the sites as well as continuing to enhance the features in the unique spaces in this neighborhood (riverfront, inter urban trail, civic campus).

Dir. Tollefson gave a brief overview of her presentation. She stated the goal of the presentation to the Council is to get some consensus from the Council on their level of funding as well as a priority list of projects.

6) Staff Updates

Dir. Tollefson stated that there has been some increase in Planning Commission applications as well as an increase of activity at the Community Development counter for inspections and permitting at City Hall.

Asst. Dir. Zader stated that ICAP Development will be proposing a new multi-tenant building at the May Planning Commission.

7) Announcements

The next meeting is Tuesday, May 25th at 8:00 a.m.

8) Adjourn

Action

Mr. Kramer made a motion to adjourn the meeting.

Mr. Sipiora seconded the motion.

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

Respectfully Submitted,

Kim Tollefson

Director of Community Development



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FESTIVALS COMMITTEE
Thursday, April 8, 2021
6:30 PM
Virtual Meeting

Minutes

1) Call to Order, Roll Call

Present:

Committee Member Miranda White
Committee Member Moshe Luchins
Chair Vanessa Nerbun
Committee Member Janet Fussell
Vice Chair Kirsten Hildebrand -- **Absent**
Committee Member Dynami Al-Anjeri -- **Absent**

Also Present: Executive Assistant Prosser

2) Approval of Meeting Minutes

a. March 11, 2021 Minutes

RESULT: **Approved by Voice Acclamation [Unanimous]**
MOVED BY: Committee Member White
SECONDED BY: Commissioner Nerbun

AYES: White, Luchins, Nerbun, Fussell
--

3) Staff Updates (Verbal)

Executive Assistant Prosser informed the Committee that the Homestead High School parking lot has been reserved for Taste of Mequon. Ms. Prosser provided an update on the vendor applications received to date. The Committee was informed that Supercuts' 2020 space fee was meant to be used to help defray event expenses. The Committee requested that staff send out a follow-up email to vendors reminding them to complete and submit their application to participate. Committee Chair Nerbun requested a discussion be placed on the May agenda on how to attract more vendors.

4) Discussion Items

a. Event Music

The Committee reviewed a list of live music options and decided to wait until next month to give the new members an opportunity to be part of the selection process. Member Fussell

will reach out to the bands on the list prior to the next meeting to determine whether they are still available.

b. Sponsorship

Committee Chair Nerbun will review the sponsorship package and staff will assist with sending out a sponsor letter. A list of past sponsors will be sent out to the members of the Committee. The topic of sponsorship will be placed on the May agenda for further discussion.

c. Event Promotion - Social Media/Website

Committee Chair Nerbun and Member White will promote the event on Facebook and Rabbi Luchins will promote the event on websites such as Tourism Tour. Member White will share event information on the Mequon Mom's Club Facebook page.

d. Committee Member Event Assignments

Committee Chair Nerbun will work on obtaining quotes for shuttle service and venue equipment. Member Fussell will research the cost of inflatables for the children's area. Staff will obtain a quote for tent, stage, sound, and lighting. Committee Chair Nerbun requested that the topic, Committee Event Assignments be placed on the May agenda for further discussion.

5) Information Items

a. Work Plan

The Committee's work plan was discussed under future agenda items.

6) Future Agenda Items

The following agenda topics will be added to the Committee's May agenda:

Vendor Participation (Restaurants, Artists/Craftsman, other types of businesses), Sponsorship, and Committee Member Event Assignments.

7) Next Meeting Date and Time: May 13, 2021

8) Motion to adjourn the meeting at 7:27 PM.

RESULT:	Approved by Voice Acclamation [Unanimous]
MOVED BY:	Committee Member Fussell
SECONDED BY:	Committee Member Luchins

AYES:	White, Luchins, Nerbun, Fussell
--------------	---------------------------------

Respectfully Submitted,

Lina Prosser
Executive Assistant



See Agenda Packet for
Login and Complete Packet Details
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Office of the City Administrator

FINANCE-PERSONNEL COMMITTEE

Tuesday, April 13, 2021

6:45 PM

Virtual Meeting

Minutes

1) Call to Order

Present:

Alderman Glenn Bushee
Alderman Andrew Nerbun
Alderman Robert Strzelczyk
Mayor John Wirth

The meeting was called to order at 6:45 PM by Mayor John Wirth. Also present: Will Jones, City Administrator, Justin Schoenemann, Assistant City Administrator, Brian Sajdak, City Attorney, Kaitlyn Krueger, Finance Director, Marie Keyser, Assistant to the Finance Director, Patrick Pryor, Police Chief, Caroline Fochs, City Clerk, Kim Tollefson, Community Development Director, Kelly Reid, Employee of White Rabbit, Tammy Kosidowski, Owner of White Rabbit, Chris Wood and Greg Palmer, Copps Industries, James Schowalter and Steve Schowalter, Port Washington State Bank.

2) Approve Meeting Minutes

- a. Finance-Personnel Committee meeting minutes of March 9, 2021

No comments or discussion from the Committee.

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

AYES: Bushee, Nerbun, Strzelczyk

3) License Applications

- a. April, 2021 Licenses

No comments or discussion from the Committee.

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

AYES: Bushee, Nerbun, Strzelczyk

b. Hearing of Operator License Denial Appeal - Kelly Reid

City Clerk Fochs stated Ms. Kelly Reid applied for an operators license on March 29th and the application was returned to the Clerk's Department by the Police Department with the recommendation to deny the license based on previous felony charges against the applicant. Clerk Fochs swore in Ms. Reid and Chief Pryor to testify. Chief Pryor explained the review process the Detective Bureau applies to all applicants and informed the Committee of all the past and pending charges, arrests, and convictions. Ms. Reid spoke about her criminal history and said the owners of the White Rabbit know about this history. Tammy Kosidowski, owner of the White Rabbit, was sworn in to testify and explained to the Committee Ms. Reid is a hard worker, comes to work on time and deserves a second chance. .

Alderman Strzelczyk commented that he believes the rules are in place for a reason so the Committee cannot say yes to someone and no to the next person. Alderman Strzelczyk made a motion to deny the appeal and not endorse the applicant. Alderman Bushee seconded the motion.

Alderman Nerbun stated he agreed with Alderman Strzelczyk that this is a "cut and dry" decision. Alderman Nerbun also stated the Committee should maybe consider a sunset clause on this policy of ten or more years, but since Ms. Reid's history is not that old yet, so it would not apply yet. Alderman Bushee agreed with his fellow Committee members, but thanked Ms. Reid for pleading her case as he knows that is not an easy thing to do.

A roll call was taken with all three Alderman responding "aye" to the denial of the appeal.

RESULT: Denied [Unanimous]
MOVED BY: Alderman Strzelczyk
SECONDED BY: Alderman Bushee

AYES: Bushee, Nerbun, Strzelczyk

4) Vouchers for Payment

a. March 2021 Voucher Approval List

No comments or discussion from the Committee.

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

AYES: Bushee, Nerbun, Strzelczyk

5) Ordinances

- a. **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

Attorney Sajdak explained this Ordinance is an update to reflect the recent change in State Statute. Mayor Wirth asked Police Chief Pryor if the Department had any concerns about this change. Pryor responded "no."

Alderman Strzelczyk asked what "tamper proof" evidence is. Attorney Sajdak summarized "something with a seal that is obvious if it is broken."

Alderman Bushee asked Chief Pryor if he foresees any issues with policing this manner. Chief Pryor answered it is a continuation of things officers already look for in terms of open intoxicants in vehicles.

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

AYES: Bushee, Nerbun, Strzelczyk

6) Resolutions

- a. **RESOLUTION 3819** A Final Resolution Regarding Industrial Development Revenue Bond Financing For Copps Industries, Inc. Project

No comments or discussion from the Committee.

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

AYES: Bushee, Nerbun, Strzelczyk

- b. **RESOLUTION 3825** A Resolution Accepting Final Dedication and Authorizing Reimbursement for Public Improvements in the Amount of \$62,388, in Accordance with the Development Agreement for the Town Center Master Planned Mixed-Use Development for Foxtown Center, LLC

No comments or discussion from the Committee.

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

AYES: Bushee, Nerbun, Strzelczyk

- c. **RESOLUTION 3821** A Resolution Amending the Fiscal Year 2021 Compensation Plan for Non-Represented Employees to Eliminate the Police Department's Communications/Records Supervisor Position at Pay Grade 9 (\$51,218 - \$69,294) and Establish an Administrative Coordinator Position at Pay Grade 10 (\$55,314 - \$74,838)

No comments or discussion from the Committee.

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

AYES: Bushee, Nerbun, Strzelczyk

- d. **RESOLUTION 3822** A Resolution Authorizing Execution of the Fourteenth-Amended Agreement for Operation of the Mid-Moraine Municipal Court Through April 30, 2051

Attorney Sajdak mentioned that all members will now get a vote instead of certain members and believes this is the most fair and appropriate way to handle court operations.

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

AYES: Bushee, Nerbun, Strzelczyk

- e. **RESOLUTION 3823** A Resolution Approving an Agreement for Delinquent Personal Property Tax Account Collection Services with Waukesha County, Wisconsin

No comments or discussion from the Committee.

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

AYES: Bushee, Nerbun, Strzelczyk

- f. **RESOLUTION 3824** A Resolution Designating Port Washington State Bank as the Public Depository for the City of Mequon

No comments or discussion from the Committee.

James and Steve Schowalter from Port Washington State Bank were present and stated they are happy to be selected as the Public Depository for the City and are looking forward to a long and successful banking relationship.

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

AYES: Bushee, Nerbun, Strzelczyk

7) Information Items

a. Preliminary Budget Report as of December 31, 2020

Finance Director Krueger stated the City ended 2020 with a \$68,000 surplus and the \$409,000 of planned Fund Balance was not used. Finance Director also noted that \$53,000 of the \$409,000 planned Fund Balance use was for the Community Development Analysis that will now be spent in 2021.

No comments or discussion from the Committee.

b. April 2021 Finance and Personnel Work Plan

This item was not talked about or discussed at this meeting.

8) Adjourn

Alderman Bushee made a motion at 7:16 PM to adjourn, seconded by Alderman Strzelczyk. All voted in favor "aye."

Respectfully Submitted,

Marie Keyser
Assistant to the Finance Director



Virtual Meeting
Mequon, WI 53092
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www.ci.mequon.wi.us

Office of Parks and Operations

PARK AND OPEN SPACE BOARD

Wednesday, April 21, 2021

6:30 PM

Virtual Meeting

Minutes

1) Call to Order, Roll Call

Chair Marchese called the meeting to order at 6:30 PM.

Present:

Chair Patrick Marchese

Vice Chair Jason Cain

Board Member Joseph Branch

Board Member Peter Bratt

Board Member Geoffery Hurtado

Board Member James Lysaught

Board Member Anton Usowski

Board Member Gerald Vite

Alternate Board Member Breanne Plier

Alderman Kathleen Schneider

Alternate Alderman Brian Parrish -- **Excused**

Also present were Parks and Forestry Superintendent Gies, and Administrative Assistant Deuster.

2) Approval of Meeting Minutes

a. March 17, 2021 Minutes

RESULT: **Approved [Unanimous]**

MOVED BY: Board Member Vite

SECONDED BY: Board Member Plier

AYES: Marchese, Cain, Branch, Bratt, Plier, Schneider, Usowski, Vite

NOT PRESENT: Hurtado, Lysaught, Parrish

3) Action Item

Discussion and Possible Action

a. Renewals, Thank you's and other Park Board Business

Chair Marchese provided an update for the Park and Open Space Board noting two members leaving the board and two alternates that were moved up and appointed to the board.

b. Rotary Park Fishing Pier Scope

Parks and Forestry Superintendent Gies informed the board of plans to fund both the design of Lemke Park and replace the pier at Rotary Park. The plan would be to utilize funds and have a joint partnership with the Rotary Club to build the pier along with additional landscaping around the pond.

The board discussed the pier and Board member Lysaught stated he would work to schedule a presentation with the Sunrise Rotary Club to discuss the project.

c. Appointment of the Lemke Subcommittee

Parks and Forestry Superintendent Gies stated the RFP for Lemke Park would be posted after the meeting and was looking for feedback on who would be on the subcommittee.

The board chose Chair Marchese, Vice Chair Cain, Board Member Branch, and Board Member Plier.

d. 2021 Budget Requests

Chair Marchese stated he would like to have the board come up with a short list of what members would like to see funded and provide a letter to the Common Council.

Items agreed upon by the board were, More staffing for the parks department, funding for operations and capital projects.

e. City of Mequon Strategic Plan Discussion

Chair Marchese stated he would like to work with the park and open space board to create a strategic planning report to provide the Common Council.

This report would include:

- Recent Look Back
- Major theme/Priorities
- Master Plans
- Rotary
- Greenway plans
- Good themes
- Costs/funding strategy (like a foundation)

4) Director's Report

a. Parks and Forestry Superintendent Report

Parks and Forestry Superintendent Gies informed the committee of the upcoming Arbor Day Drive Thru Event, status on the Field Maintenance Coordinator, Rotary parking lot paving, and 1840 Brewing Event in the City Parks.

b. 2021 Work Plan 04.21.21

Parks and Forestry Superintendent provided an update to the 2021 Work Plan.

5) Adjourn

a. Motion to Adjourn at 7:50 PM.

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

MOVED BY: Board Member Lysaught

SECONDED BY: Board Member Hurtado

AYES: Marchese, Cain, Branch, Bratt, Hurtado, Lysaught, Plier, Usowski, Vite

NOT PRESENT: Schneider

Respectfully Submitted,

Casey Deuster
Administrative Assistant



See Agenda Packet for
Login and Complete Packet Details
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www.ci.mequon.wi.us

Department of Community Development
Taped and Televised

PLANNING COMMISSION

Regular Meeting

Monday, May 3, 2021

6:00 PM

Virtual Meeting

Minutes

1) Call to Order, Roll Call

Present:

Chair John Wirth
Alderman Robert Strzelczyk
Commissioner Martin Choren
Alternate Dan Gentges
Commissioner Rick Lemke
Commissioner James Schaefer
Commissioner Rebecca Schaefer
Commissioner John Stoker
Alternate Gregg Bach

Mayor Wirth called the meeting to order at 6:00 p.m. and he stated that this may be the last virtual meeting as the next meeting will be a hybrid meeting.

He stated the four protocols of process for the virtual meeting.

a) Approval of Minutes from March 22, 2021

Action

Commissioner Stoker made a motion to approve the minutes from March 22, 2021.

Commissioner Choren seconded the motion.

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

2) Public Hearing/Consent

- a) Fresh Coast Dance, LLC. The applicant is seeking conditional use grant approval for a proposed 9,170 sq. ft. dance studio in a multi-tenant building for the property located at 7170 W. Donges Bay Road.

Action

Commissioner Bach made a motion to open a Public Hearing.

Commissioner Stoker seconded the motion.

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

Action

Commissioner Stoker made a motion to close the Public Hearing.

Ald. Strzelczyk seconded the motion.

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

- b) Thompson Project Management for Foxtown Brewery. The applicant is seeking conditional use grant approval to allow for a distillery within Foxtown Brewing for the property located at 6411 W. Mequon Road.

Action

Commissioner Jim Schaefer made a motion to open a Public Hearing.

Commissioner Stoker seconded the motion.

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

Action

Commissioner Gentges made a motion to close the Public Hearing.

Commissioner Stoker seconded the motion.

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

3) Consent Agenda

- a) Wallace and Jane Rieger Trust. The applicant is seeking minor request approval to allow for an accessory structure over 1,000 sq. ft. (6,720 sq. ft.) for agricultural storage for the property located at 12300 N. Wasaukee Road.

Action

Ald. Strzelczyk made a motion to approve the 3 items on the Consent Agenda.

Commissioner 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:	Wirth, Strzelczyk, Choren, Gentges, Lemke, J. Schaefer, R. Schaefer, Stoker

4) Policy

- 1) Chapter 58 of the Zoning Code as it relates to Conservation Subdivisions in the R-1 Zoning district and Conditional Uses in Residential zones.

Mayor Wirth stated that the rewrite of Chapter 58 of the Zoning Code would accomplish three things:

1. Creates a Conservation Subdivision Ordinance in the R-1 district.
2. Clarifies conditional uses and restructures the residential code to eliminate repeated language; making it easier to follow.
3. Easier to amend in the future.

Asst. Dir. Zader stated that there have been changes to the conditional uses and the conservation subdivisions in the past, and this combines everything into one major change to the code. The majority of the changes were made to the definitions section as well as to the agriculture overlay section.

The conditional use section has been reviewed previously by both the Commission and the Policy Subcommittee. Changes are being made due to state law changes made in 2017. Uses were deemed permitted uses (In home daycares), move the use to the OA district (microbreweries and wineries) and some were removed from the list making them prohibited (churches, public administration buildings). Specific conditions were added to some certain uses (guest houses/dwelling units).

Uses that are now deemed nonconforming (list on page 74 of the packet) will be rezoned to institutional zoning which will match most of the other churches and schools within the city.

Many of the changes to the conservation subdivisions were discussed at the previous meeting. There is one item that was still not resolved regarding the road connections. Following is the proposed solution:

- At least 2 connections to a neighboring property.

RESULT:	APPROVED [9 TO 0]
MOVER:	Robert Strzelczyk, Alderman
SECONDER:	Martin Choren, Commissioner
AYES:	Wirth, Strzelczyk, Bach, Choren, Gentges, Lemke, J. Schaefer, R. Schaefer, Stoker

5) Announcements

The next meeting is Monday, May 24, 2021 at 6:00 p.m.

6) Adjourn

Action

Ald. Strzelczyk made a motion to adjourn the meeting.

Commissioner Jim Schaefer seconded the motion.

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

Respectfully Submitted,

Jac Zader



Virtual Meeting
Mequon, WI 53092
Phone: 262-242-3500
Fax: 262-242-7655

www.ci.mequon.wi.us

Police and Fire Departments

PUBLIC SAFETY COMMITTEE

Tuesday, April 13, 2021

5:00 PM

Virtual Meeting

Minutes

1) Call to Order

Present:

Chair Kathleen Schneider
Alderman Mark Gierl
Alderman Dale Mayr

Also Present: Police Chief Pryor, City Attorney Sajdak, and Administrative Coordinator Melina Bowen.

2) Approve Meeting Minutes

a. Public Safety Committee - Regular Meeting - Mar 9, 2021 5:30 PM

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

MOVED BY: Alderman Mayr

SECONDED BY: Alderman Gierl

AYES: Schneider, Gierl, Mayr

3) Ordinance Discussion

Action requested: review and recommend approval

a. **ORDINANCE 2021-1592** An Ordinance Amending Section 50-100 of the Mequon Municipal Code Relating to Sex Offender Residency Restrictions and Child Safety Zones Ordinance 50-100 Sex Offender Residency Restrictions

The Committee discussed suggested changes to the sex offender residency restrictions updated by City Attorney Sajdak following the March meeting.

Areas of change are as follows:

- Language was added related to Chapter 980 offenders to match the language used by State. The statute states that those individuals cannot live within 1,500 feet of schools, childcare centers, public parks, place of worship, or a youth center.

- The clarification of the various facilities which create the restricted zones.
- The establishment of an appeal board consisting of three members of the community.

Area of discussion:

- The committee compared residency maps, a 2,000 foot radius versus a 1,500 foot radius. The committee members favored the 2,000 foot radius being retained.

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

AYES: Schneider, Gierl, Mayr

4) Adjourn

- a. Motion to adjourn the meeting at 5:30 PM.

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

MOVED BY: Alderman Mayr

SECONDED BY: Alderman Gierl

AYES: Schneider, Gierl, Mayr

Respectfully Submitted,

Melina Bowen

Administrative Coordinator



See Agenda Packet for
Login and Complete Packet Details
Mequon, WI 53092
Phone: 262-236-2941
Fax: 262-242-9655

www.ci.mequon.wi.us

Office of the City Administrator

PUBLIC WELFARE COMMITTEE

Tuesday, April 13, 2021

5:45 PM

Virtual Meeting

Minutes

1) Call to Order, Roll Call

Present:

Chair Dale Mayr

Alderman Glenn Bushee

Alderman Robert Strzelczyk

Also Present: Mayor Wirth (6:07 P.M.) City Administrator Jones, Assistant City Administrator Schoenemann, City Attorney Sajdak, Executive Assistant Prosser, Press

2) Approval of Meeting Minutes

a. March 2021 Minutes

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

MOVED BY: Alderman Strzelczyk

SECONDED BY: Alderman Bushee

AYES: Mayr, Bushee, Strzelczyk

3) Ordinances

a. ORDINANCE 2021-1591 An Ordinance Repealing and Recreating Section 62-8(b) (4) of the Mequon Municipal Code Relating to the Regulation of Political Messages

City Attorney Sajdak stated *Ordinance 2021-1591 - An Ordinance Repealing and Recreating Section 62-8(b) (4) of the Mequon Municipal Code Relating to the Regulation of Political Messages* is before the Committee as a preliminary discussion. Attorney Sajdak stated the City has not actively regulated or enforced the regulations related to the time at which political signs could remain up following an election. Attorney Sajdak noted, following the November presidential election, numerous complaints were received concerning signs for both candidates that remained well beyond the election as the challenges to the results carried on. The proposed ordinance provides for three things; 1) It eliminates the time-based restrictions to address the concerns raised by the case law 2) It reformates the section to make

it consistent with other code provisions and also makes it easier to read 3) It adopts the language that the State uses which is “political message” as opposed to campaign sign.

City Attorney Sajdak will provide examples of ordinances from other communities and draft language for the Committee to review at the next meeting.

4) Discussion Items

a. Chapter 2: Article II – Common Council and Article IV – Officers and Employees Ordinance Updates

Assistant City Administrator Schoenemann stated that updates to Chapter 2 from the Committee’s last meeting have been entered via tracked changes through Section 2-36. Mr. Schoenemann mentioned that the Committee may want to discuss 2-28(c) since an amendment was not solidified at its last meeting.

The Committee went back to review Sec. 2-28 (c) - Action of a standing committee. An amendment was made by Mayor Wirth to read; to place on a Common Council agenda within two calendar months following the submission to the mayor.

The Committee continued its review of Chapter 2: Article II-Common Council at Sec. 2-37. Sec. 2-37. Order of business-regular meeting. A suggestion was to add language to reflect the order of 1, 2, and 3 on the agenda cannot change.

Mayor Wirth pointed out that the language in Sec. 2-25 and Sec. 2-39 (8) is redundant. A suggestion was made to provide the language in only one section. Staff will draft the language and review it with the City Attorney.

Sec. 2-40 Agendas (b). The Committee requested that the language be rewritten for clarity.

The Committee concluded their review at Sec. 2-41. - Procedures for proposed ordinances and resolutions.

b. Community Outreach Committee

No discussion was held on the Community Outreach Committee.

5) Information Items

a. Work Calendar

The Committee did not review the work calendar.

6) Motion to adjourn the meeting at 6:43 PM.

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

SECONDED BY: Alderman Strzelczyk

AYES: Mayr, Bushee, Strzelczyk

Respectfully Submitted,

Lina Prosser
Executive Assistant

Attachment: Public Welfare minutes_04-13-21 (6305 : Public Welfare Committee meeting minutes of April 13, 2021)



Virtual Meeting
Mequon, WI 53092
Phone: 262-236-8145
Fax: 262-242-9655

www.ci.mequon.wi.us

Public Works Department

PUBLIC WORKS COMMITTEE

Tuesday, April 13, 2021

6:30 PM

Virtual Meeting

Minutes

- 1) Call to Order, Roll Call
Chair Parrish called the meeting to order at 6:30PM.

Present:

Chairman Brian Parrish
Alderman Jeffrey Hansher
Alderman Mark Gierl

Also present were Director of Public Works/City Engineer Lundeen, City Administrator Jones, City Attorney Sajdak, Deputy Director of Public Works Weyker, Parks and Forestry Superintendent Gies, Engineering Technician Dandy, and Administrative Assistant Deuster.

- 2) Approval of Minutes

- a. March 09, 2021 Minutes

RESULT: **Approved [Unanimous]**

MOVED BY: Alderman Gierl

SECONDED BY: Alderman Hansher

AYES: Parrish, Hansher, Gierl

- 3) Resolutions

Action requested: review and recommend approval

- a. **RESOLUTION 3829** A Resolution Repealing the 2021 Policy for Mequon Community Pool and Parks Operations Due to COVID-19 and Establishing the Mequon Community Pool and Parks Standard Operating Procedures Due to COVID-19

The board agreed with item #1 to approve the proposed resolution which transitions from the restrictions included in the 2020 policy towards full reopening.

RESULT: **Approved [Unanimous]**

MOVED BY: Alderman Hansher

SECONDED BY: Alderman Parrish

AYES: Parrish, Hansher, Gierl

- b. **RESOLUTION 3826** A Resolution Authorizing Execution of an Amended State Municipal Agreement with the Wisconsin Department of Transportation for Design and Construction of the Highland Road Interchange and Subsequent Authorization for Execution of an Amendment to the Intergovernmental Agreement with Ozaukee County for the Same

RESULT: Approved [Unanimous]

MOVED BY: Alderman Parrish

SECONDED BY: Alderman Hansher

AYES: Parrish, Hansher, Gierl

- c. **RESOLUTION 3835** A Resolution Authorizing City Staff to Exceed the Public Works Equipment Replacement Capital Account Balance by \$225,000 During 2021 for the Purchase of a New Loader Vehicle with Snowplow and Wing Attachments

Staff is requesting approval to bring forward purchases that exceed the capital budget. Deputy Director of Public Works stated the main reason is that the loader would be most useful to cut down time during a snowfall event. The city currently has one loader with a plow and wing. This is the only piece of equipment that can complete snow removal in cul-de-sacs and push back snow in the courts. In addition to the loader, there are several pieces of equipment replacement recommended and the total would exceed the 2021 allocation.

Director of Public Works/City Engineer Lundeen clarified staff is asking for permission ahead of time so that staff can make the purchase allocation accordingly. The approval of this does not actually purchase the loader, it gives staff the authority to move forward with quotes and bids. If it does not get approval, staff would review the equipment purchases for this year and bring those forward accordingly.

Alderman Parrish inquired if this is something the city could outsource for in the courts or subdivisions or is that not cost effective.

Director of Public Works/City Engineer Lundeen stated it is not cost effective, some municipalities have done it and gone back to municipal services. Recognizing that it is a large piece of equipment, it is not one exclusive to snow removal. It is one that would be able to be put to use in the summer and is a year round piece of equipment.

RESULT: Approved [Unanimous]

MOVED BY: Alderman Parrish

SECONDED BY: Alderman Hansher

AYES: Parrish, Hansher, Gierl

- d. **RESOLUTION 3828** A Resolution Approving the Purchase of a 2016 Dynapac CP142 9-Wheel Rubber Tire Roller from Centex Equipment Sales of Early, Texas for a Total Cost of \$39,000

RESULT: **Approved [Unanimous]**

MOVED BY: Alderman Parrish

SECONDED BY: Alderman Gierl

AYES: Parrish, Hansher, Gierl

- e. **RESOLUTION 3831** A Resolution Awarding the 2021 Crack Sealing Contract to Thunder Road of Genesee, Wisconsin in an Amount Not-to-Exceed \$181,000

Engineering Technician Dandy stated the bids came in favorable and which allowed award for the base bid & additives.

RESULT: **Approved [Unanimous]**

MOVED BY: Alderman Gierl

SECONDED BY: Alderman Hansher

AYES: Parrish, Hansher, Gierl

- f. **RESOLUTION 3830** A Resolution Awarding the 2021 GSB-88 Bituminous Seal Contract to Fahrner Asphalt Sealers, of Waunakee, Wisconsin, in an Amount Not-to-Exceed \$188,000

Engineering Technician Dandy stated the bids came in favorable and which allowed award for the base bid & additives.

RESULT: **Approved [Unanimous]**

MOVED BY: Alderman Hansher

SECONDED BY: Alderman Gierl

AYES: Parrish, Hansher, Gierl

- g. **RESOLUTION 3832** A Resolution Awarding the 2021 Road Improvements Contract to Payne & Dolan of Jackson, Wisconsin, in the Amount of \$1,047,750

Engineering Technician Dandy stated the bids came in favorable and which allowed award for the base bid & additives.

RESULT: **Approved [Unanimous]**

MOVED BY: Alderman Hansher

SECONDED BY: Alderman Gierl

AYES: Parrish, Hansher, Gierl

- h. **RESOLUTION 3833** A Resolution Awarding the Rotary Park Parking Lot Improvements Contract to Stark Pavement of Brookfield, Wisconsin in the Amount of \$487,000

Engineering Technician Dandy stated the bids came in favorable and which allowed award for the base bid & additives.

RESULT: **Approved [Unanimous]**

MOVED BY: Alderman Gierl

SECONDED BY: Alderman Hansher

AYES: Parrish, Hansher, Gierl

- i. **RESOLUTION 3834** A Resolution Authorizing Execution of an Agreement with WE Energies for the Replacement of Street Lights in Phase I of the Mequon Business Park at a Cost of \$275,000

RESULT: **Approved [Unanimous]**

MOVED BY: Alderman Parrish

SECONDED BY: Alderman Hansher

AYES: Parrish, Hansher, Gierl

- j. **RESOLUTION 3827** A Resolution Awarding a Contract for HVAC Preventative Maintenance Services During the Period May 1, 2021 - April 30, 2022 to Dillett Mechanical Services, Waukesha, Wisconsin in the Amount of \$21,168

RESULT: **Approved [Unanimous]**

MOVED BY: Alderman Hansher

SECONDED BY: Alderman Gierl

AYES: Parrish, Hansher, Gierl

- k. **RESOLUTION 3818** A Resolution Approving a Contract with SMB Landscape Contractors, Thiensville, Wisconsin for Baseball Field Management Services at Rennie and Schmit Fields During the 2021 Season in the Amount of \$15,500

RESULT: **Approved [Unanimous]**

MOVED BY: Alderman Gierl

SECONDED BY: Alderman Hansher

AYES: Parrish, Hansher, Gierl

- l. **RESOLUTION 3837** A Resolution Awarding a Contract for Ash Tree Removal Services to Wallace Tree and Landscape Inc. of Glendale, Wisconsin in the Amount of \$13,750

Parks and Forestry Superintendent Gies stated staff would like to contract out the tree topping to allow for our crews to go through and take the stem, stumping, and restoration. This is to take care of the larger trees in the different neighborhoods.

RESULT: **Approved [Unanimous]**

MOVED BY: Alderman Parrish

SECONDED BY: Alderman Hansher

AYES: Parrish, Hansher, Gierl

m. **RESOLUTION 3836** A Resolution Awarding a Three-Year Contract for Median Maintenance to Northern Exposure Landscaping, Inc., of Mequon, Wisconsin at an Annual Cost of \$25,000

Alderman Parrish provided some comments from the Mayor. The Mayor cited weeds are not being sprayed, grass over hanging on the curbs and, not replacing trees when they are removed. He would like to improve the median maintenance program or have a higher level of ongoing maintenance by staff. He also requested a review of Wauwatosa Road and making sure they are covered by the program that are not covered by the County.

Alderman Parrish stated he told staff to add beautification toward median maintenance to the budget process and if Common Council wants to put money toward that, it can be taken up at budget time. The mayor felt more could be done at a day to day basis.

Alderman Hansher inquired if he wants us to increase the budget now.

Director of Public Works/City Engineer Lundeen stated two years ago staff was in front of the Public Welfare Committee to discuss the potential of an adopt a median program. Where staff evaluated the median maintenance that with both contracted maintenance and that we would perform ourselves. At that time the Public Welfare Committee made it clear they were not looking to spend additional money and looking for another source to maintain the medians. That is to have either property owners, or landscape companies adopt medians and maintain them and potentially enhance them with plantings. Some hurdles faced, Mequon Road is a state road and under the jurisdiction of WisDOT and Port Washington Road is a jurisdiction of Ozaukee County. Staff will be in front of Ozaukee County Public Works Committee next month to discuss an adopt a median program for Port Washington Road. The medians on Mequon Road while under state jurisdiction are maintained by the City while they are encumbered by trees.

RESULT: **Approved [Unanimous]**

MOVED BY: Alderman Parrish

SECONDED BY: Alderman Gierl

AYES: Parrish, Hansher, Gierl

4) Discussion Items

a. 2020 Work Plan (4.13.21)

Director of Public Works/City Engineer Lundeen provided an overview on the work plan.

5) Motion to Adjourn at 7:17PM.

