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Office of the City Clerk

COMMON COUNCIL
Regular Meeting
Tuesday, June 10, 2025 - 7:30 PM
Or Immediately Following the
Sewer Utility District Commission Meeting
American Legion Post #457
6050 W. Mequon Road

Agenda

- 1) **Call to Order**
- 2) **Pledge of Allegiance**
- 3) **Roll Call**
- 4) **Public Hearings:**
 - a) **ORDINANCE 2025-1681** - An Ordinance Amending Chapter 58 of the Mequon Municipal Code, Related to Structures on the Lake Michigan Bluff; **Recommended by Planning Commission April 21, 2025; Recommended by Public Welfare May 13, 2025; First Reading at Common Council May 13, 2025.**
 - 1) Public Hearing
 - 2) Consideration of Ordinance
 - b) **ORDINANCE 2025-1682** - An Ordinance Amending the Following within Chapter 58 of the Mequon Municipal Code, in Connection with Planned Improvements for the Property Located at 10806 West Freistadt Road: A) The City's Land Use Plan Map from Neighborhood Commercial to Residential 1-1.5 Acres; and B) the City's Zoning Map from B-1 (Neighborhood Commercial) to R-4 (Residential 3/4 Acre); **Recommended by Planning Commission April 21, 2025; First Reading at Common Council May 13, 2025.**
 - 1) Public Hearing
 - 2) Consideration of Ordinance
- 5) **Personal Appearances and Public Comment:**

Citizens wishing to address the Council on any matter **not** on the agenda may do so at this time. If you desire to be heard on agenda items, you may be heard when that item is considered on the agenda. Please speak into the microphone at the podium. The time limitation is **FIVE** minutes. **To speak or to have your opinion recorded, please complete a registration slip found on the table in the lobby and return it to the bin.**
- 6) **Public Officials' Reports:**
 - a) Mayor
 - 1) Proclamation Recognizing June as National Scleroderma Month
 - b) City Administrator

7) Consent Agenda:

- a) Architectural Board meeting minutes of April 14, 2025
- b) Common Council meeting minutes of May 13, 2025
- c) Festivals Committee meeting minutes of April 21, 2025
- d) Finance-Personnel Committee meeting minutes of April 8, 2025
- e) Joint Mequon-Thiensville Bike and Pedestrian Way Commission 2024 Annual Report
- f) Park and Open Space Board meeting minutes of April 16, 2025
- g) Public Safety Committee meeting minutes of March 11, 2025
- h) Public Welfare Committee meeting minutes of April 8, 2025
- i) Public Works Committee meeting minutes of April 8, 2025
- j) Zoning and Code Enforcement report through May 2025
- k) Acceptance of the FY2024 Preliminary Annual Comprehensive Financial Report & Report on Internal Control
- l) **RESOLUTION 4213** - A Resolution Authorizing Staff to File the City of Mequon's Compliance Maintenance Annual Report (CMAR) for Calendar Year 2024, in Accordance with Requirements Under Wisconsin Administrative Code NR208; **Recommendation Forthcoming by Sewer Utility District Commission June 10, 2025.**

8) Ordinances: None

9) Resolutions:

- a) **RESOLUTION 4214** - A Resolution Authorizing Execution of an Amendment to the Right-of-Way Agreement with MT Trails Foundation, Inc. for Construction of a Bike Path on Highland Road, from the Ozaukee Interurban Trail to Rotary Park; **Recommendation Forthcoming by Public Works Committee, June 10, 2025.**
- b) **RESOLUTION 4215** - A Resolution Approving the Purchase of a 2020 Elgin Whirlwind 1 Pure Vacuum Street Sweeper from Macqueen Group of Menomonee Falls, Wisconsin, in the Amount of \$270,395; **Recommendation Forthcoming by Public Works Committee June 10, 2025.**
- c) **RESOLUTION 4216** - A Resolution Rejecting Bids Received for the Port Washington Road Streetscaping Project Between Zedler Lane and Mequon Road; **Recommendation Forthcoming by Public Works Committee, June 10, 2025.**
- d) **RESOLUTION 4217** - A Resolution Approving the Purchase of One (1) K9 Ford Police Interceptor Sport Utility Vehicle from Ewald Automotive Group of Hartford, Wisconsin, in the Amount of \$44,938 and the Receipt of a Donation from the Mequon Community Foundation for the Purchase of K9 Squad Equipment in the Amount of \$10,553; **Recommendation Forthcoming by Public Safety Committee on June 10, 2025.**

10) Specified Unfinished Business From Prior Meetings: None

11) Specified New Business: None

12) Adjourn

Dated: June 10, 2025

/s/ Andrew Nerbun, Mayor

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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 Inspections

TO: Common Council
FROM: Kim Tollefson, Director of Community Development
DATE: May 13, 2025
SUBJECT: ORDINANCE 2025-1681 An Ordinance Amending Chapter 58 of the Mequon Municipal Code, Related to Structures on the Lake Michigan Bluff

Background

In August 2024, the Common Council Committee of the Whole (COTW) directed staff to author proposed code amendments that would allow property owners along the Lake Michigan Bluff the ability to access the lake. Since that time, City staff has developed regulatory standards and consulted with agencies, municipalities and engineers. The draft regulations were presented to the Planning Commission at their meetings in March and April 2025.

Policy Objectives

To provide context of the issues associated with the policy objectives, the following outlines several considerations.

Issue: Bluff Stability

One important issue to understand when contemplating the idea of allowing structures on the Lake Michigan Bluff (LMB) is the known conditions of the LMB. The Wisconsin Shoreline Inventory & Oblique Photo Viewer provides relevant information regarding this. As illustrated in Exhibit A, the majority of the LMB in Mequon is classified as “Moderately Unstable” (yellow) or “Unstable/Failing” (red). In 2019, the Wisconsin Coastal Management Program along with the National Oceanic and Atmospheric Administration funded a comprehensive study entitled: *Southeastern Wisconsin Coastal Recession Between 1956 to 2015* (Exhibit B). This study produced the map referenced above in Exhibit A, and led to these classifications of the bluff documented through photographic evidence from 1956-2015.

Additionally, an interactive web-based tool for viewing the historical transformation of the bluff is available at:

<https://www.arcgis.com/apps/instant/minimalist/index.html?appid=c47ab45bb8c046e099a46df28837ca88>

Notably, one section classified as “Moderately Stable” (green) near Highland Road is the portion of the LMB at Concordia University, which had a stone revetment installed in 2007 to prevent further erosion. That project was the subject of a 2011 lawsuit claiming it was causing the LMB on neighboring properties to collapse. An Ozaukee County jury “unanimously agreed that the

stone revetment is a nuisance that has caused significant harm to neighboring properties”

Issue: Building Code Limitations

A second issue to take into consideration is how the City’s Building Code relates to structures constructed on the LMB. Per City ordinances and the City’s Building Code, structures are defined as follows:

- Section 58-8 - Definitions: Structure means a combination of materials other than natural terrain or plant growth erected or constructed to form among other things, a building, shelter, sign enclosure, retainer, container, support, base, or decoration.
- 2015 International Building Code - Definitions: Structure - That which is built or constructed.

Mequon currently adopts SPS 321, construction standards for all one- and two-family dwellings along with the 2015 International Building Code (IBC). A free-standing deck is the only structure, other than a one- or two-family dwelling, in which SPS 321 can be applied, and the IBC is silent on any structures not associated with a building. Walking paths and steps embedded in the ground are considered landscaping and not regulated by either code.

Staff evaluated neighboring communities which have properties along the LMB. Both Whitefish Bay (Exhibit C) and Fox Point (Exhibit D) have ordinances similar to one another regarding structures on the LMB. Those regulations rely heavily on the use of a registered professional engineer throughout the process. The LMB in these communities, according to the comprehensive study of the Southeastern Wisconsin Coastal Recession, has been classified as “Moderately Stable” (Exhibit E). Ozaukee County adopts ordinance 19.0300 (Exhibit F), very similar to the current Mequon Code of Ordinance 58-416 (Exhibit G). In particular, Whitefish Bay allows structures, while Fox Point does not.

Legal Summary

Recreational immunity statutes under Wisconsin State Law apply to the property owner, whether private or public land, and exempt the owner from liability, protecting the owner from a lawsuit. The City has no recreational immunity applicable to the Lake Michigan bluff because there is no City-owned land along the lake. The City’s legal authority and liability is limited to: 1) the approval of structures - if allowed by zoning; 2) the issuance of permits for construction; 3) the inspection of such structures; and 4) approval, if “at the time of inspection it is in compliance”. The City does not provide on-going inspection of structures, and does not evaluate the condition of, or any structure’s ongoing compliance with regulations after final inspection, unless enforcement ensues, or modifications are proposed to the structure through subsequent permit applications. The City must also enforce the Code and as such, shall require removal of structures that are constructed but never permitted, if the City is aware of a known violation. According to City Attorney Sajdak, there is no record of case law related to the construction of structures on the bluff in the state.

Agency Input

Community Development routed the draft text amendment to potentially impacted departments, including the Southern Ozaukee Fire Department, the Mequon Police Department and the

Mequon Engineering Division for review and commentary. Exhibit I contains their responses.

In addition, staff reached out to the Wisconsin Department of Natural Resources (DNR). DNR representative Haley Anderson advised that anything below the ordinary high-water mark (OHWM) would require permitting from the DNR. She also indicated that the County should be able to identify the OHWM for a homeowner or the DNR could perform that service for a \$200 fee. The DNR provided the following link to a free download of “Living on the Coast” which addresses the protection of investments in shore property on the Great Lakes:

<https://publications.aqua.wisc.edu/product/living-on-the-coast-protecting-investments-in-shore-property-on-the-great-lakes/>

Analysis

The building of any structure on the Lake Michigan bluff comes with inherent risks. A proposed text amendment (Exhibit H: Original Amendment with Track Changes and Exhibit K: Proposed Text Amendment) places the responsibility of design, construction and safety on a professional engineer (PE) and the property owner. The qualifications of the professional engineer required by the text amendment are very specific. Further, the regulations limit the size, height and location of these structures and addresses maintenance, should they fall into disrepair and/or become a visual nuisance or potential debris for the Great Lakes. These regulations are as follows:

- 1) Height restrictions always existed but further definition of how to measure height was added as follows:
 - a. Four (4) feet six (6) inches measured vertically from the structure’s walking surface to the top of the structure.
 - b. Fifteen (15) feet measured vertically from the walking surface to grade.
- 2) To ensure the professional engineer is properly qualified to design these structures, specific certifications were added.
- 3) Property owners shall maintain the structure to avoid such becoming dilapidated or in disrepair or debris, or to be unsightly, dangerous, unsafe, unsanitary, or otherwise unfit for human use. The owner shall provide the City with a repair or replacement plan within 60 days of being notified of non-compliance.

Public Welfare Committee and Committee of the Whole Requests

At the May 13, 2025, Public Welfare Committee (PWC) and Committee of the Whole (COTW) meetings, members of the Common Council requested several changes to the draft ordinance presented for a first reading that evening. Accordingly, the following adjustments have been incorporated into the proposed ordinance recommended for adoption on June 10, 2025:

- Structures shall be limited to 7 feet in length, and in no case be greater than 35 square feet.
- Removal is now an option, should the structure become dilapidated or in disrepair or debris,

or to be unsightly, dangerous, unsafe, unsanitary, or otherwise unfit for human use.

- Structures must be recertified for use every five years.
- The deadline for repair or removal of a structure that is dilapidated or in disrepair has been shortened from 60 days to 30 days, while giving the Department of Community Development Director authority to extend the deadline.

Fiscal Impact

The fiscal impact is neutral.

Recommendation

On April 21, 2025, the Planning Commission approved a recommendation in favor of adopting the proposed ordinance amendments by a vote of 8-0. On May 13, 2025, the Public Welfare Committee approved a recommendation in favor of adopting the proposed ordinance amendments by a vote of 3-0.

Attachments:

- Exhibit A (PDF)
- Exhibit B (PDF)
- Exhibit C (PDF)
- Exhibit D (PDF)
- Exhibit E (PDF)
- Exhibit F (PDF)
- Exhibit G (PDF)
- Exhibit H (PDF)
- Exhibit I (PDF)
- Exhibit J (PDF)
- Exhibit K (DOCX)

COMMON COUNCIL
OF THE
CITY OF MEQUON

ORDINANCE 2025-1681

An Ordinance Amending Chapter 58 of the Mequon Municipal Code, Related to Structures on the Lake Michigan Bluff

RECITALS

A. Pursuant to the authority granted to it under Section 62.23(7) of the Wisconsin Statutes, the City of Mequon previously adopted a comprehensive Zoning Code for the City which includes the Lake Michigan Bluff under Section 58-416 of the Municipal Code.

B. On April 21, 2025, the Planning Commission, by a majority vote, adopted a recommendation to approve a text amendment allowing for the building of certain structures on the Lake Michigan Bluff.

C. Following due notice and a public hearing by the Common Council, the Council finds that the proposed amendment is consistent with the City's comprehensive master plan and that the amendment would further the health, safety and welfare of the community.

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

SECTION I

Section 58-416(c)(2) is amended to read as follows (NOTE: Deleted text is ~~struck through~~; Added text is **bolded and underlined**):

(2) *Setback from Lake Michigan Bluff.* Except as otherwise provided in this section, all permanent structures, including in-ground swimming pools erected or constructed after January 1, 1988, on property that is contiguous to Lake Michigan shall be set back from the top of the bluff a distance based on a slope ratio of two feet horizontal distance to every one foot vertical distance measured from the toe of the bluff. In no case, however, shall a building be set back less than 75 feet from the top edge of bluff at the time of construction. Additions or alterations to structures that were erected or constructed prior to January 1, 1988, on property that is contiguous to Lake Michigan shall in no case reduce the existing setback from the edge of the top of the bluff to the existing structure.

Structures to gain access to Lake Michigan shall be permitted subject to the following conditions:

a. The structure shall be limited to 5 feet in width, 7 feet in length, in no case greater than 35 square feet, and the following height restrictions

shall apply:

1. Four (4) feet six (6) inches measured vertically from the structure's walking surface to the top of the structure.
 2. Fifteen (15) feet measured vertically from the walking surface to grade.
- b. A building permit from the department of community development shall be obtained.
 - c. A survey shall be provided with the building permit and shall include the ordinary high-water mark (OHWM).
 - d. Structures shall comply with required side yard offsets of the city base zoning district. Structures and any component of the structures, whether above or below grade, including but not limited to cables, anchors, supports, are not eligible for the offset exemptions of Sec. 58-416.
 - e. Regulations of Chapter 84 shall be met.
 - f. Structures shall comply with all other applicable municipal codes and state or federal regulations.
 - g. Property owners shall certify to the city their awareness of potential problems of lake shore erosion, including but not limited to, the possibility of adding fill of various types to stabilize the bluff area, the requirement for securing of a fill permit from the city engineering division for any such filling, the provisions of said fill permit ordinance, and the potential cost incurred. A memorandum of said certification, including the legal description of the property, shall be recorded in the office of the register of deeds for Ozaukee County.
 - h. A registered professional engineer, board certified by the American Society of Civil Engineers, in geotechnical engineering (CPEGE), who is hired by the owner of the lot, shall certify to the city that the construction of any proposed structure located within 75 feet of the top edge of the bluff will be safe. Specifically, the professional engineer shall certify that:
 1. The design of any structure, the method of constructing such structure, and the materials used therefore are structurally adequate and will protect public health and safety.
 2. The proposed structure will not in any way adversely affect the structural integrity or safety of any building, or structure(s) located on adjoining or adjacent sites.
 3. The proposed structure will not adversely disturb ravine and bluff slopes, interfere with surface or subsurface drainage, or create new or exacerbate existing problems of erosion and recession on the subject site or adjoining or adjacent site.
 4. The drainage system will not adversely affect the adjacent and adjoining properties.
 5. There is no danger to the proposed structure or existing buildings or structures and its occupants from slippage of the slope above and/or below the proposed structure.

6. A memorandum of said certification, including the legal description of the property, shall be recorded in the office of the register of deeds for Ozaukee County.
7. The engineer shall make a technical report accompanying the certificate, which shall include, at a minimum:
 - i. Recommendations regarding site preparation, foundation design, lateral earth pressure and support of the structure.
 - ii. The stability of the slope before, during and after construction.
 - iii. The effect of the construction on natural drainage in the areas, including any measures, such as "weepers," which are designed to improve natural drainage in the area.
- i. Property owners shall maintain structures to avoid becoming dilapidated or in disrepair or debris, or to be unsightly, dangerous, unsafe, unsanitary, or otherwise unfit for human use. Property owners shall provide the city a repair, replacement or removal plan within 30 days of being notified of being in noncompliance. The Department of Community Development Director may authorize an extension to this deadline.
- j. A registered professional engineer, board certified by the American Society of Civil Engineers, in geotechnical engineering (CPEGE), who is hired by the owner of the lot, shall recertify to the city every five years that the structure is safe for use.

All underground utilities including but not limited to sewer, water, gas, electric, or telephone shall be installed no closer than 75 feet from the top edge of the Lake Michigan bluff. Underground extensions of existing utilities shall not reduce the existing setback from the edge of the bluff if said utilities are closer than 75 feet to the top of the bluff. However, utilities located more than 75 feet from the top of the bluff may be extended underground to structures lacking the 75-foot setback from the top of the bluff. The city does not guarantee, warrant or represent that only those areas which lie within the required setback area from the top of the bluff will be subject to damage resulting from bluff erosion or instability and hereby asserts that there is no liability on the part of the common council, its agencies or employees for any damages that may occur as a result of reliance upon and conformance with this section.

SECTION II

The terms and provision 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 be in full force and effect upon its passage and on the day after its publication.

Approved by: Andrew Nerbun, Mayor

Date Approved: June 10, 2025

I certify that the foregoing Ordinance was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on June 10, 2025.

Caroline Fochs, City Clerk

Published: _____

Exhibit A



Attachment: Exhibit A (ORDINANCE 2025-1681 : LM Bluff Structures)

Exhibit B

Southeastern Wisconsin Coastal Recession Between 1956 to 2015

Nick Jordan, FreshWater Engineering (formerly), Inver-Fluve (current affiliation)

Adam Bechle, Wisconsin Sea Grant, Wisconsin Coastal Management Program

Boyuan Lu, University of Wisconsin–Madison Department of Civil and Environmental Engineering

Isak Fruchtman, University of Wisconsin–Madison Department of Civil and Environmental Engineering

Prakriti Khanal, University of Wisconsin–Madison Department of Civil and Environmental Engineering

Chin H. Wu, University of Wisconsin–Madison Department of Civil and Environmental Engineering

May 6, 2019

Executive Summary

Lake Michigan coastal bluff and shoreline recession data are provided for Kenosha, Racine, Milwaukee, and Ozaukee Counties (collectively called “southeastern Wisconsin”) for a time period between 1956 to 2015 and is publicly available on the Wisconsin Shoreline Inventory and Oblique Viewer (http://floodatlas.org/asfpm/oblique_viewer/). Coastal recession is the distance that coastal bluff or shoreline features have receded, or moved landward. For areas with coastal bluffs, recession information is provided for the bluff crest, where the relatively flatter upland meets the steeper bluff face, and the bluff toe, where the bluff face meets the beach. In areas that lack a bluff, recession information is provided for the shoreline, where the beach meets the water. Recession was measured from the position of these features in historic aerial orthophotography over two analysis periods: a long-term period from 1956 to 2015 and a short-term period from 1995 to 2015. Recession is represented as both the distance coastal feature changed in position over the analysis period (“recession distance”) as well as the average annual of change of the coastal feature’s position (“recession rate”) Each recession data point represents an average of recession measurements along a 300-foot section of coast and does not represent any specific property or municipal boundary. Approximate uncertainty in the long-term recession distances is ± 4 feet (± 0.07 ft/year for recession rate) and in the short-term recession distances ± 2 feet (± 0.1 ft/yr for recession rate). This data should be considered preliminary and are intended for informational purposes. Care should be exercised in interpreting these data based on knowledge of coastal geology, engineering and mapping.

This data was produced as a part of ongoing studies at the University of Wisconsin-Madison Coastal Sustainability Laboratory with assistance from Freshwater Engineering. This data has been made public through collaborations of the University of Wisconsin-Madison, the Wisconsin Coastal Management Program, University of Wisconsin Sea Grant, and the Association of State Floodplain Managers.

Funding

Funded by the Wisconsin Coastal Management Program and the National Oceanic and Atmospheric Administration, Office for Coastal Management under Grant # NA17NOS4730144.



Southeastern Wisconsin's Coast

The Lake Michigan coast of Southeastern Wisconsin (defined here as Kenosha, Racine, Milwaukee, and Ozaukee Counties) is composed of low sandy shores of less than 10 feet in elevation, low bluffs 10 feet to 50 feet high, and high bluffs up to 130 feet high (Figure 1). Bluffs in this region are principally composed of clayey soil deposited by glaciers during the last Ice Age. The coast is also composed of breakwaters and harbor infrastructure near the port and harbor cities of Port Washington, Milwaukee, Racine, and Kenosha.

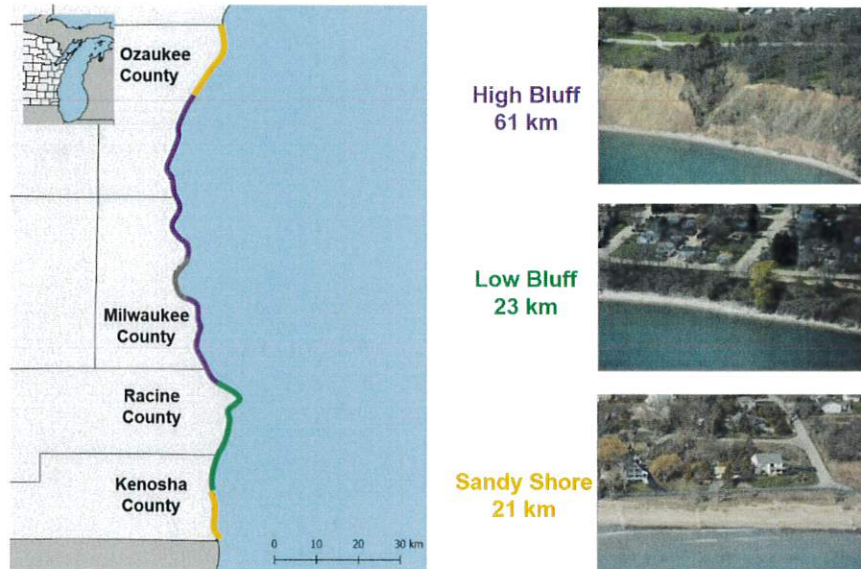


Figure 1: Southeastern Wisconsin's coast is composed of high bluffs (purple), low bluffs (green), sandy shores (tan), and harbor infrastructure (gray).

This coastline is subject to erosion and bluff slope failures which can cause the coast to recede, or move landward, and threaten upland coastal properties. Coastal recession is often referenced to key recognizable coastal features which are depicted in Figure 2 and defined as follows:

Bluff Crest: the location where the relatively flatter upland meets the steeper bluff face

Bluff Toe: the location where the bluff face meets the beach

Shoreline: the location where the beach meets the water

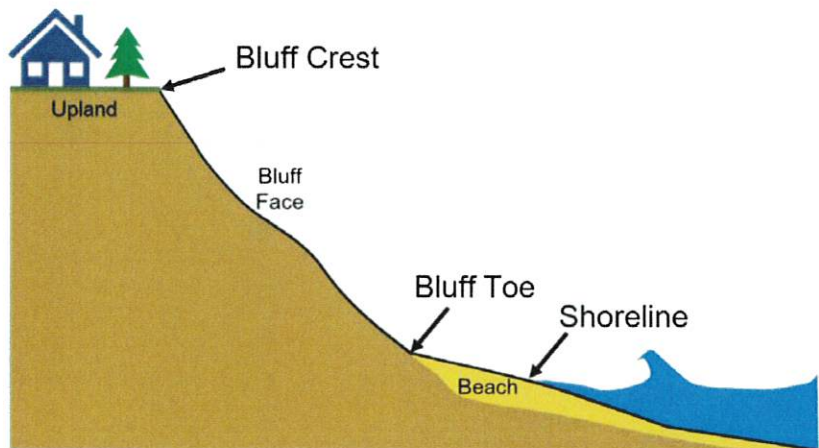


Figure 2: The bluff crest, bluff toe, and shoreline

Coastal Recession Measurements

Coastal recession is the distance the bluff or shoreline has receded, or moved landward over a given period of time. Recession was measured along bluffed coasts for the bluff crest and the bluff toe or, in areas that lack a bluff, for the shoreline (Figure 3). Coastal feature recession distances were measured from historical aerial photos in Geographic Information System (GIS) software for two analysis periods: 1956-2015 and 1995-2015.

