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Office of the City Clerk
Taped and Televised

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

Minutes

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

Mayor Wirth called the meeting to order at 7:45 PM.

Present:

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

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

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.**

Motion to open the public hearing for **ORDINANCE 2021-1591**.

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

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

Motion to close the public hearing for **ORDINANCE 2021-1591**.

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

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

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 58-8 (Definitions) and 58-265 (Agricultural Overlay).

Community Development Assistant Director Zader provided an overview. This ordinance is a change to the residential zoning districts, specifically to the conditional uses in residential zones, addition of conservation subdivision requirements in the R-1 district, formatting changes to make conditional uses easy to read, and changes to the definitions in the agricultural overlay sections that were impacted by these changes. Specifically for conditional uses, changes being proposed are in response to the Wisconsin 2017 Act 67. Some conditional uses were made permitted, others were moved to other districts, some were removed and made prohibited, and some uses were added. As a result of this process several properties are now determined to be non-conforming and staff will rezone these properties in the future.

Regarding the conservation subdivision, the current rezoning process will be replaced by a Planning Commission approval of a concept plan and the typical subdivision development procedures. New requirements are minimum lot size of 3/4 acres, 10% lot coverage, minimum of 25 acres for a conservation subdivision, two road connections per development, 60 percent of land as open space, bonus allowance of an additional unit after 40 acres and a 300-foot open space buffer to existing public roadways.

Mr. Zader further explained that language to allow objections from residents was also approved by the Public Welfare Committee. Two reviews from the Common Council will be available: a protest petition similar to rezoning recommendation and two aldermen or alderman/Mayor can call-up the issue to Common Council, similar to conditional use objections.

Discussion ensued on minimum lot widths, home sizes, open space, buffers between subdivisions, and configurations of lot layouts. Front setbacks are flexible and side yard offsets would be 30-foot on the lot. There would not be a required distance between the lot line and the open space to a neighbor.

Motion to make the minimum lot width 130 feet.

RESULT: **Failed by Roll Call Vote [1 to 7]**

MOVED BY: Alderman Mayr

SECONDED BY: Alderman Strzelczyk

AYES: Mayr

NAYS: Strzelczyk, Bushee, Hansher, Gierl, Parrish, Schneider, Nerbun

Motion to approve **ORDINANCE 2021-1591**.

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

MOVED BY: Alderman Schneider

SECONDED BY: Alderman Parrish

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

4) Public Officials' Reports:

- a) Mayor: The Mayor announced the Thiensville-Mequon Lion Fest will be held this weekend, June 11-13 at Thiensville Park. On June 26th the Family Fun Before the Fourth will be held. There will be a parade, ice cream, fun events, great food and drink and fire works. Freistadt will also hold a celebration on the 4th of July.

Our City pool is opening for the summer on June 11th. Pool passes and super passes are available for sale at the bath house. New this summer is the Mequon Beer Garden. 1840 Brewery will host a pop-up beer garden on the following dates and locations: 6/18 at Mequon Community Park, 7/16 at Lemke Park Pavilion, 8/27 at Rotary Park Gazebo and 9/24 at Rotary Park South Pavilion. The Frank L. Weyenberg Library has a full program of activities slated for this summer. Check out their website.

- b) City Administrator: City Administrator Jones announced that Management Partners has conducted their review of the City's Community Development Department and is finalizing their recommendations and preparing a draft report for staff. It is anticipated that the report will be presented to the Common Council during either the July or August meetings. The recruitment for a Finance Director is underway. The deadline to apply is June 14th. Interviews and a recommendation of appointment to Council will follow.

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.
- 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.

Motion to approve Consent Agenda Items A-P.

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

- 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.

RESULT: **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.

Council recommended that an ad hoc committee appointed by the Mayor, the Common Council President, and the Chair of the Public Safety Committee. If the Public Safety Chair is also the Common Council President, then the Chair of the Public Welfare Committee will be assigned. These officials have thirty (30) days in which to select members of the committee.

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

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

- a) **RESOLUTION 3848** - An Amended and Restated Final Resolution Regarding Industrial Development Revenue Bond Financing For Copps Industries, Inc. Project.

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

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

- b) **RESOLUTION 3849** - A Resolution Identifying Public Improvement Projects within Tax Increment District No. 3 for Design and Development Prior to April 15, 2023.

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

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

Community Development Director Tollefson clarified that approval of this notice-of-intent ordinance does not obligate the City to complete the project regardless of the cost estimate. We Energies will work through the design timing and the Council will vote again on any City expense. A rough estimate for the work is \$1.3M.

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

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

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

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

- 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.

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

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

- 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.

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

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

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

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

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

11) **Adjourn**

Motion to adjourn at 8:46 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
Approved 07/13/21