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

AYES: Parrish, Hansher, Gierl

Respectfully Submitted,

Casey Deuster
Administrative Assistant



Virtual Meeting
Mequon, WI 53092
Phone: 262-236-2934
Fax: 262-242-9655

www.ci.mequon.wi.us

Public Works/Engineering
Taped and Televised

SEWER UTILITY DISTRICT COMMISSION

Tuesday, February 9, 2021

7:30 PM

Virtual Meeting

Minutes

1) Call to Order, Roll Call

Commissioner Wirth called the meeting to order at 7:30PM.

Present:

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

Also present were City Administrator Jones, City Attorney Sajdak, Assistant City Administrator Schoenemann, Department of Public Works/City Engineer Lundeen, Deputy Director Of Utilities Driscoll, Finance Director Krueger, and Administrative Assistant Deuster.

2) Approval of Meeting Minutes

a. December 08, 2020 Minutes

RESULT: **Approved [Unanimous]**

MOVED BY: Commissioner Schneider

SECONDED BY: Commissioner Mayr

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

Action requested: review and recommend approval

- a. **RESOLUTION 3810** A Resolution Awarding the Following in Connection with Phase 3 Rehabilitation Work on the Mequon-Thiensville Sanitary Sewer Interceptor: A) A Contract for Cured-in-Place Lining to Insituform of Chesterfield, Missouri in the Amount of \$738,575; and B) A Contract for Inspection Services to Kapur and Associates, Inc. of Milwaukee, Wisconsin in the Amount of \$38,052

Commissioner Mayr inquired if this was a continuation or new?

Deputy Director of Utilities Driscoll confirmed it was a continuation of the previous two phases.

RESULT: **Approved [Unanimous]**

MOVED BY: Commissioner Nerbun

SECONDED BY: Commissioner Gierl

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

- 4) Motion to Adjourn at 7:34 PM.

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

MOVED BY: Commissioner Hansher

SECONDED BY: Commissioner Strzelczyk

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

Respectfully Submitted,

Casey Deuster
Administrative Assistant

TO: Common Council
FROM: Marie Keyser, Acting Finance Director
DATE: June 8, 2021
SUBJECT: Acceptance of the FY2020 Comprehensive Annual Financial Report and Report on Internal Control

Background

The City's financial records and procedures are audited annually by an independent firm as selected by the Common Council. Staff and the auditors produce a Comprehensive Annual Financial Report in concert with the audit firm's report on internal control.

Analysis

A representative from the City's auditor, Baker Tilly International, will present the Comprehensive Annual Financial Report and related Report on Internal Control for the year ending December 31, 2020. A copy of the Report on Internal Control is included in the Council's packet in advance of the meeting, and a copy of the FY2020 Comprehensive Annual Financial Report can be accessed via the City's website, on the Finance Department's web page at:

https://www.ci.mequon.wi.us/sites/default/files/fileattachments/finance/page/7041/mequon_fs.pdf

A limited number of hard copies of the report will be available in the Finance Department by the end of June. This report is on the consent agenda for formal acceptance by the Council.

Fiscal Impact

Covid-19 impacted the entire world for the majority of FY2020, however with grant funding provided by the State of Wisconsin, expenditure restraints put in place by the City and a hiring freeze that was implemented across all departments, overall the City surpassed expectations. Actual General Fund Revenues were 99% of the amended budgeted total for 2020, and General Fund Expenditures were 98% of the amended budgeted amount last year. Therefore, the City ended 2020 with a surplus of \$3,100 and an unassigned fund balance of approximately \$2.3 million. Both the Water and Wastewater Utilities also finished 2020 with a surplus as well.

Recommendation

Motion to recommend the Council accept the Comprehensive Annual Financial Report and Report on Internal Control for the year ending December 31, 2020.

Attachments:

C of Mequon 2020 Meeting presentation (PDF)

Mequon audit results 2020 (PDF)

Presentation to the Finance-Personnel Committee of the City of Mequon June 8, 2021

1. Objective of the audit was to express an opinion on your financial statements.
2. Reports issued
 - a. Opinion on financial statements
 - i. Unmodified opinion, fairly stated in accordance with applicable standards
 - b. Communication to those charged with governance and management
 - i. Included all communications required under professional standards
 - ii. Includes comments and recommendations resulting from our audit
 - iii. Includes information applicable to future audits
3. Financial highlights (in thousands)
 - a. Governmental Funds

	General Fund	Debt Service	Capital Projects	Nonmajor Governmental Funds
Current year activity				
Revenues and other sources	\$ 16,760	\$ 10,810	\$ 2,391	\$ 145
Expenditures and other uses	<u>16,757</u>	<u>10,210</u>	<u>4,216</u>	<u>472</u>
Change in fund balances	<u>\$ 3</u>	<u>\$ 600</u>	<u>\$ (1,825)</u>	<u>\$ (327)</u>
Fund Balance				
Nonspendable	\$ 174	\$ -	\$ -	\$ -
Restricted	-	-	1,024	555
Committed	-	-	-	223
Assigned	-	-	3,026	-
Unassigned (deficit)	<u>2,313</u>	<u>(78)</u>	<u>-</u>	<u>-</u>
Total	<u>\$ 2,487</u>	<u>\$ (78)</u>	<u>\$ 4,050</u>	<u>\$ 778</u>

b. Enterprise Funds

	Sewer Utility	Water Utility
Current year activity		
Revenues	\$ 11,300	\$ 4,551
Expenses	9,201	2,557
Change in net position	<u>\$ 2,099</u>	<u>\$ 1,994</u>
Cash flow		
Operating activities	\$ (3,687)	\$ 2,027
Investing activities	126	64
Noncapital financing activities	7,079	-
Capital and related financing activities	(3,751)	(1,923)
Net change in cash	<u>\$ (233)</u>	<u>\$ 168</u>

c. Long-term debt

Type of debt	Governmental Activities	Business-type Activities	Total
General obligation bonds and notes	\$ 23,645	\$ 15,905	\$ 39,550
Revenue bonds	-	9,365	9,365
Unamortized debt premium	876	1,389	2,265
Capital leases	54	-	54
Total other postemployment liability	919	74	993
Total pension liability - single employer plan	386	40	426
Net pension liability - WRS	-	-	-
Net OPEB liability - LRLIF	709	33	742
Compensated absences	655	40	695
	<u>\$ 27,244</u>	<u>\$ 26,846</u>	<u>\$ 54,090</u>
Statutory debt limit (5% of equalized value)	\$ 261,622		
Capacity for additional general obligation debt	\$ 222,072		
Percentage of capacity to debt limit	85%		

4. Questions?



Reporting and insights from 2020 audit: City of Mequon

December 31, 2020

Executive summary

May 20, 2021

To the City Council
City of Mequon
Mequon, Wisconsin

We have completed our audit of the financial statements of the City of Mequon (the "City") for the year ended December 31, 2020, and have issued our report dated May 20, 2021. This letter presents communications required by our professional standards.

Your audit should provide you with confidence in your financial statements. The audit was performed based on information obtained from meetings with management, data from your systems, knowledge of your City's operating environment and our risk assessment procedures. We strive to provide you clear, concise communication throughout the audit process and of the final results of our audit.

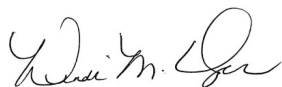
Additionally, we have included information on key risk areas the City of Mequon should be aware of in your strategic planning. We are available to discuss these risks as they relate to your organization's financial stability and future planning.

If you have questions at any point, please connect with us:

- Wendi Unger, Partner: wendi.unger@bakertilly.com or +1 (414) 777 5423

Sincerely,

Baker Tilly US, LLP



Wendi M. Unger, CPA, Partner

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THIS COMMUNICATION IS INTENDED SOLELY FOR THE INFORMATION AND USE OF THE COMMON COUNCIL, AND, IF APPROPRIATE, MANAGEMENT, AND IS NOT INTENDED TO BE AND SHOULD NOT BE USED BY ANYONE OTHER THAN THESE SPECIFIED PARTIES.

Responsibilities

Responsibilities

Our responsibilities

As your independent auditor, our responsibilities include:

- Planning and performing the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement. Reasonable assurance is a high level of assurance.
- Assessing the risks of material misstatement of the financial statements, whether due to fraud or error. Included in that assessment is a consideration of the City's internal control over financial reporting.
- Performing appropriate procedures based upon our risk assessment.
- Evaluating the appropriateness of the accounting policies used and the reasonableness of significant accounting estimates made by management.
- Forming and expressing an opinion based on our audit about whether the financial statements prepared by management, with the oversight of the Common Council:
 - Are free from material misstatement
 - Present fairly, in all material respects and in accordance with accounting principles generally accepted in the United States of America

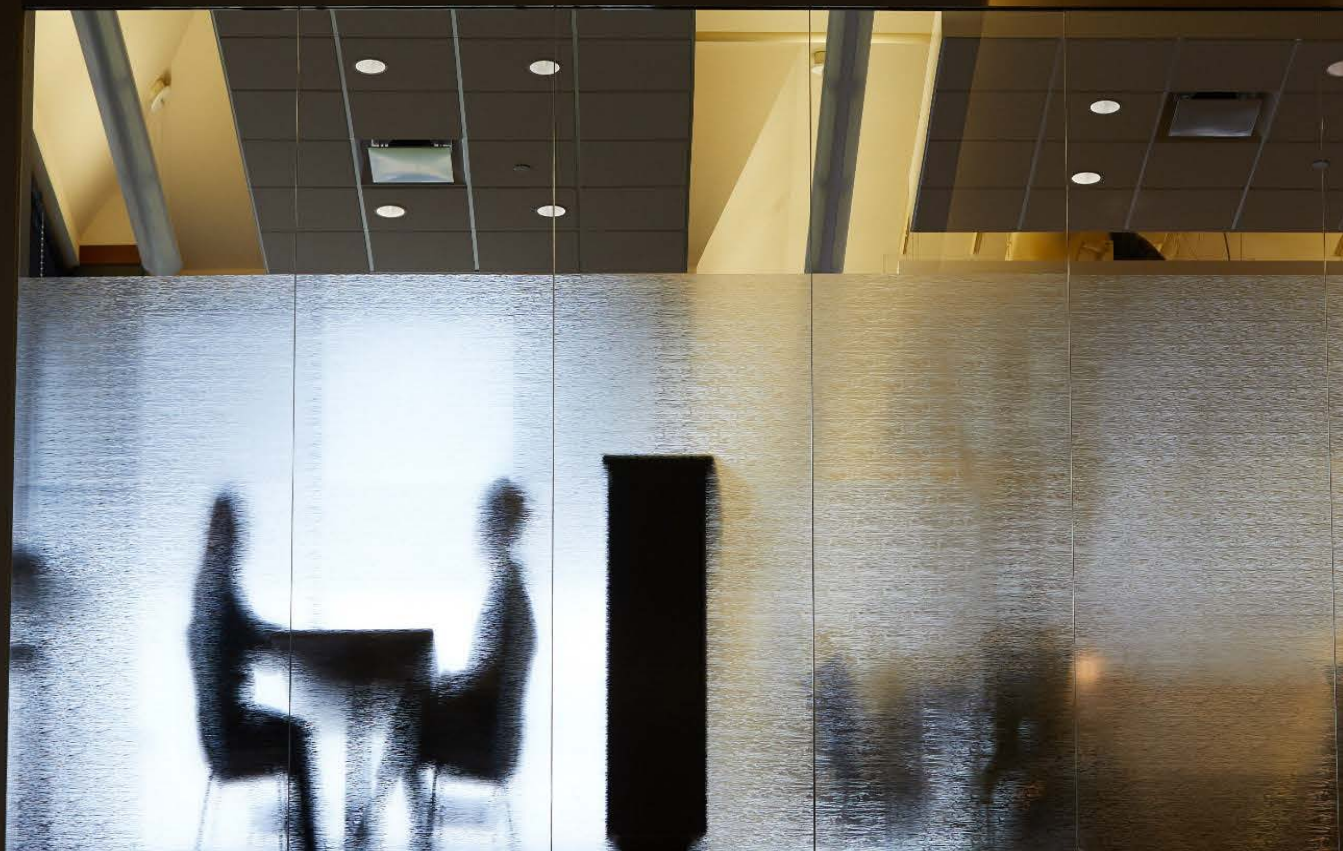
We are also required to communicate significant matters related to our audit that are relevant to the responsibilities of the Common Council, including:

- Qualitative aspects of the City's accounting practice including policies, accounting estimates and financial statement disclosures
- Significant difficulties encountered
- Disagreements with management
- Corrected and uncorrected misstatements
- Internal control matters
- Significant estimates
- Other findings or issues arising from the audit

Management's responsibilities

Management	Auditor
 Prepare and fairly present the financial statements	Our audit does not relieve management or the Common Council of their responsibilities
 Establish and maintain effective internal control over financial reporting	An audit includes consideration of internal control over financial reporting, but not an expression of an opinion on those controls
 Provide us with written representations at the conclusion of the audit	See Appendix for a copy of management's representations

Audit status



Audit status

Significant changes to the audit plan

There were no significant changes made to either our planned audit strategy or to the significant risks and other areas of emphasis identified during the performance of our risk assessment procedures.

Audit approach and results



Audit approach and results

Planned scope and timing

Audit focus

Based on our understanding of the City and environment in which you operate, we focused our audit on the following key areas:

- Key transaction cycles
- Areas with significant estimates
- Implementation of new accounting standards
- Areas of complexity including capital assets and debt

Our areas of audit focus were informed by, among other things, our assessment of materiality. Materiality in the context of our audit was determined based on specific qualitative and quantitative factors combined with our expectations about the City's current year results.

Key areas of focus and significant findings

Significant risks of material misstatement

A significant risk is an identified and assessed risk of material misstatement that, in the auditor's professional judgment, requires special audit consideration. Within our audit, we focused on the following areas below.

Significant risk areas	Testing approach	Conclusion
Management override of controls	Incorporate unpredictability into audit procedures, emphasize professional skepticism and utilize audit team with industry expertise	Procedures identified provided sufficient evidence for our audit opinion
Improper revenue recognition due to fraud	Confirmation or validation of certain revenues supplemented with detailed predictive analytics based on non-financial data and substantive testing of related receivables	Procedures identified provided sufficient evidence for our audit opinion

Other key areas of emphasis

We also focused on other areas that did not meet the definition of a significant risk, but were determined to require specific awareness and a unique audit response.

Other key areas of emphasis		
Cash and investments	Revenues and receivables	General disbursements
Payroll	Pension assets/liabilities and OPEB liabilities	Long-term debt
Capital assets including infrastructure	Net position calculations	Financial reporting and required disclosures

Internal control matters

We considered the City's internal control over financial reporting as a basis for designing our audit procedures for the purpose of expressing an opinion on the financial statements. We are not expressing an opinion on the effectiveness of the City's internal control.

Our consideration of internal control was for the limited purpose described in the preceding paragraph and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies and, therefore, material weaknesses or significant deficiencies may exist that were not identified.

A deficiency in internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct misstatements on a timely basis.

A material weakness is a deficiency or combination of deficiencies in internal control such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected, on a timely basis. We did not identify any deficiencies in internal control that we consider to be material weaknesses.

Other comments and recommendations

- Departmental Controls

As part of our annual audit process, we focus our efforts on the primary accounting systems, internal controls, and procedures used by the City. This is in keeping with our goal to provide an audit opinion which states that the financial statements of the City are correct in all material respects.

In some cases, the primary system of accounting procedures and controls of the City are supported by smaller systems which are decentralized, and reside within a department or location. In many cases, those systems are as simple as handling cash collections and remitting those collections to the Finance Department.

Generally, the more centralized a function is, the easier it is to design and implement accounting controls that provide some level of checks and balances. That is because you are able to divide certain tasks over the people available to achieve some segregation of duties. For those tasks that are decentralized, it is usually very difficult to provide for proper segregation of duties. Therefore, with one person being involved in most or all aspects of a transaction, you lose the ability to rely on the controls to achieve the safeguarding of assets and reliability of financial records.

As auditors, we are required to communicate with you on a variety of topics. Since there is now more emphasis on internal controls and management's responsibilities, we believe it is appropriate to make sure that you are informed about the lack of segregation of duties that may occur at departments or locations that handle cash. Functions in your City that fit this situation may include the following:

- Swimming Pool
- Recreation
- Engineering
- Police
- Building Inspector
- Municipal court
- Ambulance

As you might expect, similar situations are common in most governments.

As auditors, we are required to focus on the financial statements at a highly summarized level and our audit procedures support our opinion on those financial statements. Departments or locations that handle relatively smaller amounts of money are not the primary focus of our audit. Yet, because of the lack of segregation of duties, the opportunity for loss is higher there than in centralized functions that have more controls.

Because management is responsible for designing and implementing controls and procedures to detect and prevent fraud, we believe that is important for us to communicate this information to you. We have no knowledge of any fraud that has occurred or is suspected to have occurred within the departments mentioned above. However, your role as the governing body is to assess your risk areas and determine that the appropriate level of controls and procedures are in place. As always, the costs of controls and staffing must be weighed against the perceived benefits of safeguarding your assets.

Without adding staff or splitting up the duties, your own day-to-day contact and knowledge of the operation are also important mitigating factors.

Update on Prior Year Finding

- Cash Reconciliation

Issue has been addressed in the current year.

Required communications

Qualitative aspect of accounting practices

- Accounting policies: Management is responsible for the selection and use of appropriate accounting policies. In accordance with the terms of our engagement letter, we have advised management about the appropriateness of accounting policies and their application. The significant accounting policies used by City are described in Note 1 to the financial statements. No new accounting policies were adopted and the application of existing accounting policies was not changed during 2020. We noted no transactions entered into by the City during the year for which accounting policies are controversial or for which there is a lack of authoritative guidance or consensus or diversity in practice.
- Accounting estimates: Accounting estimates, including fair value estimates, are an integral part of the financial statements prepared by management and are based on management's knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements, the degree of subjectivity involved in their development and because of the possibility that future events affecting them may differ significantly from those expected. The following estimates are of most significance to the financial statements:

Estimate	Management's process to determine	Baker Tilly's conclusions regarding reasonableness
Accrued compensated absences	Evaluation of hours earned and accumulated in accordance with employment policies and average wage per hour rates	Reasonable in relation to the financial statements as a whole
Net/Total OPEB and Total Pension liabilities and related deferrals	Key assumptions set by management with the assistance of a third party actuary	Reasonable in relation to the financial statements as a whole
Depreciation	Evaluate estimated useful life of the asset and original acquisition value	Reasonable in relation to the financial statements as a whole
Net pension asset and related deferrals	Evaluation of information provided by the Wisconsin Retirement System	Reasonable in relation to the financial statements as a whole

There have been no significant changes made by management to either the processes used to develop the particularly sensitive accounting estimates, or to the significant assumptions used to develop the estimates, noted above.

- Financial statement disclosures: The disclosures in the financial statements are neutral, consistent and clear.

Significant difficulties encountered during the audit

We encountered no significant difficulties in dealing with management and completing our audit.

Other audit findings or issues

We encountered no other audit findings or issues that require communication at this time.

We generally discuss a variety of matters, including the application of accounting principles and auditing standards, with management each year prior to retention as the City's auditors. However, these discussions occurred in the normal course of our professional relationship and our responses were not a condition to our retention.

Disagreements with management

Professional standards define a disagreement with management as a matter, whether or not resolved to our satisfaction, concerning a financial accounting, reporting, or auditing matter that could be significant to the financial statements or the auditors' report. We are pleased to report that no such disagreements arose during the course of our audit.

Uncorrected misstatements and corrected misstatements

Professional standards require us to accumulate all known and likely misstatements identified during the audit, other than those that are trivial, and communicate them to the appropriate level of management. In our judgment, none of the misstatements that management has corrected, either individually or in the aggregate, indicate matters that could have had a significant effect on the Organization's financial reporting process.

Significant unusual transactions

There have been no significant transactions that are outside the normal course of business for the City or that otherwise appear to be unusual due to their timing, size or nature.

Management's consultations with other accountants

In some cases, management may decide to consult with other accountants about auditing and accounting matters. Management informed us that, and to our knowledge, there were no consultations with other accountants regarding auditing or accounting matters.

Written communications between management and Baker Tilly

The Appendix includes copies of other material written communications, including a copy of the management representation letter.

Compliance with laws and regulations

We did not identify any non-compliance with laws and regulations during our audit.

Fraud

We did not identify any known or suspected fraud during our audit.

Going concern

Pursuant to professional standards, we are required to communicate to you, when applicable, certain matters relating to our evaluation of the City's ability to continue as a going concern for a reasonable period of time but no less than 12 months from the date the financial statements are issued or available to be issued, including the effects on the financial statements and the adequacy of the related disclosures,

and the effects on the auditor's report. No such matters or conditions have come to our attention during our engagement.

Independence

We are not aware of any relationships between Baker Tilly and the City that, in our professional judgment, may reasonably be thought to bear on our independence.

Related parties

We did not have any significant findings or issues arise during the audit in connection with the City's related parties.

Other matters

We applied certain limited procedures to the required supplementary information (RSI) that supplements the basic financial statements. Our procedures consisted of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We did not audit the RSI and do not express an opinion or provide any assurance on the RSI.

We were engaged to report on the supplementary information which accompanies the financial statements but is not RSI. With respect to the supplementary information, we made certain inquiries of management and evaluated the form, content, and methods of preparing the information to determine that the information complies with accounting principles generally accepted in the United States of America, the method of preparing it has not changed from the prior period, and the information is appropriate and complete in relation to our audit of the financial statements. We compared and reconciled the supplementary information to the underlying accounting records used to prepare the financial statements or to the financial statements themselves.

We were not engaged to report on the other information, which accompanies the financial statements but are not RSI. We did not audit or perform other procedures on this other information and we do not express an opinion or provide any assurance on it.

Nonattest services

The following nonattest services were provided by Baker Tilly:

- Financial statement preparation
- Adjusting journal entries
- Compiled regulatory reports

In addition, we prepared GASB No. 34 conversion entries which are summarized in the "Reconciliation of the Balance Sheet of Governmental Funds to the Statement of Net Position" and the "Reconciliation of the Statement of Revenues, Expenditures, and Changes in Fund Balances of Governmental Funds to the Statement of Activities" in the financial statements.

None of these nonattest services constitute an audit under generally accepted auditing standards, including *Government Auditing Standards*.

A man in a dark suit, light blue shirt, and blue patterned tie is walking from left to right. He is holding a black folder or book in his left hand. The background is a large, abstract, textured wall with concentric, wavy lines in shades of gray and white.

Accounting changes relevant to the City of Mequon

Accounting changes relevant to the City of Mequon

Future accounting standards update

GASB Statement Number	Description	Potentially Impacts you	Effective Date
87	Leases	✓	12/31/22*
89	Accounting for Interest Incurred before the End of a Construction Period	✓	12/31/21*
91	Conduit Debt	✓	12/31/22*
92	Omnibus 2020	✓	12/31/22*
93	Replacement of Interfund Bank Offered Rates	✓	12/31/22*
94	Public-Private and Public-Public Partnerships and Availability Payment Arrangements	✓	12/31/23
96	Subscription-Based Information Technology Arrangements	✓	12/31/23
97	Certain Component Unit Criteria, and Accounting and Financial Reporting for Internal Revenue Code Section 457 Deferred Compensation Plans	✓	12/31/22

*The statements listed above through Statement No. 93 had their required effective dates postponed by one year with the issuance of Statement No. 95, *Postponement of Effective Dates of Certain Authoritative Guidance*, with the exception of Statement No. 87 which was postponed by one and a half years. The effective date reflected above is the required revised implementation date.

Further information on upcoming [GASB pronouncements](#).

Preparing for the new lease standard

GASB's new single model for lease accounting will be effective soon. This standard will require governments to identify and evaluate contracts that convey control of the right to use another entity's nonfinancial asset as specified in the contract for a period of time in an exchange or exchange-like transaction. Contracts meeting the criteria for control, term and other items within the standard will result in recognizing a right to use asset and lease liability or a receivable and deferred inflow of resources.

We recommend the City review this standard and start planning now as to how this will affect your financial reporting. We recommend that you begin by completing an inventory of all contracts that might meet the definition of a lease. The contract listing should include key terms of the contracts such as:

- Description of contract
- Underlying asset
- Contract term
- Options for extensions and terminations
- Service components, if any
- Dollar amount of lease

In addition, the City should begin to establish a lease policy to address the treatment of common lease types, including a dollar threshold for each lease. We are available to discuss this further and help you develop an action plan.

Learn more about [GASB 87](#).

Trending challenges and opportunities for organizations



Trending challenges and opportunities for organizations

Management and governing bodies must keep the future in mind as they evaluate strategies to achieve future growth. Keeping a balance between risk and sustainability is key, and organizations need to think beyond their immediate needs to their long-term goals. Economic uncertainty, coupled with key risk areas and fast-paced technology change, make strategic planning complex. Begin the discussion with your management team to find your path to your future.

Turning toward recovery and growth

Many organizations are focusing on the strategic restart and ramp up of their operations.

With great uncertainty about what recovery will look like—or how long it will take—it is essential for your organization to understand the scenarios you may face and plan your path back to growth.

We can help you chart a way forward that will enhance and maximize your value, minimize further disruption and keep your workforce safe.

Recommendation

Follow our [road map](#) to reopen, recover and reset.



Compliance with federal awards



Challenge

The COVID-19 crisis has had a significant effect on the nation, including recipients of federal awards resulting from various congressional acts. Federal funding adds an increased level of scrutiny and brings new challenges around compliance, reporting and administration.

Finance and spending departments are operating in unprecedented times as they manage and administer these funds while also remaining economically viable, maintaining operations and adapting to the “new normal.”

Recommendation

Learn more about [compliance for federal funds](#) obtained for pandemic response efforts.

Recession proofing measures



Challenge

Ever aware of the need to balance the needs of diverse constituents against constrained revenue streams and conflicting priorities, public leaders strive to effectively deploy scarce resources while maintaining the highest levels of accountability and transparency.

In times of crisis, additional challenges emerge to maintain essential services, ensure citizen safety, protect their workforce and jumpstart programs to mitigate negative local economic impacts—all while focusing on planning for long-term effects of revenue shortages and the subsequent recovery.

Developing strategic clarity, aligning resources with priorities, strengthening performance, optimizing processes and leveraging

technology are imperative.

Recommendation

Learn about [proactive measures to insulate your organization](#) from financial hardship and to [optimize your organization's performance](#).

Risk assessment

Challenge



Organizations today manage ever-expanding priorities in a constantly evolving, disruptive risk environment. Undetected risks, insufficient internal controls and inefficient business processes may negatively impact not only the entity but also its workforce and the community at large.

Risk assessment and internal audit prove essential to identifying top risks and the appropriateness of response in order to:

- Manage risk and compliance
- Enhance governance and strategy
- Optimize operations
- Gain assurance around key functions and processes that contribute toward meeting organizational goals

Recommendation

Learn about the key considerations for the [risk assessment process and internal audit planning](#).

Information technology and cybersecurity



Challenge

While return-to-work scenarios are being developed, it is likely that remote workforces will remain a reality for many organizations in the short- to mid-term. Though many organizations have been able to adapt on a short-term basis, some will not be prepared for long-term operation on a remote and virtual basis. Organizations should increase monitoring of invasive cyber events, given the likely increase in hackers sending out fake emails, website links and ransomware attacks – and also consider:

- Adequacy of IT controls and security
- Performance of remote infrastructure supporting operations
- Improvements to remote applications for communication, collaboration and workflow
- Alternatives for data entry, work and information flow

Recommendation

[Learn more](#) about information technology and cybersecurity, including [System & Organization Controls reporting](#).

Appendix A: Client service team

Client service team



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Partner

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Appendix B: Management representation letter



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Mequon, WI 53092
Phone (262) 236-2947
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FINANCE DEPARTMENT

May 20, 2021

Baker Tilly US, LLP
777 E Wisconsin Ave
32nd Floor
Milwaukee, WI 53202

Dear Baker Tilly US, LLP:

We are providing this letter in connection with your audit of the financial statements of the City of Mequon as of December 31, 2020 and for the year then ended for the purpose of expressing opinions as to whether the financial statements present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the City of Mequon and the respective changes in financial position and cash flows, where applicable, in conformity with accounting principles generally accepted in the United States of America. We confirm that we are responsible for the fair presentation of the previously mentioned financial statements in conformity with accounting principles generally accepted in the United States of America. We are also responsible for adopting sound accounting policies, establishing and maintaining internal control over financial reporting, and preventing and detecting fraud.

Certain representations in this letter are described as being limited to matters that are material. Items are considered material, regardless of size, if they involve an omission or misstatement of accounting information that, in the light of surrounding circumstances, makes it probable that the judgment of a reasonable person relying on the information would be changed or influenced by the omission or misstatement. An omission or misstatement that is monetarily small in amount could be considered material as a result of qualitative factors.

We confirm, to the best of our knowledge and belief, the following representations made to you during your audit.

Financial Statements

- 1) We have fulfilled our responsibilities, as set out in the terms of the audit engagement letter.
- 2) The financial statements referred to above are fairly presented in conformity with accounting principles generally accepted in the United States of America. We have engaged you to advise us in fulfilling that responsibility. The financial statements include all properly classified funds of the primary government required by accounting principles generally accepted in the United States of America to be included in the financial reporting entity.
- 3) We acknowledge our responsibility for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

- 4) We acknowledge our responsibility for the design, implementation, and maintenance of internal control to prevent and detect fraud.
- 5) Significant assumptions we used in making accounting estimates, if any, are reasonable.
- 6) All events subsequent to the date of the financial statements and for which accounting principles generally accepted in the United States of America that require adjustment or disclosure have been adjusted or disclosed. No other events, including instances of noncompliance, have occurred subsequent to the financial statement date and through the date of this letter that would require adjustment to or disclosure in the aforementioned financial statements.
- 7) All material transactions have been recorded in the accounting records and are reflected in the financial statements.
- 8) All known audit and bookkeeping adjustments have been included in our financial statements, and we are in agreement with those adjustments.
- 9) There are no known or possible litigation, claims, and assessments whose effects should be considered when preparing the financial statements. There are no unasserted claims or assessments that our lawyer has advised us are probable of assertion and must be disclosed in accordance with accounting principles generally accepted in the United States of America.
- 10) Guarantees, whether written or oral, under which the City is contingently liable, if any, have been properly recorded or disclosed.

Information Provided

- 11) We have provided you with:
 - a) Access to all information, of which we are aware, that is relevant to the preparation and fair presentation of the financial statements, such as financial records and related data, documentation, and other matters.
 - b) Additional information that you have requested from us for the purpose of the audit.
 - c) Unrestricted access to persons within the entity from whom you determined it necessary to obtain audit evidence.
 - d) Minutes of the meetings of the Common Council or summaries of actions of recent meetings for which minutes have not yet been prepared.
- 12) We have not completed an assessment of the risk that the financial statements may be materially misstated as a result of fraud.
- 13) We have no knowledge of any fraud or suspected fraud that affects the entity and involves:
 - a) Management,
 - b) Employees who have significant roles in internal control, or
 - c) Others where the fraud could have a material effect on the financial statements.
- 14) We have no knowledge of any allegations of fraud or suspected fraud affecting the entity received in communications from employees, former employees, regulators, or others.

- 15) We have no knowledge of known instances of noncompliance or suspected noncompliance with provisions of laws, regulations, contracts, or grant agreements, or abuse, whose effects should be considered when preparing financial statements.
- 16) There are no known related parties or related party relationships and transactions of which we are aware.

Other

- 17) There have been no communications from regulatory agencies concerning noncompliance with, or deficiencies in, financial reporting practices.
- 18) The City has no plans or intentions that may materially affect the carrying value or classification of assets, liabilities, or equity.
- 19) We are responsible for compliance with federal, state, and local laws, regulations, and provisions of contracts and grant agreements applicable to us, including tax or debt limits, debt contracts, and IRS arbitrage regulations; and we have identified and disclosed to you all federal, state, and local laws, regulations and provisions of contracts and grant agreements that we believe have a direct and material effect on the determination of financial statement amounts or other financial data significant to the audit objectives, including legal and contractual provisions for reporting specific activities in separate funds.
- 20) There are no:
 - a) Violations or possible violations of budget ordinances, federal, state, and local laws or regulations (including those pertaining to adopting, approving and amending budgets), provisions of contracts and grant agreements, tax or debt limits, and any related debt covenants whose effects should be considered for disclosure in the financial statements or as a basis for recording a loss contingency, or for reporting on noncompliance, except those already disclosed in the financial statement, if any.
 - b) Other liabilities or gain or loss contingencies that are required to be accrued or disclosed by accounting principles generally accepted in the United States of America.
 - c) Nonspendable, restricted, committed, or assigned fund balances that were not properly authorized and approved.
 - d) Rates being charged to customers other than the rates as authorized by the applicable authoritative body.
 - e) Violations of restrictions placed on revenues as a result of bond resolution covenants such as revenue distribution or debt service funding.