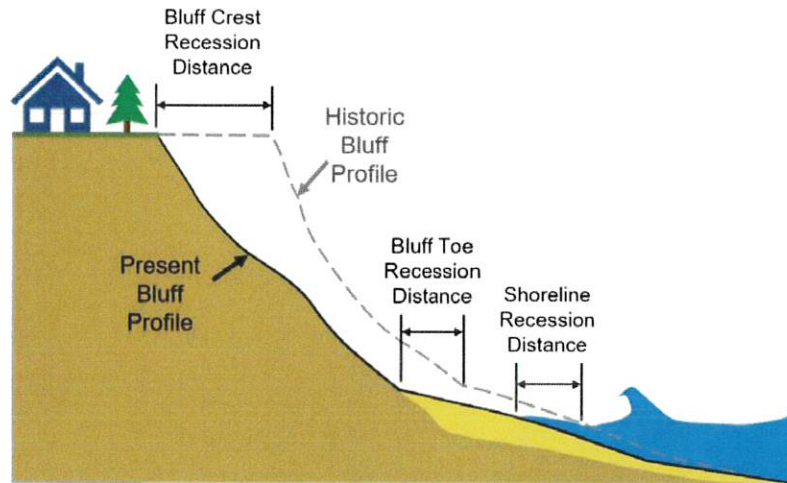


Figure 3: Coastal recession measurements which compare the positions of coastal features over time

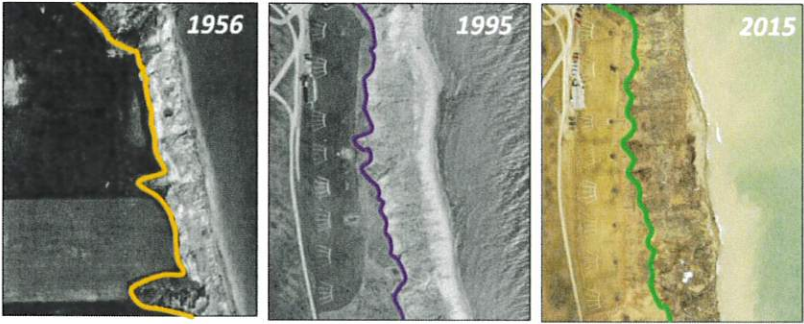
The procedure for making coastal recession measurements explained below and summarized in Figure 4 (following page).

- 1) Photos from each analysis year (1956, 1995, and 2015) were orthorectified to remove vertical distortions caused by the camera lens and georeferenced to position them accurately in space. The photos used for this analysis are summarized in Table 1.

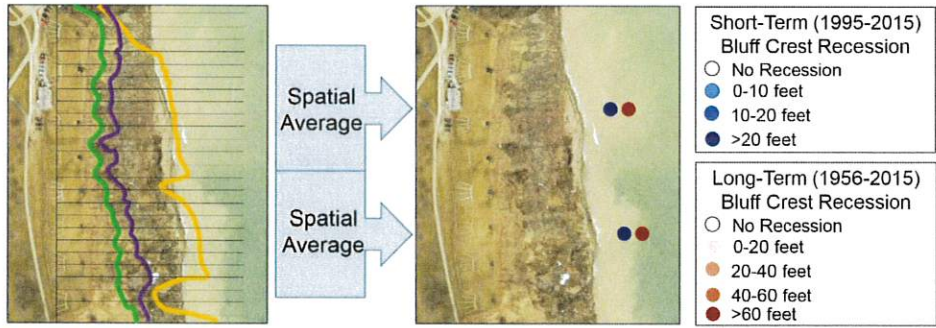
Table 1: Summary of aerial photos used in recession analysis

<i>Year</i>	<i>Month</i>	<i>Photo Source</i>	<i>Photo Description</i>	<i>Photo Scale</i>	<i>Resolution (m)</i>
1956	May/June	USDA	Scanned B&W Aerial Photo	1:20,000	N/A
1995	April	SEWRPC	B&W Aerial Orthophoto	1:20,000	N/A
2015	April	SEWRPC	Color Aerial Orthophoto	N/A	0.152

- 2) Coastal features were traced in each photo using differences in soil color, vegetation or other indicators to distinguish the features on each photo.
- 3) Once each feature is digitized, the United States Geological Survey (USGS) Digital Shoreline Analysis System (DSAS) software was used to measure the location of each digitized feature along transect lines spaced at 10-meter intervals (~33 feet) along the shoreline.
- 4) Recession distances are averaged at 100 meter intervals (~328 foot) along the coast using a spatial averaging technique. This spatial averaging serves two purposes: i) to represent recession over a distance wider than the typical scale of a single lot, and not at a specific parcel and ii) in order to removes spikes in the data which may result from localized erosion events.



- 1) Orthorectify and georeference historic aerial photos
- 2) Trace coastal features (bluff crest shown)



3) Calculate recession distances at transects every 10 m along the coast

4) Spatially average recession distances every 100 m

Figure 4: Coastal recession measurement procedure

The following recession measurements are available.

Layer	Description
Bluff Toe Recession – Long-term (1956 – 2015)	The distance the bluff toe has moved landward between 1956 and 2015.
Bluff Crest Recession - Long-term (1956 - 2015)	The distance the bluff crest has moved landward between 1956 and 2015.
Shoreline Recession – Long-term (1956 - 2015)	The distance the shoreline has moved landward between 1956 and 2015.
Bluff Toe Recession – Short-term (1995 – 2015)	The distance the bluff toe has moved landward between 1995 and 2015.
Bluff Crest Recession – Short-term (1995 - 2015)	The distance the bluff crest has moved landward between 1995 and 2015.
Shoreline Recession – Short-term (1995 - 2015)	The distance the shoreline has moved landward between 1995 and 2015.
Shoreline Position (2015)	The location where the beach met the water, as measured in 2015 aerial photographs

Attachment: Exhibit B (ORDINANCE 2025-1681 : LM Bluff Structures)

Each data point represents an average of recession measurements along a 300-foot section of coast and does not represent any specific property or municipal boundaries. By clicking on a point, the actual average measured recession distance and an average annual rate of recession can be viewed. Note that a positive recession value represents a landward movement of the feature and a negative recession value represents a lakeward movement of the feature, also known as accretion.

The recession information can provide useful insights into the historic migration of the southeastern Wisconsin coast. It should be noted that the recession distances provided here represent how the bluffs and shorelines have responded to historic environmental conditions and human actions over a specific time period in the past (1956-2015 and 1995-2015). There is always uncertainty in how bluff and shoreline recession will respond to future conditions. Bluff recession can also be sporadic. For example, a bluff crest that had remained unchanged for decades can recede many feet almost instantly due to a bluff collapse. Human actions may also change the evolution of the coast. For example, a bluff that may have been heavily eroded historically may have been recently stabilized or had shore protection added such that recession could be expected to decrease compared to historic rates.

Disclaimer

Please note that the data presented here should be considered preliminary and may not reflect current conditions along the coast. Care should be exercised in interpreting these data based on knowledge of coastal geology, engineering and mapping. Site assessments may be necessary to properly interpret this data. As the Lake Michigan coast is a dynamic and constantly changing environment, one should consider consulting with local authorities and qualified professionals before building or making other land use decisions along the coast.

Methods

Bluff recession distances were measured from historical aerial photos in Geographic Information System (GIS) software for two analysis periods: 1956-2015 and 1995-2015. Using GIS software, photos from each year are georeferenced to position them accurately in space and orthorectified to remove vertical distortions caused by the camera lens. The bluff crest, bluff toe, and shoreline are carefully traced on each photo. The bluff crest is identified as the break in slope between the upland and the bluff slope, the bluff toe is identified as the break in slope between the bluff slope and beach, and the shoreline is defined as the location that appears as the interface between the water and the land at the time the photo was acquired. Differences in soil color, vegetation or other indicators are used to distinguish the features on each photo. Once each feature is digitized, the Digital Shoreline Analysis System (DSAS) software is used to measure the location of each digitized feature along transect lines spaced at 10-meter intervals along the shoreline. The data presented here shows recession data which have been spatially averaged along 300-foot sections of coast. The data shown on this data viewer therefore represents average recession over a distance wider than a typical single lot, parcel, or shoreline frontage, and not at a specific parcel or location on the coast.

Measurement Uncertainty

Uncertainty is inherent in any measurement. Errors during the digitization process of coastal features are the primary source of uncertainty for these bluff recession measurements. The most important sources of uncertainty during the digitization process are georeferencing errors of older photographs, photo resolution and/or quality, and visual obstruction of features in photos (i.e., dense forests concealing the bluff crest). Approximate uncertainty in the long-term recession distances is ±4 feet (±0.07 ft/year for recession rate) and in the short-term recession distances ±2 feet (±0.1 ft/yr for recession rate). Uncertainty values may be higher in some areas that suffer from image quality issues.

Funding

Funded by the Wisconsin Coastal Management Program and the National Oceanic and Atmospheric Administration, Office for Coastal Management under Grant # NA17NOS4730144.



Appendix: Metadata

Dataset Title	Southeastern Wisconsin 2015 Shoreline Position
Dataset Reference Date	1/4/2019
Dataset Responsible Party	UW-Madison Coastal Sustainability Lab
Geographic location of the dataset	Northernmost Latitude: 43 32' 44" Southernmost Latitude: 42 29' 36" Easternmost Longitude: 87 45' 26" Westernmost Longitude: 87 51' 44"
Dataset language	English
Dataset topic category	Shoreline Lake Michigan Great Lakes Coastal Erosion Environmental Hazard Landform Land Status
Abstract defining the dataset	This dataset contains a digitized shoreline position in 2015 in Kenosha, Racine, Milwaukee, and Ozaukee Counties on Southeastern Wisconsin's Lake Michigan coast. The shoreline is traced in GIS software from vertical aerial photos taken in Spring 2015 by the Southeastern Wisconsin Regional Planning Commission. The position of the shoreline is defined as the wet/dry line visible in photos. Shoreline position in the Great Lakes is highly sensitive to lake level fluctuation, wave conditions, beach material, and beach slope. The shoreline position in this dataset represents one moment in time and may not reflect current shoreline positions.
Update Frequency	Not planned
Spatial representation type	ESRI Shapefile
Reference system	EPSG 3069
Metadata language	English
Metadata point of contact	Chin Wu - chinwu@engr.wisc.edu
Metadata date stamp	

Dataset Title	Southeastern Wisconsin Bluff Recession Rates
Dataset Reference Date	1/4/2019
Dataset Responsible Party	UW-Madison Coastal Sustainability Lab
Geographic location of the dataset	Northernmost Latitude: 43 32' 44" Southernmost Latitude: 42 29' 36" Easternmost Longitude: 87 45' 26" Westernmost Longitude: 87 51' 44"
Dataset language	English
Dataset topic category	Bluff Shoreline Lake Michigan Great Lakes Coastal Erosion Environmental Hazard Landform Land Status
Abstract defining the dataset	This dataset contains bluff crest, bluff toe, and shoreline change data in Kenosha, Racine, Milwaukee, and Ozaukee Counties on Wisconsin's Lake Michigan coast. Rates of change are presented for two time periods: 1956-2015 and 1995-2015. Rates are calculated at 10 m intervals from features digitized from leaf-off vertical aerial photos in GIS software and measured using the Digital Shoreline Analysis System. A spatial averaging technique is applied to the dataset to provide data at 100 m intervals along the coast.
Update Frequency	Not planned
Spatial representation type	ESRI Shapefile
Reference system	EPSG 3069
Metadata language	English
Metadata point of contact	Chin Wu - chinwu@engr.wisc.edu
Metadata date stamp	

Chapter 16. Zoning

Article III. Zoning Districts

§ 16-8. District 1 - Lake Shore Residence District.

[Amended by Ord. No. 1227; Ord. No. 1343; Ord. No. 1365; Ord. No. 1467; Ord. No. 1685; Ord. No. 1722; Ord. No. 1723; Ord. No. 1724]

A. In District 1, except as in this chapter otherwise provided, no building or premises shall be used and no building or structure shall be erected, altered, or maintained which is arranged, intended or designed to be used except for one or more of the following uses:

- (1) Single-family dwellings. Not more than one dwelling shall be located on any lot.
- (2) Noncommercial greenhouses, nurseries and gardens.
- (3) Accessory.
 - (a) Uses and buildings accessory to those enumerated above in this subsection, including private garages designed for not more than one motor vehicle for each 2,400 square feet of top land area, but not including any store, trade, professional office, business or industry. However, not exceeding one person may, in a dwelling used as his residence:
 - [1] Furnish room or table board to no more than two persons.
 - [2] Carry on a customary home occupation, provided no persons other than members of his own household are employed therein. (Cannot stock materials and cannot create parking problems.)
 - (b) Improved space is not allowed in accessory buildings or structures, except that one area of up to 220 square feet of improved space on the ground floor of any garage is allowed, provided at least 440 square feet of garage space in the garage is maintained for vehicle parking. In no event may accessory buildings or structures be used for sleeping.
- (4) Garage.
[Amended 3-2-2020 by Ord. No. 1862]
- (5) Access from the public street or alley or from a private road to each garage required in Subsection **A(4)** above shall be by means of an approved driveway.
- (6) Newly constructed driveways shall have a concrete, an asphaltic concrete or an asphaltic penetration surface, free of dust, loose stones or gravel, constructed on an adequate base.
- (7) Parking spaces shall have an adequate concrete, asphaltic concrete, asphaltic penetration, or a geogrid with organic ground cover surface, free of dust, loose stones or gravel, constructed on an adequate base.
[Amended 8-5-2019 by Ord. No. 1853; 8-1-2022 by Ord. No. 1892]
 - (a) The minimum setbacks for an approved parking space shall be as follows:
 - [1] In Districts 1, 1A, 2 and 3, three feet from side and rear property lines where no alley exists.
 - [2] In Districts 1, 1A, 2 and 3, five feet from the adjacent alley line.

[3] In Districts 1, 1A, 2 and 3, the established setback from the adjacent street property line.

4.a.c

[4] In Districts 4, 4A, 5, 6 and 7, as required under § 16-17.

- (b) The maximum number of vehicles permitted to be parked on an approved parking space in Districts 1, 1A, 2 and 3 shall be two.
- (c) A plot plan to a minimum scale of one inch equals 20 feet, showing the location and size of the proposed parking space, the location and dimensions of all buildings and physical features on the premises and the location of buildings immediately adjacent to the parking space shall be submitted to the Building Inspector.
- (d) The Building Inspector may refer said plot plan to the Architectural Review Commission for approval or denial if he believes the proposal will have a depreciating effect on the property values of the neighborhood.
- (e) The permit fee for construction of the parking space, if approved, shall be as set from time to time by the Village Board.

(8) Parking of vehicles, except on public streets, where not otherwise prohibited or restricted; on approved off-street parking facilities; in garages; on approved driveways or approved parking spaces, is prohibited.

(9) Parking in the public way, except upon the public street where permitted, is prohibited.

(10) Notwithstanding Subsection **A(8)** above, no vehicle except an automobile may be parked in the front setback area of an interior lot, nor between adjacent residences which front on the same street, nor in the side setback area which fronts on a street or a corner lot.

B. In District 1, each lot shall abut either upon a public street or upon the westerly line of said district; shall extend from such public street or the westerly line of District 1 to the shore of Lake Michigan; shall contain at least 9,600 square feet of top land lot area and have an average width from north to south of at least 80 feet for each single-family dwelling erected, altered or maintained thereon. No dwelling shall be erected, altered or maintained on any lot in District 1 which occupies more than 30% of the top land area of the lot. No building accessory to a dwelling, including garages, shall occupy more than 10% of the top area of the lot. The combined area of the dwelling and all accessory buildings including garages and any satellite earth station shall not exceed 40% of the top land lot area of the lot.

C. Yard minimums; structure maximums.

(1) Each dwelling shall have two side yards each at least three feet in width; in case the height of any building exceeds 25 feet, the required width of the side yards shall be increased 10% for each foot that such dwelling exceeds such height. Dwellings shall have a rear yard of at least 10 feet in depth. No building, when accessory to a dwelling, shall be over 18 feet in height. Subject to the provisions of § 16-35A, each garage attached or detached, and each accessory building, shall have a minimum side yard of three feet; a detached garage or an accessory building, except where adjacent to alley (see § 16-36), shall have a minimum rear setback of three feet; an attached garage shall have a minimum rear yard of five feet except when dwelling space or quarters are provided over said garage, in which event a minimum rear yard of 10 feet shall be provided.

(2) The maximum height of single- and two-family residential structures shall be as designated in Article **XVI**, Single-Family and Two-Family Residential Design Guidelines.^[1]

[1] *Editor's Note: Original Subsection (3)(c), which immediately followed this subsection, was repealed by Ord. No. 1724.*

D. In the event that the property is on the bluff of Lake Michigan, the following requirements shall also apply:

(1) A registered professional engineer, having a minimum of 10 years of geotechnical experience involving foundation investigation/engineering and shoreline slope stability evaluation, and who is hired by the owner of the lot, shall certify to the Village that the construction of any building and structure(s) proposed to be located within 100 feet of the top edge of the bluff will be safe. Specifically, he shall certify that:

- (a) The design of any building or structure(s), the method of constructing such building structure(s), and the materials used therefor are structurally adequate and will protect the public health and safety;
 - (b) The proposed building and structure(s) will not in any way adversely affect the structural integrity or safety of any building, or structure(s) located on adjoining or adjacent sites;
 - (c) The proposed building and structure(s) will not adversely disturb ravine and bluff slopes, interfere with surface or subsurface drainage, or create new or exacerbate existing problems of erosion and recession;
 - (d) The drainage system will not adversely affect the adjacent and adjoining properties;
 - (e) There is no danger to the proposed or existing buildings or structures and its occupants from slippage of the slope above and/or below the proposed structure.
- (2) The engineer shall make a technical report accompanying the certificate, which shall include, at a minimum:
- (a) Recommendations regarding site preparation, foundation design, lateral earth pressure and support of slabs on grade;
 - (b) The stability of the slope before, during and after construction;
 - (c) The effect of the construction on the natural drainage in the areas, including any measures, such as "weepers," which are designed to improve natural drainage in the area.
- (3) The owner of the property shall certify to the Village that he/she is aware of potential problems of lake shore erosion, including but not limited to the possibility of adding fill of various types to stabilize the bluff area, is aware of the requirement for securing of a fill permit from the Village for any such filling, is aware of the provisions of said fill permit ordinance, and is further aware of the potential cost involved.
- (4) A memorandum of said certifications, including the legal description of the property, shall be recorded with the Register of Deeds of Milwaukee County.

Chapter 285. Stormwater Management, Erosion Control and Bluff Regulation

Article I. Construction and Cutting on Banks of Ravines and Lake Bluff

§ 285-6. Structure or building at foot of lake bluff or ravine bank.

- A. A structure or building may be built at the foot of the lake bluff where the bluff abuts on North Beach Drive or on flat land that abuts on North Beach Drive or a ravine bank.
- B. A registered professional engineer retained by the owner of the lot shall certify to the Village that the construction of the proposed building and structure(s) will be safe. The engineer shall have recognized experience and expertise in geotechnical investigations, soil mechanics, and structural and coastal engineering. Specifically, he shall certify that:
- (1) The design of any building or structure(s), the method of constructing such building or structure(s), and the materials used therefor are structurally adequate and will protect the public health and safety.
 - (2) The proposed building and structure(s) will not in any way adversely affect the structural integrity or safety of any building or structure(s) located on adjoining or adjacent sites.
 - (3) The proposed building and structure(s) will not adversely disturb ravine or bluff slopes, interfere with surface or subsurface drainage, or create new or exacerbate existing problems of erosion and recession, assuring the continued integrity of the ravine or bluff slopes involved.
 - (4) The drainage system will protect the downhill properties or downstream properties.
 - (5) There is no danger to the proposed structure or building and its occupants from slippage of the slope above and/or below the proposed structure or building.
- C. The engineer shall make a technical report accompanying the certificate which shall include, at a minimum:
- (1) Recommendations regarding site preparation, foundation, design, lateral earth pressure, and support of slabs on grade.
 - (2) The stability of the slope before, during, and after construction.
 - (3) The effect of the construction on the natural drainage in the area, including any measures such as "weepers" which are designed to improve natural drainage in the area.
 - (4) The effect of the construction on flora and fauna.
- D. In addition to the standards contained in Chapter 19, Article II, Building Board, of this Code, no building permit for any structure on the foot of the lake bluff or ravine shall be issued unless it has been found as a fact by the Building Board by at least a majority vote, after a view of the site of the propose structure and an examination of the application papers for a building permit, that the location of the proposed structure will, when erected, not be so at variance with the structures already constructed on the neighboring properties or in the character of the immediate neighborhood as to cause a substantial depreciation in the property values of a neighboring property or of the immediate neighborhood. The Building Board shall give notice of the meeting at which it will consider an application for approval of a building or structure. Such notice shall be given to the applicant and to the owners of properties within 500 feet of the property in question; it shall be in writing and mailed not less than seven days before the day of the meeting. Persons to whom the notice is required to be given may attend the Building Board meeting and be heard.



Attachment: Exhibit E (ORDINANCE 2025-1681 : LM Bluff Structures)

19.03000 SHORELAND-WETLAND DISTRICT**19.03100 DESIGNATION**

This district shall include all shorelands within the jurisdiction of this ordinance which are designated as wetlands on the most recent version of the Wisconsin Wetland Inventory as depicted on the Department of Natural Resources Surface Water Data Viewer.

<https://dnrmaps.wi.gov/H5/?viewer=SWDV>

01 LOCATING SHORELAND-WETLAND BOUNDARIES

Where an apparent discrepancy exists between the shoreland-wetland district boundary shown on the Wisconsin Wetland Inventory and actual field conditions, the county shall contact the Department of Natural Resources (DNR) to determine if the map is in error. If the Department determines that a particular area was incorrectly mapped as wetland or meets the wetland definition but was not shown as wetland on the map, the county shall have the authority to immediately grant or deny a shoreland permit in accordance with the applicable regulations based on the Department determination as to whether the area is wetland. In order to correct wetland mapping errors on the official zoning map, an official zoning map amendment must be initiated within a reasonable period of time.

19.03200 PURPOSE

This district is created to maintain safe and healthful conditions, to prevent water pollution, to protect fish spawning grounds and wildlife habitat, to preserve shore cover and natural beauty and to control building and development in wetlands whenever possible. When development is permitted in a wetland, the development should occur in a manner that minimizes adverse impacts upon the wetland.

19.03300 PERMITTED USES

The following uses shall be allowed, subject to general shoreland zoning regulations contained in this ordinance, the provisions of chs. 30, 31, and 281.36, Wis. Stats., and the provisions of other applicable local, state and federal laws:

01 Activities and uses which do not require the issuance of a shoreland permit, but which must be carried out without any filling, flooding, draining, dredging, ditching, tiling or excavating:

- (A) Hiking, fishing, trapping, hunting, swimming, and boating.
- (B) The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits, and tree seeds, in a manner that is not injurious to the natural reproduction of such crops.
- (C) The pasturing of livestock.
- (D) The cultivation of agricultural crops.
- (E) The practice of silviculture, including the planting, thinning, and harvesting of timber.
- (F) The construction or maintenance of duck blinds.

02 Uses which do not require the issuance of a shoreland permit and which may include limited filling, flooding, draining, dredging, ditching, tiling, or excavating but only to the extent specifically provided below:

- (A) Temporary water level stabilization measures necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on silvicultural activities if not corrected.
- (B) The cultivation of cranberries including flooding, dike and dam construction or ditching necessary for the growing and harvesting of cranberries.
- (C) The maintenance and repair of existing agricultural drainage systems including ditching, tiling, dredging, excavating and filling necessary to maintain the level of drainage required to continue the existing agricultural use. This includes the minimum filling necessary for disposal of dredged spoil adjacent to the drainage system

provided that dredged spoil is placed on existing spoil banks where possible.

(D) The construction or maintenance of fences for the pasturing of livestock, including limited excavating and filling necessary for such construction or maintenance.

(E) The construction or maintenance of piers, docks or walkways built on pilings, including limited excavating and filling necessary for such construction and maintenance.

(F) The maintenance, repair, replacement or reconstruction of existing town and county highways and bridges, including limited excavating and filling necessary for such maintenance, repair, replacement, or reconstruction.