- 21) In regards to the nonattest services performed by you listed below, we have 1) accepted all management responsibility; 2) designated an individual with suitable skill, knowledge, or experience to oversee the services; 3) evaluated the adequacy and results of the services performed, and 4) accepted responsibility for the results of the services.

- a) Financial statement preparation
- b) Adjusting journal entries
- c) Compiled regulatory reports

None of these nonattest services constitute an audit under generally accepted auditing standards, including *Government Auditing Standards*.

- 22) The City of Mequon has satisfactory title to all owned assets, and there are no liens or encumbrances on such assets nor has any asset been pledged as collateral.
- 23) The City of Mequon has complied with all aspects of contractual agreements that would have a material effect on the financial statement in the event of noncompliance.
- 24) The financial statements include all component units as well as joint ventures with an equity interest, and properly disclose all other joint ventures and other related organizations, if any. Component units have been properly presented as either blended or discrete.
- 25) The financial statements properly classify all funds and activities.
- 26) All funds that meet the quantitative criteria in GASB Statement's No. 34 and No. 37 for presentation as major are identified and presented as such and all other funds that are presented as major are particularly important to financial statement users.
- 27) Components of net position (net investment in capital assets; restricted; and unrestricted) and components of fund balance (nonspendable, restricted, committed, assigned and unassigned) are properly classified and, if applicable, approved.
- 28) The City of Mequon has no derivative financial instruments such as contracts that could be assigned to someone else or net settled, interest rate swaps, collars or caps.
- 29) Provisions for uncollectible receivables, if any, have been properly identified and recorded.
- 30) Expenses have been appropriately classified in or allocated to functions and programs in the statement of activities, and allocations have been made on a reasonable basis.
- 31) Revenues are appropriately classified in the statement of activities within program revenues and general revenues.
- 32) Interfund, internal, and intra-entity activity and balances have been appropriately classified and reported.
- 33) Deposits and investments are properly classified, valued, and disclosed (including risk disclosures, collateralization agreements, valuation methods, and key inputs, as applicable).
- 34) Capital assets, including infrastructure and intangible assets, are properly capitalized, reported, and, if applicable, depreciated/amortized. Any known impairments have been recorded and disclosed.

- 35) Tax-exempt bonds issued have retained their tax-exempt status.
- 36) We have appropriately disclosed the City of Mequon's policy regarding whether to first apply restricted or unrestricted resources when an expense is incurred for purposes for which both restricted and unrestricted net position are available and have determined that net position were properly recognized under the policy. We have also disclosed our policy regarding which resources (that is, restricted, committed, assigned or unassigned) are considered to be spent first for expenditures for which more than one resource classification is available.
- 37) We acknowledge our responsibility for the required supplementary information (RSI). The RSI is measured and presented within prescribed guidelines and the methods of measurement and presentation have not changed from those used in the prior period. We have disclosed to you any significant assumptions and interpretations underlying the measurement and presentation of the RSI.
- 38) With respect to the supplementary information, (SI):
- a) We acknowledge our responsibility for presenting the SI in accordance with accounting principles generally accepted in the United States of America, and we believe the SI, including its form and content, is fairly presented in accordance with accounting principles generally accepted in the United States of America. The methods of measurement and presentation of the SI have not changed from those used in the prior period, and we have disclosed to you any significant assumptions or interpretations underlying the measurement and presentation of the supplementary information.
 - b) If the SI is not presented with the audited financial statements, we will make the audited financial statements readily available to the intended users of the supplementary information no later than the date we issue the supplementary information and the auditor's report thereon.
- 39) We assume responsibility for, and agree with, the findings of specialists in evaluating the other postemployment and pension benefits and have adequately considered the qualifications of the specialists in determining the amounts and disclosures used in the financial statements and underlying accounting records. We did not give or cause any instructions to be given to specialists with respect to the values or amounts derived in an attempt to bias their work, and we are not otherwise aware of any matters that have had impact on the independence or objectivity of the specialists.
- 40) We assume responsibility for, and agree with, the information provided by the Wisconsin Retirement System as audited by the Legislative Audit Bureau relating to the net pension asset/liability and related deferred outflows and deferred inflows and have adequately considered the reasonableness of the amounts and disclosures used in the financial statements and underlying accounting records. We also assume responsibility for the census data that has been reported to the plan.

- 41) We assume responsibility for, and agree with the information provided by the Department of Employee Trust Funds for the Local Retiree Life Insurance program as audited by the Legislative Audit Bureau relating to the net OPEB liability and related deferred outflows and deferred inflows and have adequately considered the reasonableness of the amounts and disclosures used in the financial statements and underlying accounting records. We also assume responsibility for the census data that has been reported to the plan.

Sincerely,

City of Mequon

Signed: 
Ms. Kaitlyn Krueger, Finance Director

Signed: 
Mr. William Jones, City Administrator

Appendix C: Two-way communication regarding your audit

As part of our audit of your financial statements, we are providing communications to you throughout the audit process. Auditing requirements provide for two-way communication and are important in assisting the auditor and you with more information relevant to the audit.

As this past audit is concluded, we use what we have learned to begin the planning process for next year's audit. It is important that you understand the following points about the scope and timing of our next audit:

- a. We address the significant risks of material misstatement, whether due to fraud or error, through our detailed audit procedures.
- b. We will obtain an understanding of the five components of internal control sufficient to assess the risk of material misstatement of the financial statements whether due to error or fraud, and to design the nature, timing and extent of further audit procedures. We will obtain a sufficient understanding by performing risk assessment procedures to evaluate the design of controls relevant to an audit of financial statements and to determine whether they have been implemented. We will use such knowledge to:
 - Identify types of potential misstatements.
 - Consider factors that affect the risks of material misstatement.
 - Design tests of controls, when applicable, and substantive procedures.
- c. We will not express an opinion on the effectiveness of internal control over financial reporting or compliance with laws, regulations and provisions of contracts or grant programs.
- d. The concept of materiality recognizes that some matters, either individually or in the aggregate, are important for fair presentation of financial statements in conformity with generally accepted accounting principles while other matters are not important. In performing the audit, we are concerned with matters that, either individually or in the aggregate, could be material to the financial statements. Our responsibility is to plan and perform the audit to obtain reasonable assurance that material misstatements, whether caused by errors or fraud, are detected.

Our audit will be performed in accordance with auditing standards generally accepted in the United States of America.

We are very interested in your views regarding certain matters. Those matters are listed here:

- a. We typically will communicate with your top level of management unless you tell us otherwise.
- b. We understand that the governing board has the responsibility to oversee the strategic direction of your organization, as well as the overall accountability of the entity. Management has the responsibility for achieving the objectives of the entity.
- c. We need to know your views about your organization's objectives and strategies, and the related business risks that may result in material misstatements.
- d. Which matters do you consider warrant particular attention during the audit, and are there any areas where you request additional procedures to be undertaken?
- e. Have you had any significant communications with regulators or grantor agencies?
- f. Are there other matters that you believe are relevant to the audit of the financial statements?

Also, is there anything that we need to know about the attitudes, awareness and actions of the governing body concerning:

- a. The entity's internal control and its importance in the entity, including how the Common Council oversee the effectiveness of internal control?
- b. The detection or the possibility of fraud?

We also need to know if you have taken actions in response to developments in financial reporting, laws, accounting standards, governance practices, or other related matters, or in response to previous communications with us.

With regard to the timing of our audit, here is some general information. If necessary, we may do preliminary financial audit work during the months of October-December, and sometimes early in January. Our final financial fieldwork is scheduled during the spring to best coincide with your readiness and report deadlines. After fieldwork, we wrap up our financial audit procedures at our office and may issue drafts of our report for your review. Final copies of our report and other communications are issued after approval by your staff. This is typically 6-12 weeks after final fieldwork, but may vary depending on a number of factors.

Keep in mind that while this communication may assist us with planning the scope and timing of the audit, it does not change the auditor's sole responsibility to determine the overall audit strategy and the audit plan, including the nature, timing and extent of procedures necessary to obtain sufficient appropriate audit evidence.

We realize that you may have questions on what this all means, or wish to provide other feedback. We welcome the opportunity to hear from you.



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Fax: 262-242-9655

www.ci.mequon.wi.us

Office of Sewer Utility District Commission

TO: Common Council
FROM: Kevin Driscoll, Deputy Director of Utilities
DATE: May 18, 2021
SUBJECT: RESOLUTION 3847 A Resolution Authorizing City Staff to File the City of Mequon's Compliance Maintenance Annual Report (CMAR) for Calendar Year 2020, in Accordance with Requirements Under Wisconsin Administrative Code NR208

Background

As a state requirement for owning and operating a separate municipal storm sewer system that discharges to waters of the state, the City maintains a general Wisconsin Pollution Discharge Elimination System (WPDES) permit through the Wisconsin Department of Natural Resources (WDNR). The permit covers water quality, illicit discharges, public information and education, stormwater, and erosion control. In addition to an annual stormwater report, the City must also file a Compliance Maintenance Annual Report (CMAR) for the City's sanitary sewer system and any emergency sewer system overflows that may occur.

Analysis

The draft 2020 CMAR is attached for review and must be filed with WDNR by June 30. Part of the reporting requirement is that the governing body of the municipality must adopt an annual resolution stating that it has reviewed the report before it is filed each year. The report has a grading system for both financial management and collection systems. If a community falls below an overall grade point average of 3.00, scores less than a "C" in any individual CMAR section, or if Sanitary Sewer Overflows (SSOs) were reported in the year, the City must identify improvements to correct system deficiencies and improve a report's score. In 2020, the City continued its "A" grade for financial management and collection systems.

In 2020 the City reported SSOs as a result of wet weather in May at 11 locations, where 6 of these discharges occurred within the Ranch Road Lift Station "E" area. In 2020, the City began inflow and infiltration reduction work within the contributing areas to Lift Station E and completed a condition assessment that concluded that Lift Station E requires replacement.

In addition, condition assessments for Riverdale Park Lift Station "F" and Fieldwood Road Lift Station "G" are planned in an effort to optimize collection system operations. Both Lift Station F & Lift Station G contribute to Lift Station E. These areas are also priority areas for future sewer lateral work to reduce inflow and infiltration from private property sources. This sewer work continues efforts to better manage wet weather events and follows the construction of the East Trunk Relief Sewer project that reduces overflows and adds capacity for future growth.

Fiscal Impact

There is no fiscal impact to filing this report outside of staff time necessary for its preparation. Any potential projects identified must ultimately be approved by the Sanitary Sewer Utility Commission prior to proceeding.

Recommendation

It is staff's recommendation that the Sewer Utility District favorably endorse, and the Common Council approve Resolution to authorize staff to file this CMAR with the WDNR.

Attachments:

Exhibit A - 2020 CMAR_draft (PDF)

COMMON COUNCIL
OF THE
CITY OF MEQUON

RESOLUTION 3847

A Resolution Authorizing City Staff to File the City of Mequon's Compliance Maintenance Annual Report (CMAR) for Calendar Year 2020, in Accordance with Requirements Under Wisconsin Administrative Code NR208

A. It is an annual requirement under the Wisconsin Pollutant Discharge Elimination System (WPDES) permit issued by the Wisconsin Department of Natural Resources to file a Compliance Maintenance Annual Report (CMAR) for Mequon's wastewater collection system under Wisconsin Administrative Code NR208.

B. It is necessary to acknowledge that the governing body has reviewed the CMAR.

C. It is necessary to provide recommendations or an action response plan for any individual CMAR section within the annual report with a grade of "C" or less, an overall grade point of less than 3.0, or in a year where a Sanitary Sewer Overflow was reported.

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

1. The City of Mequon's 2020 CMAR has been reviewed and staff is hereby authorized to file said report and recommendations.

2. While the City has an overall GPA of 4.00, the City will continue to evaluate its system and take necessary actions to maintain and improve the collection system which may include:

a. Continuation of current system improvements such as manhole installation, manhole cover replacement, mainline rehabilitation, and upgrades to force mains and lift stations.

b. Continued evaluation of sewer utility collection system energy efficiency and costs related to power for lift station system pumping, in reference to Section 6 of the CMAR.

Approved by: John Wirth, Mayor

Date Approved: June 8, 2021

I certify that the foregoing Resolution was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on June 8, 2021.

Caroline Fochs, City Clerk

Compliance Maintenance Annual Report

5.o.a

Mequon Sewage Collection System

Last Updated: Reporting For:
5/18/2021 2020

Financial Management

1. Provider of Financial Information

Name:

Kaitlyn Kreuger

Telephone:

(262) 236-2947

(XXX) XXX-XXXX

E-Mail Address
(optional):

2. Treatment Works Operating Revenues

2.1 Are User Charges or other revenues sufficient to cover O&M expenses for your wastewater treatment plant AND/OR collection system ?

● Yes (0 points) ☐

○ No (40 points)

If No, please explain:

2.2 When was the User Charge System or other revenue source(s) last reviewed and/or revised?
Year:

2020

● 0-2 years ago (0 points) ☐○ 3 or more years ago (20 points) ☐

○ N/A (private facility)

2.3 Did you have a special account (e.g., CWP required segregated Replacement Fund, etc.) or financial resources available for repairing or replacing equipment for your wastewater treatment plant and/or collection system?

● Yes (0 points)

○ No (40 points)

0

REPLACEMENT FUNDS [PUBLIC MUNICIPAL FACILITIES SHALL COMPLETE QUESTION 3]

3. Equipment Replacement Funds

3.1 When was the Equipment Replacement Fund last reviewed and/or revised?

Year:

2020

● 1-2 years ago (0 points) ☐○ 3 or more years ago (20 points) ☐

○ N/A

If N/A, please explain:

3.2 Equipment Replacement Fund Activity

3.2.1 Ending Balance Reported on Last Year's CMAR

\$ 30,172.60

3.2.2 Adjustments - if necessary (e.g. earned interest, audit correction, withdrawal of excess funds, increase making up previous shortfall, etc.)

\$ 273.00

3.2.3 Adjusted January 1st Beginning Balance

\$ 29,899.60

3.2.4 Additions to Fund (e.g. portion of User Fee, earned interest, etc.)

+

\$ 100,000.00

Attachment: Exhibit A - 2020 CMAR_draft (RESOLUTION 3847 : Approving the Compliance Maintenance Annual Report to the Wisconsin

Compliance Maintenance Annual Report

5.o.a

Mequon Sewage Collection System

Last Updated: Reporting For:
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3.2.5 Subtractions from Fund (e.g., equipment replacement, major repairs - use description box 3.2.6.1 below*)

- \$ 84,857.83

3.2.6 Ending Balance as of December 31st for CMAR Reporting Year

\$ 45,041.77

All Sources: This ending balance should include all Equipment Replacement Funds whether held in a bank account(s), certificate(s) of deposit, etc.

3.2.6.1 Indicate adjustments, equipment purchases, and/or major repairs from 3.2.5 above.

In 2020, two crew vehicles (pick-up trucks) were replaced.

3.3 What amount should be in your Replacement Fund? \$ 200,000.00

Please note: If you had a CWFP loan, this amount was originally based on the Financial Assistance Agreement (FAA) and should be regularly updated as needed. Further calculation instructions and an example can be found by clicking the SectionInstructions link under Info header in the left-side menu.

3.3.1 Is the December 31 Ending Balance in your Replacement Fund above, (#3.2.6) equal to, or greater than the amount that should be in it (#3.3)?

o Yes

● No

If No, please explain.

In 2020, two crew vehicles (pick-up trucks) were replaced and the Sewer Utility Capital Budget has established a fund for Equipment Replacement with an annual allocation; for 2021 that amount is 50,000.

4. Future Planning

4.1 During the next ten years, will you be involved in formal planning for upgrading, rehabilitating, or new construction of your treatment facility or collection system?

● Yes - If Yes, please provide major project information, if not already listed below. ☐ ☐

o No

Project #	Project Description	Estimated Cost	Approximate Construction Year
1	Generator (LS H)	60000	2023
2	Generator (LS K)	60000	2022
3	Generator (LS Q)	60000	2021
4	Annual Manhole Chimney Seal Project -Follows the Local Road Project-	75000	2021
5	Cedarburg Road Flow Equalization (2270-04-70)	175000	2022
6	Replacement on-site generator (LS V)	60000	2023
7	Lift station & force main Q Design and Construction	405000	2021
8	Lift station & force main R Design and Construction	225000	2023
9	Commercial Sewer Meter Improvements	10000	2021
10	Equipment Replacement	80000	2021
11	Sanitary Sewer Rehabilitation in Easement from CTH W to Oriole Lane (extended)	700000	2021
12	Annual Manhole Seal Project -Follows the Local Road Project-	70000	2022
13	Generator (LS P)	60000	2024
14	Lift Station Condition Assessments	25000	2022
15	Lift Station Condition Assessments	25000	2021
16	Lift Station Pump Replacment (Various locations)	100000	2021
17	Equipment Replacement - Sewer Maintenance Crew Vehicles (2 Pick-up Trucks)	100000	2030
18	Mequon Road Flow Equalization at w/s STH 57 Intersection	200000	2023

Compliance Maintenance Annual Report

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Mequon Sewage Collection System

Last Updated: Reporting For:
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19	Heritage Estates Siphon Replacement Design Study	25000	2021
20	Replace Ranch Road Lift Station E	5,000,000	2022
21	Design to Replace Lift Station E	250,000	2021
22	Riverdale Park Lift Station "F" Capacity Improvements Design Study Report	50,000	2021
23	Fieldwood Road Lift Station "G" Condition Assessment	10,000	2021
24	Fieldwood Road Lift Station "T" Design Study Report	25,000	2021
25	Design Study Report - Solar Energy Feasibility Evaluation to Offset Lift Station Pump Costs	10,000	2021

5. Financial Management General Comments

None

ENERGY EFFICIENCY AND USE

6. Collection System

6.1 Energy Usage

6.1.1 Enter the monthly energy usage from the different energy sources:

COLLECTION SYSTEM PUMPAGE: Total Power Consumed

Number of Municipally Owned Pump/Lift Stations: 23

	Electricity Consumed (kWh)	Natural Gas Consumed (therms)
January	37,526	39
February	28,064	29
March	24,322	29
April	25,748	56
May	24,408	61
June	32,437	7
July	30,274	102
August	50,493	58
September	42,789	41
October	47,918	53
November	46,794	42
December	54,048	67
Total	444,821	584
Average	37,068	49

6.1.2 Comments:

6.2 Energy Related Processes and Equipment

6.2.1 Indicate equipment and practices utilized at your pump/lift stations (Check all that apply):

- ☐ Comminution or Screening
- ☐ Extended Shaft Pumps
- ☒ Flow Metering and Recording
- ☐ Pneumatic Pumping
- ☒ SCADA System
- ☐ Self-Priming Pumps
- ☒ Submersible Pumps

Attachment: Exhibit A - 2020 CMAR_draft (RESOLUTION 3847 : Approving the Compliance Maintenance Annual Report to the Wisconsin

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Mequon Sewage Collection System

Last Updated: Reporting For:
5/18/2021 **2020**

☒ Variable Speed Drives

☐ Other:

6.2.2 Comments:

6.3 Has an Energy Study been performed for your pump/lift stations?

☐ No

☒ Yes

Year:

2019

By Whom:

Arch Electric

Describe and Comment:

Preliminary Feasibility Study to evaluate options for utility energy cost offset began in 2019 including solar installation, pending site selection.

6.4 Future Energy Related Equipment

6.4.1 What energy efficient equipment or practices do you have planned for the future for your pump/lift stations?

In addition to lift station condition assessments performed by professional consulting engineers, the Sewer Utility has established a Lift Station capital fund to replace stations with more efficient pumps. The City's Sewer Maintenance Crew also performs routine lift station inspections for vibration, noise, leaks to identify if stations have optimal performance and operations of if motors, pumps, valves, and bearings need to be repaired or replaced.

Total Points Generated	0
Score (100 - Total Points Generated)	100
Section Grade	A

Attachment: Exhibit A - 2020 CMAR_draft (RESOLUTION 3847 : Approving the Compliance Maintenance Annual Report to the Wisconsin

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Mequon Sewage Collection System

Last Updated: Reporting For:
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Sanitary Sewer Collection Systems

1. Capacity, Management, Operation, and Maintenance (CMOM) Program

1.1 Do you have a CMOM program that is being implemented?

- ☒ Yes
- ☐ No

If No, explain:

1.2 Do you have a CMOM program that contains all the applicable components and items according to Wisc. Adm Code NR 210.23 (4)?

- ☒ Yes
- ☐ No (30 points)
- ☐ N/A

If No or N/A, explain:

1.3 Does your CMOM program contain the following components and items? (check the components and items that apply)

☒ Goals [NR 210.23 (4)(a)]

Describe the major goals you had for your collection system last year:

Comply with WPDES permit for sanitary sewer overflows;
Minimize occurrence of preventable overflows;
Improve and maintain system reliability;
Provide adequate capacity to convey peak flow;
Manage infiltration and inflow; and
Protect collection system worker health and safety.

Did you accomplish them?

- ☒ Yes
- ☐ No

If No, explain:

☒ Organization [NR 210.23 (4) (b)] ☐ ☐

Does this chapter of your CMOM include:

- ☒ Organizational structure and positions (eg. organizational chart and position descriptions)
- ☒ Internal and external lines of communication responsibilities
- ☒ Person(s) responsible for reporting overflow events to the department and the public

☒ Legal Authority [NR 210.23 (4) (c)]

What is the legally binding document that regulates the use of your sewer system?

City Ordinance 86-IV

If you have a Sewer Use Ordinance or other similar document, when was it last reviewed and revised? (MM/DD/YYYY) 1996-11-12

Does your sewer use ordinance or other legally binding document address the following:

- ☒ Private property inflow and infiltration
- ☒ New sewer and building sewer design, construction, installation, testing and inspection
- ☒ Rehabilitated sewer and lift station installation, testing and inspection
- ☒ Sewage flows satellite system and large private users are monitored and controlled, as necessary
- ☒ Fat, oil and grease control
- ☒ Enforcement procedures for sewer use non-compliance
- ☒ Operation and Maintenance [NR 210.23 (4) (d)]

Attachment: Exhibit A - 2020 CMAR_draft (RESOLUTION 3847 : Approving the Compliance Maintenance Annual Report to the Wisconsin

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Mequon Sewage Collection System

Last Updated: Reporting For:
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Does your operation and maintenance program and equipment include the following:

- ☒ Equipment and replacement part inventories
- ☒ Up-to-date sewer system map
- ☒ A management system (computer database and/or file system) for collection system information for O&M activities, investigation and rehabilitation
- ☒ A description of routine operation and maintenance activities (see question 2 below)
- ☒ Capacity assessment program
- ☒ Basement back assessment and correction
- ☒ Regular O&M training

☒ Design and Performance Provisions [NR 210.23 (4) (e)] ☐ ☐

What standards and procedures are established for the design, construction, and inspection of the sewer collection system, including building sewers and interceptor sewers on private property?

- ☒ State Plumbing Code, DNR NR 110 Standards and/or local Municipal Code Requirements
- ☒ Construction, Inspection, and Testing
- ☐ Others:

0

☒ Overflow Emergency Response Plan [NR 210.23 (4) (f)] ☐ ☐

Does your emergency response capability include:

- ☒ Responsible personnel communication procedures
- ☒ Response order, timing and clean-up
- ☒ Public notification protocols
- ☒ Training
- ☒ Emergency operation protocols and implementation procedures

☒ Annual Self-Auditing of your CMOM Program [NR 210.23 (5)] ☐ ☐☒ Special Studies Last Year (check only those that apply):

- ☒ Infiltration/Inflow (I/I) Analysis
- ☐ Sewer System Evaluation Survey (SSES)
- ☐ Sewer Evaluation and Capacity Management Plan (SECAP)
- ☒ Lift Station Evaluation Report
- ☐ Others:

2. Operation and Maintenance

2.1 Did your sanitary sewer collection system maintenance program include the following maintenance activities? Complete all that apply and indicate the amount maintained.

Cleaning	15.9	% of system/year
Root removal	0.6	% of system/year
Flow monitoring	10	% of system/year
Smoke testing	0	% of system/year
Sewer line televising	5.3	% of system/year
Manhole inspections	25.0	% of system/year
Lift station O&M	3	# per L.S./year
Manhole rehabilitation	1.1	% of manholes rehabbed
Mainline rehabilitation	1.2	% of sewer lines rehabbed

Compliance Maintenance Annual Report

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Mequon Sewage Collection System

Last Updated: Reporting For:
5/18/2021 **2020**

Private sewer inspections % of system/year

Private sewer I/I removal % of private services

River or water crossings % of pipe crossings evaluated or maintained

Please include additional comments about your sanitary sewer collection system below:

In 2019, a study was completed that prioritized and identified over 3,000 laterals. Over 300 laterals were evaluated in 2020 with rehabilitation work planned in 2021, along with 1000 laterals planned for work in 2021/2022. Lift station condition assessments continued in 2020 and work is being planned. Annual sewer main rehabilitation work was completed in 2020.

3. Performance Indicators

3.1 Provide the following collection system and flow information for the past year.

32.79	Total actual amount of precipitation last year in inches
30.8	Annual average precipitation (for your location)
165.67	Miles of sanitary sewer
23	Number of lift stations
0	Number of lift station failures
0	Number of sewer pipe failures
8	Number of basement backup occurrences
1	Number of complaints
	Average daily flow in MGD (if available)
	Peak monthly flow in MGD (if available)
	Peak hourly flow in MGD (if available)

3.2 Performance ratios for the past year:

0.00	Lift station failures (failures/year)
0.00	Sewer pipe failures (pipe failures/sewer mile/yr)
0.07	Sanitary sewer overflows (number/sewer mile/yr)
0.05	Basement backups (number/sewer mile)
0.01	Complaints (number/sewer mile)
	Peaking factor ratio (Peak Monthly:Annual Daily Avg)
	Peaking factor ratio (Peak Hourly:Annual Daily Avg)

4. Overflows

LIST OF SANITARY SEWER (SSO) AND TREATMENT FACILITY (TFO) OVERFLOWS REPORTED **

	Date	Location	Cause	Estimated Volume
0	5/17/2020 4:15:00 PM - 5/17/2020 6:15:00 PM	Lift Station "C" 11101 River Road, Mequon	Rain	48,000
1	5/17/2020 6:30:00 PM - 5/17/2020 9:00:00 PM	Lift Station "D" 11750 River Road, Mequon	Rain	99,000
2	5/17/2020 1:30:00 PM - 5/18/2020 3:00:00 AM	Lift Station "E" 2020 Ranch Road, Mequon	Rain	1,098,000

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Mequon Sewage Collection System

Last Updated: Reporting For:
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3	5/17/2020 4:30:00 PM - 5/17/2020 11:30:00 PM	Lift Station "E" 2020 Ranch Road, Mequon	Rain	357,000
4	5/17/2020 5:30:00 PM - 5/17/2020 8:00:00 PM	Lift Station "E" 2020 Ranch Road, Mequon	Rain	225,000
5	5/17/2020 2:30:00 PM - 5/18/2020 3:00:00 AM	Lift Station "F" 12439 N. Circle Drive, Mequon	Rain	336,600
6	5/17/2020 4:00:00 PM - 6/17/2020 8:00:00 PM	Lift Station "G" 12701 Fieldwood Drive, Mequon	Rain	79,200
7	5/17/2020 4:15:00 PM - 5/17/2020 6:30:00 PM	Lift Station "H" 2932 Riverland Drive, Mequon	Rain	43,875
8	5/17/2020 5:00:00 PM - 5/17/2020 8:00:00 PM	Lift Station "J" 515 Cedar Lane, Mequon	Rain	30,000
9	5/17/2020 5:45:00 PM - 5/17/2020 6:15:00 PM	Lift Station "L" 606 Juniper Court, Mequon	Rain	9,750
10	5/17/2020 7:00:00 PM - 5/18/2020 3:00:00 AM	Lift Station "O" 9729 Tamerlane Drive, Mequon	Rain	127,350

** If there were any SSOs or TFOs that are not listed above, please contact the DNR and stop work on this section until corrected.

What actions were taken, or are underway, to reduce or eliminate SSO or TFO occurrences in the future?

Sewer Lateral Work to reduce I/I, Sewer Main Rehabilitation (Grouting leaks and Lining deteriorated pipe), Replaced pumps at 4 lift stations in 2020 to increase pump capacity. Additional pump replacements planned for 2021. Lift Station E Condition assessment was completed, near term safety improvements were implemented and planning for station replacement is in progress.

5. Infiltration / Inflow (I/I)

5.1 Was infiltration/inflow (I/I) significant in your community last year?

☒ Yes

☐ No

If Yes, please describe:

During wet weather flow rates and lift station pump cycles increase.

5.2 Has infiltration/inflow and resultant high flows affected performance or created problems in your collection system, lift stations, or treatment plant at any time in the past year?

☒ Yes

☐ No

If Yes, please describe:

During wet weather flow rates and lift station pump cycles increase.

5.3 Explain any infiltration/inflow (I/I) changes this year from previous years:

Continued with sewer mainline and manhole rehabilitation including grouting and lining, and continued with private property inflow and infiltration (PPI/I) reduction program.

5.4 What is being done to address infiltration/inflow in your collection system?

Continued with sewer mainline and manhole rehabilitation including grouting and lining, and continued with PPI/I Reduction program.

Total Points Generated	0
Score (100 - Total Points Generated)	100
Section Grade	A

Compliance Maintenance Annual Report

5.o.a

Mequon Sewage Collection System

Last Updated: Reporting For:
5/18/2021 2020

Grading Summary

WPDES No: 0047341

SECTIONS	LETTER GRADE	GRADE POINTS	WEIGHTING FACTORS	SECTION POINTS
Financial	A	4	1	4
Collection	A	4	3	12
TOTALS			4	16
GRADE POINT AVERAGE (GPA) = 4.00				

Notes:

- A = Voluntary Range (Response Optional)
- B = Voluntary Range (Response Optional)
- C = Recommendation Range (Response Required)
- D = Action Range (Response Required)
- F = Action Range (Response Required)

Attachment: Exhibit A - 2020 CMAR_draft (RESOLUTION 3847 : Approving the Compliance Maintenance Annual Report to the Wisconsin

Compliance Maintenance Annual Report

5.o.a

Mequon Sewage Collection System

Last Updated: Reporting For:
5/18/2021 2020

Resolution or Owner's Statement

Name of Governing
Body or Owner:

City of Mequon Common Council

Date of Resolution or
Action Taken:

2021-06-08

Resolution Number:

Date of Submittal:

ACTIONS SET FORTH BY THE GOVERNING BODY OR OWNER RELATING TO SPECIFIC CMAR SECTIONS (Optional for grade A or B. Required for grade C, D, or F):

Financial Management: Grade = A

Collection Systems: Grade = A

(Regardless of grade, response required for Collection Systems if SSOs were reported)

ACTIONS SET FORTH BY THE GOVERNING BODY OR OWNER RELATING TO THE OVERALL GRADE POINT AVERAGE AND ANY GENERAL COMMENTS

(Optional for G.P.A. greater than or equal to 3.00, required for G.P.A. less than 3.00)

G.P.A. = 4.00

Attachment: Exhibit A - 2020 CMAR_draft (RESOLUTION 3847 : Approving the Compliance Maintenance Annual Report to the Wisconsin



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Office of Parks and Forestry

TO: Common Council
FROM: Mike Gies, Parks and Forestry Superintendent
DATE: May 27, 2021
SUBJECT: RESOLUTION 3851 A Resolution Approving a Special Event Agreement for the Mequon-Thiensville Sunrise Rotary Club to Utilize Goats as a Tool for Invasive Plant Control in Pukaite Woods

Background

The Mequon-Thiensville Sunrise Rotary Club is again proposing the use of goats as an option for invasive species control in a small section of Pukaite Woods. Last year, The Rotary Club was approved to administer a trial project that utilized goats as a tool to remove invasive species such as buckthorn and honeysuckle. The Rotary Club continues to be very involved in stewardship efforts at the woods, volunteering countless hours in the woods for the purpose of restoration, replanting, and continued invasive monitoring. The use of the goats was very effective in 2020 removing approximately 7 acres of invasive plants from the woods that had previously been difficult to achieve control in using conventional efforts. Control efforts will need to continue to achieve long term success.

Analysis

Although the initial 7 acres of the project in 2020 was a success, the woods would benefit from additional use of the goats to help deplete the invasive community in the woods. The area will again be temporarily fenced, utilizing an electric fence like last year. The goats will be monitored by their handler and volunteer monitors. The labor necessary for installation of the fencing and any trail cutting will be provided by volunteer efforts and the Ozaukee/Washington Land Trust (OWLT).

Approximately 30 goats are being proposed for a 10-14 day period in June, with the goats being returned to the area later in the year for another 2-3 day period.

Staff is proposing the utilization and approval of an abbreviated Special Event Agreement to allow for the use of goats for invasive species control. The agreement specifies and permits use of goats only for invasive control during approved spring and fall applications. In subsequent years it is anticipated that this Event will be recurring. Subject to the terms and conditions as outlined in this Agreement, future dates reserved for the Event will be determined by the Park and Open Space Board on an annual basis, outside of any impact on park rentals and user group activities. The Agreement permits a maximum of two Events per year, anticipated once early in the growing season and once near the end of the growing season.

A Special Event Agreement is required to address waivers to City ordinances, as neither goats nor construction of structures are allowed by ordinance. The agreement will allow the goats to be

utilized for the two outlined time periods. Any further proposed demonstrations or deviations of timing will have to be approved through another approved special event agreement or a permanent amendment to the City's current ordinance.

Fiscal Impact

There is no cost to the City for this project, which will ultimately provide the benefit of invasive species control within Pukaite Woods. The Mequon-Thiensville Sunrise Rotary Club will be assuming all the direct expenses associated with this project.

Recommendation

On May 27, 2021, the Park & Open Space Board approved the proposed resolution and special event agreement by a vote of 6-0. Staff and the Park & Open Space Board recommend that the Public Works Committee favorably endorse, and the Common Council approve the resolution and the recurring special event agreement.

Attachments:

City-2021 Permit Request (PDF)

Special Event Agreement (Goats) - 2021 recurring (PDF)

COMMON COUNCIL
OF THE
CITY OF MEQUON

RESOLUTION 3851

A Resolution Approving a Special Event Agreement for the Mequon-Thiensville Sunrise Rotary Club to Utilize Goats as a Tool for Invasive Plant Control in Pukaite Woods

- A. The City of Mequon created a template Special Event Agreement for use in the parks.
- B. Amendments to the template agreement language require a recommendation by the Park & Open Space Board and approval by the Common Council.
- C. The Mequon-Thiensville Sunrise Rotary Club has requested permission to operate Goats as a Tool for Invasive Species Removal as a recurring event, which requires exceptions to Chapter 54, which are allowed with a revision to the template agreement.
- D. An amended version of the template agreement is attached to this resolution, as a consideration to permit this recurring event.

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

- 1. The Special Event Agreement for Mequon-Thiensville Rotary Club to use Goats as a Tool for Invasive Species Removal in the form attached hereto is approved subject to any clerical, technical and/or legal changes deemed necessary and appropriate by the City Attorney and renewal of the same on an annual basis.
- 2. The Parks and Forestry Superintendent is authorized and directed to execute and deliver the same on a recurring basis.

Approved by: John Wirth, Mayor

Date Approved: June 8, 2021

I certify that the foregoing Resolution was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on June 8, 2021.

Caroline Fochs, City Clerk



Mequon-Thiensville Sunrise Rotary

P. O. Box 251
Mequon Wisconsin 53092

Date: May 2, 2021

TO: Mequon Parks & Open Space Board

FROM: M-T Sunrise Rotary
Environmental Committee

Mequon-Thiensville Sunrise Rotary Club in partnership with Ozaukee-Washington Land Trust requests a special use permit to conduct the second year of invasive species management in Pukaite Woods at Rotary Park, using goats to remove buckthorn and honeysuckle.

As previously reported, the initial 2020 demonstration was very successful in weakening invasive species plants. Leaf-out on buckthorn and honeysuckle this 2021 spring season is considerably reduced from last year's leaf-out to the extent that we expect the goat crew to need only about half the number of days to strip the plants this time around. We intend to return the goats this year to the same sections of woodland addressed in 2020.

The Goat Crew will, again, be transported to other private property locations throughout the summer, between periods at Pukaite Woods, to demonstrate to large property owners the value of using goats as a tool for controlling large infestations of invasive plant species without chemicals.

Ozaukee Washington Land Trust professional staff will again manage the project, and has contracted with the goats' owner to provide a smaller herd to the Woods for this second year. Volunteers will provide daily monitoring help to assure the health and well-being of the goats and maintenance of the electric fencing.

The goats will be returned to the same sections within Pukaite Woods approximately 6 to 7 weeks after the first browsing period, after the plants have leafed out again. The second browsing will weaken the plants even more, diminishing the plants' nutrition before they go dormant for winter. In subsequent years, goats could be brought back to graze for shorter periods, *if needed*. Following this second season, invasive woody plants should be reduced significantly to a point where other management methods may be effective within the demonstration sections, and allow Rotary to plant more tree seedlings or allow for natural reproduction of native species to restore the biological balance of the woodland.

Given the success of using goats on large sections needing invasive plant control, Rotary and Ozaukee Washington Land Trust may request recurring permits to concentrate goat management on additional sections of woodland in Rotary Park.

2021 Project Tasks:

- ... Install temporary signage in the Park, alerting visitors to the presence of goats, and restriction on dogs in the woods
- ... Install electric fencing around targeted sections of woodland to keep goats in, wildlife out of the grazing areas
- ... Transport 30 goats to the woodland, and herd them to targeted locations
- ... Monitor goats daily for 10 to 15 days during the first of two grazing periods, in June; and 7 to 10 days in August
- ... In subsequent years, monitor invasives regrowth within Project Area for long-term control
(i.e. reintroduce goats or other management methods as needed)
- ... Plant native trees/seeds to occupy growing space and minimize invasive species regrowth

CITY OF MEQUON
SPECIAL EVENTS AGREEMENT
GOATS AS A TOOL FOR INVASIVE SPECIES REMOVAL

Articles of agreement made and entered into this 27th day of May, 2021, by and between Mequon-Thiensville Sunrise Rotary, hereinafter called the Renter, and the City of Mequon, a municipal corporation of Ozaukee County, Wisconsin, hereinafter called the City.

RECITALS

1. The Renter requests access to Rotary Park (hereinafter called the Park) for Goats as a Tool for Invasive Species Removal (hereinafter called the Event).
2. The Event qualifies as a Special Event, as defined in Chapter 54 of the City of Mequon Code of Ordinances.
3. The City has identified certain responsibilities of the Renter necessary to use the Park for the Event.
4. Completed Agreement must be submitted no later than 14 days in advance of the Event.

NOW, THEREFORE, in consideration of these Recitals the mutual agreements, benefits and responsibilities outlined herein, the parties agree:

The Renter shall be required to:

1. **Event Fee. As the proposed Event provides a benefit to Pukaite Woods in Rotary Park for the management of invasive species, there will be no cost to the Renter.**
2. Liability Insurance.
 - a. A copy of the Event Liability Insurance is due no less than ten (10) days prior to the Event.
 - b. Any outside vendors must also provide a copy of Liability Insurance no less than ten (10) days prior to the Event.
 - c. The certificate of liability insurance or certificate of coverage must meet the following guidelines:
 - i. The certificate must name the City of Mequon as Additional Insured.
 - ii. The certificate must include the name and mailing address of the insured.
 - iii. The certificate must name the Event for which the certificate is requested and specify date of that Event (This information should be included in the “description of operations/locations/...” section of the certificate).
 - iv. The certificate must provide coverage under general liability, excess liability or a combination thereof totaling \$ 1,000,000. This coverage should be on a per occurrence basis.
 - v. Evidence of premium payment must be attached to the certificate.
 - d. This certificate should be forwarded to:

City of Mequon
 Attn: Parks Department
 11333 North Cedarburg Road
 Mequon, WI 53092-1930

3. Site Plan.
 - a. The Renter shall provide a site plan for the Event.
 - b. Site map shall specify the location, perimeter, route, and the locations of required facilities/amenities/services. Site maps shall be submitted showing each of the paddocks, prior to goat installation.
4. Restoration. If any damage occurs to the Park as a result of the Event, or if any repairs or replacements need to be made to the Park as a result of the Event's use thereof under this Agreement, Renter shall pay the City for any such damage, repairs or replacements upon demand from the City.
5. Delivery and Storage. Limited storage is available upon request. Note: It is not the responsibility of the City to ensure that pick-ups or deliveries are scheduled and executed.
6. Entry and Exit. Renter agrees that City staff may enter and exit premises during the course of the Event. A representative of the City may be checking periodically with the responsible parties to insure everything is operating correctly.
7. Lost and Found. The City takes no responsibility for personal effects and possessions left on premises during or after any Event.
8. Renter shall not advertise the Event until it has received an executed copy of this Agreement.

The City shall be required to:

1. Provide a clean facility. The Park will be in a clean condition prior to the Event. By noon on the day following the Event, the Renter is required to return the space to the same clean condition in which it was found. All rental equipment must be removed immediately following the Event.
2. Document existing conditions. Prior to the Event, City staff shall document the existing conditions of the Park, including any existing damage or maintenance items. A copy of that documentation shall be provided to the Renter. This documentation shall serve as the baseline for restoration and repair requirements post-Event.
3. Provide maintenance. Maintenance items that effect the Event shall be addressed by the City no later than 24 hours prior to the event.

The Event shall adhere to the following terms and conditions:

1. Follow the requirements of Chapter 54 of the City of Mequon Code of Ordinances, unless an exception is otherwise provided within this document.
 - a. Section 54-21(1)(c) and 54-21 (2) prohibits the removal of natural resources within the parks. This Agreement shall allow the removal of small trees and brush to provide the required access trail, as approved by the required Site Plan.
 - b. Section 54-21(1)(d) prohibits the erection of structures within the parks. This Agreement shall allow the temporary construction of an electric fence to enclose the goats during the invasive species removal, but for no more than 14 consecutive days. The enclosure shall be removed the same day the invasive removal is complete, and the area restored as required by this Agreement.
 - c. Section 54-25(3) prohibits domestic animals in undesignated park areas. This Agreement shall allow entry of a maximum of 80 goats for invasive species control. Aside from ingress and egress, the goats shall be kept in an area enclosed with fencing.
 - d. It is anticipated that this Event will be recurring. Subject to the terms and conditions as outlined in this Agreement, future dates reserved for the Event are the 2-3 weeks in Summer and 2 weeks in the Fall.

2. Date of the Event.
 - a. Restrict the activities of the Event to not to exceed 5 weeks total in Summer and Fall of each year.
 - b. Preparation may occur starting no earlier than noon on the day prior to the Event. Any additional preparation required shall be defined and outlined in this Agreement.
 - c. Clean up shall be complete no later than noon on the day after the Event. Any additional clean up required shall be defined and outlined in this Agreement.
 - d. It is anticipated that this Event will be recurring. Subject to the terms and conditions as outlined in this Agreement, future dates reserved for the Event will be determined by the Park and Open Space Board on an annual basis, outside of any impact on park rentals and user group activities. The Agreement permits a maximum of two Events per year, anticipated once early in the growing season and once near the end of the growing season.
3. Restoration. After the Event, the City will complete a walk through of the Park prior to releasing the security deposit. Any repairs or damage identified by City Staff shall be addressed immediately, or no less than three days after the Event. Restoration can and may include repairs to parking lot and building facilities, repair of turf damage (either with sod or seeding) and other issues not attributed to general Park use.
4. Hours.
 - a. Except for unusual and unforeseen emergencies, parks shall be open to the public every day of the year during designated hours.
 - b. Event Hours shall be limited to between sunrise and sunset, unless otherwise indicated in this section. Renter shall be permitted to enter park only to facilitate animal care after normal park operating hours.
 - c. Approval for deliveries or other low noise operations associated with the event shall be approved by the Parks and Forestry Superintendent.
5. Parking Restrictions (Mequon Ordinance Sec. 54-23(6)). No person in a park shall:
 - a. Designated areas. Park a vehicle in other than an established or designated parking area and such use shall be in accordance with the posted directions thereat and with the instructions of any attendant who may be present.
 - b. Roads and driveways. Park on a road or driveway in violation of posted regulations of the board. No stopping or parking is permitted even briefly on the left-hand side of any road or driveway.
 - c. Night parking. Leave a vehicle standing or parked at night without lights clearly visible for a least 100 feet from front and rear on any driveway or road area except legally established parking areas.
 - d. Double-parking. Double-park any vehicle on any road or parkway unless directed by a park official.
6. No Smoking Facilities. There is no smoking permitted in any Park facility. The Renter shall be responsible for making the requirement clear to Event attendees and enforcing the policy at the Event.
7. Noise. All sound must be kept at an acceptable level according to City ordinances.
8. Vendors. The Renter is responsible to ensure that all vendors have the appropriate City, Ozaukee County and state permits or licenses in place prior to the Event.
9. Inclement Weather. The Renter and Park Staff shall all communicate prior to the Event, and specifically 24 hours prior to the Event, to discuss and address any concerns regarding pending inclement weather.

- a. Summer Weather Events. When the following weather conditions exist, the City may (at their discretion) cancel, postpone, or reschedule any indoor or outdoor department organized recreational activity.
 - i. Extreme Heat / Humidity. When the National Weather Service has issued extreme heat / humidity warning. A warning will be issued if there is a heat index of at least 105°F but less than 115°F for a period of 3 hours or more per day or if nighttime low temperatures are above 80°F for 2 consecutive days.
 - ii. Lightning / Severe Thunderstorms. When the National Weather Service has issued a severe thunderstorm warning for the area.
 - iii. Tornados. When the National Weather Service has issued a tornado warning for the area.
- 10. Cancellation. The City has the sole discretion to cancel the Event if concerns regarding the health and safety of Event attendees cannot be properly addressed. Examples of cause of cancellation include installation of unsafe equipment, improper licensing, inclement weather that would effect safety of persons or Park infrastructure and failure to meet the terms of this Agreement.
- 11. City, County, State and Federal Laws. Renter agrees to comply with all applicable City, County, State, and Federal laws and shall conduct no illegal act on the premises. This is a drug free and non-smoking facility at all times, and there are no exceptions. The City of Mequon Police Department reserves the right, in its exclusive discretion, to expel anyone who, in its judgment, is intoxicated or under the influence of alcohol or drugs, or who shall, in any manner, do or participate in any act jeopardizing the rights, use permit, or the safety of staff, guests, or facility contents.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and year first above written.

 Name, Title
 Agency
 Approved as to Form:

 Michael Gies, Parks and Forestry Superintendent
 City of Mequon

 Brian C. Sajdak
 Mequon City Attorney



11333 N. Cedarburg Road
Mequon, WI 53092-1930
Phone: 262-236-2902
Fax: 262-242-9655

www.ci.mequon.wi.us

Office of Community Development

TO: Common Council
FROM: Kim Tollefson, Director of Community Development
DATE: June 8, 2021
SUBJECT: ORDINANCE 2021-1593 An Ordinance Amending Chapter 58 of the Mequon Municipal Code to Rezone the Property Located at 9961 N. Baehr Road from R-2B, R-1B and Floodway to R-2B, R-4 and Floodway, and to Rezone the Property Located at 9931 N. Baehr Road from R-4 to R-2B

Background

The applicant is seeking rezoning recommendation for the property located at 9961 N Baehr Road and 9931 N Baehr Road. The rezoning affects two existing lots that are modified in parcel size and layout through a recorded boundary line adjustment. Ultimately, the applicant is requesting a rezoning and reconfiguring two lots through a boundary line adjustment (see Exhibit A). The applicant owns both properties.

Analysis

9961 N. Baehr Road:

The north property, 9961 N Baehr Road, currently has a single-family dwelling and barn on the property and is 6.4 acres in size. The purpose for the rezoning request is to separate the single-family dwelling from the barn through a boundary line adjustment. This property is intended to include the single-family dwelling and accessory detached structures and result in a .75-acre lot. Currently, this lot is 6.4-acres and split-zoned R-1B, R-2B and FW, which requires a larger lot size than .75 acres.

9931 N. Baehr Road:

The south property, 9931 N Baehr Road, is currently zoned R-4 and is .75 acre but is intended to result in a 6.4-acre parcel. After the boundary line adjustment, the property is intended to include the single-family dwelling, accessory dwellings and the barn. This property is proposed to be rezoned to R-2B to have consistent zoning for the entire new parcel acreage.

The parcels in the surrounding area include the following:

Direction/Use	Zoning	Lot Size(s)
North	R-2B	1.55 acres
East	B-5	10.94 acres
South	R-3	1 acre
West	C-1, R-2B	1.03 acres
Proposed rezone - 9931 N Baehr Road	R-4	.74 acre
Proposed rezone -9961 N Baehr Road	R-2B, FW	6.4 acres

Based on the surrounding land uses, which are a mix of industrial, single-family residential and general conservancy, staff believes the rezoning to R-4 (3/4 acre) and R-2B (1.5 acres) is consistent with the current uses and current lot sizes in the area.

The property line for both parcels currently extend to the centerline of Baehr Road. The right-of-way has not been dedicated and the boundary survey shows proposed lot sizes that include the Baehr Road right-of-way. Even with the right-of-way included the property at 9961 N Baehr Road does not meet the proposed R-4 minimum lot size. As a condition of the rezoning request, the boundary line adjustment shall create conforming parcels not including the acreage of the ultimate road right-of-way. In addition, dedication of right-of-way along Baehr Road is recommended.

Fiscal Impact

This project is fiscally neutral.

Recommendation

The Planning Commission recommended approval by a vote of 8-0 on May 2, 2021

Attachments:

Exhibit A (PDF)

Zoning Map (PDF)

COMMON COUNCIL
OF THE
CITY OF MEQUON

ORDINANCE 2021-1593

An Ordinance Amending Chapter 58 of the Mequon Municipal Code to Rezone the Property Located at 9961 N. Baehr Road from R-2B, R-1B and Floodway to R-2B, R-4 and Floodway, and to Rezone the Property Located at 9931 N. Baehr Road from R-4 to R-2B

RECITALS

A. The Common Council has determined that an amendment to the City's Zoning Map within Chapter 58 of the Mequon Municipal Code as requested and consented to by the owner, is appropriate.

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

SECTION I

The zoning map is amended, subject to the conditions of approval by the Planning Commission's action of May 24, 2021:

1. Any boundary line adjustment shall create lots that meet all zoning district requirements.
2. The right-of-way along N. Baehr Road shall be dedicated to the City.
3. The R-4 property (9961 N. Baehr Road) shall be a minimum of $\frac{3}{4}$ -acre in size after the road area is dedicated.

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 other ordinances or parts of ordinances contravening the terms of this ordinance are hereby and to that extent repealed.

SECTION IV

This ordinance shall take effect and be in full force upon its passage and the day after its publication.

Approved by: John Wirth, Mayor

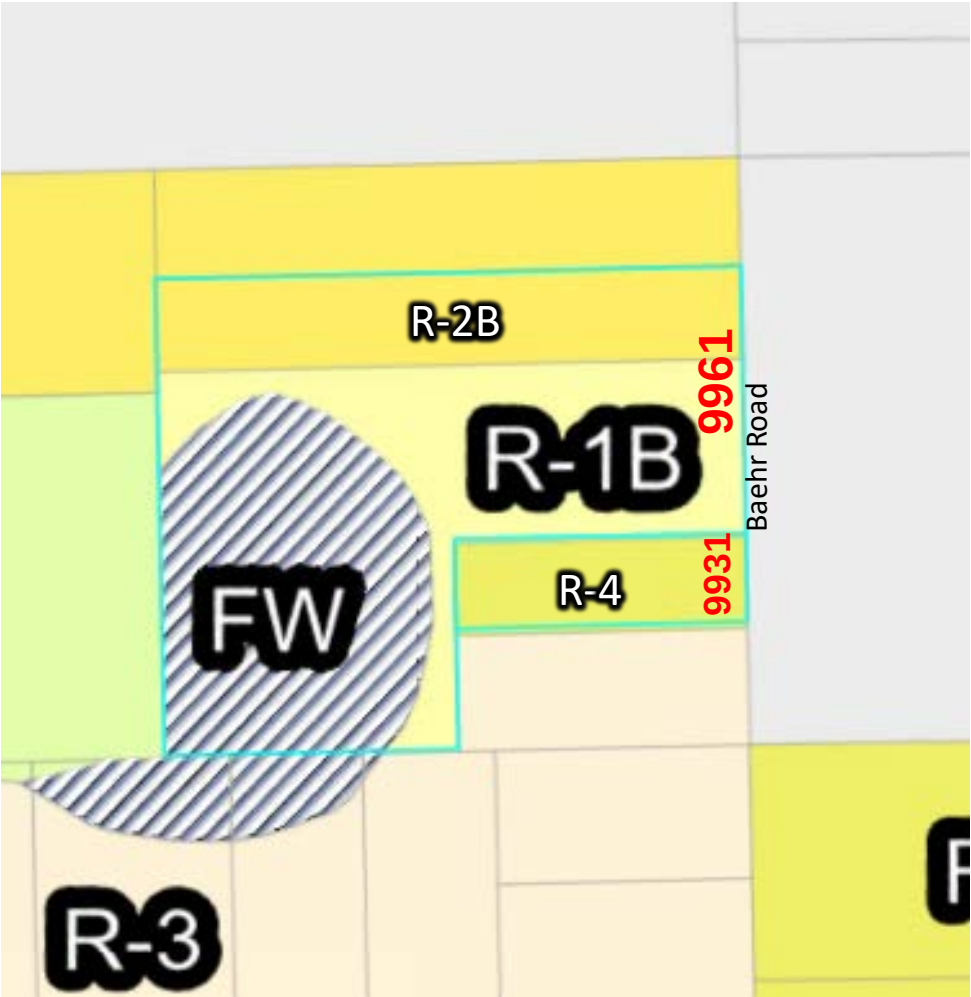
Date Approved: June 8, 2021

I certify that the foregoing Ordinance was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on June 8, 2021.

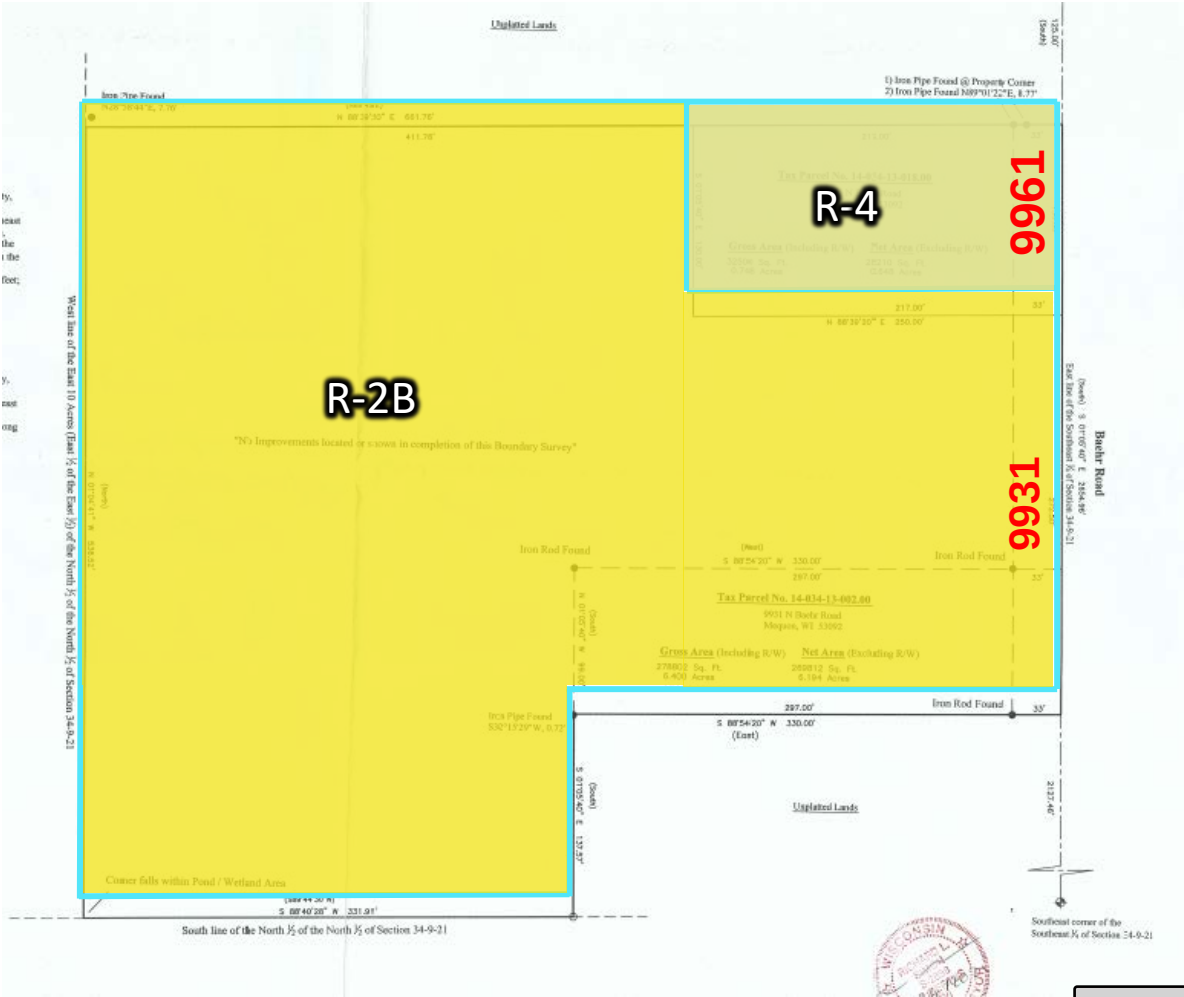
Caroline Fochs, City Clerk

Published: _____

CURRENT ZONING AND LOT CONFIGURATION

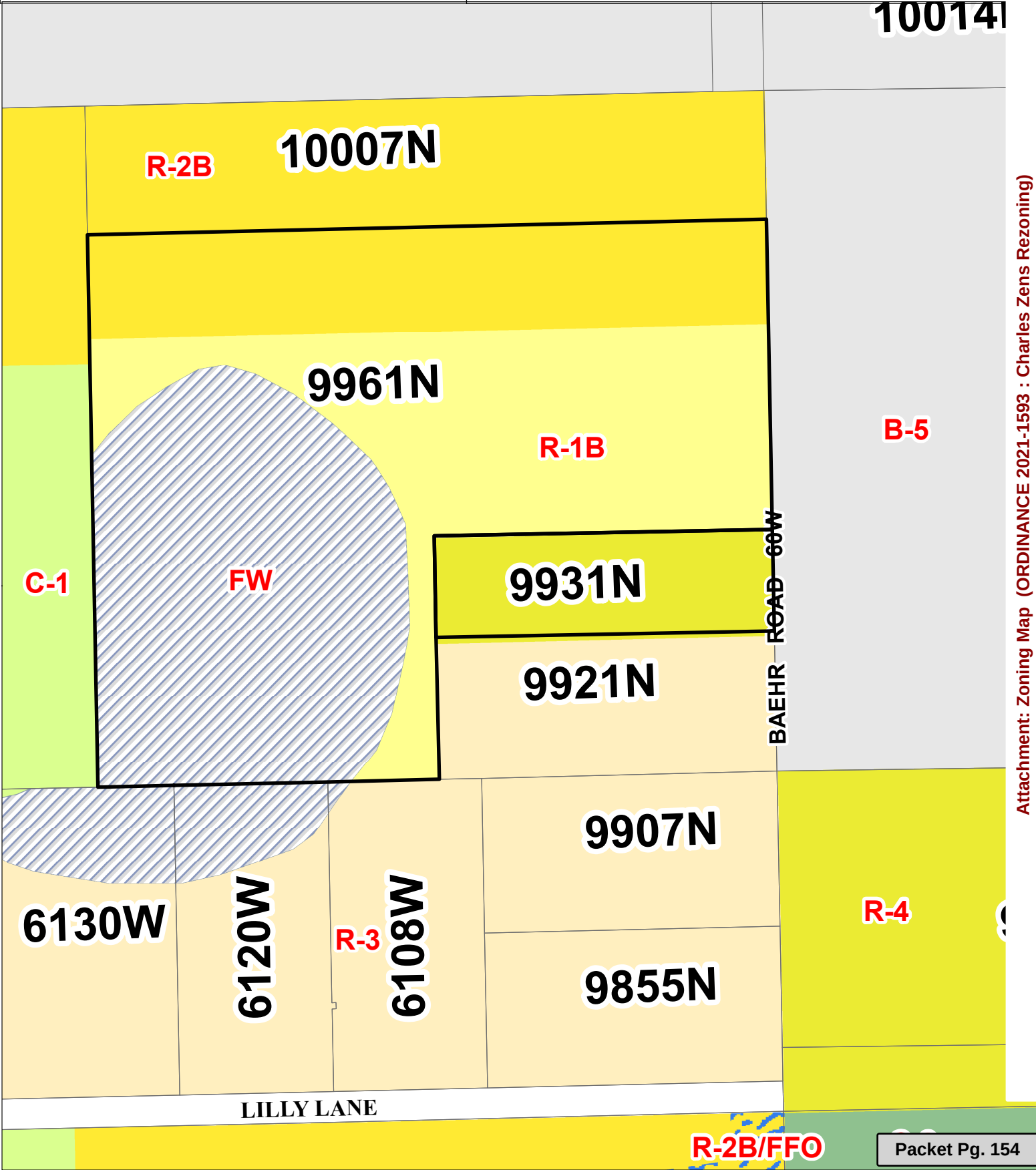


PROPOSED ZONING AND LOT CONFIGURATION



Charles Zens

AC	Arrival Corridor	LTD	Limited Use	b
A-1	Agricultural Preserve	OA	Agricultural Overlay	
A-2	General Agricultural	PUD	Planned Unit Development Overlay	
B-1	Neighborhood Business	P-1	Park & Recreation	
B-2	Community Business	R-1	Single-Family Residential (5 Ac. Min.)	
B-3	Office & Service Business	R-1B	Single-Family Residential (2.5 Ac. Min.)	
B-4	Business Park	R-2	Single-Family Residential (2.0 Ac. Min.)	
B-5	Light Industrial	R-2B	Single-Family Residential (1.5 Ac. Min.)	
B-6	Rural Industrial	R-3	Single-Family Residential (1.0 Ac. Min.)	
B-7	Rural Business	R-4	Single-Family Residential (3/4 Ac. Min.)	
C-1	Shoreland/Wetland Conservancy	R-5	Single-Family Residential (1/2 Ac. Min.)	
C-2	General Conservancy	R-6	Single-Family Residential (4 du/Ac)	
CGO	Central Growth Overlay	RM	Multi-Family Residential	
FFO	Flood Fringe Overlay	TC	Town Center	
FW	Floodway	TDR	Transfer of Development Rights	
IPS	Institutional & Public Service			





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

www.ci.mequon.wi.us

Office of City Attorney

TO: Common Council
FROM: Brian Sajdak, City Attorney
DATE: May 5, 2021
SUBJECT: ORDINANCE 2021-1592 An Ordinance Amending Section 50-100 of the Mequon Municipal Code Relating to Sex Offender Residency Restrictions and Child Safety Zones

Background

In 2014, the Council adopted section 50-100 of the Municipal Code, which regulates where certain sex offenders may reside within the City. At the time, there was significant concern that Mequon would become a potential “dumping ground” of sorts because the City was one of the last communities in southeast Wisconsin to adopt this type of regulation. Then, in 2017, a federal judge in the Eastern District of Wisconsin issued an order finding that Pleasant Prairie’s sex offender ordinance violated the Ex Post Facto clause and the Equal Protection clause of the U.S. Constitution. Following that decision, multiple other communities in the State were threatened with litigation (or were sued). To avoid lawsuits (either those that had been threatened, or to avoid being the next target) numerous communities amended their ordinances because of similarities to the Pleasant Prairie ordinance.

Additionally, in response to the proliferation of these ordinances, the Legislature adopted 2015 Wis. Act 156 in 2016 which preempts local ordinances as it relates to the placement of sexually violent persons on release and supervision under Chapter 980. Thus, ordinances that were in place prior to this enactment should be updated to address the preemption issue.

Based upon these issues, the topic of sex offender residency restrictions is being brought to you for discussion of possible amendments to the City’s existing ordinance. Following discussion on potential changes by the Public Safety Committee at its last two meetings, the proposed ordinance reflects the input from Committee members and two additional changes from the version that was presented to the Committee in April. First, to be consistent the treatment of all other boards and commissions in the City within the Municipal Code, the ordinance was amended to place the general information (membership, voting requirements, etc.) related to a proposed Sex Offender Residency Appeals Board in Chapter 2. Second, there were a few typographical changes that were made (e.g., changing “his/her designee” to the gender neutral “their designee”).