03 Uses which require the issuance of a shoreland permit and which may include limited filling, flooding, draining, dredging, ditching, tiling or excavating, but only to the extent specifically provided below:

(A) The construction and maintenance of roads which are necessary to conduct silvicultural activities or agricultural cultivation, provided that:

(01) The road cannot as a practical matter be located outside the wetland.

(02) The road is designed and constructed to minimize adverse impact upon the natural functions of the wetland enumerated in s. 19.03502.

(03) The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use.

(04) Road construction activities are carried out in the immediate area of the roadbed only.

(B) The construction or maintenance of nonresidential buildings, provided that:

(01) The building is essential for and used solely in conjunction with the raising of waterfowl, minnows or other wetland or aquatic animals; or some other use permitted in the shoreland-wetland district.

(02) The building cannot, as a practical matter, be located outside the wetland.

(03) Such building is not designed for human habitation and does not exceed five hundred (500) sq. ft. in floor area.

(04) Only limited filling or excavating necessary to provide structural support for the building is authorized.

(C) The establishment of public and private parks and recreation areas, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game bird and animal farms, fur animal farms, fish hatcheries, and public boat launching ramps and attendant access roads, provided that:

(01) Any private development is used exclusively for the permitted use and the applicant has received a permit or license under ch. 29, Wis. Stats., where applicable.

(02) Filling or excavating necessary for the construction or maintenance of public boat launching ramps or attendant access roads is allowed only where such construction or maintenance meets the criteria in s. 19.03303(A).

(03) Ditching, excavating, dredging, or dike and dam construction in public and private parks and recreation areas, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game bird and animal farms, fur animal farms, and fish hatcheries is allowed only for the purpose of improving wildlife habitat and to otherwise enhance wetland values.

(D) The construction or maintenance of electric, gas, telephone, water and sewer transmission and distribution facilities, by public utilities and cooperative associations organized for the purpose of producing or furnishing

heat, light, power or water to their members and the construction or maintenance of railroad lines provided that:

- (01) The transmission and distribution facilities and railroad lines cannot, as a practical matter, be located outside the wetland.
- (02) Such construction or maintenance is done in a manner designed to minimize adverse impact upon the natural functions of the wetland enumerated in s. 19.03502.

19.03400 PROHIBITED USES

Any use not listed in ss. 19.03301, 19.03302, or 19.03303 is prohibited, unless the wetland or portion of the wetland has been rezoned by amendment of this ordinance in accordance with s. 19.03500 of this ordinance and ch. 59.69(5)(e), Wis. Stats.

19.03500 REZONING OF LANDS IN THE SHORELAND-WETLAND DISTRICT

01 For all proposed text and map amendments to the shoreland-wetland provisions of this ordinance, the appropriate office with the Department of Natural Resources (DNR) shall be provided with the following:

- (A) A copy of every petition for a text or map amendment to the shoreland-wetland provisions of this ordinance, within five (5) days of the filing of such petition with the zoning administrator. Such petition shall include a copy of the Wisconsin Wetland Inventory map describing any proposed rezoning of a shoreland-wetland.
- (B) Written notice of the public hearing to be held on a proposed amendment at least ten (10) days prior to such hearing.
- (C) A copy of the Natural Resource Committee findings and recommendations on each proposed amendment within ten (10) days after the submission of those findings and recommendations to the county board.
- (D) Written notice of the county board decision on the proposed amendment within ten (10) days after it is issued.

02 A wetland, or a portion thereof, in the shoreland-wetland district shall not be rezoned if the proposed rezoning may result in a significant adverse impact upon any of the following:

- (A) Storm and flood water storage capacity.
- (B) Maintenance of dry season stream flow, the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area, or the flow of groundwater through a wetland.
- (C) Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters.
- (D) Shoreline protection against soil erosion.
- (E) Fish spawning, breeding, nursery or feeding grounds.
- (F) Wildlife habitat.
- (G) Wetlands both within the boundary of designated areas of special natural resource interest and those wetlands which are in proximity to or have a direct hydrologic connection to such designated areas as defined in ch. NR 103.04, Wis. Adm. Code, which can be accessed at the following web site: <http://www.legis.state.wi.us/rsb/code/nr/nr103.pdf>.

03 If the Department of Natural Resources (DNR) notifies the county zoning administrator that a proposed text or map amendment to the shoreland-wetland provisions of this ordinance may have a significant adverse impact upon any of the criteria listed in s. 19.03502 of this ordinance, that amendment, if approved by the county board, shall contain the following provision:

“This amendment shall not take effect until more than thirty (30) days have elapsed after written notice of the county board approval of this amendment is mailed to the Department of Natural Resources (DNR). During that thirty (30) day period, the Department may notify the county board that it will adopt a superseding shoreland ordinance for the county under s. 59.692(6), Wis. Stats. If the Department does so notify the county board, the effect of this amendment shall be stayed until the s. 59.692(6), Wis. Stats., adoption procedure is completed or otherwise terminated.”

Sec. 58-416. - Building and structure location.

- (a) *Purpose and intent.* The purpose and intent of regulating building and structure location is as follows:
- (1) To require the provision of a buffer zone between noise-intolerant land uses (e.g. residences, nursing homes, day care centers, schools, churches) and adjacent streets or highways to effectively attenuate noise and buffer such developments from the pollution and hazards attendant to vehicular traffic.
 - (2) To require the provision of adequate physical separation between uses to minimize conflict.
 - (3) To allow exposure to optimum amounts of light, air, and ventilation.
 - (4) To attenuate noise, odors, fumes, and dust generated by land use before they infringe upon adjacent land use.
 - (5) To provide aesthetic open space of sufficient size to accommodate landscaping and to soften, compliment, and enhance architectural design of buildings, parking areas, loading facilities, and utilities.
 - (6) To provide adequate area for snow piling.
 - (7) To insure adequate separation between pedestrian and vehicular circulation.
 - (8) To promote cluster development and other internally oriented living, shopping and working environments, and to discourage strip development.
 - (9) To provide adequate area to detain, retain, and facilitate surface drainage.
 - (10) To protect and preserve the quality and quantity of ground water resources.
 - (11) To prevent development which may result in unacceptable non-point source pollution.
 - (12) To provide diversified and balanced growth.
- (b) *Base setback line.* The following base setback lines are hereby established parallel to the centerline of all public streets and highways:
- (1) For all streets designated as "local streets", the base setback line shall be located 30 feet from the centerline of such street or 75 feet from the center point of a cul-de-sac unless otherwise specifically established by action of the common council.
 - (2) For all streets and highways, other than those designated as "local" streets, a base setback line shall be located at a distance from the centerline of such street or highway equal to one-half the width of its ultimate right-of-way as established by the common council.
 - (3) The width of frontage roads shall not be included in the above designated rights-of-way.
- (c) *Setbacks.* Unless otherwise specified within an individual zoning district or in accordance with section 58-41, no building or structure shall be erected, constructed, structurally altered, or relocated on a lot closer to the base setback line than the minimum setback distance specified in

the established zoning district.

- (1) *Frontage roads, service drives and parking areas setback.* Frontage roads, service drives, parking areas, etc., shall be set back a minimum of 25 feet from the adjacent base setback line.
- (2) *Setback from Lake Michigan Bluff.* All permanent structures, including in-ground swimming pools erected or constructed after January 1, 1988, on property that is contiguous to Lake Michigan shall be set back from the top of the bluff a distance based on a slope ratio of two feet horizontal distance to every one foot vertical distance measured from the toe of the bluff. In no case, however, shall a building be set back less than 75 feet from the top edge of bluff at the time of construction. Additions or alterations to structures that were erected or constructed prior to January 1, 1988, on property that is contiguous to Lake Michigan shall in no case reduce the existing setback from the edge of the top of the bluff to the existing structure.

All underground utilities including but not limited to sewer, water, gas, electric, or telephone shall be installed no closer than 75 feet from the top edge of the Lake Michigan bluff.

Underground extensions of existing utilities shall not reduce the existing setback from the edge of the bluff if said utilities are closer than 75 feet to the top of the bluff. However, utilities located more than 75 feet from the top of the bluff may be extended underground to structures lacking the 75-foot setback from the top of the bluff. The city does not guarantee, warrant or represent that only those areas which lie within the required setback area from the top of the bluff will be subject to damage resulting from bluff erosion or instability and hereby asserts that there is no liability on the part of the common council, its agencies or employees for any damages that may occur as a result of reliance upon and conformance with this section.

(d) *Setback exceptions.*

- (1) Additions to existing buildings which lack the required setback may be allowed if either:
 - a. The addition is set back at a distance greater than or equal to the average of the existing building setback and the required setback; or
 - b. The addition is set back at a distance at least equal to the building setback and the planning commission determines that the addition will neither impede any likely public improvements nor cause any hardship, inconvenience, or diminution in value to any adjacent properties and further determines that the addition will be harmonious with neighboring properties.
- (2) On corner lots, on record as of the effective date of the ordinance from which this section is derived, the effect of the setback regulations shall not reduce the buildable width of such corner lot to less than 30 feet.

- (e) *Offsets.* The proximity of any portion of a structure to the side or rear lot lines shall be regulated as follows:
- (1) Except as specifically otherwise provided by ordinance, no structure shall hereinafter be erected, structurally altered, or relocated so that it is closer to any lot line than the offset distance specified by the regulations for the district in which it is located:
 - (2) No non-residential structure shall be erected, structurally altered, or relocated on any property so that it is closer to the lot line of a residentially zoned property than the greater of (i) the distance set forth in paragraph (1) or (ii) one times the height of the non-residential structure as deemed pursuant to section 58-418.
 - (3) Offset exceptions.
 - a. In the case of any lot of record which has a minimum average width less than that required by the district in which it is located, the offset from a side lot line may be reduced proportionally to the ratio of the actual minimum average width and the required minimum average width (i.e. actual width/required width) provided, however, that no offset shall in any case be less than 75 percent of the required offset.
 - b. Where a lot abuts a district boundary line, the offset from such line in the district of less restrictive use shall not be less than that required for the district of more restrictive use.
 - c. The required offset area on one property may be reduced if the offset area on the adjoining property is increased by deed restriction to include the required offset area plus the equivalent amount of offset area resulting from the adjacent reduction.
 - d. In the case of attached single-family, row, multiple-family, commercial, or industrial use structures, two or more buildings on adjoining lots may be erected with common or directly adjoining walls provided the requirements of the state industrial code relative to such construction are complied with and provided that at both ends of such row type buildings the applicable offset requirements shall be complied with.
 - e. Structures that are specifically Structures that are specifically excluded from offset regulations by ordinance including those structures excluded by section 58-419 are not subject to subsection (e).
 - f. Garages allowed as accessory uses to residences are subject to subsection (e)(1) but not subsection (e)(2) or (e)(3).
 - (4) Any required offset area shall be landscaped and kept clean and free from the accumulation of debris or refuse, and shall not be used for the storage or display of equipment, products, vehicles, or any other material.
- (f) *Driveway offsets.* Residential driveways shall be located no closer than three feet to a side or rear property line unless written approval is granted by the adjacent property owner.

(Code 1957, § 3.03(5); Ord. No. 96-878, 5-14-1996; Ord. No. 96-890, 6-25-1996; Ord. No. 2003-1065, § I, 4-8-2003; Ord. No. 2008-1238, § I, 4-8-2008; Ord. No. 2016-1488, § I(Att.), 1-10-2017)

COTW REQUESTED TRACK CHANGES 05.13.25

(2) *Setback from Lake Michigan Bluff.* Except as otherwise provided in this section, all permanent structures, including in-ground swimming pools erected or constructed after January 1, 1988, on property that is contiguous to Lake Michigan shall be set back from the top of the bluff a distance based on a slope ratio of two feet horizontal distance to every one foot vertical distance measured from the toe of the bluff. In no case, however, shall a building be set back less than 75 feet from the top edge of bluff at the time of construction. Additions or alterations to structures that were erected or constructed prior to January 1, 1988, on property that is contiguous to Lake Michigan shall in no case reduce the existing setback from the edge of the top of the bluff to the existing structure.

Structures to gain access to Lake Michigan shall be permitted subject to the following conditions:

- a. The structure shall be limited to 5 feet in width, 7 feet in length, in no case greater than 35 square feet, and the following height restrictions shall apply:
 1. Four (4) feet six (6) inches measured vertically from the structure's walking surface to the top of the structure.
 2. Fifteen (15) feet measured vertically from the walking surface to grade.
- b. A building permit from the department of community development shall be obtained.
- c. A survey shall be provided with the building permit and shall include the ordinary high-water mark (OHWM).
- d. Structures shall comply with required side yard offsets of the city base zoning district. Structures and any component of the structures, whether above or below grade, including but not limited to cables, anchors, supports, are not eligible for the offset exemptions of Sec. 58-416.
- e. Regulations of Chapter 84 shall be met.
- f. Structures shall comply with all other applicable municipal codes and state or federal regulations.
- g. Property owners shall certify to the city their awareness of potential problems of lake shore erosion, including but not limited to, the possibility of adding fill of various types to stabilize the bluff area, the requirement for securing of a fill permit from the city engineering division for any such filling, the provisions of said fill permit ordinance, and the potential cost incurred. A memorandum of said certification, including the legal description of the property, shall be recorded in the office of the register of deeds for Ozaukee County.
- h. A registered professional engineer, board certified by the American Society of Civil Engineers, in geotechnical engineering (CPEGE), who is hired by the owner of the lot, shall certify to the city that the construction of any proposed structure located within 75 feet of the top edge of the bluff will be safe. Specifically, the professional engineer shall certify that:
 1. The design of any structure, the method of constructing such

- structure, and the materials used therefore are structurally adequate and will protect public health and safety.
2. The proposed structure will not in any way adversely affect the structural integrity or safety of any building, or structure(s) located on adjoining or adjacent sites.
 3. The proposed structure will not adversely disturb ravine and bluff slopes, interfere with surface or subsurface drainage, or create new or exacerbate existing problems of erosion and recession on the subject site or adjoining or adjacent site.
 4. The drainage system will not adversely affect the adjacent and adjoining properties.
 5. There is no danger to the proposed structure or existing buildings or structures and its occupants from slippage of the slope above and/or below the proposed structure.
 6. A memorandum of said certification, including the legal description of the property, shall be recorded in the office of the register of deeds for Ozaukee County.
 7. The engineer shall make a technical report accompanying the certificate, which shall include, at a minimum:
 - i. Recommendations regarding site preparation, foundation design, lateral earth pressure and support of the structure.
 - ii. The stability of the slope before, during and after construction.
 - iii. The effect of the construction on natural drainage in the areas, including any measures, such as "weepers," which are designed to improve natural drainage in the area.
- i. Property owner shall maintain the structure to avoid becoming dilapidated or in disrepair or debris, or to be unsightly, dangerous, unsafe, unsanitary, or otherwise unfit for human use. The owner shall provide the city a repair, replacement or removal plan within 30 days of being notified of being in noncompliance. The Department of Community Development Director may authorize an extension to this deadline.
 - j. A registered professional engineer, board certified by the American Society of Civil Engineers, in geotechnical engineering (CPEGE), who is hired by the owner of the lot, shall recertify to the city every five years that the structure is safe for use.

All underground utilities including but not limited to sewer, water, gas, electric, or telephone shall be installed no closer than 75 feet from the top edge of the Lake Michigan bluff. Underground extensions of existing utilities shall not reduce the existing setback from the edge of the bluff if said utilities are closer than 75 feet to the top of the bluff. However, utilities located more than 75 feet from the top of the

bluff may be extended underground to structures lacking the 75-foot setback from the top of the bluff. The city does not guarantee, warrant or represent that only those areas which lie within the required setback area from the top of the bluff will be subject to damage resulting from bluff erosion or instability and hereby asserts that there is no liability on the part of the common council, its agencies or employees for any damages that may occur as a result of reliance upon and conformance with this section.

Greg Golden

From: David Bialk
Sent: Wednesday, February 19, 2025 11:15 AM
To: Greg Golden
Subject: RE: Lake Michigan Bluff Text Amendment

I don't have any concerns, but if someone is injured at the bottom of the bluff, and needs to be carried up, it will take time.

Fire Chief David L Bialk
Southern Ozaukee Fire and EMS
11300 N Buntrock Ave.
Mequon, WI 53092
dbialk@sofdwi.gov
262-242-2530



Integrity • Trust • Empathy • Grit • Excellence • Stewardship

From: Greg Golden <GGolden@cityofmequonwi.gov>
Sent: Wednesday, February 19, 2025 10:58 AM
To: David Bialk <dbialk@sofdwi.gov>
Cc: Brian Sajdak <brian@wrslegal.net>; Kimberly Tollefson <KTollefson@cityofmequonwi.gov>; Cole McCraw <CMcCraw@cityofmequonwi.gov>; Chris Butschke <cbutschke@cityofmequonwi.gov>; Jac Zader <JZader@cityofmequonwi.gov>
Subject: RE: Lake Michigan Bluff Text Amendment

Morning Chief,

The Committee Of The Whole (COTW) asked staff to investigate permitting a way for homeowners who own property along Lake Michigan to have access to the lake. The text amendment is a proposal to change the language (or amend the text) of the Mequon Code of Ordinances to allow this. One of the directives of the COTW was to get input from SOFD with any concerns they might have with allowing structures to be built on the bluff to access the lake from an EMS point of view. Please let me know if you have any concerns regarding the permitting of structures on the bluff to access Lake Michigan from an EMS point of view so that I may put them in my staff report. Thanks so much.

Respectfully,



Greg Golden
Building Inspections Supervisor
City of Mequon
Master Electrician
11333 N. Cedarburg Rd. | Mequon, WI 53092
262-236-2921 | ggolden@cityofmequonwi.gov
Central Scheduling: (262)236-2930

Attachment: Exhibit I (ORDINANCE 2025-1681 : LM Bluff Structures)

Greg Golden

From: Mark Riley
Sent: Wednesday, February 19, 2025 2:03 PM
To: Greg Golden
Subject: RE: Lake Michigan Bluff Text Amendment

Thanks Greg,

I do not see an issue with the regulations. Thanks for including us.



Mark Riley
 Police Chief
 Mequon Police Department
 11300 N. Buntrock Ave. | Mequon, WI 53092
 262-242-3500 | mriley@ci.mequon.wi.us
[City Website](#) | [Staff Directory](#)

From: Greg Golden <GGolden@cityofmequonwi.gov>
Sent: Wednesday, February 19, 2025 1:24 PM
To: Mark Riley <MRiley@cityofmequonwi.gov>
Subject: FW: Lake Michigan Bluff Text Amendment

Good Afternoon, Chief,

I had sent the below email out to several groups among the City and when corresponding with the Fire Chief, I realized I probably should have included you in the email chain. I apologize for that. Please take a few moments to read and let me know if you have any concerns from a policing standpoint that I should include in my staff report.

Thanks!



Greg Golden
 Building Inspections Supervisor
 City of Mequon
 Master Electrician
 11333 N. Cedarburg Rd. | Mequon, WI 53092
 262-236-2921 | ggolden@cityofmequonwi.gov
 Central Scheduling: (262)236-2930

Please Note: The City of Mequon is transitioning its website and email addresses to cityofmequonwi.gov. Emails sent to/from the City's prior ci.mequon.wi.us addresses will forward to the new cityofmequonwi.gov domain through January 31, 2026. Please update your records accordingly.

From: Greg Golden
Sent: Tuesday, February 18, 2025 2:30 PM
To: Brian Sajdak <brian@wrslegal.net>; David Bialk <dbialk@sofdwi.gov>; Cole McCraw

Greg Golden

From: Cole McCraw
Sent: Thursday, March 6, 2025 2:23 PM
To: Greg Golden
Subject: RE: Lake Michigan Bluff Text Amendment

Greg,

I don't have any comments on the proposed changes.

Thanks,
Cole



Cole McCraw, PE
Assistant City Engineer
City of Mequon
11333 N. Cedarburg Rd. | Mequon, WI 53092
262-236-2957 | cmccraw@cityofmequonwi.gov
[City Website](#) | [Facebook](#)

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From: Greg Golden <GGolden@cityofmequonwi.gov>
Sent: Wednesday, March 5, 2025 8:07 AM
To: Cole McCraw <CMcCraw@cityofmequonwi.gov>
Subject: Lake Michigan Bluff Text Amendment

Cole, welcome back. Please have a look at this and let me know if engineering has any issues. Your response will be added as an attachment to the memo going to PC on the 17th. Please have a response to me by tomorrow, 3-6-25 (my memo is due next Tuesday). This is a little different than the draft I sent you before you left.

Thanks ☺



Greg Golden
Building Inspections Supervisor
City of Mequon
Master Electrician
11333 N. Cedarburg Rd. | Mequon, WI 53092
262-236-2921 | ggolden@cityofmequonwi.gov
Central Scheduling: (262)236-2930

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Attachment: Exhibit I (ORDINANCE 2025-1681 : LM Bluff Structures)



Private Office:
Wesolowski, Reidenbach & Sajdak, S.C.
11402 W. Church St.
Franklin, WI 53132
(414) 529-8900

www.ci.mequon.wi.us

Office of the City Attorney

MEMORANDUM

TO: Planning Commission
FROM: Brian C. Sajdak, City Attorney
DATE: April 15, 2025
RE: City Liability for Issuing Building Permits

Background

As part of the consideration of the code amendment to allow certain structures on the Lake Michigan bluff, a question was raised as to whether the City would have any liability for any damage caused by the structures placed on the bluff under this code amendment. In my opinion, there would be no liability in this circumstance.

Discussion

In Wisconsin, municipal liability is addressed in section 893.80 of the Statutes:

No suit may be brought against any . . . political corporation, governmental subdivision or any agency thereof for the intentional torts of its officers, officials, agents or employees nor may any suit be brought against such corporation, subdivision or agency . . . or against its officers, officials, agents or employees for acts done in the exercise of legislative, quasi-legislative, judicial or quasi-judicial functions.

Wis. Stat. § 893.80(4). The phrase “legislative, quasi-legislative, judicial, or quasi-judicial functions” “have been collectively interpreted to include any act that involves the exercise of discretion and judgment.” Lodl v. Progressive N. Ins. Co., 2002 WI 71, ¶ 21, 253 Wis.2d 323, 646 N.W.2d 314. Thus, the statute provides immunity from liability for those acts which involve the exercise of discretion. “[T]he purpose of this discretionary immunity was to insulate legislative policy decisions from judicial examination. We reasoned that the tort process was an “inadequate crucible” for testing the merits of choices made in the political arena.” Est. of Lyons v. CNA Ins. Companies, 207 Wis. 2d 446, 453, 558 N.W.2d 658, 661 (Ct. App. 1996)(quoting Gordon v. Milwaukee County, 125 Wis.2d 62, 65–66, 370 N.W.2d 803, 805 (Ct.App.1985)).

In this case, the decision to allow for structures on the Lake Michigan bluff is a legislative decision immune from tort liability. “Both the power to zone and the power to veto a zoning change represent legislative functions.” Willow Creek Ranch, L.L.C. v. Town of Shelby, 2000 WI 56, ¶ 41, 235 Wis. 2d 409, 431, 611 N.W.2d 693, 703. See, also, Schmeling v. Phelps, 212 Wis. 2d 898, 911-12, 569 N.W.2d 784 (Ct. App. 1997)(“Zoning actions, however, because they affect the *property rights of specific individuals*, have traditionally been treated differently than general municipal legislation under both statute and case law.”(emphasis added)); Dyersville Ready Mix

Inc. D/B/A BARD Materials v. Iowa Cnty. Bd. of Supervisors, et al., No. 2024AP1091, 2025 WL 1078289, at ¶¶ 57–59 (Wis. Ct. App. Apr. 10, 2025)(Citing Schmeling in finding a difference between judicial review of zoning actions as applied to the approval/denial for specific property requests versus general legislative actions). As the Supreme Court noted in Willow Creek Ranch:

Decisions to enforce a zoning ordinance and to veto zoning changes represent legislative acts. Quinn v. Town of Dodgeville, 122 Wis.2d 570, 578, 364 N.W.2d 149 (1985). Thus, they are discretionary decisions subject to the immunity provisions. Beres v. City of New Berlin, 34 Wis.2d 229, 232, 148 N.W.2d 653 (1967). . . . Willow Creek concedes that the decision to enact a zoning ordinance represents a discretionary act.

Willow Creek Ranch at ¶ 28. The Court continued:

Judicial review of legislative functions is limited to cases in which the authority acted in excess of its power or under error of law. Buhler v. Racine County, 33 Wis.2d 137, 146, 146 N.W.2d 403 (1966). Although this court may debate the wisdom or the desirability of a particular zoning decision, we are constrained from substituting our judgment for that of the zoning authority. Bessent, 27 Wis.2d at 546, 135 N.W.2d 317. This rule applies not only to decisions as to the necessity of zoning but also to decisions as to the determination of whether a change in circumstances justifies rezoning. Buhler, 33 Wis.2d at 147, 146 N.W.2d 403.