Discussion

For the benefit of the Council, there are two key areas of concern based on the legislative changes and the Pleasant Prairie decision. This memo will address the concerns generally and the determination/recommendation of the Committee.

1. Chapter 980 Preemption

Of the issues identified above, the easiest to address is the Chapter 980 preemption issue. Under Chapter 980, certain “sexually violent persons” may be committed for treatment following a petition and hearing process. In 2016 the Legislature changed the law to provide that local residency restrictions do not apply to those sexually violent persons that have been released into the community under supervision of the Department of Health Services (similar to probation in the criminal context). While this preemption may raise some concerns about safety of the public, Chapter 980 does include restrictions applicable to these offenders. Specifically, under Chapter 980, a sexually violent person may not reside within a 1,500-foot radius around “any school premises, childcare facility, public park, place of worship, or youth center.” Wis. Stat. § 980.08(4)(f)(2) Additionally, for a serious child sex offender (an offender whose victim is under 13), the offender may not be placed into a residence adjacent to a property where a child’s primary residence exists. *Id.* These restrictions apply only to offenders who are under active supervision of the Department of Health Services.

After discussion, the Committee decided to amend the ordinance to create restrictions for this class of offenders that match the state restrictions. The primary reason for this is that if the ordinance simply excluded these offenders from the code, then any enforcement of violations would be left to the department of corrections, the department of health services, the department of justice, or a district attorney. If the City’s code includes the same restrictions, then the City can have a more direct role in enforcement proceedings if necessary.

2. Pleasant Prairie and other Caselaw Considerations

The constitutional issues raised by the Court in the Pleasant Prairie case centered on two primary issues. First, the Village’s ordinance created a situation where 90% of the Village was off-limits to offenders. The area where offenders were allowed was mostly non-residential, and most of the low-income housing was excluded. Second, the Village’s ordinance did not offer a method for a sex offender to obtain an exemption or an individualized inquiry into the risk of each sex offender to the community.

On the first of these issues, the Committee considered different alternatives to ensure that the City’s restrictions are not overly restrictive. Ultimately, given the divergence between the more open and rural parts of the City and the more densely populated portions, the Committee ultimately determined that the current 2,000-foot buffer ensured the most consistent treatment to the City as a whole. Absent any bright-line rule by the courts for what percentage of housing needs to be available to withstand judicial scrutiny, the Committee also considered the list of locations to which the buffer would apply. In reviewing the current list of locations, some were removed because of the lower probability of unsupervised children being present (e.g., golf courses, gyms like Orange Theory), some were removed because of a lack of notice and the difficulty to track locations (e.g., home school locations and non-permitted home-based businesses), and some were clarified to address interpretation issues (e.g., day cares being limited to state licensed facilities). The end result is a map that reflects what appears to be a reasonable balance between the competing interests of protecting children and the rights of offenders.

Concerning the second aspect of the Pleasant Prairie case, Mequon's ordinance clearly is in conflict with the Court on this point. The lack of due process and/or an individualized assessment of an offender, according to the Court in that case, presents a constitutional issue. Thus, the proposed ordinance creates an appeals board to hear cases where offenders wish to seek exemptions from the ordinance. This due process component is a key component to avoiding potential liability for constitutional violations.

An additional discussion point is the original domicile clause. In short, this provision provides that someone who was not a resident of Mequon at the time of the offense is ineligible to reside anywhere in the City. This provision was included in the Franklin ordinance (which became the model for most other communities, including Mequon) because they were primarily attempting to block the state from putting a group home for offenders near the Milwaukee County Jail facility located there. However, when you read the concerns about banishment in the caselaw, it becomes increasingly difficult to believe that this restriction would survive judicial scrutiny on its face. That said, some of the research suggests that an offender is less likely to re-offend if they have a solid support system. Accordingly, there may be instances where it is better for an offender to reside in Mequon than other places because, for example, they have close family connections in the City. The appeals board allows for an individualized assessment of an offender and also represents something less than outright banishment from the community.

Lastly, the Court's frequently make note of communities that have (or have not) done a thorough analysis of the problem in their decisions. Quite frankly, the available research on sex offenders and recidivism rates is a bit all over the board. The common element does appear that the risk is far more individualized based upon a wide variety of factors including proximity, familiarity, support, and the like. For this reason, the exemption/appeals process outlined in the proposed ordinance requires an analysis of all of these factors. However, I need to emphasize that as the policy maker you should familiarize yourself with the available information. To that end, the April Public Safety Committee packet included most of the most recent studies and caselaw on the issue. I encourage you to review the numerous (and unfortunately slightly voluminous) attachments from that meeting, which can be found here:

http://mequoncitywi.iqm2.com/Citizens/Detail_LegiFile.aspx?Frame=&MeetingID=2763&MediaPosition=&ID=6127&CssClass=>

Public Safety Committee and Board of Appeals Action - May, 2021

Following consideration and discussion by the Public Safety Committee at its May meeting, the proposed ordinance was further amended to provide that the reviewing body would be the Board of Appeals rather than a separate Sex Offender Appeals Board. Thereafter, and at the request of its Chair, the Board of Appeals met to consider this change. The preliminary minutes from this meeting are attached. During this meeting, all five of the members present expressed concern about the Board of Appeals handling these types of cases, with three of the members - Chair Massey, Vice-Chair Komisar and Member Flanagan - indicating that they would not continue serve on the Board if the consideration of residency appeals from convicted sex offenders were added to the Board's duties and responsibilities. Members Larson and Stern each indicated a willingness to serve on a body that addressed sex offender residency, but do not think that the Board of Appeals should do it. When polled after the meeting, the two absent members indicated

that they would be willing to serve on the Board of Appeals even if sex offender residency appeals were assigned as an additional responsibility.

Also attached is a list of the various communities that have an appeals process that identifies what body hears an appeal. As you can see, the most common options are either the governing body itself (or a subcommittee of the body) or a separate body. Accordingly, I have attached two versions of the proposed ordinance. The first (Exhibit A, Version 1) reflects the action the Public Safety Committee took last month to give the authority for residency appeals to the Board of Appeals. Based upon the concerns of the Board of Appeals, I have also prepared a draft which modifies the original proposal for a separate review body in a manner which I believe addresses the concerns of the Mayor about filling positions on another board - especially where it is anticipated that the board would meet infrequently. This version (Exhibit A, Version 2) calls upon the Mayor to create an ad hoc committee to hear any appeals. The committee would consist of three members, with the Mayor, Council President and Chair of the Public Safety Committee each appointing one member. In the event that one of them fails to appoint a member in a timely fashion, they would serve themselves.

Recommendation

A motion to recommend to the Common Council the adoption of An Ordinance Amending Section 50-100 of the Mequon Municipal Code Relating to Sex Offender Residency Restrictions with either Version 1 (Board of Appeals) or Version 2 (Ad Hoc Committee) of Exhibit A.

or

Such other action as the committee sees fit.

Attachments:

Draft BOA minutes_05-20-21 (DOC)

Exhibit A - Marked-up Sex Offender Ordinance Exhibit for Council with Board of Appeals (PDF)

Exhibit A - Marked-up Sex Offender Ordinance Exhibit for Council with Ad Hoc Board (PDF)

List of Communities.pages (PDF)

Map 2000 Buffer Proposed (PDF)

Map Current (PDF)

COMMON COUNCIL
OF THE
CITY OF MEQUON

ORDINANCE 2021-1592

An Ordinance Amending Section 50-100 of the Mequon Municipal Code Relating to Sex
Offender Residency Restrictions and Child Safety Zones

A. The Wisconsin Statutes provide for punishment, treatment and supervision of persons convicted or otherwise responsible for sex crimes against children, including their release into the community.

B. Chapter 980 of the Wisconsin Statutes provides for the civil commitment of sexually violent persons, a more dangerous type of sex offender, and specifically, at Wis. Stat. § 980.08, following such commitment, under certain conditions, provides for the supervised release of such persons into the community.

C. According to a 1997 report titled *Sex Offenses and Offenders*, by the U.S. Department of Justice, the median age of the victims of imprisoned sexual assaulters was less than 13 years old and the median age of rape victims was 22 years; and 19% of those serving time for sexual assault and an estimated 24% of those serving time for rape had been on probation or parole at the time of the offense.

D. In 1994, it was estimated that 12% of imprisoned violent sex offenders had a prior conviction for rape or sexual assault while 61% had a prior felony for other crimes.

E. Furthermore, the Common Council has reviewed the findings of a number of State Legislatures across the United States, including, Pennsylvania, Alabama, Iowa, Florida, Maine and Louisiana, as they pertain to laws enacted which relate to, and in part impose restrictions upon sex offenders with respect to residency.

F. The Common Council has reviewed the decision of the U. S. Court of Appeals for the 8th Circuit, in *Doe v. Miller*, 405 F.3d 700, 716 (8th Cir. 2005)(Citations omitted), providing in part:

“The record does not support a conclusion that the Iowa General Assembly and the Governor acted based merely on negative attitudes toward, fear of, or a bare desire to harm a politically unpopular group. Sex offenders have a high rate of recidivism, and the parties presented expert testimony that reducing opportunity and temptation is important to minimizing the risk of re-offense. Even experts in the field could not predict with confidence whether a particular sex offender will re-offend, whether an offender convicted of an offense against a teenager will be among those who “cross over” to offend against a younger child, or the degree to which regular proximity to a place where children are located enhances the risk of re-offense against children. One expert in the district court opined that it is just “common sense” that limiting the frequency of contact between sex offenders and

areas where children are located is likely to reduce the risk of an offense. The policymakers of Iowa are entitled to employ such “common sense,” and we are not persuaded that the means selected to pursue the State’s legitimate interest are without rational basis.”

G. Since 2007, there have been three Wisconsin state court cases addressing the legality of sex offender residency restriction ordinances: *City of Franklin v. Steven R. Hanke*, 07-CV-9978 (Milw. County Cir. Ct. 2007), *Village of Menomonee Falls v. Ferguson*, 2011 WI App 73 (Wis. Ct. App. 2011), and *City of South Milwaukee v. Kester*, 2013 WI App 50 (Wis. Ct. App. 2013).

H. In each of the three Wisconsin cases, the courts upheld the legality and enforceability of sex offender residency restriction ordinances.

I. The City of Mequon is a place of residence for families with children.

J. The Common Council has determined that the establishment of sex offender residency restrictions is reasonable and necessary to protect the health, safety and welfare of the residents and the Community.

BASED UPON THE FOREGOING RECITALS, THE COMMON COUNCIL OF THE CITY OF MEQUON, OZAUKEE COUNTY, STATE OF WISCONSIN, DO ORDAIN AS FOLLOWS:

SECTION I

The Mequon Municipal Code is amended to read as shown on the attached Exhibit A (NOTE: added text is double underlined; deleted text is ~~struck through~~).

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 become effective the day after its publication as provided by law.

Approved by: John Wirth, Mayor

Date Approved: June 8, 2021

I certify that the foregoing Ordinance was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on June 8, 2021.

Caroline Fochs, City Clerk

Published: _____



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draft

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Office of the City Clerk

BOARD OF APPEALS
Thursday, May 20, 2021
6:00 PM
Virtual Meeting

Minutes

1) Vice Chairl to Order, Roll Call

Chairman Massey called the meeting to order at 6:04 PM.

Present:

Chair Kathleen Massey
Vice Chair William Komisar
Board Member Thomas Flanagan
Board Member Ramona Larson
Board Member Robert Stern
Board Member Joseph Russell -- **Absent**
Board Member Lori Kornblum -- **Excused**

Also Present: City Clerk Caroline Fochs, City Attorney Brain Sajdak, press and interested public.

Chairman Massey explained the rules of virtual meetings per Mayor Wirth's Proclamation.

2) Approve meeting minutes of May 6, 2021

RESULT: **Approved by Voice Acclamation [Unanimous]**
MOVED BY: Board Member Komisar
SECONDED BY: Board Member Stern

AYES: Massey, Komisar, Flanagan, Larson, Stern

3) Discussion

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 Amending Section 2-466 relating to the Powers and Duties of the Board of Appeals

Chairman Massey stated she called this Special Board of Appeals meeting because an eventual approval of **ORDINANCE 2021-1592** would impact the workload and the type of matters coming before the Board of Appeals, a board made up of volunteer residents. She noted that the Board of Appeals' views/input have not been solicited nor considered in the deliberative process

Attachment: Draft BOA minutes_05-20-21 (ORDINANCE 2021-1592 : Sex Offender)

thus far and she instructed that the approved minutes of this meeting be provided to the Public Safety Committee and the Common Council for their information and consideration. She has advised City Attorney Sajdak that if this ordinance is approved and sexual offender residency appeals cases are sent to the Board of Appeals, in addition to the regular monthly meetings, she would not continue to serve on this Board.

City Attorney Sajdak provided background and stated that discussions have been ongoing at the Public Safety Committee level for months. Preliminary discussions led to the creation of **ORDINANCE 2021-1592** which proposed creating a separate board. The original ordinance included the creation of a separate body to review the appeals by sex offenders appealing residency rulings. The Mayor proposed not creating a separate Board but rather appointing the Board of Appeals as the body which would hear such appeals. The Public Safety Committee agreed. In preparation for this meeting, Mr. Sajdak prepared a list of all the various codes in the state with sex offender residency appeals provisions. Five ways were identified to address staffing such a board: 1) Governing body, 2) Sub-committee of governing body, 3) Zoning Board of Appeals, 4) Administrative Appeals Board, and 5) Create a separate Board. Standard procedure in Mequon has been to have a Board/Commission make recommendations to the Common Council. Mr. Sajdak further added that he has been called in to advise on 2-3 cases over his nearly seven-year tenure as City Attorney and that there is an offender awaiting the decision(s) on the ordinance. He clarified that if an offender did not reside here, they could petition the Chief and the Appeals Board for the ability to reside anywhere within Mequon. The Board's authority to rule is from Chapter 68, Municipal Administrative Procedures.

Board discussion ensued. Chairman Massey shared that through research she discovered the League of Wisconsin Municipalities does have training on sex offender residency restrictions and advocates not being a rubber stamp to deny exceptions and should include qualified members with professional experience to weigh the merits of each case. There are not special requirements listed on Mequon's ordinance at this time. Expertise in multiple disciplines would be needed to render a decision on the eighteen criteria listed and further fashion a decision on a conditional exemption. Listing of the sex offender board and its members on websites varies throughout Wisconsin. Many communities post informational packets, forms, or transcripts. Mequon currently has a 2000 foot buffer, which is the most restrictive in Wisconsin. The State uses a 1500 foot buffer. Could the more restrictive buffer make Mequon more of a target for appeals?

Attorney Sajdak confirmed that these appeals meetings could be both public and private, depending on specifics of the case. Some discussions would need to be in a closed session. Member Larson expressed concerns over releasing the names of Board members and videotaping appeals.

Current code mandates the original application goes to the Police Chief/Police Department, at which point the supporting information is gathered, reviewed, and a recommendation is made. It is this decision of the Police Chief that can be appealed. It was questioned whether elected officials would be more suitable to serve on an appeals board, rather than volunteers, because of politics or liability issues.

Discussion ensued on vetting membership and a Joint Intergovernmental Board opportunity that could be explored. The code does not require anyone to be an expert in these topics. In Mr. Sajdak's opinion all of the current Board of Appeals Members are unbiased and qualified to hear sex offender residency appeals. A Joint Board would help alleviate the politics and due process concerns as well as help in Board recruiting.

After all discussions were complete, the following Members indicated they will not be willing to continue their service if sex offender residency appeals will be delegated to the Board of Appeals: Chairman Massey, Vice Chairman Komisar, Member Flanagan and Member Larson.

Chairman Massey announced that she will not be available for the August meeting and Vice Chairman Komisar will be the Chair for that meeting.

4) Adjourn

Motion to adjourn at 7:22 PM.

RESULT: **Approved by Voice Acclamation [Unanimous]**
MOVED BY: Board Member Komisar
SECONDED BY: Board Member Flanagan

AYES:	Massey, Komisar, Flanagan, Larson, Stern
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Respectfully Submitted,
Kathy Andrykowski
Deputy Clerk

EXHIBIT A (Version 1)

Sec. 2-466. [Board of Appeals] Powers and Duties.

The board shall have powers and duties set forth in Wis. Stats., § 62.23(7)(e) and in sections 50-100(i) and 58-41.

Sec. 50-100. Sex offender residency restrictions and child safety zones.(a) Findings, Intent and Purpose.

- (1) The Common Council has the power, pursuant to Wis. Stat. § 61.34, to enact legislation promoting the health, safety, and welfare of the public.
- (2) The Common Council has reviewed the holdings and findings of the following court cases: *McKune v. Lile*, 122 S. Ct. 2017 (2002); *Smith v. Doe*, 123 S. Ct. 1140 (2003); *Doe v. Miller*, 405 F.3d 700 (8th Cir. 2005); *Vill. of Menomonee Falls v. Ferguson*, 334 Wis. 2d 131 (Wis. Ct. App. 2011); *City of S. Milwaukee v. Kester*, 347 Wis. 2d 334 (Wis. Ct. App. 2013); *Hoffman v. Vill. of Pleasant Prairie*, 249 F. Supp. 3d 951 (E.D. Wis. 2017); *Evenstad v. City of West St. Paul*, 306 F. Supp. 3d 1086 (D. Minn. 2018); *Vasquez v. Foxx*, 895 F.3d 515 (7th Cir. 2018); and *City of Werner v. City of Green Bay*, 743 Fed. Appx. 10 (7th Cir. 2018).
- (3) Based upon a 2003 study by the United States Department of Justice, Bureau of Justice Statistics, titled *Recidivism of Sex Offenders Released from Prison in 1994*, sex offenders released from prison were four times more likely to be rearrested for a sex crime as compared to non-sex offenders released from prison. Of those individuals included in the study, forty percent (40%) of new sex crimes committed by those sex offenders released from prison had occurred within the first twelve (12) months of release. Further, child molesters who were released from prison were at least six (6) times more likely to be rearrested for another sex crime against a child as compared to a non-sex offender released from prison. Based upon a 2019 study by the United States Department of Justice, Bureau of Justice Statistics, titled *Recidivism of Sex Offenders Released from State Prison: A 9-Year Follow-Up (2005-14)*, released sex offenders were more than three times as likely as other released prisoners to be arrested for rape or sexual assault, and released sex offenders accounted for 5% of releases in 2005 and 16% of arrests for rape or sexual assault during the 9-year follow-up period.
- (4) The Common Council has conducted a review of other reports and studies related to creating and implementing specific desistance factors to reduce recidivism of sex offenders. The studies and reports that have been reviewed include the following: *Recidivism After Release from Prison*, State of Wisconsin Department of Corrections, Tatar, J. & Jones, M. (August 2016); *Examining the Effects of Residential Situations and Residential Mobility on Offender Recidivism*, Crime and Delinquency 61(3), 375-401, Steiner, B., Makarios, M. D., & Travis, L. F. (2015); *Examining Sexual Offenses through a Sociological Lens: A Socio-Cultural Exploration of Causal and Desistance Theories*, European Journal of Probation, 8(3), 170-184, Kyle, D. (2016); *Criminal Careers in the Short-Term: Intra-Individual Variability in Crime and Its Relation to Local Life Circumstances*, American Sociological Review, 60(5), 655-673, Horney, J., Osgood, W., & Marshall I.H., (1995); and *An Exploration of Protective Factors Supporting Desistance from Sexual Offending*, Sexual Abuse: A journal of Research and Treatment, 27(1), 16-33, Mann, R.E., de Vries Robbe, M., Maruna, S., & Thornton, D. (2015).
- (5) While acknowledging that literature on sex offender recidivism, sex offender desistance, and sex offender residency restrictions contain studies which report varying effectiveness of certain strategies, the Common Council intends to use these strategies and studies to best create a regulatory framework which protects the children of the City of Mequon, yet allows for a constructive and safe assimilation of designated sex offenders into the community.

- (6) The Common Council finds that the risk of recidivism decreases over time from the date of the last conviction, especially in circumstances where offenders have community connections, goals, and employment. The Common Council is also aware that absent a domicile clause, the City would have open doors for non-resident sex offender residency when other communities have closed doors, inviting a substantial increase in child sex offender placements, thereby increasing potential negative impacts on the health, safety, welfare, and additional cost to the City and its residents. Studies show increased recidivism rates for offenders who frequently move or do not have established community networks. These studies support maintaining a domicile clause thereby limiting designated offenders with no ties to the community and increasing the likelihood that a designated offender implements appropriate and existing community support while allowing the community to remain intelligently attentive, aware, and provide adequate and appropriate intervention if needed.
- (7) Given the high rate of recidivism for sex offenders, and that reducing opportunity and temptation is important to minimizing the risk of re-offense, there is a need to protect children and youth where they congregate or play in public places in addition to the protections afforded by state law near schools, day care centers and other places children and youth frequent. The city also finds and declares that in addition to schools and day care centers, children and youth congregate or play without parental or adult supervision at public parks, pools and other public and private places of enrichment activities, recreation, entertainment and amusement.
- (8) Accordingly, the Common Council has created this regulatory measure designed to protect the health and safety of the children in the City against the threat posed by certain designated sex offenders. Sex offenders who prey on children represent a substantial danger to victims, target a particularly vulnerable group within the community who are less able to articulate or report abuse, and create a significant impact on law enforcement time and community resources to investigate abuses and mitigate risks. This section is also intended to demonstrate the City's resolute goal of protecting children in areas of potential vulnerability and impart the community's necessary expectation that designated sex offenders released into the community must maintain the community's confidence by demonstrating safe, productive, and law-abiding behavior while residing within the City. It is the intent of the Common Council that this regulatory scheme is civil and non-punitive in order to serve the City's compelling interest to promote, protect, and improve the health, safety and welfare of all citizens of the City.

This chapter is a regulatory measure aimed at protecting the health and safety of children and youth in the City of Mequon from the risk that convicted sex offenders may reoffend in locations close to their residences and against child victims. When convicted sex offenders reenter society, they are much more likely than any other type of offender to be rearrested for a new rape or sexual assault. Given the high rate of recidivism for sex offenders, and that reducing opportunity and temptation is important to minimizing the risk of re-offense, there is a need to protect children and youth where they congregate or play in public places in addition to the protections afforded by state law near schools, day care centers and other places children and youth frequent. The city also finds and declares that in addition to schools and day care centers, children and youth congregate or play at public parks, pools and other public and private places of enrichment activities, recreation, entertainment and amusement. Therefore, finding that sex offenders are a serious threat to public safety as indicated above, the city hereby declares the residency or presence of sex offenders in proximity to public and private places where children and youth may congregate or frequent under circumstances proscribed in this ordinance to be a public nuisance.

(b) *Definitions.* As used in this section and unless the context otherwise requires:

- (1) *Sexually violent offense.* "Sexually violent offense" shall have the meaning as set forth in Wis. Stat. § 980.01(6), as amended from time to time.
- (2) *Crime against children.* "Crime against children" shall mean any of the following offenses set forth within the Wisconsin Statutes, as amended, or the laws of this or any other state or the federal government, having like elements necessary for conviction, and which offense was perpetrated against a victim under the age of majority, respectively:

§ 940.225(1)	First Degree Sexual Assault
§ 940.225(2)	Second Degree Sexual Assault
§ 940.225(3)	Third Degree Sexual Assault
§ 940.22(2)	Sexual Exploitation by Therapist
§ 940.30	False Imprisonment - Victim was minor and not the offender's child
§ 940.31	Kidnapping - Victim was minor and not the offender's child
§ 944.01	Rape (prior Statute)
§ 944.06	Incest
§ 944.10	Sexual Intercourse with a Child (prior Statute)
§ 944.11	Indecent Behavior with a Child (prior Statute)
§ 944.12	Enticing Child for Immoral Purposes (prior Statute)
§ 948.02(1)	First Degree Sexual Assault of a Child
§ 948.02(2)	Second Degree Sexual Assault of a Child
§ 948.025	Engaging in Repeated Acts of Sexual Assault of the Same Child
§ 948.05	Sexual Exploitation of a Child
§ 948.055	Causing a Child to View or Listen to Sexual Activity
§ 948.06	Incest with a Child
§ 948.07	Child Enticement
§ 948.075	Use of a Computer to Facilitate a Child Sex Crime
§ 948.08	Soliciting a Child for Prostitution
§ 948.095	Sexual Assault of a Student by School Instructional Staff
§ 948.11(2)(a) or (am)	Exposing Child to Harmful Material (felony sections)
§ 948.12	Possession of Child Pornography
§ 948.13	Convicted Child Sex Offender Working with Children
§ 948.30	Abduction of Another's Child
§ 971.17	Not Guilty by Reason of Mental Disease (of an included offense)
§ 975.06	Sex Crimes Law Commitment

- (3) *Person*. "Person" shall mean a person who has been convicted of or has been found delinquent of or has been found not guilty by reason of mental disease or defect of a sexually violent offense and/or a crime against children.
- (4) *Residence or reside*. "Residence" or "reside" shall mean the place where a person sleeps or otherwise qualifies as their residence under the law, and which may include more than one location, and may be mobile or transitory.
- (c) *Residency restrictions*. A Person shall not reside within 2,000 feet of the real property comprising any of the following:
- (1) Any facility for children, which means a public or private school, a group home as defined in Wis. Stat. § 48.02(7), a residential care center for children and youth as defined in Wis. Stat. § 48.02(15d), a shelter care facility as defined in Wis. Stat. § 48.02(17), a foster home as defined in Wis. Stat. § 48.02(6), a treatment foster home as defined in Wis. Stat. § 48.02(17q), a day care center licensed under Wis. Stat. § 48.65, a day care program established under Wis. Stat. § 120.13(14), a day care provider certified under Wis. Stat. § 48.651, or a youth center as defined in Wis. Stat. § 961.01(22); and/or
 - (2) Any facility used for:
 - a. A public park, parkway, parkland, park facility, or nature preserve including natural areas owned by private parties such as the Ozaukee-Washington Land Trust and the Milwaukee Metropolitan Sewerage District which are open for public access;
 - b. A public swimming pool, beach, or other aquatic facility open to the public;
 - c. A public library;

- d. A recreational trail, but not an on-street bike path or a sidewalk;
- e. A public playground;
- f. A public or private school for children in grades pre-K through 12, but not including homeschool locations;
- g. Athletic fields used by children;
- h. A movie theatre; or
- i. ~~A day care center;~~
- ji. Any specialized school for children, including, but not limited to, a gymnastics academy, dance academy, swimming school or music school, excluding any such facility that is located within a residence for which a home occupation approval has not been granted by the City.;
- k. ~~A public or private golf course or range; and~~
- l. ~~Aquatic facilities open to the public;~~

The distance shall be measured from the closest boundary line of the real property supporting the residence of a ~~p~~Person to the closest real property boundary line of the applicable above enumerated uses. A map depicting the above enumerated uses and the resulting residency restriction distances, as amended from time to time, shall be kept on file in the office of the city clerk and the Mequon Police Department for public inspection.

- (d) *Residency restriction exceptions.* A ~~p~~Person residing within 2,000 feet of the real property comprising any of the uses enumerated in subsection (c) above, does not commit a violation of this section if any of the following apply:
 - (1) The ~~p~~Person is required to serve a sentence at a jail, prison, juvenile facility, or other correctional institution or facility located within 2,000 feet of a use enumerated in subsection (c) above.
 - (2) The ~~p~~Person has established a residence prior to the effective date of this section which is within 2,000 feet of any of the uses enumerated in subsection (c) above, or such enumerated use is newly established after such effective date and it is located within such 2,000 feet of a residence of a ~~p~~Person which was established prior to the ~~effective date of this chapter~~ establishment of such use.
 - (3) The ~~p~~Person is a minor residing with a parent or legal guardian who serves as parent or legal guardian to no more than one ~~p~~Person or is a ward under guardianship.
- (e) *Original domicile restriction.* In addition to and notwithstanding the foregoing, but subject to subsection (d) above, no ~~p~~Person shall be permitted to reside in the City of Mequon, unless such ~~p~~Person was domiciled in the City of Mequon at the time of the offense resulting in the ~~p~~Person's most recent conviction for committing the sexually violent offense and/or crime against children.
- (f) *Child safety zones.* No ~~p~~Person shall enter or be present upon any real property upon which there exists any facility used for or which supports a use of:
 - (1) A public park, parkway, parkland, park facility, or nature preserve including natural areas owned by private parties such as the Ozaukee-Washington Land Trust and the Milwaukee Metropolitan Sewerage District which are open for public access;
 - (2) A public swimming pool, beach, or other aquatic facility open to the public;
 - (3) A public library;
 - (4) A recreational trail, but not an on-street bike path or a sidewalk;
 - (5) A public playground;

(6) A public or private school for children in grades pre-K through 12, but not including homeschool locations;

(7) Athletic fields used by children;

(8) A movie theatre;

~~(9) A day care center;~~

~~(10)~~ Any specialized school for children, including, but not limited to a gymnastics academy, dance academy, swimming school or music school, excluding any such facility that is located within a residence for which a home occupation approval has not been granted by the City; or

~~(11) A public or private golf course or range;~~

~~(12) Aquatic facilities open to the public; and~~

~~(13)~~ Any facility for children, which means a public or private school, a group home as defined in Wis. Stat. § 48.02(7), a residential care center for children and youth as defined in Wis. Stat. § 48.02(15d), a shelter care facility as defined in Wis. Stat. § 48.02(17), a foster home as defined in Wis. Stat. § 48.02(6), a treatment foster home as defined in Wis. Stat. § 48.02(17q), a day care center licensed under Wis. Stat. § 48.65, a day care program established under Wis. Stat. § 120.13(14), a day care provider certified under Wis. Stat. § 48.651, or a youth center as defined in Wis. Stat. § 961.01(22)

A map depicting the locations of the real property supporting the above enumerated uses, as amended from time to time, shall be kept on file in the office of the city clerk or the Mequon Police Department for public inspection.

(g) *Child safety zone exceptions.* A person does not commit a violation of subsection (f) above and the enumerated uses may allow such person on the property supporting such use if any of the following apply:

(1) The property supporting an enumerated use under subsection (f) also supports a church, synagogue, mosque, temple or other house of religious worship (collectively "church"), subject to the following conditions:

- a. Entrance and presence upon the property occurs only during hours of worship or other religious program/service open to the public;
- b. The individual or body in charge of the church permits such attendance or written advance notice is made from the person to an individual in charge of the church and approval from an individual in charge of the church as designated by the church is made in return, of the attendance by the person; and
- c. The person shall not participate in any religious education programs which include individuals under the age of 18.

(2) The property supporting an enumerated use under subsection (f) also supports a use lawfully attended by a person's natural or adopted child/children, which child's use reasonably requires the attendance of the person as the child's parent upon the property, subject to the following conditions:

- a. Entrance and presence upon the property occurs only during hours of activity related to the use open to the public; and
- b. Written advance notice is made from the person to an individual in charge of the use upon the property and approval from an individual in charge of the use upon the property as designated by the owner of the use upon the property is made in return, of the attendance by the person.