Willow Creek Ranch at ¶ 41. Thus, a municipality is immune from liability for legislatively enacting a zoning ordinance, such as the ordinance now under consideration to allow structures on the bluff.

This conclusion is further supported by the general rules related to building permits. “Generally, the grant or refusal of building permits is considered a discretionary or a governmental function for which a municipality is traditionally held not liable for damages.” Nature and purpose—Municipal immunity, 9A McQuillin Mun. Corp. § 26:218 (3d ed.). “The issuance of a building permit is not an official action by which a local government implicitly approves a builder's plans to erect a structure of the type and at the place approved.” Compliance with requirements, 9A McQuillin Mun. Corp. § 26:227 (3d ed.). “The issuance of a building permit is not an official action by which a local government implicitly approves a builder's plans to erect a structure of the type and at the place approved. Building permits and building code inspections only authorize construction to proceed. They do not guarantee that all provisions of all applicable codes have been complied with.” Nature and purpose—Municipal immunity, 9A McQuillin Mun. Corp. § 26:218 (3d ed.). Thus, there is in general no liability simply by the issuance of a building permit.

Exhibit K

58-416 (c)

Setbacks. Unless otherwise specified within an individual zoning district or in accordance with section 58-41, no building or structure shall be erected, constructed, structurally altered, or relocated on a lot closer to the base setback line than the minimum setback distance specified in the established zoning district.

(1)

Frontage roads, service drives and parking areas setback. Frontage roads, service drives, parking areas, etc., shall be set back a minimum of 25 feet from the adjacent base setback line.

(2)

Setback from Lake Michigan Bluff. All permanent structures, except as listed below, including in-ground swimming pools erected or constructed after January 1, 1988, on property that is contiguous to Lake Michigan shall be set back from the top of the bluff a distance based on a slope ratio of two feet horizontal distance to every one foot vertical distance measured from the toe of the bluff. In no case, however, shall a building be set back less than 75 feet from the top edge of bluff at the time of construction. Additions or alterations to structures that were erected or constructed prior to January 1, 1988, on property that is contiguous to Lake Michigan shall in no case reduce the existing setback from the edge of the top of the bluff to the existing structure.

Structures to gain access to Lake Michigan shall be permitted subject to the following conditions:

1. The structure shall be limited to 5 feet in width and the following height restrictions shall apply:
 - a. Four (4) feet six (6) inches measured vertically from the structure's walking surface to the top of the structure.
 - b. Fifteen (15) feet measured vertically from the walking surface to grade.
2. A building permit from the department of community development shall be obtained.
3. A survey shall be provided with the building permit and shall include the ordinary high-water mark (OHWM).
4. Structures shall comply with required side yard offsets of the city base zoning district. Structures and any component of the structures, whether above or below grade, including but not limited to cables, anchors, supports, are not eligible for the offset exemptions of Sec. 58-416.
5. Regulations of Chapter 84 shall be met.
6. Structure shall comply with all other applicable municipal codes and state or federal regulations.
7. Property owners shall certify to the city their awareness of potential problems of lake shore erosion, including but not limited to, the possibility of adding fill of various types to stabilize

the bluff area, the requirement for securing of a fill permit from the city engineering department for any such filling, the provisions of said fill permit ordinance, and the potential cost incurred. A memorandum of said certification, including the legal description of the property, shall be recorded in the office of the register of deeds for Ozaukee County.

8. A registered professional engineer, board certified by the American Society of Civil Engineers, in geotechnical engineering (CPEGE), who is hired by the owner of the lot, shall certify to the City that the construction of any proposed structure located within 75 feet of the top edge of the bluff will be safe. Specifically, the professional engineer shall certify that:
 - a. The design of any structure, the method of constructing such structure, and the materials used therefore are structurally adequate and will protect public health and safety.
 - b. The proposed structure will not in any way adversely affect the structural integrity or safety of any building, or structure(s) located on adjoining or adjacent sites.
 - c. The proposed structure will not adversely disturb ravine and bluff slopes, interfere with surface or subsurface drainage, or create new or exacerbate existing problems of erosion and recession on the subject site or adjoining or adjacent site.
 - d. The drainage system will not adversely affect the adjacent and adjoining properties.
 - e. There is no danger to the proposed structure or existing buildings or structures and its occupants from slippage of the slope above and/or below the proposed structure.
 - f. A memorandum of said certification, including the legal description of the property, shall be recorded in the office of the register of deeds for Ozaukee County.
 - g. The engineer shall make a technical report accompanying the certificate, which shall include, at a minimum:
 - i. Recommendations regarding site preparation, foundation design, lateral earth pressure and support of the structure.
 - ii. The stability of the slope before, during and after construction.
 - iii. The effect of the construction on natural drainage in the areas, including any measures, such as "weepers," which are designed to improve natural drainage in the area.
9. Property owner shall maintain the structure to avoid becoming dilapidated or in disrepair or debris, or to be unsightly, dangerous, unsafe, unsanitary, or otherwise unfit for human use. The owner shall provide the City a repair or replacement plan within 60 days of being notified of being in noncompliance.

All underground utilities including but not limited to sewer, water, gas, electric, or telephone shall be installed no closer than 75 feet from the top edge of the Lake Michigan bluff. Underground extensions of existing utilities shall not reduce the existing setback from the edge of the bluff if said utilities are closer than 75 feet to the top of the bluff. However, utilities located more than 75 feet from the top of the bluff may be extended underground to structures lacking the 75-foot setback from the top of the bluff. The city does not guarantee, warrant or represent that only those areas which lie within the required setback area from the top of the bluff will be subject to damage resulting from bluff erosion or instability and hereby asserts that there is no liability on the part of the common council, its

agencies or employees for any damages that may occur as a result of reliance upon and conformance with this section.



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

www.cityofmequonwi.gov

Office of Community Development

TO: Common Council
FROM: Natalie Redding, City Planner
DATE: May 13, 2025
SUBJECT: ORDINANCE 2025-1682 An Ordinance Amending the Following within Chapter 58 of the Mequon Municipal Code, in Connection with Planned Improvements for the Property Located at 10806 West Freistadt Road: A) The City's Land Use Plan Map from Neighborhood Commercial to Residential 1-1.5 Acres; and B) The City's Zoning Map from B-1 (Neighborhood Commercial) to R-4 (Residential 3/4 Acre)

Background

The applicant, property owner Kenton Jacek, is requesting rezoning approval and a land use plan amendment for the property located at 10806 W. Freistadt Road. Mr. Jacek is seeking to rezone the parcel from B-1 (Neighborhood Commercial) to R-4 (Residential 3/4 Acre) and to amend the City's Land Use Plan from Neighborhood Commercial to Residential 1-1.5 acres. The site currently contains a single-family home that was constructed in 1860. The applicant would like to make improvements to the home but is limited to 50% of its value because the use is non-conforming.

Analysis

The parcel has a total acreage of 0.45, a lot width of roughly 113 feet and a lot length of roughly 175 feet. The existing house is setback 50 feet from Freistadt Road and is slightly closer to the side lot lines than the B-1 and R-4 offsets require. The parcel does not meet the standards of its current B-1 zoning designation. As such, both the use and the lot are nonconforming.

The following chart conveys that rezoning the parcel to residential would bring the lot slightly closer into compliance, and would allow the current and continuation of residential use to conform with the proposed R-4 zoning district.

	B-1 District Standard	R-4 District Standard	Existing Conditions
Minimum Lot Size	1.5 acre minimum	0.75 acre minimum	0.45 acres
Minimum Average Lot Width & Length	150 feet	130 feet	113 feet width, 175 feet length
Setback from Local Streets	60 feet	50 feet	50 feet

Minimum Building Offset	20 feet	20 feet	19 feet from west property line, 14 feet from east, 60 feet from north
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Fiscal Impact

The proposed rezoning and land use plan map amendment are fiscally neutral.

Recommendation

The Planning Commission recommended approval of the proposed rezoning and land use plan map amendment by a vote of 8-0 on April 21, 2025.

Attachments:

- Land Use Plan Map (PDF)
- Zoning Map (PDF)
- Property Survey (PDF)
- Project Narrative (PDF)

COMMON COUNCIL
OF THE
CITY OF MEQUON

ORDINANCE 2025-1682

An Ordinance Amending the Following within Chapter 58 of the Mequon Municipal Code, in Connection with Planned Improvements for the Property Located at 10806 West Freistadt Road: A) The City's Land Use Plan Map from Neighborhood Commercial to Residential 1-1.5 Acres; and B) The City's Zoning Map from B-1 (Neighborhood Commercial) to R-4 (Residential 3/4 Acre)

RECITALS

A. Pursuant to Section 62.23 of the Wisconsin Statutes, the City of Mequon is authorized to prepare and adopt a comprehensive plan, or amendment thereof, and to establish zoning districts based upon such comprehensive plan.

B. The owner of the property located at 10806 West Freistadt Road has filed an application to rezone the property from its current zoning of B-1 (Neighborhood Commercial) to R-4 (Single-Family $\frac{3}{4}$ Acre) for the full parcel.

C. The Planning Commission, by majority vote, adopted a recommendation to approve the rezoning request on the 21st day of April 2025.

D. The Common Council held a public hearing on the proposed changes to the City's Comprehensive Land Use Plan Map and the City's Zoning Map on June 10, 2025.

E. Based upon the Planning Commission's recommendation, the input received at the public hearing and the materials contained within the agenda packet, the Common Council has determined that amendments to the City's Zoning Map and Comprehensive Land Use Plan Map within Chapter 58 of the Mequon Municipal Code, are appropriate.

F. The appropriate zoning of lands within the City furthers the health, safety and welfare of the community.

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

SECTION I

1. The City of Mequon Comprehensive Land Use Plan Map, attached hereto as Exhibit A, is hereby amended to designate the entire property as "Residential 1 - 1.5 Acres".

2. The City of Mequon Zoning Map, attached hereto as Exhibit B, is hereby amended to change the zoning classification for the entire property to R-4 (Residential $\frac{3}{4}$ Acre).

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 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: Andrew Nerbun, Mayor

Date Approved: June 10, 2025

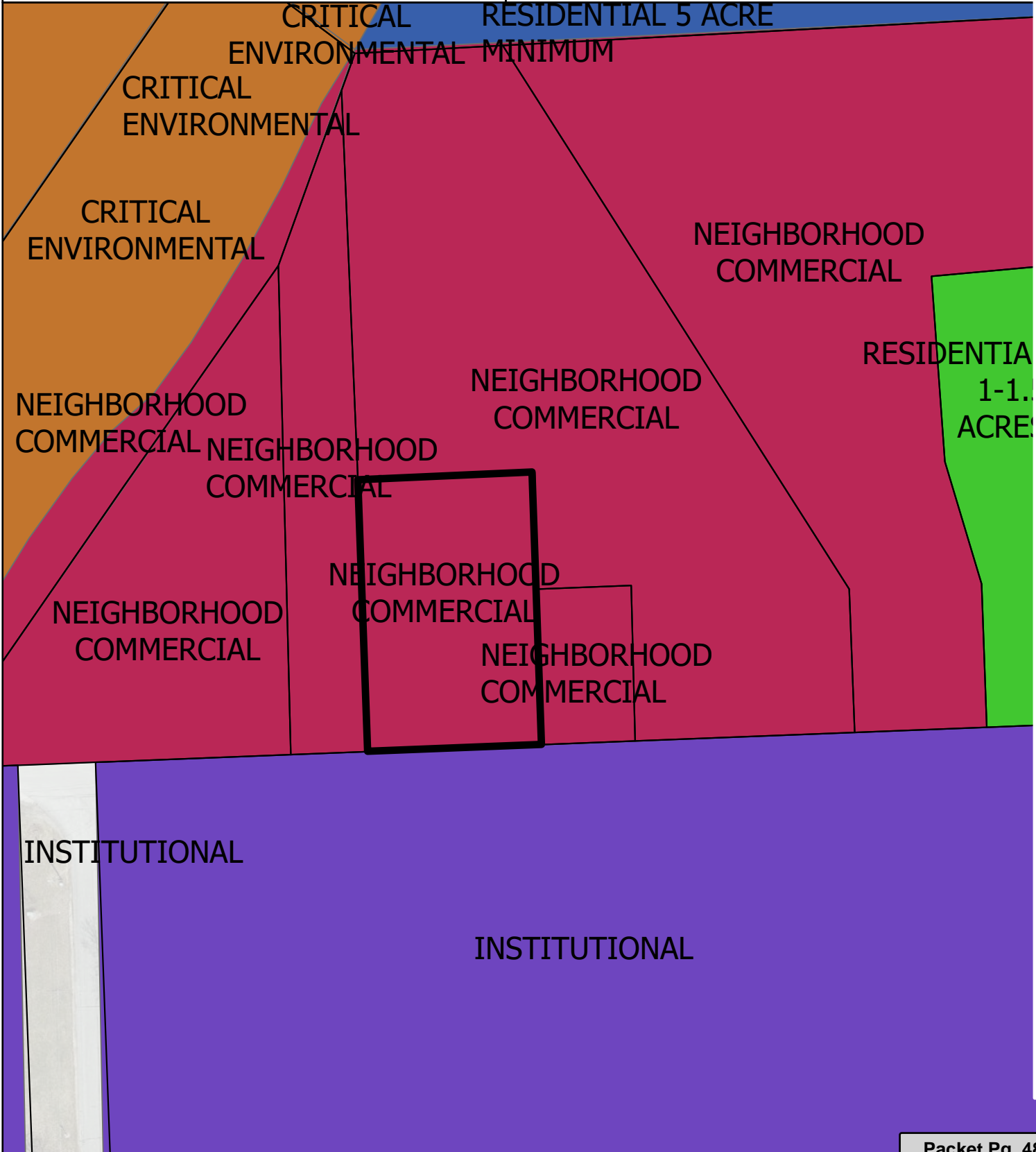
I certify that the foregoing Ordinance was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on June 10, 2025.

Caroline Fochs, City Clerk

Published: _____

JACEK LAND USE PLAN AMENDMENT (EXHIBIT A)

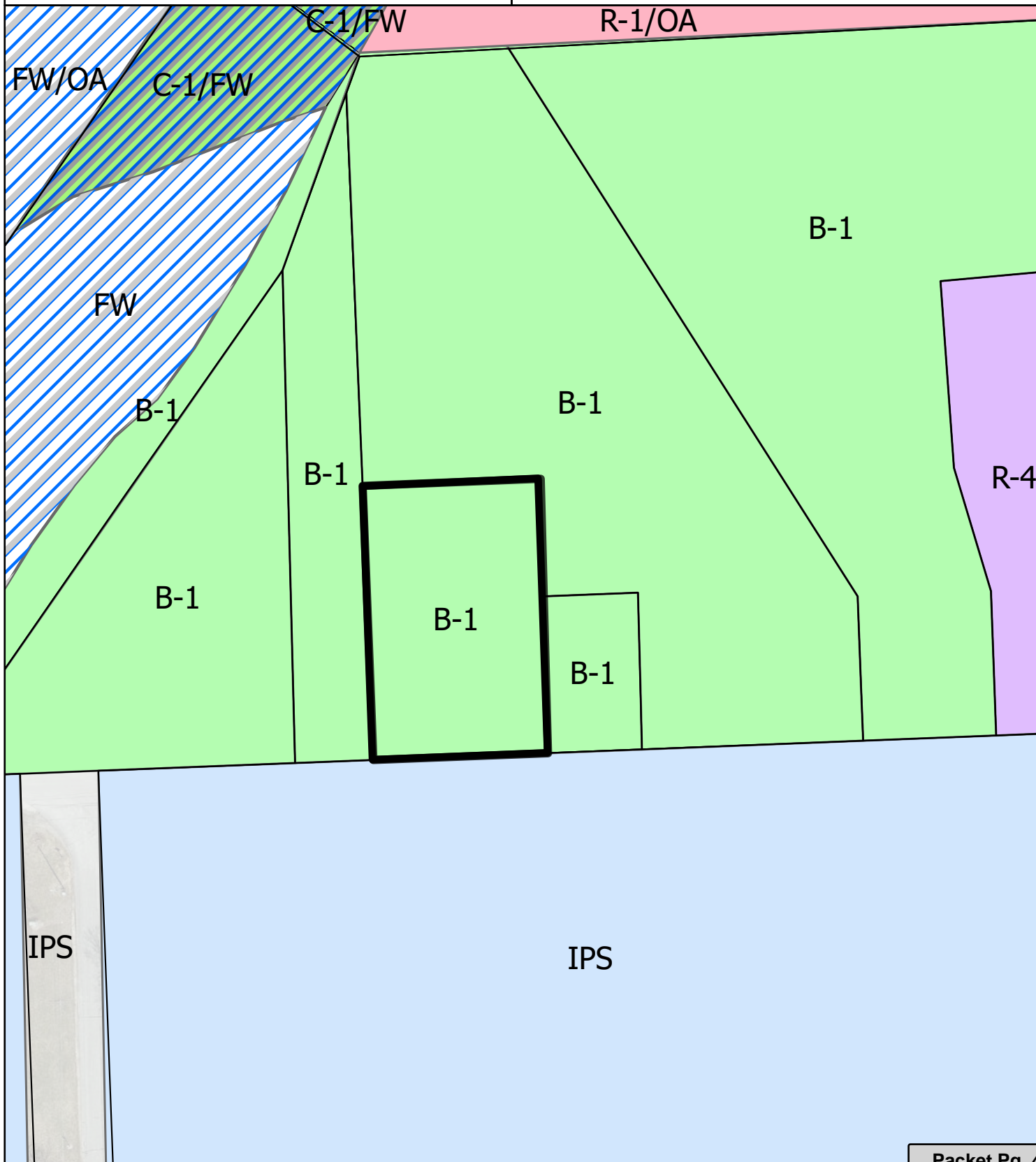
AC	Arrival Corridor	IPS	Institutional & Public Service
A-1	Agricultural Preserve	NC	Neighborhood Commercial
A-2	General Agricultural	OA	Agricultural Overlay
B-1	Neighborhood Business	PUD	Planned Unit Development Overlay
B-2	Community Business	P-1	Park & Recreation
B-3	Office & Service Business	R-1	Single-Family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



Attachment: Land Use Plan Map (ORDINANCE 2025-1682 : Rezoning Jacek 10806 W Freistadt Rd)

JACEK REZONING (EXHIBIT B)

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



Attachment: Zoning Map (ORDINANCE 2025-1682 : Rezoning Jacek 10806 W Freistadt Rd)

Project Description and Business Operations:

Our land is currently zoned as B-1 (Business), however, it is being used as a residential property and has been used as such for several years. The previous owners, Diana and Neal Boehlke, also used the home as a residential property in the late 1980s until I bought the home in 2018. Since purchasing the home, we have been taxed as a residential property. We have also not operated a business out of our home.

I am requesting to have it rezoned as residential so my wife and I can make updates to the property. At the present time, we would like to add an additional bathroom and finish off an unfinished space on the second floor so it becomes a legal third bedroom. We also plan to make necessary updates to the electrical and plumbing systems, as well as add fire blocker, to bring the home up to code and make it safer for our family.

The proposed changes will not include any changes to the appearance of the front of our home. Depending on build code, we may be required to add an additional window in the third bedroom so it has enough light to square footage, which would slightly alter the appearance of the back of our home. This would not impact any of the businesses or homes around us. We do not plan to make any updates to the landscaping, garage, or other areas of the home.

Basic for Request:

We are requesting this rezoning be granted for reasons related to public safety, public interest, and the general welfare of our family.

1. As I mentioned above, the house has been used and taxed as a residential property for several years. My wife and I would like to make the proposed updates to improve the current floor plan of the house to make it more livable and safe for our family. (i.e add fire blocker, update the electrical, etc).
2. This rezoning will also help us secure the bank funding we need to make the updates. As it stands, the appraisal for the bank cannot be completed because the parcel is zoned as business. Two appraisers have refused to complete the appraisal as our home is set up/being used as a residential property. This is preventing us from securing funding to make our home safer.
3. We also believe that rezoning the property would allow us to financially contribute to our community. We have chosen to use a local bank for funding and a local contractor for our renovation. We appreciate the opportunity to use this project to support local businesses.
4. Rezoning our property would not be a detriment to the businesses around us. We do not wish to open a business on our property and the proposed updates will not change the flow of traffic, appearance of our home, increase the noise level, etc.

Overall, we do not wish to leave Mequon as we value the community and town. Allowing us to rezone our property to a residential property would allow us to improve the quality of our home and continue to raise our daughter in a community we love.

*City of Mequon, Wisconsin
Proclamation Recognizing
June as National Scleroderma Month*

Addressing the complex health needs of people with scleroderma is important to the City of Mequon, WI.

Scleroderma is a group of rare diseases that involves hardening and tightening of the skin and connective tissues. Scleroderma may affect the skin, blood vessels, internal organs, and the digestive tract, and the signs and symptoms vary for each type of scleroderma.

According to the Scleroderma Foundation, approximately 300,000 individuals in the United States are diagnosed with scleroderma. Comprehensive and coordinated health services for people with scleroderma are critically important to achieving positive patient outcomes.

It is appropriate to recognize June as Scleroderma Awareness Month; and through public awareness, the City of Mequon seeks to focus on the needs of people living with scleroderma and the continuing improvement of services to those people and their families.

Persons living with scleroderma in the City of Mequon, their family and friends are encouraged to wear teal for the month of June, to create awareness and to educate the medical community and public in support of scleroderma awareness and to participate in scleroderma awareness-related events during the month of June. The Scleroderma Foundation and other organizational partners seek to raise awareness in our community through support, education and research toward finding a cure for scleroderma.

ACCORDINGLY, I, Andy Nerbun, Mayor of the City of Mequon, on behalf of all citizens of the City of Mequon, proclaim June as Scleroderma Awareness Month in the City of Mequon and I urge all citizens to support efforts of scleroderma awareness in hopes of one day finding a cure.

Dated May 20, 2025



Andrew J. Nerbun, Mayor
City of Mequon



Attachment: Scleroderma Proclamation (10425 : Proclamation)



11333 N. Cedarburg Road
 Mequon, Wisconsin 53092
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INSPECTION DIVISION

ARCHITECTURAL BOARD MINUTES
Monday, April 14, 2025
6:00 PM
Lower-Level Conference Room

Minutes

1. Call to Order, Roll Call:

Present: Chairman Scott Reed

Members at Large: Paul Apfelbach, Tom Irvin, Janet Ehn, Anthony LaGalbo,
 Ann Scherzinger

Architectural Board Liaison: Greg Golden

2. Meeting Minutes

Minutes from March 10, 2025, meeting were approved by Vice-Chairman Paul Apfelbach and seconded by District Representative Tom Irvin.

Minutes passed unanimously.

3. Application Submittals:

No.	Alder. District /Time	Type of App	Owner(s) / Project Address	Contractor
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1)	Dist. 5 6:00 pm	New Single-Family Residence	Gerald & Karen Splittgerber 12360 N. Lake Shore Drive Subd: N/A	Contractor: Lakeside Development Architect: Lakeside Development
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Moved to Approve: Irvin
 Seconded by: Scherzinger
 Approved: Yes
 Vote: Unanimous

Conditions: Plans approved with the following condition:
 1. Add lattice to left side on the left elevation to balance windows and breakup siding.

2)	Dist. 5 6:05 pm	Addition: Screen Porch	Gregory & Susan Bach 12641 N. River Forest Circle Subd: River Forest Park	Contractor: 20/20 Construction Architect: Kelly C Frazier Design
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Moved to Approve: Reed
 Seconded by: Ehn
 Approved: Yes
 Vote: Unanimous

Conditions: Plans approved as submitted.

3)	Dist. 5 6:15 pm	Exterior Changes	Lauren Hoke 11650 N. Shorecliff Lane Subd: Shorecliff Park	Contractor: Owner Architect: William Feldman Studio
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Moved to Approve: Irvin
 Seconded by: Scherzinger
 Approved: Yes
 Vote: Unanimous

Conditions: Plans approved as submitted.

Attachment: Arc Board 4.14.25 (10374 : Arch Board)

4)	Dist. 6 6:25 pm	New Single-Family Residence & Detached Garage	Vladislav & Molly Melnikov 10490 N. Pine Tree Circle Subd: Eschrich Park	Contractor: Owner Architect: Kerry Sutton
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Moved to Approve: Apfelbach
 Seconded by: Irvin
 Approved: Yes
 Vote: Unanimous

Conditions: Plans approved as submitted.
 Note: Letter from neighbor (John Lapinski & Helena Pycior) about sump pump drainage concerns was brought to the attention of the owners and should be addressed by the City Engineering Department.

5)	Dist. 6 6:35 pm	New Single Family Side by Side Condominiums & Detached Garage	Eastbrook Drive LLC 11405-11433 W. Eastbrook Dr. Subd: Eastbrook Place	Contractor: Eastbrook Drive LLC Architect: A.D.S.
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Moved to Approve: Reed
 Seconded by: Ehn
 Approved: Yes
 Vote: Unanimous

Conditions: Plans approved as submitted for 5-Condominium buildings and detached garage with the following condition:
 1. Add a window to rear elevation of detached garage to be consistent with other sides.

6)	Dist. 6 6:45 pm	New Single Family Side by Side Condominium	Martin & Gail Komisar David & Sari Kramer 11682/11984 N. Aster Woods Circle Subd: Aster Woods	Contractor: Lakeside Dev. Architect: Lakeside Dev.
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Moved to Approve: Apfelbach
 Seconded by: Irvin
 Approved: Yes
 Vote: Unanimous

Conditions: Plans approved as submitted.

Attachment: Arc Board 4.14.25 (10374 : Arch Board)

7)	Dist. 7 6:50 pm	New Detached Garage	Felix & Marina Raykh 9706 N. Sunset Lane Subd: Range Line Estates	Contractor: Owner Architect: N/A
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Moved to Table: Reed
 Seconded by: Apfelbach
 Approved: No
 Vote: Unanimous

Conditions: **Tabled for redesign to incorporate materials and design to emulate the house.**

8)	Dist. 8 7:00 pm	Addition	Rick & Patty Cohen 320 E. Ravine Drive Subd: Michivue	Contractor: Lakeview Remodeling Architect: KCB Architects
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Moved to Approve: LaGalbo
 Seconded by: Scherzinger
 Approved: Yes
 Vote: Unanimous

Conditions: Plans approved as submitted.

9)	Dist. 1 7:10 pm	New Single-Family Residence	Ben & Amanda Uher 12070 W. Bonniwell Road Subd: Majestic Meadows South	Contractor: Aspen Homes Architect: Aspen Homes
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Moved to Approve: Reed
 Seconded by: Apfelbach
 Approved: Yes
 Vote: Unanimous

Conditions: Plans approved as submitted.

10)	Dist. 1 7:15 pm	Exterior Changes	Choua & Lee Her 11401 W. Mequon Road Subd: N/A	Contractor: Turnkey Homes Architect: Turnkey Homes
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Moved to Approve: Reed
 Seconded by: Apfelbach
 Approved: Yes
 Vote: Unanimous

Conditions: Plans approved as submitted.

Attachment: Arc Board 4.14.25 (10374 : Arch Board)

11)	Dist. 1 7:25 pm	Addition	Dale & Lori Moeller 14111 N. Cedarburg Road Subd: N/A	Contractor: Chuck & Chase Cont. Architect: Bill Hahn
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Moved to Approve: Irvin
 Seconded by: Reed
 Approved: Yes
 Vote: Unanimous

Conditions: Plans approved as submitted.

12)	Dist. 1 7:35 pm	New Single-Family Residence	Keajen Properties LLC 3651 W. Pine View Court Subd: Riverland Estates	Contractor: Anderson Homes LLC Architect: Anderson Homes LLC
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Moved to Approve: Apfelbach
 Seconded by: Ehn
 Approved: Yes
 Vote: Unanimous

Conditions: Plans approved as submitted.

13)	Dist. 1 7:40 pm	New Single-Family Residence	Lee & Kathryn Katsikos 13775 N. Pine View Court Subd: Riverland Estates	Contractor: Anderson Homes LLC Architect: Anderson Homes LLC
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Moved to Approve: Apfelbach
 Seconded by: LaGalbo
 Approved: Yes
 Vote: Unanimous

Conditions: Plans approved as submitted.

14)	Dist. 2 7:45 pm	New Single-Family Residence	Michael Perlewitz 3640 W. Club Circle Subd: The Green at Mequon	Contractor: Michael James Design Build Architect: Fritsch Design LLC
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Moved to Approve: Irvin
 Seconded by: Reed
 Approved: Yes
 Vote: Unanimous

Conditions: Plans dated 3/23/25 that were submitted to the meeting did not meet zoning requirements. Therefore, the Board approved the plans as submitted with the stipulation that finalized plans dated 4/7/25 will be zone compliant.

Attachment: Arc Board 4.14.25 (10374 : Arch Board)

15)	Dist. 3 7:50 pm	Addition	Chris & Nicky Wunsch 8402 W. Hillview Drive	Contractor: Larson Home Ext.
			Subd: Solar Heights	Architect: Draftsmith

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

Conditions: Plans approved as submitted with the condition that double-hung windows with grids are used for consistency throughout.

16)	Dist. 3 8:00 pm	Addition	Michael & Kelly Grebe 11417 N. Spring Avenue	Contractor: WI Craftsman LLC
			Subd: N/A	Architect: Wade Weissmann & HB Design

Moved to Approve: Apfelbach
 Seconded by: Irvin
 Approved: Yes
 Vote: Unanimous

Conditions: Plans (Both Architect Sets) approved as submitted.

17)	Dist. 3 8:10 pm	New Single-Family Residence	Veridian Homes LLC 10592 N. Tree Sparrow Drive	Contractor: Veridian Homes LLC
			Subd: The Enclave	Architect: Veridian Homes LLC

Moved to Approve: Irvin
 Seconded by: Reed
 Approved: Yes
 Vote: Unanimous

Conditions: Plans approved as submitted with the following conditions:
 1. Add two horizontal windows on the lower-level basement area on right elevation.
 2. Add one double-hung window on left elevation first floor, far left side to match double-hung window above.

Attachment: Arc Board 4.14.25 (10374 : Arch Board)

18)	Dist. 3 8:15 pm	New Single-Family Residence	Veridian Homes LLC 10600 N. Tree Sparrow Drive Subd: The Enclave	Contractor: Veridian Homes LLC Architect: Veridian Homes LLC
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Moved to Approve: Reed
 Seconded by: Scherzinger
 Approved: Yes
 Vote: Unanimous

Conditions: Plans approved as submitted.

19)	Dist. 4 8:20 pm	Addition: Garage	Jared & Amie Verba 10107 N. Meadow Lane Subd: Cedar Acres	Contractor: Farmington Woodworks Architect: Matt Lehn
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Moved to Approve: Apfelbach
 Seconded by: Irvin
 Approved: Yes
 Vote: Unanimous

Conditions: Plans approved with the following conditions:

1. All garage doors framed to match.
2. Windows to change from sliders to double-hung for consistency throughout.

20)	Dist. 4 8:30 pm	New Single-Family Residence	Tim O'Brien Homes 9773 N. Migratory Court Subd: Swan Ridge Farms	Contractor: Tim O'Brien Homes Architect: Tim O'Brien Homes
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Moved to Approve: Apfelbach
 Seconded by: LaGalbo
 Approved: Yes
 Vote: Unanimous

Conditions: Plans approved as submitted.

21)	Dist. 4 8:35 pm	Exterior Changes	Jason & Kate Stuewe 10808 N. Cedarburg Road Subd: N/A	Contractor: Owner Architect: Owner
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Moved to Approve: Reed
 Seconded by: Irvin
 Approved: Yes
 Vote: Unanimous

Conditions: Plans approved as submitted.

Attachment: Arc Board 4.14.25 (10374 : Arch Board)

4. **Motion to Adjourn**

District Representative Janet Ehn made a motion to adjourn the meeting.
District Representative Anthony LaGalbo seconded the motion.

A vote was taken; vote passed unanimously.

Meeting adjourned at 7:47 p.m.



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Office of the City Clerk

COMMON COUNCIL
Regular Meeting
Tuesday, May 13, 2025
7:30 PM
American Legion Post #457

Minutes

1) Call to Order

Mayor Nerbun called the meeting to order at 7:44 PM.

2) Pledge of Allegiance

3) Roll Call

Present:

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

Also Present: Administrator Jones, Assistant Administrator Schoenemann, City Attorney Sajdak, City Clerk Fochs, City Engineer Lundeen, Assistant City Engineer McCraw, Director of Community Development Tollefson, Assistant Director of Community Development Zader, IT Specialist Sauerland, press and interested public.

4) Public Hearings:

- a) **ORDINANCE 2025-1678** - An Ordinance Amending Chapter 58 of the Mequon Municipal Code, in Connection with the Implementation of 2023 WIS. ACT 16 Relating to the Process and Procedures for Certain Zoning-Related Applications.

Motion to open public hearing.

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

MOVER: Alderman Strzelczyk

SECONDER: Alderman Mayr

Attachment: 05.13.25 CC Minutes (10379 : CC Minutes)

AYES: Strzelczyk, Tolocko, Mayr, Hansher, Bach, Parrish, Bratt, Gebhardt

Motion to close public hearing.

RESULT: **Approved By Voice Acclamation [Unanimous]**
MOVER: Alderman Mayr
SECONDER: Alderman Parrish

AYES: Strzelczyk, Tolocko, Mayr, Hansher, Bach, Parrish, Bratt, Gebhardt

City Attorney Sajdak explained a wording change that was made to Ordinance 2025-1678 between the first and second readings. The wording was modified in Section I per state Statute that requires the majority vote of the full governing body (previous wording said a majority of those present).

Motion to approve ORDINANCE 2025-1678.

RESULT: **Approved By Roll Call Vote [Unanimous]**
MOVER: Alderman Mayr
SECONDER: Alderman Hansher

AYES: Strzelczyk, Tolocko, Mayr, Hansher, Bach, Parrish, Bratt, Gebhardt

- b) **ORDINANCE 2025-1679** - An Ordinance Amending Section 58-41(g) of the Mequon Municipal Code, Relating to the Issuance of Decisions by the Board of Appeals.

Motion to open public hearing.

RESULT: **Approved By Voice Acclamation [Unanimous]**
MOVER: Alderman Parrish
SECONDER: Alderman Hansher

AYES: Strzelczyk, Tolocko, Mayr, Hansher, Bach, Parrish, Bratt, Gebhardt

Motion to close public hearing.

RESULT: **Approved By Voice Acclamation [Unanimous]**
MOVER: Alderman Strzelczyk
SECONDER: Alderman Mayr

AYES: Strzelczyk, Tolocko, Mayr, Hansher, Bach, Parrish, Bratt, Gebhardt

Motion to approve ORDINANCE 2025-1679.

RESULT: **Approved By Roll Call Vote [Unanimous]**
MOVER: Alderman Strzelczyk
SECONDER: Alderman Parrish

AYES: Strzelczyk, Tolocko, Mayr, Hansher, Bach, Parrish, Bratt, Gebhardt

- c) **ORDINANCE 2025-1680** - An Ordinance Amending Chapter 58 of the Mequon Municipal Code, Relating to the Imposition of Impact Fees.

Attachment: 05.13.25 CC Minutes (10379 : CC Minutes)

Motion to open public hearing.

RESULT: Approved By Voice Acclamation [Unanimous]
MOVER: Alderman Parrish
SECONDER: Alderman Mayr

AYES: Strzelczyk, Tolocko, Mayr, Hansher, Bach, Parrish, Bratt, Gebhardt

Motion to close public hearing.

RESULT: Approved By Voice Acclamation [Unanimous]
MOVER: Alderman Hansher
SECONDER: Alderman Mayr

AYES: Strzelczyk, Tolocko, Mayr, Hansher, Bach, Parrish, Bratt, Gebhardt

Motion to suspend the rules for second readings.

RESULT: Approved By Roll Call Vote [Unanimous]
MOVER: Alderman Strzelczyk
SECONDER: Alderman Gebhardt

AYES: Strzelczyk, Tolocko, Mayr, Hansher, Bach, Parrish, Bratt, Gebhardt

Motion to approve ORDINANCE 2025-1680.

RESULT: Approved By Roll Call Vote [Unanimous]
MOVER: Alderman Gebhardt
SECONDER: Alderman Bratt

AYES: Strzelczyk, Tolocko, Mayr, Hansher, Bach, Parrish, Bratt, Gebhardt

5) Personal Appearances and Public Comment:

Kim Ebinger of 10414 N Bittersweet Court requested that the Council consider passing a resolution to address money in politics.

6) Public Officials' Reports:

a) Mayor

Mayor Nerbun congratulated the Festivals Committee on the first annual Redbud Festival that was held on May 10.

b) City Administrator

Administrator Jones said that the 2025 Community Survey was being mailed to a random selection of residents by letter or a postcard containing a QR code. All responses must be received by June 30, 2025. The American Legion will host a Memorial Day service at 10 AM on May 26 in front of City Hall.

7) Consent Agenda:

a) Architectural Board meeting minutes of March 10, 2025.

b) Board of Appeals meeting minutes of March 6, 2025 and April 3, 2025.

Attachment: 05.13.25 CC Minutes (10379 : CC Minutes)

- c) Common Council meeting minutes of the regular meeting on April 8, 2025 and the organizational meeting on April 15, 2025.
- d) Economic Development Board meeting minutes of March 18, 2025.
- e) Festivals Committee meeting minutes of March 17, 2025.
- f) Finance-Personnel Committee meeting minutes of March 11, 2025.
- g) Milwaukee River Advisory Committee meeting minutes of October 22, 2024.
- h) Park and Open Space Board meeting minutes of February 19, 2025.
- i) Planning Commission meeting minutes of March 17, 2025.
- j) Public Welfare Committee meeting minutes of March 11, 2025.
- k) Public Works Committee meeting minutes of March 11, 2025.
- l) Tree Board meeting minutes of October 8, 2024.
- m) Ordinance First Readings
 - 1) **ORDINANCE 2025-1681** - An Ordinance Amending Chapter 58 of the Mequon Municipal Code, Related to Structures on the Lake Michigan Bluff.
 - 2) **ORDINANCE 2025-1682** - An Ordinance Amending the Following within Chapter 58 of the Mequon Municipal Code, in Connection with Planned Improvements for the Property Located at 10806 West Freistadt Road: A) The City's Land Use Plan Map from Neighborhood Commercial to Residential 1-1.5 Acres; and B) the City's Zoning Map from B-1 (Neighborhood Commercial) to R-4 (Residential 3/4 Acre).

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.

Motion to approve the Consent Agenda items A-G and I-M.

RESULT: **Approved By Voice Acclamation [Unanimous]**
MOVER: Alderman Strzelczyk
SECONDER: Alderman Hansher

AYES: Strzelczyk, Tolocko, Mayr, Hansher, Bach, Parrish, Bratt, Gebhardt

Motion to approve the Consent Agenda item H with an amendment reflecting Alderman Bach was excused from the Park and Open Space Board meeting.

RESULT: **Approved By Voice Acclamation [Unanimous]**
MOVER: **Alderman Strzelczyk**
SECONDER: Alderman Bach

AYES: Strzelczyk, Tolocko, Mayr, Hansher, Bach, Parrish, Bratt, Gebhardt

8) **Ordinances:** None.

9) **Resolutions:**

- a) **RESOLUTION 4208** - A Resolution Approving an Agreement for Legal Services with Stafford Rosenbaum LLP of Madison, Wisconsin for the Period June 1, 2025 - December 31, 2025.
RESULT: **Approved by Roll Call Vote [Unanimous]**
MOVED BY: Alderman Gebhardt
SECONDED BY: Alderman Hansher

Attachment: 05.13.25 CC Minutes (10379 : CC Minutes)

AYES: Strzelczyk, Tolocko, Mayr, Hansher, Bach, Parrish, Bratt, Gebhardt

- b) **RESOLUTION 4209** - A Resolution Ratifying Two Change Orders to a Contract with Seltzer-Ornst Construction of Milwaukee, Wisconsin in the Amount of \$31,786, in Connection with the Replacement of Various HVAC Units and Other Upgrades within the Council Chambers at City Hall.

Mayor Nerbun explained that additional funds were required due to asbestos being found; this Resolution provides remediation so construction can resume.

RESULT: **Approved by Roll Call Vote [Unanimous]**
MOVED BY: Alderman Hansher
SECONDED BY: Alderman Tolocko

AYES: Strzelczyk, Tolocko, Mayr, Hansher, Bach, Parrish, Bratt, Gebhardt

- c) **RESOLUTION 4210** - A Resolution Granting a Temporary Limited Easement at the Northeast Corner of Mequon Road and Robin Lane to the Wisconsin Department of Transportation.

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

AYES: Strzelczyk, Tolocko, Mayr, Hansher, Bach, Parrish, Bratt, Gebhardt

- d) **RESOLUTION 4211** - A Resolution Granting Two Permanent Limited Easements at the Trinity Creek Crossing of Wauwatosa Road (Approximately 410 Feet North of County Line Road) to the Wisconsin Department of Transportation.

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

AYES: Strzelczyk, Tolocko, Mayr, Hansher, Bach, Parrish, Bratt, Gebhardt

- e) **RESOLUTION 4212** - A Resolution Awarding a Design Contract for the Donges Bay Road Turn Lane Improvement to Harwood Engineering Consultants Ltd., of Milwaukee, Wisconsin, in the Amount of \$21,000.

Alderman Parrish wanted to clarify if voting for this resolution would mean approving the project without knowing the total cost to implement the turn lane. Mayor Nerbun said that the resolution approval would allow the consultants to determine the total cost. When that proposal and cost estimate is presented, the Council can decide to approve or deny.

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

Attachment: 05.13.25 CC Minutes (10379 : CC Minutes)

AYES: Strzelczyk, Tolocko, Mayr, Hansher, Bach, Bratt, Gebhardt
NAYS: Parrish

10) Specified Unfinished Business From Prior Meetings: None.

11) Specified New Business:

- a) Mayoral Appointments
 - 1. Board of Appeals. Allison Korger as Alternate #1
 - 2. Festivals Committee. Janet (Fussell) Wirth reappointment

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

AYES: Strzelczyk, Tolocko, Mayr, Hansher, Bach, Parrish, Bratt, Gebhardt

12) Adjourn

- a) Motion to adjourn at 8:17 PM.

RESULT: **Approved By Voice Acclamation [Unanimous]**
MOVER: Alderman Bach
SECONDER: Alderman Hansher

AYES: Strzelczyk, Tolocko, Mayr, Hansher, Bach, Parrish, Bratt, Gebhardt

Respectfully Submitted,
Beth Kong, Deputy Clerk

Attachment: 05.13.25 CC Minutes (10379 : CC Minutes)



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FESTIVALS COMMITTEE
Monday, April 21, 2025
6:30 PM
North Conference Room

Minutes

1) Call to Order, Roll Call

Present:

Chair Miranda White
 Vice Chair Deanna Conaty
 Committee Member Jenne Hohn
 Committee Member Lisa Liljegren
 Committee Member Laeh McHenry
 Committee Member Brett Benson -- **Absent**
 Committee Member Tracy Johnson -- **Absent**
 Committee Member Moshe Luchins -- **Absent**
 Committee Member Vanessa Nerbun -- **Absent**

Also Present: Executive Assistant Enea

2) Approval of Meeting Minutes

a. March Minutes

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

AYES:	White, Conaty, Hohn, Liljegren, McHenry
ABSENT:	Benson, Johnson, Luchins, Nerbun

3) Redbud Festival

Executive Assistant Enea shared the plan for the day of the Redbud Festival, i.e. road closure, committee assignments, and vendor move-in. She also gave an update on tote and poster sales, as well as the succulent workshop sign-up. The Committee voted to add a face painter for \$500, the motion was moved by Chair White and seconded by Committee Member Hohn. The Committee voted to purchase 50 yard signs, the motion was moved by Chair White and seconded by Committee Member Benson. Lastly, the Committee voted to place Facebook ads in the

amount of \$200, the motion was moved by Chair White and seconded by Committee Member Benson. Executive Assistant Enea will email the Committee when yard signs and flyers are ready for pick-up.

4) Taste of Mequon

1. Stage Quote

RESULT: Approved by Voice Acclamation [Unanimous]

MOVED BY: Committee Member White

SECONDED BY: Committee Member Hohn

AYES:	White, Conaty, Hohn, Liljegren, McHenry
ABSENT:	Benson, Johnson, Luchins, Nerbun

5) Park Beer Gardens

The Committee discussed having beer gardens at the parks as a way to raise more money. They will continue discussions at the May meeting.

6) Next Meeting Date and Time: May 19 at 6:30pm

7) Adjourn

Committee Chair White moved to adjourn at 7:07 p.m. and Vice Chair Conaty seconded.

Respectfully Submitted,

Carrie Enea
Executive Assistant

Attachment: Festivals Mins 042125 (10386 : Festivals)



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Office of the City Administrator

FINANCE-PERSONNEL COMMITTEE

Tuesday, April 8, 2025

7:00 PM

North Conference Room

Minutes

1) Call to Order, Roll Call

Present:

Mayor Andrew Nerbun
Alderman William Gebhardt
Alderman Brian Parrish
Alderman Robert Strzelczyk

Also present: William Jones, City Administrator, Brenda Arnett, Finance Director, Caroline Fochs, City Clerk, Justin Schoenemann, Assistant City Administrator and Brian Erlichman, Telecom Fitness.

2) Approve Meeting Minutes

a. Finance-Personnel Meeting Minutes of March 11, 2025

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

MOVED BY: Alderman Strzelczyk

SECONDED BY: Alderman Gebhardt

AYES: Gebhardt, Parrish, Strzelczyk

3) License Applications

a. April, 2025 Licenses

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

MOVED BY: Alderman Strzelczyk

SECONDED BY: Alderman Gebhardt

AYES: Gebhardt, Parrish, Strzelczyk

4) Vouchers Paid

a. March 2025 Vouchers Paid List

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

MOVED BY: Alderman Parrish

Attachment: FP 040825 (10368 : FP Committee)

SECONDED BY: Alderman Strzelczyk

AYES: Gebhardt, Parrish, Strzelczyk

5) Resolutions

- a. **RESOLUTION 4197** A Resolution Approving a Second Amendment to a License Agreement with AT&T, Extending the Term for the Cellular Tower Located at 11333 North Buntrock Avenue Through 2049

Assistant Administrator Schoenemann briefed the Committee on the background of this license agreement and the new agreement that is set to extend by an additional five automatically renewing five-year terms. If left unchanged for the next twenty-five years, the City is projected to receive over \$2.1M in cell tower lease revenue.

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

MOVED BY: Alderman Gebhardt

SECONDED BY: Alderman Parrish

AYES: Gebhardt, Parrish, Strzelczyk

- b. **RESOLUTION 4198** A Resolution Awarding a Contract for Replacement of the City-Wide Voice Over Internet Protocol (VOIP) Phone System and Five Years of Service Support to RingCentral of Denver, Colorado, in the Amount of \$86,575

Mr. Schoenemann explained the background of the current phone system and the Request-for-Proposals (RFP) that was issued in January 2025 to select a replacement. Brian Erlichman from Telecom Fitness, the City's long-term telecommunications advisor, assisted the City with the effort.

The one amendment is a typo in section D of the recitals. The amount should read \$86,575.

RESULT: **Approved with Amendments [Unanimous]**

MOVED BY: Alderman Strzelczyk

SECONDED BY: Alderman Parrish

AYES: Gebhardt, Parrish, Strzelczyk

- c. **RESOLUTION 4199** Adoption of a Resolution Authorizing a Sixth Amendment to the Employment Agreement Between the City of Mequon and William H. Jones, Jr.

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

MOVED BY: Alderman Strzelczyk

SECONDED BY: Alderman Parrish

AYES: Gebhardt, Parrish, Strzelczyk

6) Discussion Items

- a. Finance - Personnel Work Plan

Attachment: FP 040825 (10368 : FP Committee)

The Insurance Review and Library Review are to be discussed with the relevant parties in the next few months. The fundraising efforts will commence once the Civic Campus Master Plan is finished.

7) Adjourn

A motion to adjourn was made at 7:23 PM by Alderman Parrish, seconded by Alderman Strzelczyk. All voted in favor "aye."

Respectfully Submitted,

Marie Keyser
Assistant Finance Director

2024 Annual Report Joint Mequon-Thiensville Bicycle and Pedestrian Way Commission

The purpose of The Joint-Mequon-Thiensville Bicycle and Pedestrian Way Commission (the “Commission”) is to advise the Mequon Common Council and the Thiensville Village Board regarding the creation, revision, and implementation of the master plan for bicycle and pedestrian accessibility and safety throughout our communities.