(3) The property supporting an enumerated use under subsection (f) also supports a polling location in a local, state or federal election, subject to the following conditions:

- a. The person is eligible to vote;

- b. The designated polling place for the pPerson is an enumerated use; and
 - c. The pPerson enters the polling place property, proceeds to cast a ballot with whatever usual and customary assistance is provided to any member of the electorate; and the pPerson vacates the property immediately after voting.
- (4) The property supporting an enumerated use under subsection (f) also supports an elementary or secondary school lawfully attended by a pPerson as a student under which circumstances the pPerson who is a student may enter upon that property for the purpose of attendance at the school at which the pPerson is enrolled, as is reasonably required for the educational purposes of the school and the pPerson.
- (h) *Violations.* If a pPerson violates any provision of this section, by establishing a residence or occupying residential premises within 2,000 feet of those premises as described therein, without any exception(s) as also set forth above, the city attorney, upon referral from the chief of police and the written determination by the chief of police that upon all of the facts and circumstances and the purpose of this chapter, such residence or occupancy presents an activity or use of property that interferes substantially with the comfortable enjoyment of life, health, safety of another or others, shall bring an action in the name of the city in the Circuit Court for Ozaukee County to permanently enjoin such residency as a public nuisance. If a pPerson violates any provision of this chapter, in addition to the aforesaid injunctive relief, such pPerson shall be subject to the general penalty provisions set forth under section 1-7 of the Mequon Municipal Code. Each day a violation continues shall constitute a separate offense. In addition, the city may undertake all other legal and equitable remedies to prevent or remove a violation of this section.
- (i) *Appeal.* A Person may request an exemption from this section.
- (1) Procedure. A Person may request an exemption from this section by submitting a written request for exemption, including any pertinent rationale for an exemption, to the Mequon Police Department prior to establishing a residence that would be in violation of this section or within fifteen (15) days after notification that the Person is in violation of this section. The Chief of Police or their designee shall conduct a review of the request for an exemption using any pertinent information and the criteria set forth in subsection (3) below. The Chief of Police or their designee shall approve, approve an exemption subject to necessary conditions (hereafter "conditional exemption"), or deny the request. The Chief of Police or their designee shall issue the decision within thirty (30) days of receiving the request for exemption and shall provide a written copy of that decision to the Person, the City Clerk, and the City Attorney. Any request for an exemption which has not been approved, approved for a conditional exemption, or denied by the Chief or their designee within thirty (30) days of the request shall be deemed to be denied for the purposes of this section.
 - (2) The decision by the Chief of Police or their designee may be appealed by the Person within thirty (30) days by submitting a written appeal to the Board of Appeals (hereafter "the Board") via the City Clerk's Office. The Board shall hold a hearing on each appeal, during which the Board may review any pertinent information and may accept oral and written statements from any person.
 - (3) The Chief of Police or their designee and/or the Board shall base their decision upon any factors related to the City's interest in promoting, protecting, and improving the health, safety, and welfare of the community, including but not limited to:
 - a. The nature of the predicate offense causing the appellant to be a designated offender including the relationship of the offender to the victim, the presence or use of force, and the presence of enticement.
 - b. Police reports related to the predicate offense if available.
 - c. Proximity of the requested residence to the victim or a child safety zone.
 - d. The age of the offense, offender, and victim.
 - e. Recommendation of the probation or parole officer, if one exists.
 - f. Recommendation of the Police Department.
 - g. Recommendation of any treatment practitioner.
 - h. Proposals for safety measures and assurances by the Person.

- i. Conditions to be placed on any exception or variance from the requirements of this section.
 - j. Support systems in place for the Person.
 - k. Who the Person will be or is living with at the prohibited location.
 - l. Statements of the surrounding community or victim.
 - m. Treatment, sobriety, or rehabilitative measures taken by the Person.
 - n. The Person's current employment or social activities.
 - o. The Person's criminal history.
 - p. The Person's level of credibility and remorse.
 - q. Alternative options for housing.
 - r. The need to protect the victim or similarly situated individuals.
- (4) The Board shall issue a decision by a majority vote. The Board may decide to deny an exemption, issue an exemption, or issue a conditional exemption. A written copy of the decision shall be provided to the Person. The Person must consent to the terms of the conditional exemption for the conditional exemption to be valid, and must demonstrate acceptance of the terms of the conditional exemption by signing and dating a copy of the Board's decision and conditions. The Person must provide a copy of the signed conditional exemption to the City Clerk's Office and the Mequon Police Department. The Person will have fourteen (14) days from the date the written conditional exemption is issued to accept and return a signed copy to the appropriate locations or the conditional exemption will be deemed as void and the appeal denied by the Board. The Person need not sign an exemption that has been denied by the Board or an exemption approved without any necessary conditions by the Board.
- (5) A conditional exemption may include, but is not limited to, the following terms:
- a. Curfew restrictions.
 - b. Cohabitant restrictions or requirements.
 - c. Sobriety restrictions.
 - d. Conduct restrictions.
 - e. Residency restrictions.
- (6) If an exemption or conditional exemption is granted by the Chief or their designee or the Board, that exemption will only apply to the specific Person who had applied for the exemption at the requested residence and shall not be transferable to any other Person or to any other location.
- (7) An exemption expires when the Person who was granted said exemption changes their domicile and/or changes their residence, whether within the City or outside the City.
- (8) An exemption or conditional exemption issued by the Chief or their designee or the Board may be revoked by the Chief or their designee if the Person is found to have violated the conditions or there is probable cause to believe the Person has committed (an) additional act(s), which had occurred either before or after the exemption or conditional exemption was issued, that would cause a Person to be classified as a designated offender. The Chief or their designee shall provide written notice to the Person that the exemption or conditional exemption has been revoked. This notice shall be deemed properly delivered if sent by either first class mail or hand delivered to the Person's last known address. If the Person cannot be located, the notice shall be deemed to be properly delivered if a copy is left at the Person's address which had been exempted in the presence of some competent member of the family at least fourteen (14) years of age or a competent adult currently residing there. The revocation of an exemption may be appealed to the Board pursuant to the above procedure.
- (9) For the purposes of this section, pursuant to Wisconsin Statute Section 68.16, the City of Mequon is specifically electing not to be governed by Chapter 68 of the Wisconsin Statutes.
- (10) If the Board denies the request for exemption or upholds a revocation of exemption or conditional exemption, the Person may appeal the decision within thirty (30) days to the Ozaukee County Circuit Court.
- (j) Exception for placements under Wis. Stat. Chapter 980. To the extent required by Wis. Stat. § 980.135, a Person who is subject to supervised release under Wis. Stat. § 980.08 shall not be governed by the foregoing provisions of this section restricting or prohibiting a Person from residing in certain locations, but shall instead be subject to all of the following:

- (1) A Person who is on supervised release under Wis. Stat. § 980.08 shall not reside within 1,500 feet of the real property comprising any school premises, child care facility, public park, place of worship, or youth center. A person is not in violation of this provision if any school premises, child care facility, public park, place of worship, or youth center is established within 1,500 feet from the Person's residence after they are placed in the residence under this section;
- (2) In addition, if the Person who is on supervised release under Wis. Stat. § 980.08 is also a serious child sex offender, as defined in Wis. Stat. § 980.01(4m), such Person is further prohibited from residing on a property adjacent to a property where a child's primary residence exists. For the purpose of this subsection, adjacent properties are properties that share a property line without regard to a public or private road if the living quarters on each property are not more than 1,500 feet apart. A Person is not in violation of this provision if a child establishes primary residence in a property adjacent to the Person's residence after the Person is placed in the residence under this section; and
- (3) This subsection (j) shall apply only so long as the Person is subject to supervised release under Wis. Stat. Chapter 980, is residing where they are ordered to reside under Wis. Stat. § 980.08, and the Person is in compliance with all court orders issued under Wis. Stat. Chapter 980.

EXHIBIT A (Version 2)

Sec. 50-100. Sex offender residency restrictions and child safety zones.(a) Findings, Intent and Purpose.

- (1) The Common Council has the power, pursuant to Wis. Stat. § 61.34, to enact legislation promoting the health, safety, and welfare of the public.
- (2) The Common Council has reviewed the holdings and findings of the following court cases: *McKune v. Lile*, 122 S. Ct. 2017 (2002); *Smith v. Doe*, 123 S. Ct. 1140 (2003); *Doe v. Miller*, 405 F.3d 700 (8th Cir. 2005); *Vill. of Menomonee Falls v. Ferguson*, 334 Wis. 2d 131 (Wis. Ct. App. 2011); *City of S. Milwaukee v. Kester*, 347 Wis. 2d 334 (Wis. Ct. App. 2013); *Hoffman v. Vill. of Pleasant Prairie*, 249 F. Supp. 3d 951 (E.D. Wis. 2017); *Evenstad v. City of West St. Paul*, 306 F. Supp. 3d 1086 (D. Minn. 2018); *Vasquez v. Foxx*, 895 F.3d 515 (7th Cir. 2018); and *City of Werner v. City of Green Bay*, 743 Fed. Appx. 10 (7th Cir. 2018).
- (3) Based upon a 2003 study by the United States Department of Justice, Bureau of Justice Statistics, titled *Recidivism of Sex Offenders Released from Prison in 1994*, sex offenders released from prison were four times more likely to be rearrested for a sex crime as compared to non-sex offenders released from prison. Of those individuals included in the study, forty percent (40%) of new sex crimes committed by those sex offenders released from prison had occurred within the first twelve (12) months of release. Further, child molesters who were released from prison were at least six (6) times more likely to be rearrested for another sex crime against a child as compared to a non-sex offender released from prison. Based upon a 2019 study by the United States Department of Justice, Bureau of Justice Statistics, titled *Recidivism of Sex Offenders Released from State Prison: A 9-Year Follow-Up (2005-14)*, released sex offenders were more than three times as likely as other released prisoners to be arrested for rape or sexual assault, and released sex offenders accounted for 5% of releases in 2005 and 16% of arrests for rape or sexual assault during the 9-year follow-up period.
- (4) The Common Council has conducted a review of other reports and studies related to creating and implementing specific desistance factors to reduce recidivism of sex offenders. The studies and reports that have been reviewed include the following: *Recidivism After Release from Prison*, State of Wisconsin Department of Corrections, Tatar, J. & Jones, M. (August 2016); *Examining the Effects of Residential Situations and Residential Mobility on Offender Recidivism*, Crime and Delinquency 61(3), 375-401, Steiner, B., Makarios, M. D., & Travis, L. F. (2015); *Examining Sexual Offenses through a Sociological Lens: A Socio-Cultural Exploration of Causal and Desistance Theories*, European Journal of Probation, 8(3), 170-184, Kyle, D. (2016); *Criminal Careers in the Short-Term: Intra-Individual Variability in Crime and Its Relation to Local Life Circumstances*, American Sociological Review, 60(5), 655-673, Horney, J., Osgood, W., & Marshall I.H., (1995); and *An Exploration of Protective Factors Supporting Desistance from Sexual Offending*, Sexual Abuse: A journal of Research and Treatment, 27(1), 16-33, Mann, R.E., de Vries Robbe, M., Maruna, S., & Thornton, D. (2015).
- (5) While acknowledging that literature on sex offender recidivism, sex offender desistance, and sex offender residency restrictions contain studies which report varying effectiveness of certain strategies, the Common Council intends to use these strategies and studies to best create a regulatory framework which protects the children of the City of Mequon, yet allows for a constructive and safe assimilation of designated sex offenders into the community.
- (6) The Common Council finds that the risk of recidivism decreases over time from the date of the last conviction, especially in circumstances where offenders have community connections, goals, and employment. The Common Council is also aware that absent a domicile clause, the City would have open doors for non-resident sex offender residency when other communities have closed doors, inviting a substantial increase in child sex offender placements, thereby increasing potential negative impacts on the health, safety, welfare, and additional cost to the City and its residents. Studies show increased recidivism rates for offenders who frequently move or do not have established community networks. These studies support maintaining a domicile clause thereby limiting designated offenders with no ties to the community and increasing the likelihood that a designated offender implements appropriate and

existing community support while allowing the community to remain intelligently attentive, aware, and provide adequate and appropriate intervention if needed.

- (7) Given the high rate of recidivism for sex offenders, and that reducing opportunity and temptation is important to minimizing the risk of re-offense, there is a need to protect children and youth where they congregate or play in public places in addition to the protections afforded by state law near schools, day care centers and other places children and youth frequent. The city also finds and declares that in addition to schools and day care centers, children and youth congregate or play without parental or adult supervision at public parks, pools and other public and private places of enrichment activities, recreation, entertainment and amusement.
- (8) Accordingly, the Common Council has created this regulatory measure designed to protect the health and safety of the children in the City against the threat posed by certain designated sex offenders. Sex offenders who prey on children represent a substantial danger to victims, target a particularly vulnerable group within the community who are less able to articulate or report abuse, and create a significant impact on law enforcement time and community resources to investigate abuses and mitigate risks. This section is also intended to demonstrate the City's resolute goal of protecting children in areas of potential vulnerability and impart the community's necessary expectation that designated sex offenders released into the community must maintain the community's confidence by demonstrating safe, productive, and law-abiding behavior while residing within the City. It is the intent of the Common Council that this regulatory scheme is civil and non-punitive in order to serve the City's compelling interest to promote, protect, and improve the health, safety and welfare of all citizens of the City.

This chapter is a regulatory measure aimed at protecting the health and safety of children and youth in the City of Mequon from the risk that convicted sex offenders may reoffend in locations close to their residences and against child victims. When convicted sex offenders reenter society, they are much more likely than any other type of offender to be rearrested for a new rape or sexual assault. Given the high rate of recidivism for sex offenders, and that reducing opportunity and temptation is important to minimizing the risk of re-offense, there is a need to protect children and youth where they congregate or play in public places in addition to the protections afforded by state law near schools, day care centers and other places children and youth frequent. The city also finds and declares that in addition to schools and day care centers, children and youth congregate or play at public parks, pools and other public and private places of enrichment activities, recreation, entertainment and amusement. Therefore, finding that sex offenders are a serious threat to public safety as indicated above, the city hereby declares the residency or presence of sex offenders in proximity to public and private places where children and youth may congregate or frequent under circumstances proscribed in this ordinance to be a public nuisance.

- (b) *Definitions.* As used in this section and unless the context otherwise requires:
- (1) *Sexually violent offense.* "Sexually violent offense" shall have the meaning as set forth in Wis. Stat. § 980.01(6), as amended from time to time.
 - (2) *Crime against children.* "Crime against children" shall mean any of the following offenses set forth within the Wisconsin Statutes, as amended, or the laws of this or any other state or the federal government, having like elements necessary for conviction, and which offense was perpetrated against a victim under the age of majority, respectively:

§ 940.225(1)	First Degree Sexual Assault
§ 940.225(2)	Second Degree Sexual Assault
§ 940.225(3)	Third Degree Sexual Assault
§ 940.22(2)	Sexual Exploitation by Therapist
§ 940.30	False Imprisonment - Victim was minor and not the offender's child
§ 940.31	Kidnapping - Victim was minor and not the offender's child
§ 944.01	Rape (prior Statute)
§ 944.06	Incest

§ 944.10	Sexual Intercourse with a Child (prior Statute)
§ 944.11	Indecent Behavior with a Child (prior Statute)
§ 944.12	Enticing Child for Immoral Purposes (prior Statute)
§ 948.02(1)	First Degree Sexual Assault of a Child
§ 948.02(2)	Second Degree Sexual Assault of a Child
§ 948.025	Engaging in Repeated Acts of Sexual Assault of the Same Child
§ 948.05	Sexual Exploitation of a Child
§ 948.055	Causing a Child to View or Listen to Sexual Activity
§ 948.06	Incest with a Child
§ 948.07	Child Enticement
§ 948.075	Use of a Computer to Facilitate a Child Sex Crime
§ 948.08	Soliciting a Child for Prostitution
§ 948.095	Sexual Assault of a Student by School Instructional Staff
§ 948.11(2)(a) or (am)	Exposing Child to Harmful Material (felony sections)
§ 948.12	Possession of Child Pornography
§ 948.13	Convicted Child Sex Offender Working with Children
§ 948.30	Abduction of Another's Child
§ 971.17	Not Guilty by Reason of Mental Disease (of an included offense)
§ 975.06	Sex Crimes Law Commitment

- (3) *Person*. "Person" shall mean a person who has been convicted of or has been found delinquent of or has been found not guilty by reason of mental disease or defect of a sexually violent offense and/or a crime against children.
- (4) *Residence or reside*. "Residence" or "reside" shall mean the place where a person sleeps or otherwise qualifies as their residence under the law, and which may include more than one location, and may be mobile or transitory.
- (c) *Residency restrictions*. A Person shall not reside within 2,000 feet of the real property comprising any of the following:
- (1) Any facility for children, which means a public or private school, a group home as defined in Wis. Stat. § 48.02(7), a residential care center for children and youth as defined in Wis. Stat. § 48.02(15d), a shelter care facility as defined in Wis. Stat. § 48.02(17), a foster home as defined in Wis. Stat. § 48.02(6), a treatment foster home as defined in Wis. Stat. § 48.02(17q), a day care center licensed under Wis. Stat. § 48.65, a day care program established under Wis. Stat. § 120.13(14), a day care provider certified under Wis. Stat. § 48.651, or a youth center as defined in Wis. Stat. § 961.01(22); and/or
 - (2) Any facility used for:
 - a. A public park, parkway, parkland, park facility, or nature preserve including natural areas owned by private parties such as the Ozaukee-Washington Land Trust and the Milwaukee Metropolitan Sewerage District which are open for public access;
 - b. A public swimming pool, beach, or other aquatic facility open to the public;
 - c. A public library;
 - d. A recreational trail, but not an on-street bike path or a sidewalk;
 - e. A public playground;
 - f. A public or private school for children in grades pre-K through 12, but not including homeschool locations;
 - g. Athletic fields used by children;
 - h. A movie theatre; or

- ~~i. A day care center;~~
- ji. Any specialized school for children, including, but not limited to, a gymnastics academy, dance academy, swimming school or music school, excluding any such facility that is located within a residence for which a home occupation approval has not been granted by the City.
- ~~k. A public or private golf course or range; and~~
- ~~l. Aquatic facilities open to the public;~~

The distance shall be measured from the closest boundary line of the real property supporting the residence of a ~~p~~Person to the closest real property boundary line of the applicable above enumerated uses. A map depicting the above enumerated uses and the resulting residency restriction distances, as amended from time to time, shall be kept on file in the office of the city clerk and the Mequon Police Department for public inspection.

- (d) *Residency restriction exceptions.* A ~~p~~Person residing within 2,000 feet of the real property comprising any of the uses enumerated in subsection (c) above, does not commit a violation of this section if any of the following apply:
 - (1) The ~~p~~Person is required to serve a sentence at a jail, prison, juvenile facility, or other correctional institution or facility located within 2,000 feet of a use enumerated in subsection (c) above.
 - (2) The ~~p~~Person has established a residence prior to the effective date of this section which is within 2,000 feet of any of the uses enumerated in subsection (c) above, or such enumerated use is newly established after such effective date and it is located within such 2,000 feet of a residence of a ~~p~~Person which was established prior to the ~~effective date of this chapter~~ establishment of such use.
 - (3) The ~~p~~Person is a minor residing with a parent or legal guardian who serves as parent or legal guardian to no more than one ~~p~~Person or is a ward under guardianship.
- (e) *Original domicile restriction.* In addition to and notwithstanding the foregoing, but subject to subsection (d) above, no ~~p~~Person shall be permitted to reside in the City of Mequon, unless such ~~p~~Person was domiciled in the City of Mequon at the time of the offense resulting in the ~~p~~Person's most recent conviction for committing the sexually violent offense and/or crime against children.
- (f) *Child safety zones.* No ~~p~~Person shall enter or be present upon any real property upon which there exists any facility used for or which supports a use of:
 - (1) A public park, parkway, parkland, park facility, or nature preserve including natural areas owned by private parties such as the Ozaukee-Washington Land Trust and the Milwaukee Metropolitan Sewerage District which are open for public access;
 - (2) A public swimming pool, beach, or other aquatic facility open to the public;
 - (3) A public library;
 - (4) A recreational trail, but not an on-street bike path or a sidewalk;
 - (5) A public playground;
 - (6) A public or private school for children in grades pre-K through 12, but not including homeschool locations;
 - (7) Athletic fields used by children;
 - (8) A movie theatre;
 - ~~(9) A day care center;~~
 - ~~(10) Any specialized school for children, including, but not limited to a gymnastics academy, dance academy, swimming school or music school, excluding any such facility that is located within a residence for which a home occupation approval has not been granted by the City; or~~

~~(11) A public or private golf course or range;~~

~~(12) Aquatic facilities open to the public; and~~

~~(13)~~(10) Any facility for children, which means a public or private school, a group home as defined in Wis. Stat. § 48.02(7), a residential care center for children and youth as defined in Wis. Stat. § 48.02(15d), a shelter care facility as defined in Wis. Stat. § 48.02(17), a foster home as defined in Wis. Stat. § 48.02(6), a treatment foster home as defined in Wis. Stat. § 48.02(17q), a day care center licensed under Wis. Stat. § 48.65, a day care program established under Wis. Stat. § 120.13(14), a day care provider certified under Wis. Stat. § 48.651, or a youth center as defined in Wis. Stat. § 961.01(22)

A map depicting the locations of the real property supporting the above enumerated uses, as amended from time to time, shall be kept on file in the office of the city clerk or the Mequon Police Department for public inspection.

(g) *Child safety zone exceptions.* A ~~p~~Person does not commit a violation of subsection (f) above and the enumerated uses may allow such ~~p~~Person on the property supporting such use if any of the following apply:

- (1) The property supporting an enumerated use under subsection (f) also supports a church, synagogue, mosque, temple or other house of religious worship (collectively "church"), subject to the following conditions:
 - a. Entrance and presence upon the property occurs only during hours of worship or other religious program/service open to the public;
 - b. The individual or body in charge of the church permits such attendance or written advance notice is made from the ~~p~~Person to an individual in charge of the church and approval from an individual in charge of the church as designated by the church is made in return, of the attendance by the ~~p~~Person; and
 - c. The ~~p~~Person shall not participate in any religious education programs which include individuals under the age of 18.
- (2) The property supporting an enumerated use under subsection (f) also supports a use lawfully attended by a ~~p~~Person's natural or adopted child/children, which child's use reasonably requires the attendance of the ~~p~~Person as the child's parent upon the property, subject to the following conditions:
 - a. Entrance and presence upon the property occurs only during hours of activity related to the use open to the public; and
 - b. Written advance notice is made from the ~~p~~Person to an individual in charge of the use upon the property and approval from an individual in charge of the use upon the property as designated by the owner of the use upon the property is made in return, of the attendance by the ~~p~~Person.
- (3) The property supporting an enumerated use under subsection (f) also supports a polling location in a local, state or federal election, subject to the following conditions:
 - a. The ~~p~~Person is eligible to vote;
 - b. The designated polling place for the ~~p~~Person is an enumerated use; and
 - c. The ~~p~~Person enters the polling place property, proceeds to cast a ballot with whatever usual and customary assistance is provided to any member of the electorate; and the ~~p~~Person vacates the property immediately after voting.
- (4) The property supporting an enumerated use under subsection (f) also supports an elementary or secondary school lawfully attended by a ~~p~~Person as a student under which circumstances the ~~p~~Person who is a student may enter upon that property for the purpose of attendance at the school at which the ~~p~~Person is enrolled, as is reasonably required for the educational purposes of the school and the ~~p~~Person.

- (h) *Violations.* If a ~~p~~Person violates any provision of this section, by establishing a residence or occupying residential premises within 2,000 feet of those premises as described therein, without any exception(s) as also set forth above, the city attorney, upon referral from the chief of police and the written determination by the chief of police that upon all of the facts and circumstances and the purpose of this chapter, such residence or occupancy presents an activity or use of property that interferes substantially with the comfortable enjoyment of life, health, safety of another or others, shall bring an action in the name of the city in the Circuit Court for Ozaukee County to permanently enjoin such residency as a public nuisance. If a ~~p~~Person violates any provision of this chapter, in addition to the aforesaid injunctive relief, such ~~p~~Person shall be subject to the general penalty provisions set forth under section 1-7 of the Mequon Municipal Code. Each day a violation continues shall constitute a separate offense. In addition, the city may undertake all other legal and equitable remedies to prevent or remove a violation of this section.

(i) *Appeal.* A Person may request an exemption from this section.

- (1) Procedure. A Person may request an exemption from this section by submitting a written request for exemption, including any pertinent rationale for an exemption, to the Mequon Police Department prior to establishing a residence that would be in violation of this section or within fifteen (15) days after notification that the Person is in violation of this section. The Chief of Police or their designee shall conduct a review of the request for an exemption using any pertinent information and the criteria set forth in subsection (3) below. The Chief of Police or their designee shall approve, approve an exemption subject to necessary conditions (hereafter "conditional exemption"), or deny the request. The Chief of Police or their designee shall issue the decision within thirty (30) days of receiving the request for exemption and shall provide a written copy of that decision to the Person, the City Clerk, and the City Attorney. Any request for an exemption which has not been approved, approved for a conditional exemption, or denied by the Chief or their designee within thirty (30) days of the request shall be deemed to be denied for the purposes of this section.
- (2) The decision by the Chief of Police or their designee may be appealed by the Person within thirty (30) days by submitting a written appeal with the City Clerk's office. Upon receipt of an appeal, the Mayor shall establish an ad hoc committee of three members to hear such appeal (hereafter "the Board"). The mayor, the common council president and the chair of the Public Safety Committee (or the chair of the Public Welfare Committee if the president is also the chair of the Public Safety Committee) shall each, within 14 days of receipt of the appeal, appoint one resident of the City to the Board. Such appointments shall not require common council confirmation. In the event that no appointment is made, the official who does not make an appointment shall serve on the Board. The Board shall hold a hearing on each appeal, during which the Board may review any pertinent information and may accept oral and written statements from any person.
- (3) The Chief of Police or their designee and/or the Board shall base their decision upon any factors related to the City's interest in promoting, protecting, and improving the health, safety, and welfare of the community, including but not limited to:
 - a. The nature of the predicate offense causing the appellant to be a designated offender including the relationship of the offender to the victim, the presence or use of force, and the presence of enticement.
 - b. Police reports related to the predicate offense if available.
 - c. Proximity of the requested residence to the victim or a child safety zone.
 - d. The age of the offense, offender, and victim.
 - e. Recommendation of the probation or parole officer, if one exists.
 - f. Recommendation of the Police Department.
 - g. Recommendation of any treatment practitioner.
 - h. Proposals for safety measures and assurances by the Person.
 - i. Conditions to be placed on any exception or variance from the requirements of this section.
 - j. Support systems in place for the Person.
 - k. Who the Person will be or is living with at the prohibited location.
 - l. Statements of the surrounding community or victim.
 - m. Treatment, sobriety, or rehabilitative measures taken by the Person.

- n. The Person's current employment or social activities.
 - o. The Person's criminal history.
 - p. The Person's level of credibility and remorse.
 - q. Alternative options for housing.
 - r. The need to protect the victim or similarly situated individuals.
- (4) The Board shall issue a decision by a majority vote. The Board may decide to deny an exemption, issue an exemption, or issue a conditional exemption. A written copy of the decision shall be provided to the Person. The Person must consent to the terms of the conditional exemption for the conditional exemption to be valid, and must demonstrate acceptance of the terms of the conditional exemption by signing and dating a copy of the Board's decision and conditions. The Person must provide a copy of the signed conditional exemption to the City Clerk's Office and the Mequon Police Department. The Person will have fourteen (14) days from the date the written conditional exemption is issued to accept and return a signed copy to the appropriate locations or the conditional exemption will be deemed as void and the appeal denied by the Board. The Person need not sign an exemption that has been denied by the Board or an exemption approved without any necessary conditions by the Board.
- (5) A conditional exemption may include, but is not limited to, the following terms:
- a. Curfew restrictions.
 - b. Cohabitant restrictions or requirements.
 - c. Sobriety restrictions.
 - d. Conduct restrictions.
 - e. Residency restrictions.
- (6) If an exemption or conditional exemption is granted by the Chief or their designee or the Board, that exemption will only apply to the specific Person who had applied for the exemption at the requested residence and shall not be transferable to any other Person or to any other location.
- (7) An exemption expires when the Person who was granted said exemption changes their domicile and/or changes their residence, whether within the City or outside the City.
- (8) An exemption or conditional exemption issued by the Chief or their designee or the Board may be revoked by the Chief or their designee if the Person is found to have violated the conditions or there is probable cause to believe the Person has committed (an) additional act(s), which had occurred either before or after the exemption or conditional exemption was issued, that would cause a Person to be classified as a designated offender. The Chief or their designee shall provide written notice to the Person that the exemption or conditional exemption has been revoked. This notice shall be deemed properly delivered if sent by either first class mail or hand delivered to the Person's last known address. If the Person cannot be located, the notice shall be deemed to be properly delivered if a copy is left at the Person's address which had been exempted in the presence of some competent member of the family at least fourteen (14) years of age or a competent adult currently residing there. The revocation of an exemption may be appealed to the Board pursuant to the above procedure.
- (9) For the purposes of this section, pursuant to Wisconsin Statute Section 68.16, the City of Mequon is specifically electing not to be governed by Chapter 68 of the Wisconsin Statutes.
- (10) If the Board denies the request for exemption or upholds a revocation of exemption or conditional exemption, the Person may appeal the decision within thirty (30) days to the Ozaukee County Circuit Court.
- (j) Exception for placements under Wis. Stat. Chapter 980. To the extent required by Wis. Stat. § 980.135, a Person who is subject to supervised release under Wis. Stat. § 980.08 shall not be governed by the foregoing provisions of this section restricting or prohibiting a Person from residing in certain locations, but shall instead be subject to all of the following:
- (1) A Person who is on supervised release under Wis. Stat. § 980.08 shall not reside within 1,500 feet of the real property comprising any school premises, child care facility, public park, place of worship, or youth center. A person is not in violation of this provision if any school premises, child care facility, public park, place of worship, or youth center is established within 1,500 feet from the Person's residence after they are placed in the residence under this section;

- (2) In addition, if the Person who is on supervised release under Wis. Stat. § 980.08 is also a serious child sex offender, as defined in Wis. Stat. § 980.01(4m), such Person is further prohibited from residing on a property adjacent to a property where a child's primary residence exists. For the purpose of this subsection, adjacent properties are properties that share a property line without regard to a public or private road if the living quarters on each property are not more than 1,500 feet apart. A Person is not in violation of this provision if a child establishes primary residence in a property adjacent to the Person's residence after the Person is placed in the residence under this section; and
- (3) This subsection (j) shall apply only so long as the Person is subject to supervised release under Wis. Stat. Chapter 980, is residing where they are ordered to reside under Wis. Stat. § 980.08, and the Person is in compliance with all court orders issued under Wis. Stat. Chapter 980.