The Commission currently consists of three members from Mequon: Kristen Wade; Jim Doornek, and Ken Maciolek and three members from Thiensville: Rob Holyoke; John Liegeois; and Ron Heinritz. There is a vacancy for a Mequon Commissioner. Sam Azinger left the Commission in May 2024 at the expiration of his term and has not yet been replaced. Despite the vacancy, the Commission has been able to maintain a quorum for its monthly meetings. In May 2024, Ken Maciolek was elected Chairman of the Commission and Jim Doornek was elected Vice-Chairman

Major Activities in 2024

Most of the Commission’s work in 2024 involved the development and implementation of the updated Mequon-Thiensville Bike and Pedestrian Master Plan. Funding for the study was obtained through a grant under the Federal Transportation Alternatives Program (“TAP”) which is managed by the Wisconsin Department of Transportation “WisDOT”. In January 2024, we were given authorization by WisDOT to begin the work designing the goals and objectives of the study.

Under the terms of the grant, a Request for Proposal (RFP) containing these goals and objectives was prepared by staff and the Commission and sent to engineering consulting firms to solicit proposals. Three firms submitted proposals to do the study. The Commission reviewed and rated each proposal and, on May 14, 2024, recommended that GRAEF Consulting be selected to do the work. After approval by the Common Council, a contract for the study was executed and the project was authorized to begin by WisDOT.

Kick-Off for the project began at the July, 2024 Commission Meeting. GRAEF began preparation of an on-line survey to solicit public input on bike and pedestrian issues in our communities. The Commission members provided considerable input into the development of survey questions. The Commission members also worked the booth at the “Taste of Mequon “on September 7, 2024, to obtain valuable in-person public input.

At each regular Commission Meeting from July through December 2024, The Commission reviewed the progress of the GRAEF in completing the tasks of the study. The Commission provided considerable input into the recommendations for improvements in bicycle and pedestrian facilities. A first draft of the updated master plan was completed by GRAEF on November 27, 2024. Presentations on this draft were made by GRAEF to the Mequon Council as a Whole and the Thiensville Village Board in December 2024. After a comment period for

the Council and Village Board to submit their views on the draft master plan, the final master plan was completed in February, 2025 and approved by the Council and Village Board in March, 2025.

The Commission now begins the task of providing advice on the implementation of the updated master plan. What was made clear throughout this process is that the Commission needs to prioritize recommendations in plan that are feasible from a cost and engineering perspective. There were concerns by expressed Council members that our previous plan contained too many projects that were not realistically achievable. As a result, many of the recommendations in the old master plan were not considered for implementation.

The Commission believes that the updated master plan contains recommendations that are feasible and can achieve the objective of improving the accessibility and safety of bicycle and pedestrian travel. Priorities will need to be updated every year to reflect planned road construction and other developments in our communities. The Commission has begun the process of prioritizing the recommended projects contained in the updated master plan. We will report our recommended priorities to the Council and Village Board within the next several months.

Other Activities in 2024

Reviewed Safety Issue of Ozaukee Interurban Trail (“OIT”) Railroad Crossing near WE Energies substation

Several Commissioners expressed concerns that the design of the fencing at the Wisconsin Southern Railway Crossing of the OIT about one mile north of Highland Road, posed a safety hazard. The crossing requires bicycles to make two ninety-degree turns within a twenty-foot area of fencing prior to crossing the tracks (“Maze Crossing”). Commissioners reported seeing bicyclists fall while trying to negotiate the sharp turns. An investigation of the crossing determined that it was required by the Wisconsin Railroad Commissioner as part of approval of the rerouting of the OIT around the WE Energies substation. Contact was made on the Railroad Commissioner and the Ozaukee Interurban Trail Advisory Committee to determine the procedures to follow if it was determined that changes in the design were warranted from a safety perspective. The issue was brought to the attention of GRAEF as part of master plan study. A recommended redesign to improve the safety of the crossing has been included in the final master plan.

Review of Bicycle and Pedestrian Accidents

The Commission reviewed police reports for bike and vehicle accidents involving injury. The purpose of the review was to determine if there were certain intersections or roads that posed an increased safety risk to bicycle riders or pedestrians. The OIT crossing at Donges Bay Road and the intersection of Mequon and Cedarburg roads were identified potential problem locations. The study of accidents was continued in the final master plan and possible

improvements to those two identified locations were included as Spot Improvements. The Commission will continue to monitor bicycle and pedestrian accidents and recommend actions to address any problem areas.

E-Bikes

The Commission reviewed the laws regulating battery powered bicycles. E-Bike usage on the OIT has increased significantly. Concerns have been expressed about the high speeds attained by these bikes. The Commission determined that a speed limitation could be implemented if it applied to all types of bicycles on the trail. Milwaukee County has adopted a twenty-five mile per hour limit on the Oak Leaf Trail. We anticipate that this issue will need to be addressed by all communities that the OIT passes through. The Commission believes that the OIT Advisory Committee may be the best group to come up with a recommended uniform approach to speed limits on the trail.

Closing

The members of the Commission appreciate the opportunity to serve the City of Mequon and the Village of Thiensville. We look forward to continuing our mission of providing advice to our elected officials on implementation of the master plan for bicycle and pedestrian travel in our communities.

Ken Maciolek
Chairman



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Office of Parks and Operations

PARK AND OPEN SPACE BOARD

Wednesday, April 16, 2025

6:30 PM

South Conference Room

Minutes

1) Call to Order, Roll Call

Meeting called to order at 6:30 p.m.

Present:

Alderman Peter Bratt
 Board Member Harlan Balkansky
 Board Member Steven Kulick
 Board Member Anton Usowski
 Board Member Gerald Vite
 Board Member David Wolfson
 Board Member James Lysaught -- **Absent**
 Chair Jason Cain -- **Excused**

Also present: Director of Public Works/City Engineer Lundeen, Buildings and Grounds Superintendent Bodoh, Administrative Assistant Schlereth, Resident Jen Wirth (12517 Emily Ln.), and interested public.

2) Board Co-Chair Nomination

a. Motion to nominate Board Member Lysaught

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

MOVED BY: Board Member Wolfson

SECONDED BY: Board Member Balkansky

AYES: Bratt, Balkansky, Kulick, Usowski, Vite, Wolfson

NOT PRESENT: Cain, Lysaught

3) Approval of Meeting Minutes

a. February 19th, 2025, Minutes

Attachment: POSB 4.16.25 (10410 : POSB)

Alternate Alderman Gregg Bach was removed from the roll call as he did not attend the February meeting.

RESULT: **Approved with Amendments [Unanimous]**

4) Action Item

- a. **ORDINANCE 2025-1680** An Ordinance Amending the City of Mequon Code of Ordinances, Chapter 58 - Planning and Development Regulations, Article III. Impact Fees Relating to the Imposition of Impact Fees

Conversation ensued, reviewing the park's impact fee every 5 years when the Comprehensive Park Plan is updated.

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

MOVED BY: Board Member Vite

SECONDED BY: Board Member Wolfson

AYES: Bratt, Balkansky, Kulick, Usowski, Vite, Wolfson

NOT PRESENT: Cain, Lysaught

b. Public Comment

Alderman Bratt moved to allow public comment from resident Jen Wirth, who shared her concerns about the 2025 Tournament Fee Schedule and Banner Permit.

Due to the topic not being on the agenda, the concerns shared were not discussed.

5) Discussion Items

a. Director Report

Staff advised that a banner agreement for Rennie Field has been in place since 2004. Other banner agreements are in place for other user groups at other fields.

Moving forward, all banners will be approved by March 15th and can be hung on April 1st.

Prior to 2025, there was a “one size fits all” fee for tournaments. The 2025 tournament structure was based on previous tournaments, varying in length of days and number of fields, to be more equitable. After the 2025 season, the City will evaluate the current configuration of the fee schedule and adjust for the next season based on City costs and the Maintenance Field Contract.

Discussion ensued on the City's transition to the Buildings and Grounds Superintendent, Foreman, and Forester positions. City staff will use this staff transition as an opportunity to review how things have been done and update any procedures as needed.

b. Park & Open Space Plan 2025-2030 Implementation

The Board discussed the work plan and agreed to continue with the discussion as outlined by Staff.

- c. Park CORP Goals & Strategies
- d. Park CORP Recommendations (5.1 General Recommendations)
- e. Park CORP Recommendations (5.2 Individual Park Recommendations)
- f. Park CORP Recommendations (5.3 Parks and Trails Recommendations)
- g. Park CORP Facility Condition Assessment
- h. Park CORP Playground Assessment
- i. Park CORP Concept Plans
- j. Park and Open Space Board Work Plan (4.8.25)

Staff will verify that MSA will provide each board member with a hard copy of the approved 2025 Park and Open Space Plan.

The Board provided feedback to staff to keep the proposed work plan.

6) Adjourn

- a. Motion to Adjourn at 8:01 p.m.

RESULT: **Approved by Voice Acclamation [Unanimous]**
MOVED BY: Board Member Kulick
SECONDED BY: Board Member Vite

AYES: Bratt, Balkansky, Kulick, Usowski, Vite, Wolfson
NOT PRESENT: Cain, Lysaught

Respectfully Submitted,

Ren Schlereth
Administrative Assistant

Attachment: POSB 4.16.25 (10410 : POSB)



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Police and Fire Departments

PUBLIC SAFETY COMMITTEE
Tuesday, March 11, 2025
5:00 PM
Lower Conference Room

Minutes

1) Call to Order and Roll Call

Present:

Chair Gregg Bach

Alderman Dale Mayr

Alderman Kelly Tolocko

Also Present: Police Chief Riley, City Attorney Brian Sajdak, Administrative Coordinator Bowen, City Intern Justin Randall

2) Approve Meeting Minutes

- a. Public Safety Committee - Regular Meeting - Jan 14, 2025 5:00 PM

RESULT: Accepted [Unanimous]

MOVED BY: Alderman Tolocko

SECONDED BY: Alderman Mayr

AYES: Bach, Mayr, Tolocko

3) Resolutions

Action requested: review and recommend approval

- a. **RESOLUTION 4192** A Resolution Approving an Intergovernmental Cooperation Agreement for Law Enforcement Mutual Aid in Ozaukee County

City Attorney Brian Sajdak explained the mutual aid agreement between the police agencies within Ozaukee County.

RESULT: Approved by Voice Acclamation [Unanimous]

MOVED BY: Alderman Mayr

SECONDED BY: Alderman Tolocko

AYES: Bach, Mayr, Tolocko

- b. **RESOLUTION 4193** A Resolution Approving Receipt of a Donation from the Mequon-Thiensville Community Foundation in the Amount of \$16,000 for the Purchase, Training and Certification of a Successor K9

Chief Riley discussed the receipt of a donation for a successor K-9 after the passing of K-9 Djuke, the process of obtaining a new K-9, and the selection process of a K-9 handler.

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

AYES: Bach, Mayr, Tolocko

4) Adjourn

a. Motion to Adjourn
A motion to adjourn was made at 5:12 PM.

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

AYES: Bach, Mayr, Tolocko

Respectfully Submitted,

Melina Bowen
Administrative Coordinator

Attachment: Public Safety 3-11-25 (10389 : Public Safety)



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Office of the City Administrator

PUBLIC WELFARE COMMITTEE

Tuesday, April 8, 2025

6:00 PM

Lower Conference Room

Minutes

1) Call to Order, Roll Call

Present:

Chair Dale Mayr
 Alderman Gregg Bach
 Alderman Brian Parrish

Also Present: Assistant City Administrator Schoenemann, Community Development Director Tollefson, Community Development Assistant Director Zader, City Attorney Sajdak, Executive Assistant Enea, Jeffrey Konkel, and Susan Konkel

2) Approval of Meeting Minutes

a. March 20 Minutes

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

MOVED BY: Alderman Bach

SECONDED BY: Alderman Parrish

AYES: Mayr, Bach, Parrish

3) Resolutions

Action requested: review and recommend approval

- a. **RESOLUTION 4200** A Resolution Suspending the Live Meeting Broadcasts Requirement within the City's Communications Policy from April 16 - September 30, 2025, in Connection with the Renovation of Christine Nuernberg Hall

The Assistant City Administrator explained to the Committee that while meetings of the Common Council, and select other meetings, are currently broadcast live, this will not be possible from May through September due to construction in the Council Chamber (Christine Nuernberg Hall). Alternate meeting locations during this period do not have live broadcast capabilities. Instead, if approved, meetings will still be recorded and posted online as soon as feasible, ideally within 24 hours, until the construction is complete.

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

MOVED BY: Alderman Bach
SECONDED BY: Alderman Mayr

AYES: Mayr, Bach, Parrish

4) Ordinances

Action requested: review and recommend approval

a. **ORDINANCE 2025-1675** An Ordinance Amending Chapter 58 of the Mequon Municipal Code, Allowing Showroom Sales Facilities as a Conditional Use within the City's B-4 Zoning Districts

Assistant Community Development Director Zader explained to the Committee how a gentleman was purchasing a property to be a consolidated showroom for primarily contractors, but by appointment only. So, low traffic is expected. The proposal was well supported by the Planning Commission.

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

AYES: Mayr, Bach, Parrish

b. **ORDINANCE 2025-1678** An Ordinance Amending Chapter 58 of the Mequon Municipal Code, in Connection with the Implementation of 2023 WIS. ACT 16 Relating to the Process and Procedures for Certain Zoning-Related Applications

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

AYES: Mayr, Bach, Parrish

c. **ORDINANCE 2025-1679** An Ordinance Amending Section 58-41(g) of the Mequon Municipal Code, Relating to the Issuance of Decisions by the Board of Appeals

City Attorney Sajdak explained to the Committee how it takes time to get transcripts of Board meetings, impacting the time to be able to write decisions for the Board within the ordinance's prescribed time frame. This change allows additional time and flexibility to write a Board of Appeals decision and to ensure the City can abide by prescribed timelines.

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

AYES: Mayr, Bach, Parrish

5) Discussion Items

a. Definition of a Structure Related to Board of Appeals Case

Assistant City Administrator explained to the Committee how Alderwoman Tolocko brought up the subject of what constitutes a structure at a recent COTW meeting based on what took

Attachment: Public Welfare Mins 040825 (10387 : Public Welf)

place at a Board of Appeals Meeting. The house in question has a generator located in their front yard. City Attorney Sajdak shared how the definition of a structure in the zoning code is anything that a person might put in one's yard and is broad in definition by design. Community Development Director Tollefson provided additional context and examples of how the definition of a structure is used in the City's code. The Committee discussed the case in question and Director Tollefson said the residents were provided with options as to where they can move the generator. After discussion, there was no interest from the Committee in further discussing the definition of a structure and closed the discussion topic.

6) Work Calendar

- Election of a Committee Chair

7) Adjourn

Alderman Bach moved to adjourn at 6:50 PM and Alderman Parrish seconded.

Respectfully Submitted,

Carrie Enea
Executive Assistant



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Public Works Department

PUBLIC WORKS COMMITTEE

Tuesday, April 8, 2025

6:00 PM

South Conference Room

Minutes

1) Call to Order, Roll Call

The meeting was called to order at 6:00 pm.

Present:

Chair Jeffrey Hansher
 Alderman Peter Bratt
 Alderman Kelly Tolocko -- **Excused**

Also present: Director of Public Works/City Engineer Lundeen, Assistant City Engineer McCraw, Deputy Director of Public Works Weyker, Engineering Technician Dandy, Highway Superintendent Haczynski, Administrative Assistant Schlereth, City Attorney Sajdak (6:00-6:07 pm), Assistant Director of Community Development Zader (6:13 - 6:29 pm), and Thomas Jansen (11631 N. Grace Ct. 6:00 -6:29 pm)

2) Approval of Minutes

a. March 11, 2025, Minutes

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

MOVED BY: Alderman Bratt

SECONDED BY: Alderman Hansher

AYES: Hansher, Bratt

NOT PRESENT: Tolocko

3) Resolutions

Action requested: review and recommend approval

a. **RESOLUTION 4203** A Resolution Rejecting Bids Received for the City's 2025 Road Patching Contract

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

Attachment: 4-8.25 (10357 : Pub Works April 8, 2025 Minutes)

MOVED BY: Alderman Bratt
SECONDED BY: Alderman Hansher

AYES: Hansher, Bratt
NOT PRESENT: Tolocko

- b. **RESOLUTION 4202** A Resolution Awarding the 2025 Crack Sealing Contract to American Pavement Solutions, Green Bay, Wisconsin in an Amount Not-to-Exceed \$258,000

The City Attorney stated American Pavement Solutions agreed to move forward with the project for the bid price and advised that the resolution may be approved as presented.

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

AYES: Hansher, Bratt
NOT PRESENT: Tolocko

- c. **RESOLUTION 4201** A Resolution Approving Award of the 2025 Road Improvements Contract to Payne & Dolan, Jackson, Wisconsin, in the Amount of \$1,890,000

The City Attorney advised that the resolution may be awarded with the math bid error.

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

AYES: Hansher, Bratt
NOT PRESENT: Tolocko

- d. **RESOLUTION 4204** A Resolution Awarding the 2025 GSB-88 Bituminous Road Sealing Contract to Fahrner Asphalt Sealers of Waukegan, Wisconsin in an Amount Not-to-Exceed \$130,000

City Attorney stated he and the City Administrator advise that the resolution be amended to allow only the amount necessary to award.

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

Attachment: 4-8.25 (10357 : Pub Works April 8, 2025 Minutes)

AYES: Hansher, Bratt
NOT PRESENT: Tolocko

e. **RESOLUTION 4206** A Resolution Granting an Electrical Distribution Easement to Wisconsin Electric Power Company (We Energies) Upon the Mequon Nature Preserve Property Located at 8200 West County Line Road

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

AYES: Hansher, Bratt
NOT PRESENT: Tolocko

f. **RESOLUTION 4205** A Resolution Authorizing the Following Contractors to Exceed \$25,000 in Annualized Expenditures for Work Performed on Behalf of City Departments During Fiscal Year 2025: Branch Out Land Clearing LLC, Egelhoff's Lawn Mower Service Inc., Ennis Paint Inc., Frank D Gillitzer Electric Company Ltd., Lannon Stone Products Inc., Western Culvert & Supply Inc., Traffic & Parking Control Company Inc., and Outdoor Lighting Construction Company, Inc.

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

AYES: Hansher, Bratt
NOT PRESENT: Tolocko

g. **RESOLUTION 4207** A Resolution Approving Award of the FEMA Floodplain Letter of Map Change Contract to M Squared Engineering, LLC, Cedarburg, Wisconsin, in the Amount of \$75,300

Resident Thomas Jansen asked that the City consider revising the proposal to expand the scope further west past the railroad tracks.

Staff advised that M Squared had originally stopped at the railroad tracks because they believed the culvert under the railroad tracks would be a break point. M Squared is willing to move to cross-section F with no additional cost.

The amendment will be on the Request for Design Engineering Services – City of Mequon FEMA Floodplain Letter of Map Change number 4 under Project Understanding.

Attachment: 4-8.25 (10357 : Pub Works April 8, 2025 Minutes)

Currently read: This includes floodplain boundaries and floodway delineation downstream of the railroad west of the Ozaukee Interurban Trail.

The amendment will read: This includes floodplain boundaries and floodway delineation downstream of cross section F on the FEMA map dated July 31, 2022.

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

AYES: Hansher, Bratt
NOT PRESENT: Tolocko

4) Discussion Items

Discussion and Possible Action

- a. Annual Road Program Discussion for Improvements at Lake Shore Drive from Zedler Lane to Mequon Road and Mequon Road East of I-43

Discussion ensued on the maintenance cost of an off-road path vs expanded shoulders.

- b. Discussion Item - Highlight on Highways

Discussion ensued concerning the division's struggles to maintain upkeep due to rising costs and ageing equipment as the community continues to expand.

- c. Public Works Work Plan (4.8.25)

5) Adjourn

- a. Motion to adjourn at 7:19 pm.

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

AYES: Hansher, Bratt
DEEMED NO: Tolocko

Respectfully Submitted,

Ren Schlereth
Administrative Assistant

Attachment: 4-8.25 (10357 : Pub Works April 8, 2025 Minutes)

	A	B	C	D	E	F	G	I	J	K	
1				CODE ENFORCEMENT SUMMARY JUNE 2025							
2											
3	0					OTC	REQUIREMENT	COURT DATE	COMMENTS	ACTIVE	
4	DIST.	PARCEL #	ADDRESS	OWNER	VIOLATION TYPE/COMPLAINT	ISSUED	DATE		(See Key Column)	YES/NO	
5	1	141440022001	7421 RIDGEVIEW DRIVE	YOUSSEF BERRADA	PLUMBING PERMIT	8/24/2022	9/7/2022		EXTENSION SAJDAK	YES	
6	1	141440022001	7421 RIDGEVIEW DRIVE	YOUSSEF BERRADA	ELECTRIC PERMIT	8/24/2022	9/7/2022		EXTENSION SAJDAK	YES	
7	1	141440022001	7421 RIDGEVIEW DRIVE	YOUSSEF BERRADA	BUILDING PERMIT	8/24/2022	9/7/2022		EXTENSION SAJDAK	YES	
8	1	141440022001	7421 RIDGEVIEW DRIVE	YOUSSEF BERRADA	FILL PERMIT	8/24/2022	9/7/2022		EXTENSION SAJDAK	YES	
9	1	141440022001	7421 RIDGEVIEW DRIVE	YOUSSEF BERRADA	SURVEY	8/24/2022	9/7/2022		EXTENSION SAJDAK	YES	
10	5	151200017000	11633 N LAKE SHORE DRIVE	BARBARA PFAFF	OUTSIDE MAINTENANCE	1/19/2022	5/30/2022		# 5 CITATION 1	YES	
11	5	151200017000	11633 N LAKE SHORE DRIVE	BARBARA PFAFF	OUTSIDE STORAGE	1/19/2022	2/9/2022		#5 CITATION 1	YES	
12	1	141440022001	7421 RIDGEVIEW DRIVE	YOUSSEF BERRADA	ACCESSORY STRUCTURE (2)	12/29/2022	1/27/2023		#5 CITATION 1	YES	
13	1	141440022001	7421 RIDGEVIEW DRIVE	YOUSSEF BERRADA	BUILDING PERMIT	2/27/2023	3/14/2023		EXTENSION SAJDAK	YES	
14	3	140221000600	11512 N WAUWATOSA ROAD	RICK OR PATRICIA FREYMUTH	PARKING	12/7/2023	12/14/2023		#5 CITATION 1	YES	
15	6	XXXXXXXXXX	224 N 76TH STREET	BRIARWOOD CONDO ASSOCIATION	OUTSIDE MAINTENANCE	5/3/2024	6/3/2024		EXTENSION 6/1/25	YES	
16	4	140501017003	5201-5401 W DONGES BAY ROAD	LP - WESTMORE REALTY CAPITOL LLC	LOUD NOISE PROHIBITED	4/1/2024	8/1/2024		#5 CITATION 1	YES	
17	8	RENTAL	10930 N PORT WASHINGTON ROAD	BRIXMOR GROUP	BANNERS, SIGNS, WINDOW COVERINGS, A FRAME	8/13/2024	8/30/2024		OPEN	YES	
18	1	140300100700	11031 N GRANVILLE ROAD	MIROSLAW OR IWONA PAWELEC	HOME OCCUPATION BUSINESS	9/13/2024	9/19/2024		OPEN	YES	
19	8	150291101000	10500 N PORT WASHINGTON ROAD	LISA HOLDEN	OUTSIDE MAINTENANCE	9/3/2024	10/3/2024		EXTENSION 6/1/25	YES	
20	7	140501403003	10015 N RIVER ROAD	JEFF OR BETH ASTEMBORSKI	OUTSIDE STORAGE	10/24/2024	11/1/2024		EXTENSION 6/1/25	YES	
21	8	150280700200	10942 N LAKE SHORE DRIVE	JEAN GORSKI	OUTSIDE MAINTENANCE/STORAGE	3/12/2025	4/11/2025		EXTENSION 7/1/25	YES	
22	5	150201101200	11210 N PORT WASHINGTON ROAD	CLARK GAS STATION	SIGN	3/12/2025	3/24/2025		EXTENSION 6/1/25	YES	
23	1	140290900100	10738 N GRANVILLE ROAD	TIMOTHY OR SHIRLEY HOERIG	PARKING	4/7/2025	4/25/2025		EXTENSION APPEAL	YES	
24	4	140710007000	4707 W ELMDALE ROAD	ALBERTO OR AHIDE VALDEPENNA	PARKING	4/25/2025	5/2/2025			YES	
25	2	140820432000	2924 W RIVERLAND ROAD	BRENT BIESEL	PUBLIC NUISANCE	5/1/2025	5/8/2025			YES	

Attachment: June 2025 Code Report (10391 : Code report)



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Office of Finance-Personnel Committee

TO: Common Council
FROM: Brenda Arnett, Finance Director
DATE: June 10, 2025
SUBJECT: Acceptance of the FY2024 Preliminary Annual Comprehensive Financial Report & 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 an Annual Comprehensive Financial Report in concert with the audit firm's report on internal control.

Analysis

On Tuesday, June 10, a representative from the City's auditor, Baker Tilly US, LLP, will present the preliminary Annual Comprehensive Financial Report and related Report on Internal Control for the year ending December 31, 2024, at the Finance-Personnel Committee meeting. A copy of the final FY2024 Preliminary Annual Comprehensive Financial Report will be shared with Common Council and accessed via the City's website, on the Finance Department's web page at <https://tinyurl.com/ACFR2024>. Hard copies of the final report will be available in the Finance Department upon request. This report is on the consent agenda for formal acceptance by the Common Council.

Fiscal Impact

Actual General Fund Revenues were 101% of the budgeted total for 2024, and General Fund Expenditures were 101% of the budgeted amount last year. With the budgeted use of \$600,000 of the American Rescue Plan (ARPA) grant, the City ended 2024 with a surplus of \$156,668 and an unassigned fund balance of approximately \$2.16 million. Both the Sewer and Water Utilities finished 2024 with surpluses as well.

Traditionally in Mequon, the year-end unassigned balance has been considered in proportion to the subsequent year's budgeted general fund expenditures. This is used to measure the adequacy of the City's operating reserves, with a stated target ratio of between 10-12%. The total year-end 2024 unassigned General fund balance of approximately \$2.16 million equates to 11.6% of the \$18.6 million in General Fund expenditures budgeted for 2025.

Recommendation

A recommendation is forthcoming from the Finance-Personnel Committee on June 10, 2025.

Attachments:

Report to Committee 2024 (PDF)

Reporting and Insights 12-31-2024 Audit Results DRAFT 060225 (PDF)

Presentation to the Finance-Personnel Committee of the City of Mequon June 10, 2025

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. Reporting and Insights Communication
 - 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. TID 2 Closeout
4. Financial highlights (in thousands)
 - a. Governmental Funds

	General Fund	Debt Service	Capital Projects	Nonmajor Governmental Funds
Current year activity				
Revenues and other sources	\$ 18,297	\$ 6,147	\$ 2,550	\$ 1,003
Expenditures and other uses	18,140	4,208	5,416	1,193
Change in fund balances	\$ 157	\$ 1,939	\$ (2,866)	\$ (190)
Fund Balance				
Nonspendable	\$ 272	\$ -	\$ -	\$ -
Restricted	-	6,123	2,320	732
Committed	-	-	-	1,219
Unassigned	2,164	-	(2,107)	(12)
Total	\$ 2,436	\$ 6,123	\$ 213	\$ 1,939

Attachment: Report to Committee 2024 (10393 : Acceptance of the FY2024 Draft Annual Comprehensive Financial Report and Report on



b. Enterprise Funds

	Sewer Utility	Water Utility
Current year activity		
Revenues	\$ 13,751	\$ 8,851
Expenses	11,188	3,046
Change in net position	<u>\$ 2,563</u>	<u>\$ 5,805</u>
Cash flow		
Operating activities	\$ (3,969)	\$ 2,221
Investing activities	645	366
Noncapital financing activities	7,382	-
Capital and related financing activities	<u>(1,981)</u>	<u>(1,687)</u>
Net change in cash	<u>\$ 2,077</u>	<u>\$ 900</u>

c. Long-term debt

Type of debt	Governmental Activities	Business-type Activites	Total
General obligation bonds and notes	\$ 19,715	\$ 10,195	\$ 29,910
Revenue bonds	-	5,550	5,550
Unamortized debt premium	631	790	1,421
Leases, financed purhcases	145	-	145
Total other postemployment liability	569	69	638
Total pension liability - single employer plan	316	38	354
Net pension liability - WRS	998	47	1,045
Net OPEB liability - LRLIF	598	63	661
Compensated absences	128	13	141
	<u>\$ 23,100</u>	<u>\$ 16,765</u>	<u>\$ 39,865</u>
Statutory debt limit (5% of equalized value)	\$ 350,412		
Capacity for additional general obligation debt	\$ 320,502		
Percentage of capacity to debt limit	91%		

5. Questions – wendi.unger@bakertilly.com or 414.777.5423?



Reporting and insights from the 2024 audit:

City of Mequon

December 31, 2024

Attachment: Reporting and Insights 12-31-2024 Audit Results DRAFT 060225 (10393 : Acceptance of the FY2024 Draft Annual Comprehensive

Executive summary

June XX, 2025

To the Common Council
City of Mequon

We have completed our audit of the financial statements of the City of Mequon (the City) for the year ended December 31, 2024, and have issued our report thereon dated June XX, 2025. 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.

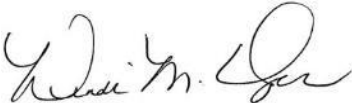
Additionally, we have included information on key risk areas the City of Mequon should be aware of in your strategic planning. We are available to discuss these risks as they relate to your organization’s financial stability and future planning.

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

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

Sincerely,

Baker Tilly US, LLP



Wendi M. Unger, CPA, Principal

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

BAKER TILLY ADVISORY GROUP, LP AND BAKER TILLY US, LLP, TRADING AS BAKER TILLY, ARE MEMBERS OF THE GLOBAL NETWORK OF BAKER TILLY INTERNATIONAL LTD., THE MEMBERS OF WHICH ARE SEPARATE AND INDEPENDENT LEGAL ENTITIES. BAKER TILLY US, LLP IS A LICENSED CPA FIRM THAT PROVIDES ASSURANCE SERVICES TO ITS CLIENTS. BAKER TILLY ADVISORY GROUP, LP AND ITS SUBSIDIARY ENTITIES PROVIDE TAX AND CONSULTING SERVICES TO THEIR CLIENTS AND ARE NOT LICENSED CPA FIRMS.

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
- Our audit does not relieve management or the Common Council of their responsibilities.

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

- Internal control matters
- Qualitative aspects of the City's accounting practice including policies, accounting estimates and financial statement disclosures
- Significant unusual transactions
- Significant difficulties encountered
- Disagreements with management
- Circumstances that affect the form and content of the auditors' report
- Audit consultations outside the engagement team
- Corrected and uncorrected misstatements
- Other audit findings or issues

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

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 standards

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 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 areas of emphasis		
Cash and investments	Revenues and receivables	General disbursements
Payroll	Pension and OPEB liabilities	Long-term debt
Capital assets including infrastructure	Net position and fund balance 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 identified the following deficiencies as material weaknesses:

- **Financial statement close process**

Properly designed systems of internal control provide your organization with the ability to process and record accurate monthly and year-end transactions and annual financial reports.

Our audit includes a review and evaluation of the internal controls relating to financial reporting. Common attributes of a properly designed system of internal control for financial reporting are as follows:

- There is adequate staffing to prepare financial reports throughout the year and at year-end.
- Material misstatements are identified and corrected during the normal course of duties.
- Complete and accurate financial statements, including footnotes, are prepared.
- Financial reports are independently reviewed for completeness and accuracy.

Our evaluation of the internal controls over financial reporting has identified control deficiencies that are considered material weakness surrounding the preparation of financial statements and footnotes, adjusting journal entries identified by the auditors, and an independent review of financial reports.

Management has not prepared financial statements that are in conformity with generally accepted accounting principles. In addition, material misstatements in the general ledger were identified during the financial audit.

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

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.

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. As described in Note 1, the City changed accounting policies related to compensated absences by adopting GASB Statement No. 101, *Compensated Absences*, in 2024. 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 pension liability and related deferrals	Evaluation of information provided by the Wisconsin Retirement System	Reasonable in relation to the financial statements as a whole
Net/Total OPEB liability 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
Lease receivable and related deferral	Evaluation of leases by management and incremental borrowing rate used for present value calculation	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 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.

Significant difficulties encountered during the audit

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

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.

Audit report

There have been no departures from the auditors' standard report.

Audit consultations outside the engagement team

We encountered no difficult or contentious matters for which we consulted outside of the engagement team.

Uncorrected misstatements and corrected misstatements

Professional standards require us to accumulate misstatements identified during the audit, other than those that are clearly trivial and to communicate accumulated misstatements to management. Management is in agreement with the misstatements we have identified, and they have been corrected in the financial statements. The schedule below summarizes the material corrected misstatements, that, in our judgment, may not have been detected except through our auditing procedures. The internal control matters section of this report describes the effects on the financial reporting process indicated by the corrected misstatements, other than those that we consider to be of a lesser magnitude than significant deficiencies and material weaknesses.

Description	Opinion unit	Amount
To record lease receivable extension	General Fund	\$1,462,734
To record GASB 68 Net Pension liability activity	Water Utility	\$1,120,628
To zero out advances between funds	Debt Service, Capital Projects Funds	\$1,494,750

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.

Other information in documents containing audited basic financial statements

The City's audited financial statements will be included in the annual comprehensive financial report. Our responsibility for this information does not extend beyond the financial information identified in the audit report, and we are not required to perform any procedures to corroborate such other information. We have read the annual comprehensive financial report to determine whether a material inconsistency exists between the other information and the financial statements. Nothing came to our attention that caused us to believe that such information, or its manner of presentation, was materially inconsistent with the information, or manner of its presentation, in the financial statements.

The City's audited financial statements are "general purpose" financial statements. General purpose financial statements consist of the basic financial statements that can be used by a broad group of people for a broad range of activities. Once we have issued our audit report, we have no further obligation to update our report for events occurring subsequent to the date of our report. The City can use the audited financial statements in other client prepared documents, such as official statements related to the issuance of debt, without our acknowledgement. Unless we have been engaged to perform services in connection with any subsequent transaction requiring the inclusion of our audit report, as well as to issue an auditor's acknowledgment letter, we have neither read the document nor performed subsequent event procedures in order to determine whether or not our report remains appropriate.

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 attachments include 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 of the financial statements, 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*.

Finance-personnel committee resources

Our business is to know every aspect of yours and to maintain a constant lookout for what's next. We invite you to learn about some of the trending challenges and opportunities for public sector organizations like yours and how Baker Tilly can help.

To explore more trending topics and regulatory updates, visit our resource page at <https://www.bakertilly.com/insights/audit-committee-resource-page>.



Funding evaluation and pursuit

Public sector organizations may be eligible for grants, tax credits and other financial incentives through funding opportunities such as the Inflation Reduction Act, the Clean Communities Investment Accelerator, and the Infrastructure Investment and Jobs Act.

Baker Tilly can help you navigate, understand and pursue various federal and state funding sources through grant research and tracking, advising and writing, and management and compliance services.



Digital transformation

Digitizing public services can be a game changer for governments. Streamlining inefficient processes, providing digital access and delivery of services to meet public expectations, implementing technology to protect constituent data, leveraging information to make data-driven decisions and migrating outdated on-premises systems to the cloud are crucial to an entity's success.

Through these types of digital services, Baker Tilly can help you scale with future demand and be better positioned to rapidly respond to changing demands.



Cybersecurity

Public sector organizations face significant challenges from cyber threats and IT regulations. It can feel like you are on the defense keeping up with the latest risks, regulations and emerging trends. To mitigate risk, you must understand your organization's unique vulnerabilities, cybersecurity processes and controls.

Baker Tilly can help enhance your cybersecurity posture and ensure compliance, with solutions in IT compliance and security and cybersecurity and data protection to safeguard your data and navigate complex risk environments.

Management representation letter

Attachment: Reporting and Insights 12-31-2024 Audit Results DRAFT 060225 (10393 : Acceptance of the FY2024 Draft Annual Comprehensive

Baker Tilly US, LLP
790 N Water Street
Suite 2000
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, 2024 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 (GAAP). 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 dated August 28, 2024, including our responsibility for the preparation and fair presentation of the financial statements in accordance with U.S. GAAP.
- 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, including those measured at fair value, if any, are reasonable in accordance with U.S. GAAP.
- 6) All events subsequent to the date of the financial statements and for which accounting principles generally accepted in the United States of America 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 City 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 related parties or related party relationships and transactions, including side agreements, 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, deferred outflows of resources, liabilities, deferred inflows of resources or fund balance or net position.
- 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 acknowledge our responsibility related to these nonattest services and 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, including GASB No. 34 conversion entries
 - 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 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 have implemented GASB Statement No. 101, *Compensated Absences*, and believe that all required disclosures and accounting considerations have been identified and properly classified in the financial statements in compliance with the Standard.
- 42) We are responsible for the estimation methods and assumptions used in measuring assets and liabilities reported or disclosed at fair value, including information obtained from brokers, pricing services or third parties. Our valuation methodologies have been consistently applied from period to period. The fair value measurements reported or disclosed represent our best estimate of fair value as the measurement date in accordance with the requirements of GASB 72 – *Fair Value Measurement*. In addition our disclosures related to fair value measurements are consistent with the objectives outlined in GASB 72. We have evaluated the fair value information provided to us by brokers, pricing services or other parties that has been used in the financial statements and believe this information to be reliable and consistent with the requirements.

- 43) The auditing standards define an annual report as “a document, or combination of documents, typically prepared on an annual basis by management or those charged with governance in accordance with law, regulation, or custom, the purpose of which is to provide owners (or similar stakeholders) with information on the entity’s operations and the financial results and financial position as set out in the financial statements.” Among other items, an annual report contains, accompanies, or incorporates by reference the financial statements and the auditors’ report thereon. Our annual report is comprised of annual comprehensive financial report. We have provided you with the final version of the annual report. There are no material inconsistencies between the financial statements and any other information contained within the annual report.

- 44) 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. Brenda Arnett, Finance Director

Signed: _____
Mr. William Jones, City Administrator

Client service team



Wendi Unger, CPA

Principal

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Accounting changes relevant to the City of Mequon

Future accounting standards update

GASB Statement Number	Description	Potentially impacts you	Effective date
102	Certain Risk Disclosures	✓	12/31/25
103	Financial Reporting Model Improvements	✓	12/31/26
104	Disclosure of Certain Capital Assets	✓	12/31/26

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

New guidance on disclosure of certain risks

The requirements in GASB Statement No. 102, *Certain Risk Disclosures* is meant to provide financial statement users with information about certain risks when circumstances make a government vulnerable to a heightened possibility of loss or harm. It requires governments to disclose essential information about risks related to vulnerabilities due to certain concentrations or constraints.

- (a) The Statement defines a concentration as a lack of diversity related to an aspect of a significant inflow or outflow of resources—for example, a small number of companies that represent a majority of employment in a government’s jurisdiction, or a government that relies on one revenue source for most of its revenue.
- (b) The Statement defines a constraint as a limitation imposed on a government by an external party or by formal action of the government’s highest level of decision-making authority—such as a voter-approved property tax cap or a state-imposed debt limit.

Concentrations and constraints may limit a government’s ability to acquire resources or control spending.

The Statement generally requires a government to disclose information about a concentration or constraint if all of the following criteria are met:

- (a) The concentration or constraint is *known* to the government prior to issuing the financial statements.
- (b) The concentration or constraint makes the government vulnerable to the risk of a substantial impact.
- (c) An event or events associated with the concentration or constraint that could cause a substantial impact have occurred, have begun to occur, or are more likely than not to begin to occur within 12 months of the date the financial statements are issued.

The disclosures should include a description of the following:

- The concentration or constraint,
- Each event associated with the concentration or constraint that could cause a substantial impact if the event has occurred or has begun to occur prior to the issuance of the financial statements, and
- Actions taken by the government to mitigate the risk prior to the issuance of the financial statements.

Changes to the financial reporting model

GASB Statement 103, *Financial Reporting Model Improvements*, builds on Statement 34 by providing key targeted improvements to the financial reporting model. Its requirements are designed to:

- Enhance the effectiveness of governmental financial reports in providing information essential for decision making and assessing a government's accountability, and
- Address certain application issues.

The targeted improvements contained in Statement 103 establish or modify existing accounting and financial reporting requirements related to:

- Management's discussion and analysis - While the overall requirements do not substantially change management's discussion and analysis, the modifications are meant to improve the analysis included in this section and provide details about the items that should be discussed as currently known facts, decisions, or conditions expected to have a significant financial effect in the subsequent period.
- Unusual or infrequent items (previously known as extraordinary and special items) - The new Statement simplifies GASB literature by eliminating the separate presentation of extraordinary and special items. Under the requirement of Statement 103, applicable items will either be identified as unusual or infrequent, or both.
- Presentation of the proprietary fund statement of revenues, expenses, and changes in fund net position - The changes are designed to improve consistency around the classification of items in these statements by better defining what should be included in operating revenues and expenses and nonoperating revenues and expenses including, for example, the addition of subsidies received or provided as a new category of nonoperating revenues and expenses.
- Major component unit information, and Budgetary comparison information - Statement 103 is designed to improve the consistency of the reporting of major component unit information and budgetary comparison information by specifying required placement of that information.

Revisions to disclosures for certain capital assets

Governments are required to provide information on capital assets in the footnotes to the financial statements as outlined in GASB Statement No. 34. Recent standards have impacted the accounting and reporting for capital assets and as a result GASB issued Statement No. 104, *Disclosure of Certain Capital Assets* to provide enhanced disclosures for certain capital assets, including

- (a) Lease assets reported under Statement No. 87, intangible right-to-use assets reported under Statement No. 94 and subscription assets reported under Statement No. 96 should all be disclosed separately, and by major class of underlying asset. In addition, if there are any other intangible assets reported they should also be disclosed separately.
- (b) Capital assets that are held for sale should have the ending balance with separate disclosure for historical cost and related accumulated depreciation as well as any outstanding debt for which the asset is pledged as collateral disclosed by major class of asset. Assets held for sale are defined as those for which the government has decided to pursue the sale, and it is probable that the sale will be finalized within one year of the financial statement date.

While these changes are focused on footnote disclosures it is important to plan ahead to ensure the required information is available for implementation.

Two-way audit communications

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. We anticipate that the City will receive an unmodified opinion on its financial statements.
- e. Which matters do you consider warrant particular attention during the audit, and are there any areas where you request additional procedures to be undertaken?
- f. Have you had any significant communications with regulators or grantor agencies?
- g. 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.



11333 N. Cedarburg Road
 Mequon, WI 53092
 Phone: 262-236-2934
 Fax: 262-242-9655

www.cityofmequonwi.gov

Office of Engineering

TO: Common Council
FROM: Kristen Lundeen, Director of Public Works/City Engineer
DATE: June 10, 2025
SUBJECT: RESOLUTION 4213 A Resolution Authorizing Staff to File the City of Mequon's Compliance Maintenance Annual Report (CMAR) for Calendar Year 2024, 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, storm water, and erosion control. In addition to an annual stormwater report, the City must also file a Compliance Maintenance Annual Report (CMAR) for the sanitary sewer system and any emergency sewer system overflows that may occur.

Analysis

The draft 2024 CMAR is attached for review and the WDNR requires that it be filed 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 the financial management and collection systems. If a community falls below an overall grade point (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 the report's score. In 2024, the City continued its "A" grade for financial management and collection systems.

In 2024, the City reported three SSOs as a result of wet weather in April and June at lift stations in the vicinity of the Milwaukee River. In 2019, the City completed the prioritization for Private Property Inflow and Infiltration reduction to better manage wet weather events, and project implementation is ongoing. In addition, the construction of a new Lift Station E will provide additional capacity and relief to the four upstream lift stations which discharge into the station.

It is staff's recommendation that the Sewer Utility District favorably endorse, and the Common Council approve the accompanying resolution, which authorizes staff to file the CMAR report.

Fiscal Impact

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

Recommendation

A recommendation is forthcoming from the Sewer Utility District Commission on June 10, 2025.

Attachments:

Draft CMAR - 2024 (PDF)

COMMON COUNCIL
OF THE
CITY OF MEQUON

RESOLUTION 4213

A Resolution Authorizing Staff to File the City of Mequon's Compliance Maintenance Annual Report (CMAR) for Calendar Year 2024, in Accordance with Requirements Under Wisconsin Administrative Code NR208

RECITALS

A. It is a 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 average 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, Wisconsin, that the CMAR has been reviewed and staff is hereby authorized to file said report and recommendations.

IT IS FURTHER RESOLVED that 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:

1. Continuation of current system improvements such as manhole rehabilitation, mainline rehabilitation, and upgrades to force mains and lift stations.
2. 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: Andrew Nerbun, Mayor

Date Approved: June 10, 2025

I certify that the foregoing Resolution was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on June 10, 2025.

Caroline Fochs, City Clerk

Compliance Maintenance Annual Report

Mequon Sewage Collection System

Last Updated: Reporting For:
5/30/2025 2024

Financial Management

<p>1. Provider of Financial Information</p> <p>Name: <input style="width: 80%;" type="text" value="Kristen Lundeen"/></p> <p>Telephone: <input style="width: 30%;" type="text" value="262-236-2938"/> (XXX) XXX-XXXX</p> <p>E-Mail Address (optional): <input style="width: 80%;" type="text" value="klundeen@cityofmequonwi.gov"/></p>																
<p>2. Treatment Works Operating Revenues</p> <p>2.1 Are User Charges or other revenues sufficient to cover O&M expenses for your wastewater treatment plant AND/OR collection system ?</p> <p>● Yes (0 points) <input type="checkbox"/><input type="checkbox"/></p> <p>○ No (40 points)</p> <p>If No, please explain:</p> <div style="border: 1px solid black; height: 20px; width: 100%;"></div> <p>2.2 When was the User Charge System or other revenue source(s) last reviewed and/or revised?</p> <p>Year: <input style="width: 20%;" type="text" value="2024"/></p> <p>● 0-2 years ago (0 points) <input type="checkbox"/><input type="checkbox"/></p> <p>○ 3 or more years ago (20 points) <input type="checkbox"/><input type="checkbox"/></p> <p>○ N/A (private facility)</p> <p>2.3 Did you have a special account (e.g., CWFPP required segregated Replacement Fund, etc.) or financial resources available for repairing or replacing equipment for your wastewater treatment plant and/or collection system?</p> <p>● Yes (0 points)</p> <p>○ No (40 points)</p>	0															
<p>REPLACEMENT FUNDS [PUBLIC MUNICIPAL FACILITIES SHALL COMPLETE QUESTION 3]</p>																
<p>3. Equipment Replacement Funds</p> <p>3.1 When was the Equipment Replacement Fund last reviewed and/or revised?</p> <p>Year: <input style="width: 20%;" type="text" value="2024"/></p> <p>● 1-2 years ago (0 points) <input type="checkbox"/><input type="checkbox"/></p> <p>○ 3 or more years ago (20 points) <input type="checkbox"/><input type="checkbox"/></p> <p>○ N/A</p> <p>If N/A, please explain:</p> <div style="border: 1px solid black; height: 20px; width: 100%;"></div> <p>3.2 Equipment Replacement Fund Activity</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">3.2.1 Ending Balance Reported on Last Year's CMAR</td> <td style="width: 5%; text-align: right;">\$</td> <td style="width: 35%; text-align: right;"><input style="width: 90%;" type="text" value="351,214.77"/></td> </tr> <tr> <td>3.2.2 Adjustments - if necessary (e.g. earned interest, audit correction, withdrawal of excess funds, increase making up previous shortfall, etc.)</td> <td style="text-align: right;">\$</td> <td style="text-align: right;"><input style="width: 90%;" type="text" value="0.00"/></td> </tr> <tr> <td>3.2.3 Adjusted January 1st Beginning Balance</td> <td style="text-align: right;">\$</td> <td style="text-align: right;"><input style="width: 90%;" type="text" value="351,214.77"/></td> </tr> <tr> <td>3.2.4 Additions to Fund (e.g. portion of User Fee, earned interest, etc.)</td> <td style="text-align: right;">\$</td> <td style="text-align: right;"><input style="width: 90%;" type="text" value="0.00"/></td> </tr> <tr> <td></td> <td style="text-align: right;">+</td> <td></td> </tr> </table>	3.2.1 Ending Balance Reported on Last Year's CMAR	\$	<input style="width: 90%;" type="text" value="351,214.77"/>	3.2.2 Adjustments - if necessary (e.g. earned interest, audit correction, withdrawal of excess funds, increase making up previous shortfall, etc.)	\$	<input style="width: 90%;" type="text" value="0.00"/>	3.2.3 Adjusted January 1st Beginning Balance	\$	<input style="width: 90%;" type="text" value="351,214.77"/>	3.2.4 Additions to Fund (e.g. portion of User Fee, earned interest, etc.)	\$	<input style="width: 90%;" type="text" value="0.00"/>		+		
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	+															

Attachment: Draft CMAR - 2024 (RESOLUTION 4213 : Compliance Maintenance Annual Report to WDNR)

Compliance Maintenance Annual Report

Mequon Sewage Collection System

Last Updated: Reporting For:
5/30/2025 **2024**

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

\$ 16,445.72

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

\$ 334,769.05

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.