Council/Village Board

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[Saukville](#) [Sturgeon Bay](#)

Committee of Council/Village Board

[Elkhorn](#) [Kewaskum](#) [Manitowoc](#) [Oconto Falls](#) [Pleasant Prairie](#)

[Random Lake](#) [Rice Lake](#) [Saumico](#) [Sheboygan](#)

Board of Appeals

[Bayside](#) [Whitefish Bay](#)

Administrative Appeals Board

[Brookfield](#) [West Allis](#)

Separate Board

[Bellevue](#) [Caledonia](#) [Fond du Lac](#) [Fox Point](#) [Green Bay](#) [Greendale](#)

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[Mount Pleasant](#) [New Berlin](#) [Oconomowoc](#) [Paris](#)² [Pewaukee](#)

[Racine](#) [Rhineland](#) [Richfield](#) [Salem Lakes](#) [Shawano](#)

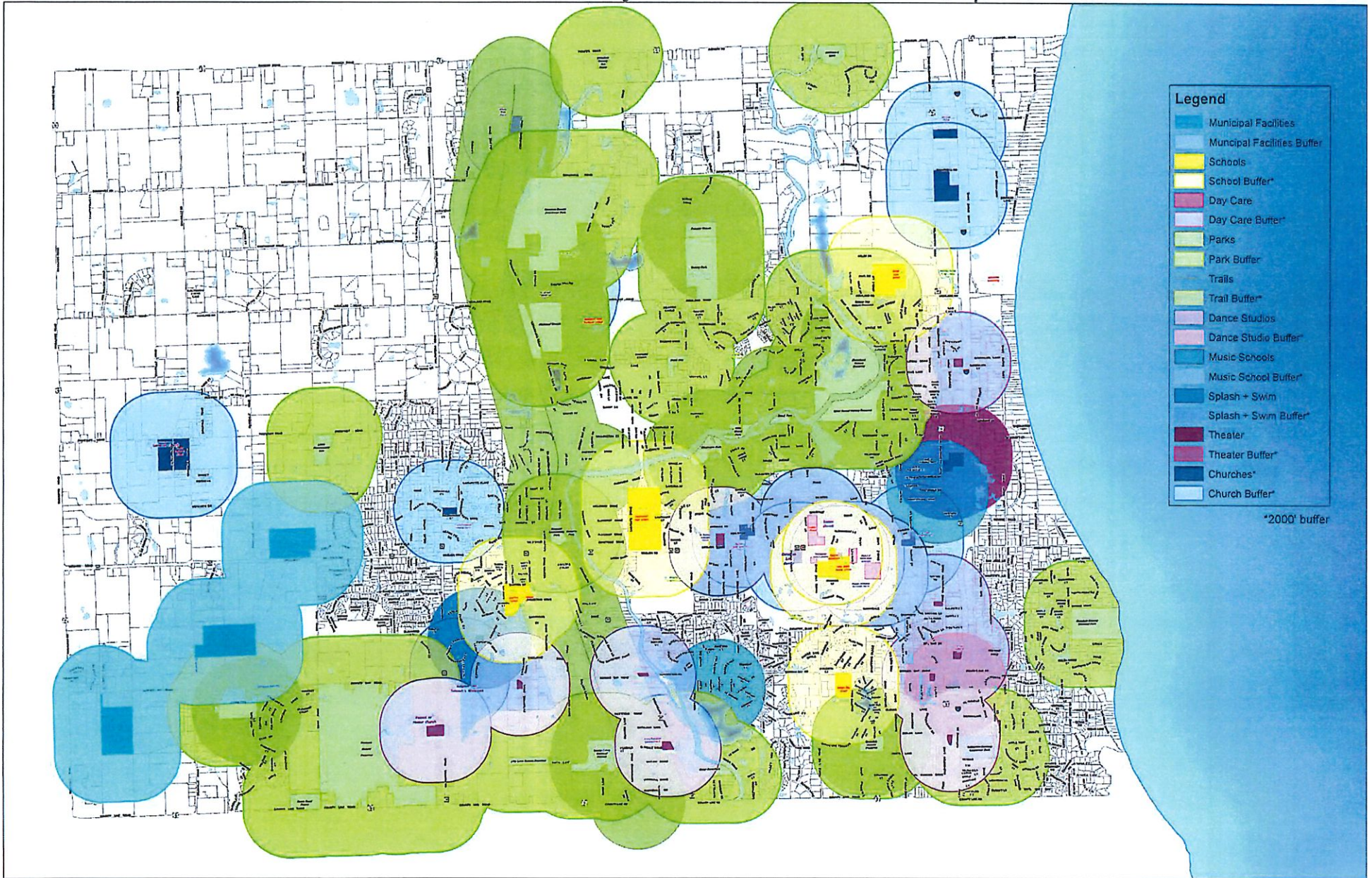
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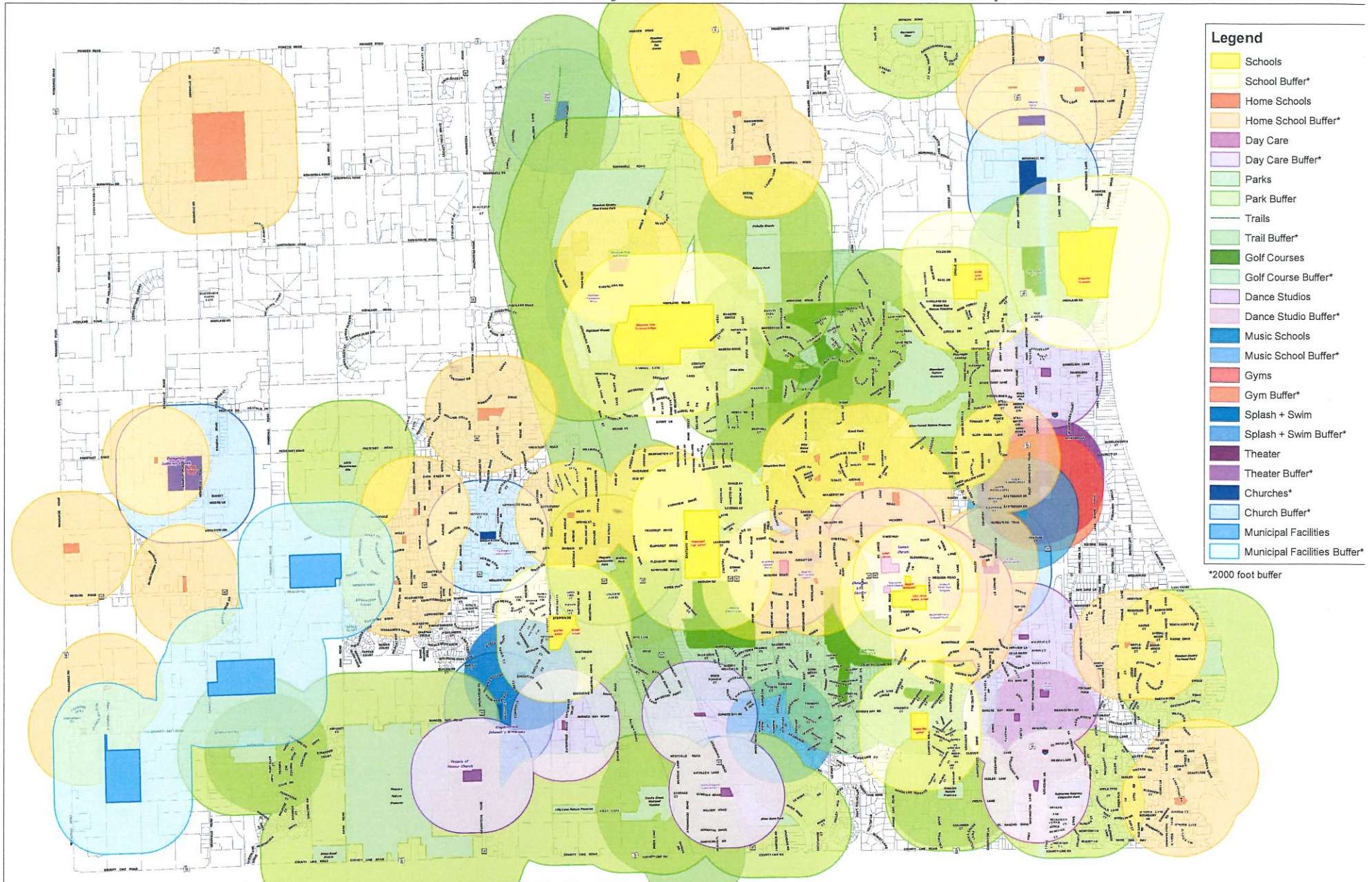
¹ Called Board, but its members are the Mayor and Alderpersons

² Town of

Sex Offender Residency Restrictions - April 2021



Sex Offender Residency Restrictions - September 2018



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Attachment: Map Current (ORDINANCE 2021-1592 : Sex Offender)



11333 N. Cedarburg Road
Mequon, WI 53092
Phone: 262-236-2955
Fax: 262-242-9655

www.ci.mequon.wi.us

Office of Finance-Personnel Committee

TO: Common Council
FROM: Marie Keyser, Acting Finance Director
DATE: June 8, 2021
SUBJECT: RESOLUTION 3848 An Amended and Restated Final Resolution Regarding Industrial Development Revenue Bond Financing For Copps Industries, Inc. Project

Background

Prior to the closing for Industrial Revenue Bonds previously approved for Copps Industries, Inc. (Copps) in April, Copps has decided to change financial institutions from BMO Harris Bank to Port Washington State Bank. This requires that the Common Council adopt an Amended Final Resolution, since the resolution adopted on April 13, 2021, contemplated financing with BMO Harris Bank.

Attached are clean and red-lined versions of the Amended Final Resolution which show changes to the resolution adopted on April 13, 2021.

Recommendation

A recommendation from the Finance-Personnel Committee is forthcoming on June 8, 2021.

Attachments:

4835-3900-5419.1 COMPARE Final Resolution - Copps Industries-Epoxy(DOCX)

COMMON COUNCIL
OF THE
CITY OF MEQUON

RESOLUTION 3848

An Amended and Restated Final Resolution Regarding Industrial Development Revenue Bond
Financing For Copps Industries, Inc. Project

A. The Common Council of the City of Mequon, Wisconsin (the “Issuer”) adopted Final Resolution No. 2021-3819 and held a public hearing on April 13, 2021 to approve the issuance of industrial development revenue bonds on behalf of Epoxy Properties, LLC, a Wisconsin limited liability company (the “Borrower”).

B. Subsequent to the adoption of Final Resolution No. 2021-3819, the Borrower has determined that it is in its best interests to obtain financing for the industrial development revenue bond loan from Port Washington State Bank rather than BMO Harris Bank N.A.

C. The Borrower requests that the Issuer approve this Amended and Restated Final Resolution to acknowledge Port Washington State Bank as the new lender for the industrial development revenue bond loan.

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

Section 1 Recitals.

1.01 Under Wisconsin Statutes, Section 66.1103, as amended (the “Act”), the Issuer is authorized and empowered to issue revenue bonds to finance eligible costs of qualified “projects” (as defined in the Act), and to enter into “revenue agreements” (as defined in the Act) with “eligible participants” (as defined in the Act).

1.02 Pursuant to an Initial Resolution duly adopted on February 9, 2021, the Issuer expressed its intention to issue industrial development revenue bonds of the Issuer in an amount not to exceed \$6,500,000 (the “Bonds”) to finance a project on behalf of the Borrower, and/or Copps Industries, Inc., a Wisconsin corporation, and/or a limited liability entity to be formed, consisting of the (i) acquisition of land, (ii) construction of an approximately 78,000 square foot facility on Lot 1, Commerce Drive located in the Mequon Business Park in the City of Mequon, Wisconsin (the “New Facility”) to be operated by Copps Industries, Inc., to manufacture industrial epoxy adhesives and coatings, (iii) acquisition and installation of equipment at the New Facility and (iv) payment of certain professional costs and costs of issuance. Subsequent to the adoption of the Initial Resolution, the construction of the New Facility will be on Lot 3, Commerce Drive located in the Mequon Business Park (the project described in this Section 1.02 is herein collectively referred to as the “Project”). Notice of adoption of the initial resolution adopted on February 9, 2021 was published as provided in the Act, and no petition requesting a referendum upon the question of issuance of the revenue bonds has been filed.

1.03 Pursuant to Wisconsin Statutes, Section 66.1103, as amended, the Issuer may finance a project which is located entirely within the geographic limits of the Issuer.

1.04 Drafts of the following documents have been submitted to this Common Council and are ordered filed in the office of the City Clerk:

- (a) a Bond Agreement (the “Bond Agreement”), proposed to be entered into among the Borrower, the Issuer, Port Washington State Bank, as trustee (the “Trustee”) and Port Washington State Bank, as original purchaser (the “Original Purchaser”);
- (b) a Promissory Note from the Borrower to the Issuer, and assigned by the Issuer to the Trustee; and
- (c) a No Arbitrage Certificate.

Section 2 Findings and Determinations.

It is hereby found and determined that:

- (a) based on representations of the Borrower, the Project constitutes a “project” authorized by the Act;
- (b) a public hearing has been duly held on April 13, 2021 in accordance with the provisions of Section 147(f) of the Internal Revenue Code of 1986, as amended, at which residents of the City of Mequon, Wisconsin were given an opportunity to be heard in regard to the proposed issuance of the Bonds and the nature and location of the proposed Project;
- (c) the purpose of the Issuer’s financing costs of the Project, is and the effect thereof will be, to promote the public purposes set forth in the Act;
- (d) it is desirable that a series of revenue bonds in the aggregate principal amount not to exceed \$6,500,000 be issued by the Issuer upon the terms set forth in the Bond Agreement, under the provisions of which the Issuer’s interest in the Bond Agreement (except for certain rights as provided therein) and the loan repayments will be assigned to the Trustee as security for the payment of principal of, and interest on, and premium, if any, on, all the Bonds outstanding under the Bond Agreement;
- (e) the loan payments provided for in the Bond Agreement, and the formulas set out for revising those payments under the Bond Agreement as required under the Act, are sufficient to produce income and revenue to provide for prompt payment of principal of, and interest on, and premium, if any, on Bonds issued under the Bond Agreement when due; the amount necessary in each year to pay the principal of, and interest on, the Bonds is the sum of the principal of, and interest on, the Bonds due in such year, whether on a stated payment date, a redemption date, or otherwise; the Bond Agreement provides that the Borrower shall provide for the maintenance of the Project in good repair, keeping it properly insured; and

(f) under the provisions of the Act, the Bonds shall be limited obligations of the Issuer, and the Bonds do not constitute an indebtedness of the Issuer, within the meaning of any state constitutional or statutory provision, and do not constitute nor give rise to a charge against the Issuer's general credit or taxing powers or a pecuniary liability of the Issuer.

Section 3 Approvals and Authorizations.

3.01 This resolution shall constitute the approval of the Bonds within the meaning of Section 147(f) of the Internal Revenue Code of 1986, as amended, and the Bonds are hereby approved. There is hereby approved the issuance by the Issuer of its industrial development revenue bonds (specifically, the Bonds) in an aggregate principal amount not to exceed \$6,500,000 for the purpose of financing the Project.

The Issuer shall proceed to issue its Industrial Development Revenue Bonds, Series 2021 (Copps Industries, Inc. Project), in the aggregate principal amount not to exceed \$6,500,000, in the form and upon the terms set forth in the Bond Agreement, which terms, including without limitation, interest rates, redemption provisions and maturity, are for this purpose incorporated in this resolution and made a part hereof. The terms are hereby approved without further action by the Issuer, and the Mayor and City Clerk are authorized and directed to execute and deliver the documents listed in Section 1.04 herein, which are hereby approved, together with such subsequent changes as may be requested and approved by bond counsel and the Issuer's attorney, and such other documents, agreements, instruments or certificates as are deemed necessary or desirable by the Issuer's attorney and bond counsel, including an Internal Revenue Service Form 8038.

The Mayor and the City Clerk are authorized and directed to execute and seal the Bonds as prescribed in the Bond Agreement and to deliver them to the Trustee (together with a certified copy of this resolution and any other documents required by the Bond Agreement) for authentication by the Trustee and delivery to the original purchaser. Officers of the Issuer are authorized to take all actions as may be required on the part of the Issuer to carry out, give effect to, and consummate the transactions contemplated by the Bond Agreement.

3.02 The publication in the official newspaper of the Issuer of the notice for the public hearing referred to in Section 2(b) of this resolution, and such notice of public hearing as so published, are hereby ratified.

3.03 The Issuer hereby elects to have the provisions of Section 144(a)(4)(A) of the Internal Revenue Code of 1986, as amended, apply to the Bonds.

3.04 The Mayor and the City Clerk and other officers of the Issuer are authorized to prepare and furnish to the Trustee and bond counsel certified copies of all proceedings and records of the Issuer relating to the Bonds, and such other affidavits and certificates as may be required by the Trustee and bond counsel to show the facts relating to the legality and marketability of the Bonds as such facts appear from the books and records in the officers' custody and control or as otherwise known to them.

3.05 The approval hereby given to the various documents referred to in this resolution includes the approval of such additional details therein as may be necessary and appropriate for their completion and such modifications thereto, deletions therefrom and additions thereto as may be approved by the Issuer's attorney and bond counsel. The execution of any document by the appropriate officer or officers of the Issuer herein authorized shall be conclusive evidence of the approval by the Issuer of such document in accordance with the terms hereof.

3.06 Port Washington State Bank shall initially assume and perform the duties of Trustee.

3.07 Notice of sale of the Bonds, in the form attached hereto as Exhibit A, shall be published in the official newspaper of the Issuer as a class 1 notice under Chapter 985 of the Wisconsin Statutes as soon as practicable following the closing and funding of the Bonds.

3.08 The Bonds shall be limited obligations of the Issuer payable by it solely from revenues and income derived by or for the account of the Issuer from or for the account of the Borrower pursuant to the terms of the Bond Agreement. As security for the payment of the principal of, premium, if any, and interest on the Bonds, the Issuer shall pledge and assign to the Trustee all of its right, title and interest in and to the trust estate described in the Bond Agreement.

3.09 All out-of-pocket costs of the Issuer, including attorneys' fees, in connection with the issuance and sale of the Bonds shall be paid from the proceeds of the Bonds or by the Borrower.

Passed and adopted at a regular meeting of the Common Council of the City of Mequon, Wisconsin this 8th day of June, 2021.

APPROVED:

John Wirth, Mayor

ATTEST:

Caroline Fochs, City Clerk

CERTIFICATION BY CITY CLERK

I, Caroline Fochs, being first duly sworn, hereby certify that I am the duly qualified City Clerk of the City of Mequon, Wisconsin (the "Issuer"), and as such I have in my possession, or have access to, the complete corporate records of the Issuer and of its Common Council; that I have carefully compared the transcript attached hereto with the aforesaid records; and that said transcript attached hereto is a true, correct and complete copy of all the records in relation to the adoption of Resolution No. ____ entitled:

AMENDED AND RESTATED FINAL RESOLUTION REGARDING
INDUSTRIAL DEVELOPMENT REVENUE BOND FINANCING
FOR COPPS INDUSTRIES, INC. PROJECT

I hereby further certify as follows:

1. Said Resolution was considered for adoption by the Common Council of the Issuer at a hybrid (both in-person & virtual) meeting held at ____ p.m. on June 8, 2021 at a regular meeting of the Common Council and was held in open session.

2. Said Resolution was on the agenda for said meeting and public notice thereof was given not less than twenty-four (24) hours prior to the commencement of said meeting in compliance with Section 19.84 of the Wisconsin Statutes, including, without limitation, by posting on the bulletin board in the City Hall, by notice to those news media who have filed a written request for notice of meetings, and by notice to the official newspaper of the Issuer.

3. Said meeting was called to order by _____, who chaired the meeting. Upon roll, I noted and recorded that the following alderpersons were present:

_____	_____
_____	_____
_____	_____
_____	_____

and that the following alderpersons were absent:

_____	_____
_____	_____

I noted and recorded that a quorum was present. Various matters and business were taken up during the course of the meeting without intervention of any closed session. One of the matters taken up was said Resolution, which was introduced, and its adoption was moved by _____ and seconded by _____. Following discussion and after all alderpersons who desired to do so had expressed their views for or against said Resolution, the question was called, and upon roll being called and the continued presence of a quorum being noted, the recorded vote was as follows:

AYE:

_____	_____
_____	_____
_____	_____
_____	_____

NAY:

_____	_____
_____	_____

ABSTAINED:

_____	_____
_____	_____

Whereupon the meeting chair declared said Resolution adopted, and I so recorded it.

IN WITNESS WHEREOF, I have signed my name and affixed the seal of the Issuer hereto on this 8th day of June, 2021.

CITY OF MEQUON, WISCONSIN

[SEAL]

By: _____
Caroline Fochs, City Clerk

EXHIBIT A

NOTICE TO THE ELECTORS

On June 8, 2021, a resolution was offered, read, approved and adopted whereby the City of Mequon, Wisconsin authorized the issuance and sale of its Industrial Development Revenue Bonds, Series 2021 (Copps Industries, Inc. Project) in an amount not to exceed \$6,500,000 (the "Bonds"). The closing of this bond sale was held on _____, 2021. A copy of all proceedings had to date with respect to the authorization and sale of said Bonds is on file and may be examined in the office of the City Clerk, 11333 North Cedarburg Road, Mequon, Wisconsin.

This notice is given pursuant to Section 893.77, Wisconsin Statutes, which provides that an action or proceeding to contest the validity of such financing, for other than constitutional reasons, must be commenced within 30 days after the date of publication of this notice.

Caroline Fochs, City Clerk
City of Mequon, Wisconsin

Approved by: John Wirth, Mayor

Date Approved: June 8, 2021

I certify that the foregoing Resolution was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on June 8, 2021.

Caroline Fochs, City Clerk

COMMON COUNCIL OF
CITY OF MEQUON, WISCONSIN

RESOLUTION NO. 2021 - _____

**AMENDED AND RESTATED FINAL RESOLUTION REGARDING
INDUSTRIAL DEVELOPMENT REVENUE BOND FINANCING
FOR COPPS INDUSTRIES, INC. PROJECT**

~~BE IT RESOLVED by~~ WHEREAS, the Common Council of the City of Mequon, Wisconsin (the "Issuer") adopted Final Resolution No. 2021-3819 and held a public hearing on April 13, 2021 to approve the issuance of industrial development revenue bonds on behalf of Epoxy Properties, LLC, a Wisconsin limited liability company (the "Borrower"); and

WHEREAS, subsequent to the adoption of Final Resolution No. 2021-3819, the Borrower has determined that it is in its best interests to obtain financing for the industrial development revenue bond loan from Port Washington State Bank rather than BMO Harris Bank N.A.; and

WHEREAS, the Borrower requests that the Issuer approve this Amended and Restated Final Resolution to acknowledge Port Washington State Bank as the new lender for the industrial development revenue bond loan.

BE IT RESOLVED by the Common Council of the City of Mequon, Wisconsin, as follows:

Section 1 Recitals.

1.01 Under Wisconsin Statutes, Section 66.1103, as amended (the "Act"), the Issuer is authorized and empowered to issue revenue bonds to finance eligible costs of qualified "projects" (as defined in the Act), and to enter into "revenue agreements" (as defined in the Act) with "eligible participants" (as defined in the Act).

1.02 Pursuant to an Initial Resolution duly adopted on February 9, 2021, the Issuer expressed its intention to issue industrial development revenue bonds of the Issuer in an amount not to exceed \$6,500,000 (the "Bonds") to finance a project on behalf of ~~Epoxy Properties, LLC, a Wisconsin limited liability company~~ the Borrower, and/or Copps Industries, Inc., a Wisconsin corporation, and/or a limited liability entity to be formed, consisting of the (i) acquisition of land, (ii) construction of an approximately 78,000 square foot facility on Lot 1, Commerce Drive located in the Mequon Business Park in the City of Mequon, Wisconsin (the "New Facility") to be operated by Copps Industries, Inc., to manufacture industrial epoxy adhesives and coatings, (iii) acquisition and installation of equipment at the New Facility and (iv) payment of certain professional costs and costs of issuance. Subsequent to the adoption of the Initial Resolution, the construction of the New Facility will be on Lot 3, Commerce Drive located in the Mequon Business Park (the project described in this Section 1.02 is herein collectively referred to as the "Project"). Notice of adoption of the initial

resolution adopted on February 9, 2021 was published as provided in the Act, and no petition requesting a referendum upon the question of issuance of the revenue bonds has been filed.

1.03 Pursuant to Wisconsin Statutes, Section 66.1103, as amended, the Issuer may finance a project which is located entirely within the geographic limits of the Issuer.

1.04 Drafts of the following documents have been submitted to this Common Council and are ordered filed in the office of the City Clerk:

- (a) a Bond Agreement (the “Bond Agreement”), proposed to be entered into among ~~Epoxy Properties, LLC, a Wisconsin limited liability company (“Borrower”)~~ the Borrower, the Issuer, ~~BMO Harris Port Washington State Bank N.A.~~, as trustee (the “Trustee”) and ~~BMO Harris Port Washington State Bank N.A.~~, as original purchaser (the “Original Purchaser”);
- (b) a Promissory Note from the Borrower to the Issuer, and assigned by the Issuer to the Trustee; and
- (c) a No Arbitrage Certificate.

Section 2 Findings and Determinations.

It is hereby found and determined that:

- (a) based on representations of the Borrower, the Project constitutes a “project” authorized by the Act;
- (b) a public hearing has been duly held on April 13, 2021 in accordance with the provisions of Section 147(f) of the Internal Revenue Code of 1986, as amended, at which residents of the City of Mequon, Wisconsin were given an opportunity to be heard in regard to the proposed issuance of the Bonds and the nature and location of the proposed Project;
- (c) the purpose of the Issuer’s financing costs of the Project, is and the effect thereof will be, to promote the public purposes set forth in the Act;
- (d) it is desirable that a series of revenue bonds in the aggregate principal amount not to exceed \$6,500,000 be issued by the Issuer upon the terms set forth in the Bond Agreement, under the provisions of which the Issuer’s interest in the Bond Agreement (except for certain rights as provided therein) and the loan repayments will be assigned to the Trustee as security for the payment of principal of, and interest on, and premium, if any, on, all the Bonds outstanding under the Bond Agreement;
- (e) the loan payments provided for in the Bond Agreement, and the formulas set out for revising those payments under the Bond Agreement as required under the Act, are sufficient to produce income and revenue to provide for prompt payment of principal of, and interest on, and premium, if any, on Bonds issued under the Bond Agreement when due; the amount necessary in each year to pay the principal of, and interest on, the Bonds is the sum of the principal of, and interest on, the Bonds due in such year, whether on a stated payment date, a redemption date, or otherwise; the Bond Agreement provides that the Borrower shall provide for the maintenance of the Project in good repair, keeping it properly insured; and

(f) under the provisions of the Act, the Bonds shall be limited obligations of the Issuer, and the Bonds do not constitute an indebtedness of the Issuer, within the meaning of any state constitutional or statutory provision, and do not constitute nor give rise to a charge against the Issuer's general credit or taxing powers or a pecuniary liability of the Issuer.

Section 3 Approvals and Authorizations.

3.01 This resolution shall constitute the approval of the Bonds within the meaning of Section 147(f) of the Internal Revenue Code of 1986, as amended, and the Bonds are hereby approved. There is hereby approved the issuance by the Issuer of its industrial development revenue bonds (specifically, the Bonds) in an aggregate principal amount not to exceed \$6,500,000 for the purpose of financing the Project.

The Issuer shall proceed to issue its Industrial Development Revenue Bonds, Series 2021 (Copp's Industries, Inc. Project), in the aggregate principal amount not to exceed \$6,500,000, in the form and upon the terms set forth in the Bond Agreement, which terms, including without limitation, interest rates, redemption provisions and maturity, are for this purpose incorporated in this resolution and made a part hereof. The terms are hereby approved without further action by the Issuer, and the Mayor and City Clerk are authorized and directed to execute and deliver the documents listed in Section 1.04 herein, which are hereby approved, together with such subsequent changes as may be requested and approved by bond counsel and the Issuer's attorney, and such other documents, agreements, instruments or certificates as are deemed necessary or desirable by the Issuer's attorney and bond counsel, including an Internal Revenue Service Form 8038.

The Mayor and the City Clerk are authorized and directed to execute and seal the Bonds as prescribed in the Bond Agreement and to deliver them to the Trustee (together with a certified copy of this resolution and any other documents required by the Bond Agreement) for authentication by the Trustee and delivery to the original purchaser. Officers of the Issuer are authorized to take all actions as may be required on the part of the Issuer to carry out, give effect to, and consummate the transactions contemplated by the Bond Agreement.

3.02 The publication in the official newspaper of the Issuer of the notice for the public hearing referred to in Section 2(b) of this resolution, and such notice of public hearing as so published, are hereby ratified.

3.03 The Issuer hereby elects to have the provisions of Section 144(a)(4)(A) of the Internal Revenue Code of 1986, as amended, apply to the Bonds.

3.04 The Mayor and the City Clerk and other officers of the Issuer are authorized to prepare and furnish to the Trustee and bond counsel certified copies of all proceedings and records of the Issuer relating to the Bonds, and such other affidavits and certificates as may be required by the Trustee and bond counsel to show the facts relating to the legality and marketability of the Bonds as such facts appear from the books and records in the officers' custody and control or as otherwise known to them.

3.05 The approval hereby given to the various documents referred to in this resolution includes the approval of such additional details therein as may be necessary and appropriate for their completion and such modifications thereto, deletions therefrom and additions thereto as may be

approved by the Issuer's attorney and bond counsel. The execution of any document by the appropriate officer or officers of the Issuer herein authorized shall be conclusive evidence of the approval by the Issuer of such document in accordance with the terms hereof.

3.06 ~~BMO Harris~~ Port Washington State Bank ~~N.A.~~ shall initially assume and perform the duties of Trustee.

3.07 Notice of sale of the Bonds, in the form attached hereto as Exhibit A, shall be published in the official newspaper of the Issuer as a class 1 notice under Chapter 985 of the Wisconsin Statutes as soon as practicable following the closing and funding of the Bonds.

3.08 The Bonds shall be limited obligations of the Issuer payable by it solely from revenues and income derived by or for the account of the Issuer from or for the account of the Borrower pursuant to the terms of the Bond Agreement. As security for the payment of the principal of, premium, if any, and interest on the Bonds, the Issuer shall pledge and assign to the Trustee all of its right, title and interest in and to the trust estate described in the Bond Agreement.

3.09 All out-of-pocket costs of the Issuer, including attorneys' fees, in connection with the issuance and sale of the Bonds shall be paid from the proceeds of the Bonds or by the Borrower.

Passed and adopted at a regular meeting of the Common Council of the City of Mequon, Wisconsin this ~~13th~~ 8th day of ~~April~~ June, 2021.

APPROVED:

John Wirth, Mayor

ATTEST:

Caroline Fochs, City Clerk

CERTIFICATION BY CITY CLERK

I, Caroline Fochs, being first duly sworn, hereby certify that I am the duly qualified City Clerk of the City of Mequon, Wisconsin (the "Issuer"), and as such I have in my possession, or have access to, the complete corporate records of the Issuer and of its Common Council; that I have carefully compared the transcript attached hereto with the aforesaid records; and that said transcript attached hereto is a true, correct and complete copy of all the records in relation to the adoption of Resolution No. ____ entitled:

**AMENDED AND RESTATED FINAL RESOLUTION REGARDING
INDUSTRIAL DEVELOPMENT REVENUE BOND FINANCING
FOR COPPS INDUSTRIES, INC. PROJECT**

I hereby further certify as follows:

1. Said Resolution was considered for adoption by the Common Council of the Issuer at a hybrid (both in-person & virtual) meeting held at ____ p.m. on ~~April 13~~ June 8, 2021 at a regular meeting of the Common Council and was held in open session.

2. Said Resolution was on the agenda for said meeting and public notice thereof was given not less than twenty-four (24) hours prior to the commencement of said meeting in compliance with Section 19.84 of the Wisconsin Statutes, including, without limitation, by posting on the bulletin board in the City Hall, by notice to those news media who have filed a written request for notice of meetings, and by notice to the official newspaper of the Issuer.

3. Said meeting was called to order by _____, who chaired the meeting. Upon roll, I noted and recorded that the following alderpersons were present:

_____	_____
_____	_____
_____	_____
_____	_____

and that the following alderpersons were absent:

_____	_____
_____	_____

I noted and recorded that a quorum was present. Various matters and business were taken up during the course of the meeting without intervention of any closed session. One of the matters taken up was said Resolution, which was introduced, and its adoption was moved by _____ and seconded by _____. Following discussion and after all alderpersons who desired to do so had expressed their views for or against said Resolution, the question was called, and upon roll being called and the continued presence of a quorum being noted, the recorded vote was as follows:

AYE:

NAY:

ABSTAINED:

Whereupon the meeting chair declared said Resolution adopted, and I so recorded it.

IN WITNESS WHEREOF, I have signed my name and affixed the seal of the Issuer hereto on this ~~13th~~ 8th day of ~~April~~ June, 2021.

CITY OF MEQUON, WISCONSIN

[SEAL]

By: _____

Caroline Fochs, City Clerk

EXHIBIT A**NOTICE TO THE ELECTORS**

On ~~April 13~~June 8, 2021, a resolution was offered, read, approved and adopted whereby the City of Mequon, Wisconsin authorized the issuance and sale of its Industrial Development Revenue Bonds, Series 2021 (Copps Industries, Inc. Project) in an amount not to exceed \$6,500,000 (the "Bonds"). The closing of this bond sale was held on _____, 2021. A copy of all proceedings had to date with respect to the authorization and sale of said Bonds is on file and may be examined in the office of the City Clerk, 11333 North Cedarburg Road, Mequon, Wisconsin.

This notice is given pursuant to Section 893.77, Wisconsin Statutes, which provides that an action or proceeding to contest the validity of such financing, for other than constitutional reasons, must be commenced within 30 days after the date of publication of this notice.

Caroline Fochs, City Clerk
City of Mequon, Wisconsin

Summary Report	
Title	compareDocs Comparison Results
Date & Time	5/25/2021 9:00:38 AM
Comparison Time	1.23 seconds
compareDocs version	v5.0.104.1

Sources	
Original Document	[#4816-4829-9745] [v2] Final Resolution - Copps Industries-Epoxy.docx
Modified Document	[#4826-3470-0523] [v1] Final Resolution (Amended) - Copps Industries-Epoxy.docx

Comparison Statistics	
Insertions	13
Deletions	10
Changes	11
Moves	2
Font Changes	0
Paragraph Style Changes	0
Character Style Changes	0
TOTAL CHANGES	36

Word Rendering Set Markup Options	
Name	Standard
<u>Insertions</u>	
~~Deletions~~	
<u>Moves</u> / ~~Moves~~	
Font Changes	
Paragraph Style Changes	
Character Style Changes	
Inserted cells	
Deleted cells	
Merged cells	
Changed lines	Mark left border.

compareDocs Settings Used	Category	Option Selected
Open Comparison Report after saving	General	Always
Report Type	Word	Redline
Character Level	Word	False
Include Comments	Word	True
Include Field Codes	Word	True
Flatten Field Codes	Word	False
Include Footnotes / Endnotes	Word	True
Include Headers / Footers	Word	True
Image compare mode	Word	Insert/Delete
Include List Numbers	Word	True
Include Quotation Marks	Word	False
Show Moves	Word	True
Include Tables	Word	True
Include Text Boxes	Word	True
Show Reviewing Pane	Word	True
Summary Report	Word	End
Detail Report	Word	Separate (View Only)
Document View	Word	Print



11333 N. Cedarburg Road
Mequon, WI 53092
Phone: 262-236-2902
Fax: 262-242-9655

www.ci.mequon.wi.us

Office of Community Development

TO: Common Council
FROM: Kim Tollefson, Director of Community Development
DATE: June 8, 2021
SUBJECT: RESOLUTION 3849 A Resolution Identifying Public Improvement Projects within Tax Increment District No. 3 for Design and Development Prior to April 15, 2023

Background

At the May 4, 2021, Town Center Workshop, the Common Council Committee of the Whole reviewed public improvements projects as originally recommended within Tax Increment Financing District (TID) No. 3 and acknowledged an intent to make additional expenditures for various public improvement projects. The original objectives were intended to create a pedestrian-oriented character, improve visual and physical access to the river, mitigate the impact of vehicular traffic and encourage neighborhood-scale commercial uses and high-quality design.

Analysis

Since the creation of the Town Center Zoning District (2007) and the TID (2008), the neighborhood's tax base has increased approximately 285% through 11 redevelopment projects assessed at \$160M. Given the financial and physical redevelopment success of the neighborhood, there is funding capacity for public projects up to \$5.5M prior to the close of the mandatory expenditure period of April 2023.

Additional expenditures for public projects, at any level, allow the TID to close on time, pay off all debt and close with a positive cash balance regardless of any new, further tax base generated.

The Common Council discussed the remaining public improvement projects that are of priority and directed staff to begin the development and coordination of such with the intent to contract for projects prior to April 2023. Expenditures estimates for the priority public projects are identified in Exhibit A of the attached ordinance. All projects made with TID expenditures are subject to Common Council approval of the design, location, timing and cost.

Fiscal Impact

Funds for the remaining public improvements are eligible TID expenses and are budgeted for as part of the Town Center TID Project Plan. Staff will evaluate opportunities for cost sharing and use of alternative funding sources, as appropriate.

Recommendation

A recommendation from the Public Works Committee is forthcoming on June 8, 2021.

Attachments:

COTW Directed Public Projects by Finance Capacity Level (XLSX)

COMMON COUNCIL
OF THE
CITY OF MEQUON

RESOLUTION 3849

A Resolution Identifying Public Improvement Projects within Tax Increment District No. 3 for
Design and Development Prior to April 15, 2023

A. The Common Council authorized Town Center Tax Increment District No. 3 Project Plan, dated April 2008, identifies principal public improvement projects intended to support a pedestrian-oriented character, improve visual and physical access to the river, mitigate the impact of vehicular traffic and encourage neighborhood-scale commercial uses and high-quality design.

B. Tax Increment District (TID) No. 3 encourages the redevelopment of parcels located within the district boundary through the assemblage of land parcels, new land uses and the removal of underutilized, undervalued structures that impede the use of land or that present poor aesthetic conditions.

C. Under the Town Center Tax Increment District No. 3, the Common Council previously made expenditures to further these neighborhood objectives and through public private partnerships has generated approximately \$160M of new tax base to-date, a 285% increase in neighborhood value.

D. Funds for additional public projects in the estimated amount of \$5.5 million have been included in the TID budget and are available for use prior to the close of the mandatory expenditure period in April 2023.

E. Additional expenditures for public projects, at any level, allow the TID to close on time, pay off all debt and close with a positive cash balance regardless of any new, further tax base generated.

F. The Common Council acknowledges the Committee of the Whole's intent to make additional expenditures for projects identified by the Committee at its meeting on May 4, 2021, and as listed in Exhibit A, subject to final approval of the design, location, timing and cost of any and each public project.

G. The Public Works Committee at its meeting on June 8, 2021, recommended approval of additional expenditures for public projects within the Town Center TID No. 3 through cash financing and debt financing, as estimated and enumerated in Exhibit A.

BASED UPON THE FOREGOING RECITALS, IT IS RESOLVED by the Common Council of the City of Mequon, Wisconsin, that city staff are directed and authorized to develop and coordinate plans for public improvement projects identified in Exhibit A for contract prior to April 2023.

Approved by: John Wirth, Mayor

Date Approved: June 8, 2021

I certify that the foregoing Resolution was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on June 8, 2021.

Caroline Fochs, City Clerk

EXHIBIT A

COTW DIRECTED PUBLIC PROJECTS BY FINANCE CAPACITY LEVEL				
Project Breakdown:	CASH FINANCE PROJECTS: \$1.55M		DEBT FINANCING PROJECTS: \$2.17M	
	OIT Consultants	\$176K	Overhead Utility Burial	\$1.3M
	Gateway & Sidewalk	\$63K	Mequon Road Medians	\$13K
	Cedarburg Road Home Acquisition	\$58K	Mequon Road North ROW	\$67K
	OIT Crossing + Road Features	\$1.095M	Mequon Road South ROW	\$72K
	Weston Drive	\$160K	Milwaukee River Entryway	\$19K
			Developer Incentives	FLEXIBLE
			Buntrock Avenue Intersection Entryway	\$29K
			Buntrock Avenue Sidewalk to School	\$60K
			Cedarburg Rd Acquisition (2)	\$500K
			Sign Package	Included Above
			Cemetery Fencing	\$70K
			Mequon & Cedarburg Rd Intersection	\$40K
			OTHER: Safety measures for all users, connectivity to adjacent neighborhoods, alternative transportation options, civic campus master plan, additional land acquisition/sale	\$500K
	Subtotal:	\$1.55M	Subtotal:	\$2.17M
TID Results**:				Total: \$4.22M*
Year of Cash Flow Positive			2025	
TID Closure Date			2027	
Cash Balance at Closure			\$200K	
One Time Cash Payout to City			\$44K	

*Time Present Value, does not include contingency, consultant or administrative costs

** Assumes no further new development and no new increment, borrowing occurring

TID Closure Date is the year that all debt, bonds, development incentives, City advances and project expenditures are paid off and the district has a positive cash balance

2021 Projected tax increment is \$159.6M equating to annual City tax revenue of \$549K at a rate of 3.44%



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Office of Community Development

TO: Common Council
FROM: Kim Tollefson, Director of Community Development
DATE: June 8, 2021
SUBJECT: RESOLUTION 3850 A Resolution Authorizing the City of Mequon's Notice of Intent to We Energies for the Relocation of Overhead Utilities within Town Center Tax Increment District No. 3

Background

At the Common Council's May 4 Town Center Workshop, the Committee of the Whole reviewed public improvement projects as originally recommended within Tax Increment Financing District No. 3. One substantial public project is the relocation of overhead utilities to underground. The Common Council encouraged the relocation of the remaining overhead utilities within the neighborhood. Accordingly, City staff is seeking authorization to begin planning for and coordinating the relocation with We Energies, owners of the utility infrastructure.

Analysis

The Common Council has previously made TID expenditures to relocate overhead utilities on Cedarburg Road and portions of Mequon Road. The remaining portion of overhead infrastructure is located on the south side of Mequon Road between Weston Drive and the Milwaukee River and on Cedarburg Road, south of Mequon Road (please see Exhibit A: Scope of Work).

Given the resources necessary for planning and coordination, We Energies requests the City provide notice of its intent to relocate the infrastructure underground. Based on discussions with We Energies, the burial will require coordination with the Union Pacific Railroad, American Transmission Company, WisDOT and Ozaukee County as well as private property owners (easements may be necessary). Communications infrastructure (cable, fiber) may be present and, if so, will also require burial. Once the City's notice of intent is received, We Energies will assemble a team to plan and design the relocation and develop a cost estimate for the project. We Energies indicates that there is adequate time to execute the project for the April 2023 TID expenditure deadline date. Thereafter, the Common Council will take separate and distinct to authorize expenditures for the relocation, subject to the final design, location, timing and cost of the project.

Fiscal Impact

Funding the relocation of overhead utility infrastructure is an eligible TID expense and is budgeted for as part of the Town Center TID Project Plan.

Recommendation

A recommendation is forthcoming from the Public Works Committee on June 8, 2021.

Attachments:

Exhibit A: OH Utility Scope of Work Map (PDF)

COMMON COUNCIL
OF THE
CITY OF MEQUON

RESOLUTION 3850

A Resolution Authorizing the City of Mequon's Notice of Intent to We Energies for the
Relocation of Overhead Utilities within Town Center Tax Increment District No. 3

A. The Common Council authorized Town Center Tax Increment District No. 3 Project Plan, dated April 2008, identifies the relocation of the overhead utilities as a principal improvement project towards creating a vibrant and aesthetically pleasing neighborhood.

B. Under the Town Center Tax Increment District No. 3, the Common Council previously made expenditures to relocate overhead utilities along Cedarburg and Mequon Roads within the district.

C. Tax Increment District No. 3 encourages redevelopment of parcels located within the district boundary through the combination of lands, new land uses and the removal of underutilized, undervalued structures that impede the use of land or that present poor aesthetic conditions.

D. Funds for the relocation of the overhead utilities have been included in the TID budget and are available for use prior to the close of the mandatory expenditure period in April 2023.

E. WE Energies owns, operates and maintains the principal utility and allows for other communication and utility infrastructure use of their facilities.

F. WE Energies acknowledges the City of Mequon's interest for relocation and will partner with the City to plan for, design and construct the relocation of identified utility and communications infrastructure.

G. The Common Council acknowledges the Committee of the Whole's intent to relocate overhead utilities and communications infrastructure at the locations identified in Exhibit A, subject to final approval of the design, location, timing and cost of the said public infrastructure project.

H. The Public Works Committee at its meeting on June 8, 2021, recommends approval of the City's notice of intent to We Energies for relocation of overhead utilities in an effort to initiate the planning and construction efforts for the project.

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

1. A notice of intent to We Energies for the relocation of overhead utilities and

communications infrastructure is approved.

2. The Mayor, City Clerk, and other appropriate City staff are directed and authorized to forward notice of intent to We Energies subject to any clerical, technical and/or legal changes deemed necessary and appropriate by the City Attorney.

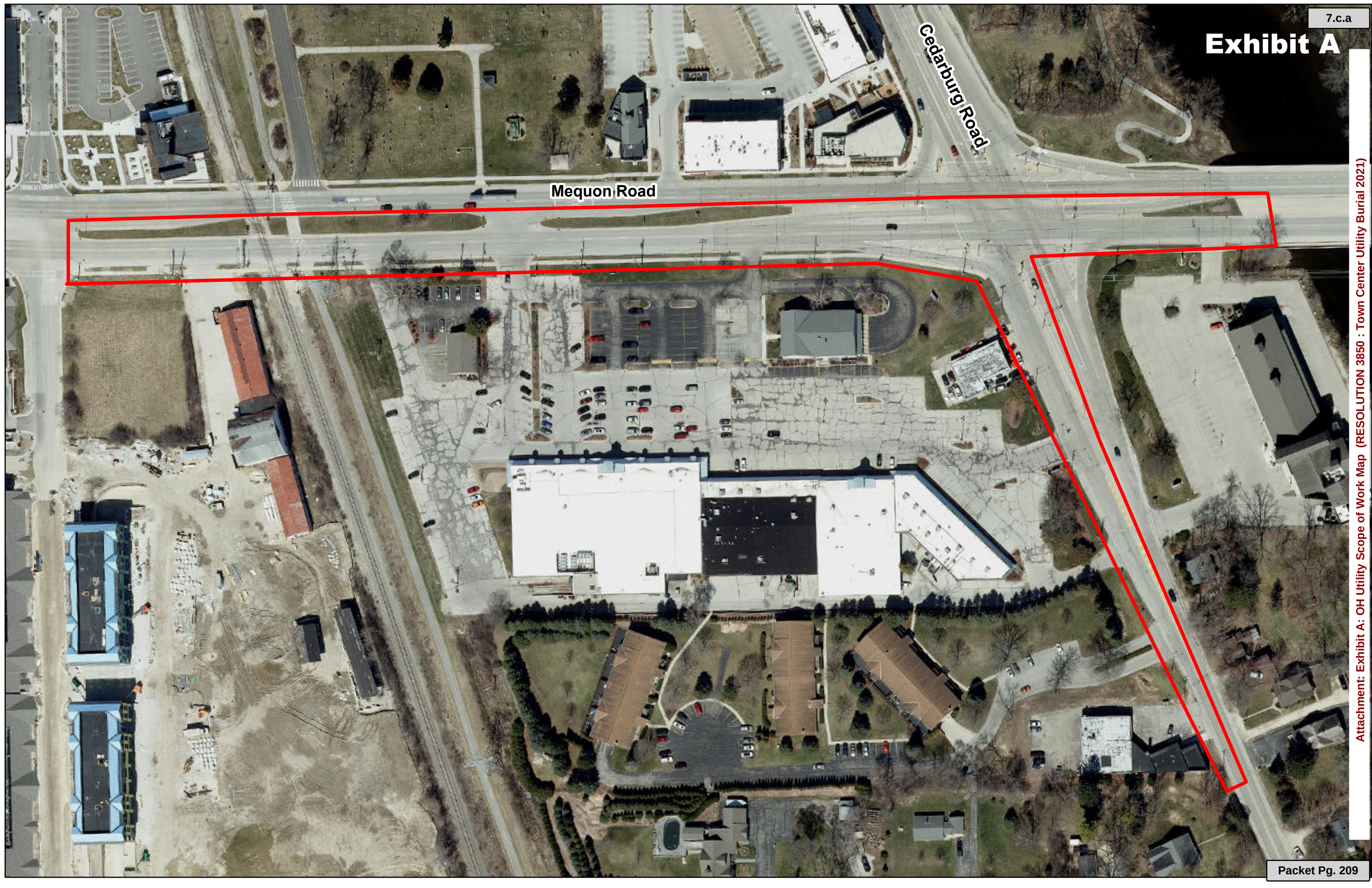
Approved by: John Wirth, Mayor

Date Approved: June 8, 2021

I certify that the foregoing Resolution was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on June 8, 2021.

Caroline Fochs, City Clerk

Exhibit A



Attachment: Exhibit A: OH Utility Scope of Work Map (RESOLUTION 3850 : Town Center Utility Burial 2021.)



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Office of Public Works

TO: Common Council
FROM: Tim Weyker, Deputy Director of Public Works
DATE: May 27, 2021
SUBJECT: RESOLUTION 3852 A Resolution Approving the Purchase and Installation of a Replacement Plow Truck and Related Components from Lakeside International, LLC Milwaukee, Wisconsin, Universal Truck Equipment, Galesville, Wisconsin and Olson Trailer & Body, Green Bay, Wisconsin for a Total Cost of \$199,433

Background

The Department of Public Works Equipment Replacement Program provides for the purchase and replacement of vehicles and equipment for all divisions across the Department. The Wastewater Division and the Water Utility have separate budgets that support the replacement of their respective equipment. The replacement program provides funding for smaller items such as lawn mowers and chain saws to larger vehicles such as plow trucks, loaders, and excavators.

Department policy is to replace at least one of the City's 19 plow trucks each year. The recent fleet study completed by Mercury and Associates lists the City's current replacement cycle at 15-16 years for plow trucks. They recommend plow truck replacement on a 10-12 year cycle.

This resolution pertains only to one unit (plow truck) of the 2021 Equipment Replacement Program. Highway Plow #318 will be replaced with a similar unit. The current 2001 plow truck has an odometer reading of over 113,000 miles and the box & tailgate are rusted out to the point that it is unsafe to lift the dump box to spread salt. Currently, this truck can only be used to push snow off the road.

Analysis

The City received proposals for each of the following components of the 2021 Plow Truck: chassis, plow & wing, and body/plow installation.

- The low bid of \$87,897 for the chassis is from Lakeside International LLC, of Milwaukee. This bid represents only a 1% increase from the City's most recent plow truck chassis purchase in 2019. In addition to meeting the requirements as specified, Lakeside International supplied a list of available options. After reviewing additionally available options, the following are recommended by staff which will likely be included in future bid specifications:
 1. \$770.00 - Air Bag for Right Front Spring (This is a factory installed option to help handle the added weight of the wing for snow plowing and was installed in-house on previous plow truck purchases.)

2. \$191.00 - ABS Brake Traction Control
3. \$48.00 - Pre-trip Light Inspection
4. \$76.00 - Fresh Air Cabin Air Filter
5. \$1,995.00 - 60-month extended warranty (24-month warranty standard)

The low bid price, plus the recommended additional options totals \$90,977, which is still a lower cost than the next closest bid for truck chassis only.

- The low proposal of \$25,672 for the plow & wing is from Universal Truck Equipment, Inc., of Galesville. This represents a 28% increase from the plow & wing purchase in 2019, which can be attributed to a rise in steel prices.
- The low bid of \$82,784 for the body/plow installation is from Olson Trailer & Body, LLC, of Green Bay. This represents a 13% increase from the body/plow installation price in 2019.

The combined cost of the above three components as bid represents an overall 9.7% increase from the 2019 plow truck purchase. Even though there is a 9.7% increase from the purchase two years ago, the plow truck also comes with significant upgrades/improvements, most notably; front right air bag installation, ABS brake traction control, and a 60-month extended warranty.

Bid and quote summaries are attached.

Additional components such as a grease system and the plow cutting edges will also be purchased for a price not-to-exceed \$3,500.

Fiscal Impact

There are adequate funds available in the Department of Public Works Equipment Replacement Account #410787-725012-10359 for these purchases as recommended.

Recommendation

It is staff's recommendation that the Public Works Committee favorably endorse, and the Common Council approve the attached resolution approving the purchase of a plow truck and related components to the respective low bidders shown above for a total cost of \$199,433.

Attachments:

2021 46,000 GVW Truck Chassis Bid Summary (DOC)
 2021 Plow & Wing Quote Summary (DOC)
 2021 Body & Plow Equipment Install Bid Summary(DOC)

COMMON COUNCIL
OF THE
CITY OF MEQUON

RESOLUTION 3852

A Resolution Approving the Purchase and Installation of a Replacement Plow Truck and Related Components from Lakeside International, LLC Milwaukee, Wisconsin, Universal Truck Equipment, Galesville, Wisconsin and Olson Trailer & Body, Green Bay, Wisconsin for a Total Cost of \$199,433

RECITALS

A. The City of Mequon Department of Public Works equipment replacement program includes replacing plow truck #318.

B. The Department of Public Works' Fleet Division solicited bids and/or quotes for three separate components of the plow truck replacement: chassis, plow & wing, and body/plow installation.

C. All of the bid proposals and quotes were reviewed by staff for compliance with requirements specified.

D. Adequate funds are available for all of the components of the plow truck replacement in the Department of Public Works equipment replacement fund, Account # 410787-725012-10359.

E. The Committee on Public Works, at its meeting on June 8, 2021, approved staff's recommendation.

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

1. The Agreement for the Purchase of a 46,000 GVW Plow Truck Chassis, as let for bid, is approved and awarded to Lakeside International, LLC of Milwaukee, Wisconsin in an amount not-to-exceed \$90,977, subject to any clerical, technical and/or legal changes deemed necessary and appropriate by the City Attorney.

2. The Agreement for the Purchase of a Universal Plow and Wing, as quoted, is approved and awarded to Universal Truck Equipment, Inc. of Galesville, Wisconsin in an amount not-to-exceed \$25,672, subject to any clerical, technical and/or legal changes deemed necessary and appropriate by the City Attorney.

3. The Agreement for the Purchase of the Body and Plow Equipment Installation, as let for bid, is approved and awarded to Olson Trailer & Body LLC of Green Bay, Wisconsin in

an amount not-to-exceed \$82,784, subject to any clerical, technical and/or legal changes deemed necessary and appropriate by the City Attorney.

4. The Mayor and the City Clerk are authorized and directed to execute and deliver the same.

Approved by: John Wirth, Mayor

Date Approved: June 8, 2021

I certify that the foregoing Resolution was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on June 8, 2021.

Caroline Fochs, City Clerk

**CITY OF MEQUON
WISCONSIN**

BIDS RECEIVED FOR: 2021 46,000 GVW Truck Chassis

BID NUMBER #1821

BID OPENING: 05-06-2021

TIME: 10:00AM

BIDDER	Truck Country	Lakeside International		
BODY MAKE	Freightliner	International		
MODEL	114 SD	HV 607		
BID	\$91,780	\$87,897		

Attachment: 2021 46,000 GVW Truck Chassis Bid Summary (RESOLUTION 3852 : 2021 Equipment

**CITY OF MEQUON
WISCONSIN**

QUOTES RECEIVED FOR: 2021 Plow & Wing

BIDDER	Universal Truck Equipment	Truck Equipment	Wausau Equipment	
MAKE	Universal	Universal	Henke	
MODEL	UTA-12-43SL	UTA-12-43SL	42R12	
BID	\$25,672	\$26,425	\$26,537	

**CITY OF MEQUON
WISCONSIN**

BIDS RECEIVED FOR: 2021 Body & Plow Equipment Installation

BID NUMBER #1822

BID OPENING: 05-26-2021

TIME: 10:00AM

BIDDER	Truck Equipment	Casper Truck	Olson Trailer & Body	Wausau Equipment
BODY MAKE	Galion	Henderson	Duraclass	Duraclass
MODEL	453-U10	Mark E 10' SS	SL – 316	SL-316
BID	\$85,675	\$94,597	\$82,784	\$95,583

Attachment: 2021 Body & Plow Equipment Install Bid Summary (RESOLUTION 3852 : 2021 Equipment



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Office of City Attorney

TO: Common Council
FROM: Brian Sajdak, City Attorney
DATE: June 1, 2021
SUBJECT: RESOLUTION 3853 A Resolution Authorizing Execution of a Contract with D&H Demolition, LLC, of Milwaukee, Wisconsin for Demolition of the Property Located at 10036 N. Port Washington Road in an Amount Not to Exceed \$78,452, Plus the Applicable Costs of Electrical Utility Disconnection

Background

Following an emergency medical response to the Port Zedler Motel (10036 N. Port Washington Road) during which the condition of the property was noted to be in poor shape, City inspections staff completed an inspection on the property. Following that inspection, on November 8, 2019, the City issued a Raze or Repair Order for the property because the buildings on the property had become so damaged, dilapidated and out of repair that they are dangerous, unsafe, unsanitary, or otherwise unfit for human habitation.

When the Owner of the property failed to comply with the Raze Order, the City pursued an order from the Ozaukee County Circuit Court to require the Owner to comply with the Raze Order or, in the alternative, to allow the City to enter onto the Property to raze the structures. On September 2, 2020, the Circuit Court issued an order consistent with that request. To date, the Owner has failed to raze the structures, and City staff recommends entering into a contract for the razing of the structures consistent with the authority granted under the Court order.

Analysis

In February, City staff issued a Request-for-Proposals (RFP) for the demolition of the Port Zedler Motel. Five contractors provided proposals for the demolition; however, the cost of the proposals was highly divergent with base proposals ranging from \$51,375 to \$118,715. In addition, the proposals each addressed any environmental remediation necessary as a per unit cost, without an estimate. As such, it was impossible to equitably analyze the proposals from a true apples-to-apples comparison.

In order to obtain a more concrete cost proposal, TRC Environmental Group completed a pre-demolition asbestos inspection and identified materials that require abatement prior to demolition. Staff then issued a revised RFP for the demolition in May, which included the environmental report. Four contractors provided revised proposals as shown below:

D&H	\$78,452
Great Lakes	\$96,475
MRD Group	\$89,350

New Berlin Grading \$150,715

While the highest proposal increased significantly, the other proposals are more in-line with each other. In addition, it should be noted that D&H's second proposal is roughly \$5,400 lower than their initial proposal (which did not include abatement). Staff is familiar with D&H's work as they were the contractor utilized by the owner to raze the buildings on the Alpine Village property. Staff also checked their references and received satisfactory responses.

Fiscal Impact

D&H is the most cost-effective proposal. By statute, the costs of the demolition can be charged to the property as a special charge. This special charge becomes a lien on the property to help ensure that the City recovers its costs. Furthermore, the property is within TID 5, and it could be anticipated that any developer looking to redevelop the site might seek an incentive to recoup this cost.

Recommendation

Staff recommends that the Public Works Committee endorse, and the Common Council approve the resolution awarding a contract for the demolition of the structures at 10036 North Port Washington Road, to D&H Demolition, LLC of Milwaukee, Wisconsin for a Total Contract Value of \$78,452, plus the cost of We-Energies disconnection of the power utilities on site.

COMMON COUNCIL
OF THE
CITY OF MEQUON

RESOLUTION 3853

A Resolution Authorizing Execution of a Contract with D&H Demolition, LLC, of Milwaukee, Wisconsin for Demolition of the Property Located at 10036 N. Port Washington Road in an Amount Not to Exceed \$78,452, Plus the Applicable Costs of Electrical Utility Disconnection

A. On November 8, 2019, the City issued a Raze or Repair Order (the “Order”) for the property known as the Port Zedler Motel at 10036 N. Port Washington Road (the “Property”) because the buildings on the property had become so damaged, dilapidated and out of repair that they are dangerous, unsafe, unsanitary, or otherwise unfit for human habitation.

B. The Owner of the Property failed to comply with the Order.

C. The City subsequently pursued an order from the Ozaukee County Circuit Court to require the Owner to comply with the Order or, in the alternative, to allow the City to enter onto the Property to raze the structures.

D. On September 2, 2020, the Circuit Court issued an order consistent with that request.

E. To date, the Owner has failed to raze the structures.

F. Staff issued a Request for Proposals for the razing of the structures on the Property and Received a Responsive Proposal from D & H Demolition, LLC in Milwaukee in the amount of \$78,452 plus the cost charged by We-Energies for the disconnection of the electric, which was the lowest of the four proposals received.

G. Following a Review of the Proposal and the references provided, staff believes that D & H Demolition is qualified.

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

1. Staff are authorized to enter into a contract with D & H Demolition, LLC of Milwaukee, Wisconsin, for the razing of the structures on the property located at 10036 N. Port Washington Road in an amount not to exceed \$78,452 plus the cost charged by We-Energies for the disconnection of the electric, 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.

3. The Finance Director is authorized and directed to charge the City's costs of razing the structures against the Property as a special charge under Wis. Stat. § 66.0413(1)(f).

Approved by: John Wirth, Mayor

Date Approved: June 8, 2021

I certify that the foregoing Resolution was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on June 8, 2021.

Caroline Fochs, City Clerk



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Office of Sewer Utility District Commission

TO: Common Council
FROM: Kevin Driscoll, Deputy Director of Utilities
DATE: May 28, 2021
SUBJECT: RESOLUTION 3854 A Resolution Authorizing Execution of a State-Municipal Agreement Between the City of Mequon and the Wisconsin Department of Transportation (WisDOT) for the Completion of Sanitary Sewer Manhole Work in Connection with the Interstate Highway 43 Expansion Project

Background

In December 2020, WisDOT began the utility coordination process, as required to satisfy the legal requirements of Wisconsin Statute §84.063 and Administrative Rule Trans 220, for the Interstate Highway 43 expansion project. A routine utility coordination process between WisDOT and City of Mequon staff and City Water ensued to review this project, which includes widening I-43 from 4 lanes to 6, reconstructing the County Line Road interchange and constructing a new Highland Road interchange.

In February 2021, the process began to determine impacts to the existing sanitary sewers and manholes. In May, WisDOT staff provided final road profiles for the City of Mequon staff to concur on the necessary sanitary sewer manhole adjustments. This includes structure adjustments under 12-inches and repairs greater than 1-foot to match the new roadway profiles.

Analysis

During this process, a cost share agreement was also discussed. State statute §84.295(4m) established a cost share ratio of 90/10 for utility relocations in state rights-of-way due to freeway construction, where the state shall pay 90 percent of the eligible costs of the relocation of any municipal utility facilities required by the construction of any freeway undertaken by the department. The affected municipal utility shall pay the balance of such costs.

WisDOT will complete this sanitary manhole work as part of the state-let contract and will also provide inspection services. The City's Engineering Field Coordinator will make routine site visits to verify with the WisDOT Inspector the work adheres to specifications.

Fiscal Impact

If this agreement were not in place, the total utility obligation is estimated to cost \$26,000 for this sanitary sewer manhole work. This agreement allows the Sewer Utility to contribute 10% of an amount up to \$2,600 for total sanitary sewer project costs, as depicted in Exhibits A & B, as attached.

Recommendation

Staff recommends the Sewer Utility District Commission endorse and the Common Council approve entering into an agreement with the Wisconsin Department of Transportation for a 90/10 cost share of sanitary sewer manhole work that is to be completed as part of the I-43 freeway expansion contract.

Attachments:

Exhibit A - Highland Rd SMA Cost Summary (PDF)

Exhibit B - County Line Rd SMA Cost Summary (PDF)

COMMON COUNCIL
OF THE
CITY OF MEQUON

RESOLUTION 3854

A Resolution Authorizing Execution of a State-Municipal Agreement Between the City of Mequon and the Wisconsin Department of Transportation (WisDOT) for the Completion of Sanitary Sewer Manhole Work in Connection with the Interstate Highway 43 Expansion Project

RECITALS

A. The Wisconsin Department of Transportation (WisDOT) is planning to reconstruct the Interstate 43 corridor from 4 lanes to 6 lanes, which includes construction to change roadway profiles at Highland Road, Donges Bay Road, County Line Road and Port Washington Road.

B. WisDOT identifies the County Line Road Interchange Construction as Project 1229-04-74, and the Highland Road Interchange Construction as Project 1229-04-76.

C. State statute §84.295 (4m) established a cost share ratio of 90/10 for utility relocations in state rights of way due to freeway construction, where the state shall pay 90 percent of the eligible costs of the relocation of any municipal utility facilities required by the construction of any freeway undertaken by the department. The affected municipal utility shall pay the balance of such costs.

D. As a result of the 10 percent funding requirement by the municipality, the City of Mequon, as recommended by the Sewer Utility District Commission, must enter into a State/Municipal Agreement with WisDOT.

E. The Engineer's Opinion of Probable Construction Cost for the sanitary manhole adjustment work is \$26,000 to match roadway profiles in Highland Road, Donges Bay Road, County Line Road, and Port Washington Road.

F. WisDOT identified the 10 percent municipal share at a not-to-exceed amount of \$2,600 for the sanitary manhole adjustment work in Highland Road, Donges Bay Road, County Line Road, and Port Washington Road.

G. The Sewer Utility District Commission approved entering into a State/Municipal Agreement to include Sanitary Manhole Work as part of the WisDOT I-43 project at its meeting on June 8, 2021.

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

1. Staff is authorized to enter into State/Municipal Agreement to adjust sanitary

sewer manhole facilities for the freeway expansion project, subject to any clerical, technical and/or legal changes deemed necessary and appropriate by the City Attorney.

2. The Director of Public Works/City Engineer, Mayor and the City Clerk are authorized and directed to execute and deliver the same.

Approved by: John Wirth, Mayor

Date Approved: June 8, 2021

I certify that the foregoing Resolution was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on June 8, 2021.

Caroline Fochs, City Clerk

Exhibit A

STATE-MUNICIPAL AGREEMENT (SMA) COST SUMMARY

Utility:	Mequon Sanitary Sewer Utility	Utility ID: #3776
Facility Type:	Sanitary Manholes	UA:
Construction ID:	1229-04-76	
Project Title:	Highland Road Sanitary Manhole Work	
Project Limits:	Port Washington Road to Concordia Driveway	
HWY:	IH43	

Cost Share (10% Local Share / 90% State Share) per ss.84.295

Design Costs:

Item	Cost
Engineering - Consultant	\$0.00
Engineering - Municipality	\$0.00

Construction:

Item	Cost
Construction Costs	\$1,000.00
Inspection (WisDOT Inspector to be on site)	\$0.00
Construction Mangement	\$0.00
Municipality (Site Visit by City Field Engineering Coordinator)	\$0.00

Total:	\$1,000.00
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LOCAL SHARE (10%)	\$100.00
WISDOT SHARE (90%)	\$900.00

Exhibit B

STATE-MUNICIPAL AGREEMENT (SMA) COST SUMMARY

Utility: Mequon Sanitary Sewer Utility
 Facility Type: Sanitary Manholes

Utility ID: #3776
 UA:

Construction ID: 1229-04-74
 Project Title: Highland Road Sanitary Manhole Work
 Project Limits: Port Washington Road and Donges Bay Road
 HWY: IH43

Cost Share (10% Local Share / 90% State Share) per ss.84.295

Design Costs:

Item	Cost
Engineering - Consultant	\$0.00
Engineering - Municipality	\$0.00

Construction:

Item	Cost
Construction Costs	\$25,000.00
Inspection (WisDOT Inspector to be on site)	\$0.00
Construction Mangement	\$0.00
Municipality (Site Visit by City Field Engineering Coordinator)	\$0.00
Total:	\$25,000.00

LOCAL SHARE (10%) \$2,500.00
 WISDOT SHARE (90%) \$22,500.00