Purchase of Toro mower and blower

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

0

Please note: If you had a CFWP 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)?

- Yes
- No

If No, please explain.

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.
- No

Project #	Project Description	Estimated Cost	Approximate Construction Year
1	2010 Ranch Road Gravity Sewer Improvements (GSSW)	\$295,680	2025
2	2010 Ranch Road Gravity Sewer Improvements (GSSW)	\$152,320	2026
3	Glen oaks Lane Area E Gravity Sewer Improvements, Design (GSSF)	\$650,000	2026
4	Glen oaks Lane Area E Gravity Sewer Improvements, Design (GSSF)	\$650,000	2027
5	Glen oaks Lane Area E Gravity Sewer Improvements, Construct (GSSF)	\$1,275,000	2028
6	Glen oaks Lane Area E Gravity Sewer Improvements, Construct (GSSF)	\$425,000	2029
7	Riverdale Park Area F Gravity Sewer Improvements, Design (GSSF)	\$75,000	2030
8	Riverdale Park Area F Gravity Sewer Improvements, Construct (GSSF)	\$750,000	2031
9	Riverdale Park Area F Gravity Sewer Improvements, Construct (GSSF)	\$750,000	2032
10	Sewer Main Improvements in Areas A, B, C, D (GSSF)	\$500,000	2028
11	Sewer Main Improvements in Areas A, B, C, D (GSSF)	\$500,000	2029
12	Update System Hydraulic Modeling with Improvements (GSSF)	\$50,000	2029
13	Heritage Estates Siphon Design Study (GSSF)	\$15,000	2026
14	River Road at Milwaukee River Design Study (GSSF)	\$15,000	2028
15	Mequon Rd. Flow Equalization @STH 57 (GSSF)	\$35,000	2032
16	Mequon Rd. Flow Equalization @STH 57 (GSSF)	\$175,000	2033
17	STH167 Sewer Rehabilitation Work (GSSF)	\$300,000	2034
18	Ranch Rd. Lift Station E Construction (LSF)	\$6,351,180	2025
19	Ranch Rd. Lift Station E Construction (LSF)	\$3,271,820	2026
20	Fieldwood Drive Lift Station G Design Study Report for Improvements (LSF)	\$35,000	2026

Attachment: Draft CMAR - 2024 (RESOLUTION 4213 : Compliance Maintenance Annual Report to WDNR)

Compliance Maintenance Annual Report

7.1.a

Mequon Sewage Collection System

Last Updated: Reporting For:
5/30/2025 **2024**

21	Fieldwood Drive Lift Station G Design Study Report for Improvements (LSF)	\$275,000	2027
22	Replace Pumps, Valves and Motors: LS R (LSF)	\$50,000	2025
23	Replace Pumps, Valves and Motors: LS U (LSF)	\$50,000	2025
24	Replace Pumps, Valves and Motors: LS V (LSF)	\$50,000	2026
25	Replace Pumps, Valves and Motors: LS I (LSF)	\$50,000	2026
26	Replace Pumps, Valves and Motors: LS T (LSF)	\$50,000	2027
27	Replace Siphon (LSF)	\$100,000	2027
28	Install Magnetic Flow Meters (LSF)	\$15,000	2025
29	Install Lift Station Emergency Generators with Transfer Switches (K,H,Q) (LSF)	\$100,000	2030
30	Replace Generators, Transfer Switches and encloser @ Station J (LSF)	\$90,000	2025
31	Replace Generators/ Tranfer Switches: LS M (LSF)	\$60,000	2026
32	Replace Generators/ Transfer Switches: LS O (LSF)	\$60,000	2027
33	Replace Generators/ Transfer Switches: LS R (LSF)	\$60,000	2028
34	Replace Generators/ Transfer Switches: LS C (LSF)	\$60,000	2029
35	Replace Generators/ Transfer Switches: LS D (LSF)	\$60,000	2030
36	Replace Generators/ Transfer Switches: LS G (LSF)	\$60,000	2031
37	Condition Assessments (LS A, X) (LSF)	\$50,000	2028
38	Condition Assessments (LS A, X) (LSF)	\$50,000	2029
39	Decommissioning Studies - Lift Station P (LSF)	\$15,000	2027
40	Lift Station PLC Replacements (LSF)	\$60,000	2027
41	Lift Station PLC Replacements (LSF)	\$60,000	2028
42	Lift Station Communication Antenna Replacements (LSF)	\$20,000	2026
43	Lift Station Communication Antenna Replacements (LSF)	\$20,000	2027
44	Lift Station Communication Antenna Replacements (LSF)	\$20,000	2028
45	Lift Station Communication Antenna Replacements (LSF)	\$20,000	2029
46	Lift Station E Force Main Construct for 2010 Ranch Rd (FMF)	\$450,000	2025
47	Hidden Reserve Lift Station E Force Main Extension (FMF)	\$500,000	2025
48	Lift Station G Force Main Design Capacity Improvements (FMF)	\$35,000	2026
49	Lift Station G Force Main Construct 6,200 ft (FMF)	\$1,100,000	2027
50	Lift Station G Force Main Construct 6,200 ft (FMF)	\$1,100,000	2028
51	Concord Drive Lift Station R Force Main Replacement (FMF)	\$50,000	2028
52	Retrofit Force Mains with Access Ports (A,E) (FMF)	\$10,000	2027
53	Retrofit Force Mains with Access Ports (A,E) (FMF)	\$10,000	2028
54	Retrofit Force Mains with Access Ports (A,E) (FMF)	\$20,000	2029
55	Replace Superintendent Truck 600 (ERF)	\$45,000	2025
56	CCTV truck and camera, push camera, lateral camera (ERF)	\$450,000	2025
57	Jet headphones (ERF)	\$6,000	2025
58	Generator (ERF)	\$60,000	2026
59	Generator (ERF)	\$60,000	2027
60	Generator (ERF)	\$60,000	2028

Attachment: Draft CMAR - 2024 (RESOLUTION 4213 : Compliance Maintenance Annual Report to WDNR)

5. Financial Management General Comments

Mequon Sewer Utility adopted a Sewer User Rate and Levy policy in 2024. The policy requires:

Annually, the Sewer Utility budget shall be generated with the following goals: -No adjustments to the Sewer District Tax Rate without a policy amendment.

- Self-funded capital accounts to meet projected capital needs.
- Rate revenue adjustments to maintain a recommended debt service coverage ratio of 1.6.
- Level, sustainable user rate increases based on the 10-year outlook of the Sewer Utility.

ENERGY EFFICIENCY AND USE

6. Collection System

6.1 Energy Usage

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

Compliance Maintenance Annual Report

7.1.a

Mequon Sewage Collection System

Last Updated: Reporting For:
5/30/2025 2024

COLLECTION SYSTEM PUMPAGE: Total Power Consumed

Number of Municipally Owned Pump/Lift Stations:

	Electricity Consumed (kWh)	Natural Gas Consumed (therms)
January	55,539	36
February	65,995	99
March	63,516	78
April	66,021	64
May	49,668	93
June	50,704	74
July	39,140	75
August	31,135	49
September	26,242	72
October	27,667	44
November	31,704	62
December	29,436	94
Total	536,767	840
Average	44,731	70

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
- Variable Speed Drives
- Other:

6.2.2 Comments:

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

No

Yes

Year:

By Whom:

Attachment: Draft CMAR - 2024 (RESOLUTION 4213 : Compliance Maintenance Annual Report to WDNR)

Compliance Maintenance Annual Report

7.1.a

Mequon Sewage Collection System

Last Updated: Reporting For:
5/30/2025 2024

Describe and Comment:

Preliminary Feasibility Study to evaluate options for utility energy cost offset, including solar (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?

Continue lift station assessments and inspections to verify stations have optimal performance. Replace pumps with more efficient models, and update controls (PLCs) and transducers.

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

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7.1.a

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)]

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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:

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:

0

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	20	% of system/year
Root removal	0	% of system/year
Flow monitoring	3	% of system/year
Smoke testing	0	% of system/year
Sewer line televising	8	% of system/year
Manhole inspections	28	% of system/year
Lift station O&M	23	# per L.S./year
Manhole rehabilitation	0	% of manholes rehabbed
Mainline rehabilitation	0	% of sewer lines rehabbed

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Mequon Sewage Collection System

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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 2025 we will purchase a sole ownership televising truck and transition out of joint ownership. This will increase our sewer line mainline televising and allow us to televise the public portion of our laterals.

3. Performance Indicators

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

42.75	Total actual amount of precipitation last year in inches
34.05	Annual average precipitation (for your location)
166.82	Miles of sanitary sewer
23	Number of lift stations
1	Number of lift station failures
0	Number of sewer pipe failures
12	Number of basement backup occurrences
12	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:

0.04	Lift station failures (failures/year)
0.00	Sewer pipe failures (pipe failures/sewer mile/yr)
0.02	Sanitary sewer overflows (number/sewer mile/yr)
0.07	Basement backups (number/sewer mile)
0.07	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	4/2/2024 6:30:00 PM - 4/2/2024 9:00:00 PM	12439 N. Circle Dr (Riverdale Park Lift Station "F")	Rain	56,250
1	4/2/2024 2:30:00 PM - 4/2/2024 6:30:00 PM	2932 W. Riverland Dr (Lift Station "H")	Rain	54,000
2	6/3/2024 7:45:00 PM - 6/4/2024 1:45:00 AM	2932 W. Riverland Dr (Lift Station "H")	Rain	54,000

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

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Mequon Sewage Collection System

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

Lift Stations F and H are tributary to Lift Station E which is under design for a replacement, including a capacity upgrade. Sewersheds for Lift Stations F and H are included in the prioritized areas for PPI/I reduction projects.

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:

Pilot project for lateral grouting with MMSD; due to the high costs of the project, a lateral reconstruction option will be offered in 2025/26.

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 private property inflow and infiltration (PPI/I) reduction program.

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

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7.1.a

Mequon Sewage Collection System

Last Updated: Reporting For:
5/30/2025 **2024**

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)

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11333 N. Cedarburg Road
 Mequon, WI 53092
 Phone: 262-236-2934
 Fax: 262-242-9655

www.cityofmequonwi.gov

Office of Engineering

TO: Common Council
FROM: Kristen Lundeen, Director of Public Works/City Engineer
DATE: June 10, 2025
SUBJECT: RESOLUTION 4214 A Resolution Authorizing Execution of an Amendment to the Right-of-Way Agreement with MT Trails Foundation, Inc. for Construction of a Bike Path on Highland Road, from the Ozaukee Interurban Trail to Rotary Park

Background

MT Trails Foundation, Inc. is a local non-profit whose mission is to develop and support a system of family friendly bicycling and walking off road trails throughout Mequon and Thiensville. The Common Council previously approved a resolution in support of an application by the MT Trails Foundation, Inc. for a Transportation Alternatives Program (TAP) grant for construction of an off-road bicycle path connecting the Ozaukee Interurban Trail (OIT) to Rotary Park on Highland Road.

MT Trails Foundation, Inc. was awarded the TAP grant and executed a State/Municipal Agreement (SMA) for the project. MT Trails Foundation, Inc. is the local sponsor for the project. Therefore, the City has no financial participation in the project, and MT Trails Foundation, Inc. is the executor of all grants and contracts.

Subsequently, the Common Council authorized, and the Mayor executed a Right-of-Way Agreement defining the terms and conditions for the project. In late March, the MT Trails Foundation, Inc. submitted final design documents to the City, which included additional improvements not authorized in the original agreement. This item is intended to authorize an amendment to the agreement to allow the foundation to install those improvements.

Analysis

In accordance with the original agreement, MT Trails submitted a traffic impact analysis (TIA) of the River Road and Highland Road intersection, as required by Article I Section 1.c. of the Agreement. The TIA recommended the installation of high visibility pavement markings with 'bicycle/pedestrian crossing' warnings and a Rectangular Rapid Flashing Beacon (RRFB). In the Agreement, Common Council approval is required for installation of the RRFB ("signal beacon"). This amendment to the agreement provides that approval. The energy source for the "signal beacon" shall be solar power, so the City does not incur ongoing energy costs for the infrastructure.

As noted, the TIA recommended and the final design includes high visibility pavement markings at the crosswalks, regulatory signage along the trail and the installation of pedestrian countdown timers on the traffic signal at Highland Road and Cedarburg Road. As those design

improvements were not authorized in the original agreement, the proposed amendment provides the required authorization.

Fiscal Impact

With the exception of the modifications to the traffic signal, the construction, operation and maintenance of all project elements are the financial responsibility of the MT Trails Foundation, Inc. The original agreement further defined MT Trails Foundation, Inc. as financially responsible for the design, construction, operation and maintenance of the path. Should the foundation fail to perform in accordance with the agreement, the City retains the rights to all decision making for the path. The proposed amendment applies those same financial obligations to these additional improvements.

The amendment to the agreement defines MT Trails Foundation, Inc. as financially responsible for the installation of the pedestrian countdown timers on the traffic signal. However, as the City would be required to install the pedestrian countdown timers with modifications to or replacement of the traffic signal, the amendment proposes the improvements as ‘build and contribute’, whereby the City will be responsible for the operation and maintenance costs associated with the traffic signal on a going forward basis.

Recommendation

A recommendation is forthcoming by the Public Works Committee, June 10, 2025.

Attachments:

Amendment to Dedication Agreement (M-T Trails) (PDF)
Executed ROW Agreement (M-T Trails) (PDF)
MT Trails Bike Path Map (PDF)

COMMON COUNCIL
OF THE
CITY OF MEQUON

RESOLUTION 4214

A Resolution Authorizing Execution of an Amendment to the Right-of-Way Agreement with MT Trails Foundation, Inc. for Construction of a Bike Path on Highland Road, from the Ozaukee Interurban Trail to Rotary Park

RECITALS

A. MT Trails Foundation, Inc. received a Wisconsin Department of Transportation (WisDOT) Transportation Alternatives Program (TAP) Project Grant (Grant) for the construction of an off-road path on the north side of Highland Road between the Ozaukee Interurban Trail and Rotary Park (Project).

B. The Common Council passed Resolution 4050 approving a Right-of-Way Agreement (Agreement) with MT Trails Foundation, Inc., for the Project.

C. The Agreement required Common Council approval of the signal beacon, now designed as a Rectangular Rapid Flashing Beacon at the intersection of Highland Road and River Road.

D. The final design plans for the Project include additional design details not authorized in the original agreement, including modifications to the traffic signal at Highland Road and Cedarburg Road, pavement markings and regulatory signage.

E. The attached amendment to the Agreement defines the rights and responsibilities of MT Trails, Foundation, Inc. as it relates to the final design.

F. The Public Works Committee recommended approval at its meeting on June 10, 2025.

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

1. The installation of a Rectangular Rapid Flashing Beacon at the intersection of Highland Road and River Road is authorized.

2. The Right-of-Way Agreement Amendment for the Highland Road off road path is approved, subject to any clerical, technical and/or legal changes deemed necessary and appropriate by the City Attorney.

3. The Mayor and the City Clerk are authorized and directed to execute and deliver the same.

Approved by: Andrew Nerbun, Mayor

Date Approved: June 10, 2025

I certify that the foregoing Resolution was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on June 10, 2025.

Caroline Fochs, City Clerk

**AMENDMENT TO RIGHT-OF-WAY AGREEMENT TO ADDRESS ADDITIONAL
FEATURES NOT IDENTIFIED IN THE ORIGINAL PROJECT PLAN**

This Amendment to Right-of-Way Agreement to Additional Features Not Identified in the Original Project Plan (the “Additional Feature Amendment”) is entered into by and between MT Trails Foundation, Inc. (“MT Trails”) and the City of Mequon, Wisconsin (“CITY”) (referred to individually, each of the foregoing is a “Party” and collectively, the “Parties”) for the Highland Road Bike Spur (the “Project”), as of _____, 2025.

RECITALS

WHEREAS, the Parties to this Additional Feature Amendment entered into a Right-of-Way Agreement on June 13, 2023 (the “Agreement”).

WHEREAS, the parties are desirous of amending the Agreement, in order to amend and restate certain terms and obligations.

IN CONSIDERATION OF the foregoing recitals, the following agreements, and other good and valuable consideration, the receipt and sufficiency of which the Parties acknowledge, the Parties agree:

1. MT Trails submitted a traffic impact analysis (TIA) of the River Road and Highland Road intersection, as required by Article I Section 1.c. of the Agreement. The TIA recommended the installation of high visibility pavement markings with bicycle/pedestrian warning crossing and a Rectangular Rapid Flashing Beacon (RRFB). In the Agreement, Common Council approval is required for installation of the RRFB (“signal beacon”). This amendment to the agreement provides that approval. The energy source for the “signal beacon” shall be solar power, so the CITY does not incur ongoing energy costs for the infrastructure.

2. The final design plans submitted to the CITY included several proposed culverts under the trail and trail connections to the roadway. The initial design and installation of the culverts will be reviewed and approved as a part of the CITY review process. Culverts will be considered as a part of the trail infrastructure and therefore be the responsibility of the Foundation to operate and maintain. Future culvert installations or replacements shall be subject to the driveway culvert permit process and fees.

3. The final design proposes the installation of pedestrian countdown timers on the existing traffic signal at Cedarburg Road and Highland Road. The infrastructure shall be considered “build and contribute” whereby the Foundation procures and installs the materials and dedicates that infrastructure to the CITY. The Foundation shall hire TAPCO to inspect the installation and provide written confirmation to the CITY that the infrastructure was installed per

plan and is compatible and functional with the existing traffic signal operations. The CITY will subsequently be responsible for the operation and maintenance of the pedestrian countdown timers, including energy costs. Should the CITY determine in the future that the pedestrian countdown timers are no longer warranted, they shall be offered to MT Trails prior to disposal.

4. After the Project is fully completed (as determined by the CITY), MT Trails shall provide the CITY with as built drawings and associated GIS shapefiles for any underground infrastructure including, but not limited to, storm sewer and buried electrical.

5. All future work not outlined in the Agreement or in this Amendment is subject to a Right-of-Way permit. If the requested work impacts the terms of the Agreement or the Amendment, an additional amendment may be required.

6. Article I Section 7 of the Agreement defined the operation and maintenance that MT Trails shall operate and maintain, at its sole cost and expense. After submitting plans to the CITY for approval, Section 7.a. of the Agreement shall be amended to include:

- (7) Reimbursement to the CITY for annual inspection and all labor, equipment and material costs to maintain of the high visibility pavement markings installed as a part of the Project.
- (8) Reimbursement to the CITY for annual inspection and all labor, equipment and material costs to maintain or replace the regulatory signage installed as a part of the Project.

**RIGHT-OF-WAY AGREEMENT FOR HIGHLAND ROAD BIKE/PEDESTRIAN SPUR
FROM THE OZAUKEE INTERURBAN TRAIL TO ROTARY PARK**

THIS RIGHT-OF-WAY AGREEMENT ("Agreement"), made as of the day of MONTH, YEAR, by and between MT Trails Foundation, Inc. ("MT Trails") and the City of Mequon, Wisconsin ("CITY") (referred to individually, each of the foregoing is a "Party" and collectively, the "Parties") for the Highland Road Bike Spur (the "Project").

RECITALS

WHEREAS, Rotary Park and a portion of the Ozaukee Interurban Trail (OIT) are part of the CITY's park system and are under the jurisdiction of the CITY and the Mequon Park and Open Space Board; and

WHEREAS, the CITY's Comprehensive Park, Recreation & Open Space Plan ("Park Plan") identifies recreational facilities and active and passive parks as critical components enhancing the quality of life within the City of Mequon; and

WHEREAS, a connection between the OIT and Rotary Park are not included as high priority projects within the Park Plan; and

WHEREAS, MT Trails applied for and received a Transportation Alternatives Program (TAP) grant through the Wisconsin Department of Transportation; and

WHEREAS, MT Trails proposes to install a 10' paved path with gravel shoulders from the OIT to Rotary Park at its sole cost of design, construction, operation and maintenance; and

WHEREAS, adding infrastructure to a public park facility results in maintenance costs to the CITY upon construction of said infrastructure; and

WHEREAS, without the MT Trails Project, the City would not incur these maintenance costs; and

WHEREAS, MT Trails has agreed to donate the infrastructure to the City and accept ongoing operation and maintenance responsibilities and cost; and

WHEREAS, MT Trails has raised funds sufficient to pay for the design, construction and ongoing operation and maintenance of the Project that it intends to construct on CITY property; and

WHEREAS, the Project is subject to CITY review and approval of the plans and renderings for the Project and agrees that the Project would be an asset to the CITY and the residents of the CITY, but needs to make sure that the Project will be completed in a timely and workmanlike manner without the expenditure of any CITY money;

NOW, THEREFORE, the Parties agree as follows:

ARTICLE I OBLIGATIONS OF THE PARTIES

Section 1.1 MT Trails. MT Trails shall construct, at its sole cost and expense, the Project between the OIT and Rotary Park in accordance with the Approved Plans for the Project. Plans must be submitted to the CITY, and will be reviewed for approval against the following terms:

(1) The design of the proposed improvements shall adhere to the Standard Specifications for Land Development, current edition.

(2) Any improvements shall be located within the Highland Road right-of-way or within a public pedestrian easement dedicated solely to the CITY. The CITY will not be responsible for the negotiation of required easements. If easements on private property are required, the CITY shall provide the easement language, subject to review and approval by the City Attorney. MT Trails shall provide the legal description and easements for the document prior to recording. The final easement is subject to Common Council approval prior to recording.

(3) The grant application implies the installation of a “signal beacon” at River Road and Highland Road. Prior to including the “signal beacon” on the plans submitted to the CITY for approval, MT Trails shall submit a traffic impact analysis (TIA) of the intersection, with a recommendation by a traffic engineer as to whether a “signal beacon” is warranted. Including the “signal beacon” on the plans is subject to Common Council approval. If the TIA conclusively determines that a “signal beacon” is warranted, the selection of the equipment is at the sole discretion of the CITY. The energy source for the “signal beacon” shall be solar power, so the CITY does not incur ongoing energy costs for the infrastructure.

Section 1.2 Ozaukee Interurban Trail Advisory Committee. After receiving Approved Plans from CITY, MT Trails shall also gain approval from the Ozaukee Interurban Trail Advisory Committee prior to bidding. If the Ozaukee Interurban Trail Advisory Committee requires any modifications to the Approved Plans, the plans shall be resubmitted to the CITY for approval prior to bidding.

Section 1.3 Modifications. Any changes or deviations to the Project must be approved in writing by the CITY.

Section 1.4 Project Management. The Project will be managed by MT Trails under the oversight of the CITY. MT Trails is required to hire a construction inspection firm that will submit daily inspection reports to the CITY on a weekly basis. At the conclusion of the Project, MT Trails must submit a certification to the CITY that the project was constructed per the Approved Plans. Prior to acceptance of the Project, the CITY shall complete a final inspection. Approval is subject to completion of all punchlist items.

Section 1.5 Lien Waivers. After the Project is fully completed (as determined by the CITY), MT Trails will provide lien waivers from contractors.

Section 1.6 Condition. MT Trails shall maintain the Project in good condition. Should the Project deteriorate, need repair, or create a hazard, MT Trails agrees, at MT Trails' sole expense, to remedy said condition(s) to the satisfaction of the CITY, or remove the Project and restore the area to match the surrounding area.

Section 1.7 Operation and Maintenance. MT Trails shall operate and maintain, at its sole cost and expense, the Project between the OIT and Rotary Park. Operation and maintenance are subject to the following terms:

(1) Any endowment from MT Trails shall be placed into a segregated, non-lapsing fund utilized for the operation, maintenance, rehabilitation, repair and/or replacement of this Project only. Should the endowment be insufficient to cover the ongoing life cycle costs for the Project, the CITY reserves the right to make long-term decisions up to and including removal of the Project. The minimum operation and maintenance costs, which the endowment must fund, includes, but is not limited to:

- (a) Annual inspection of the bicycle path and shouldering for required maintenance and repair.
- (b) Maintenance of the path and shoulders free from debris and garbage.
- (c) Maintenance of gravel shoulders in compliance with the Standard Specifications for Land Development which may include, but is not limited to, regrading of the existing material and/or addition of new material.
- (d) Maintenance of the asphalt in compliance with the Standard Specifications for Land Development which may include, but is not limited to, filling cracks with bicycle safe materials, sealing the asphalt to slow pavement deterioration, removal and replacement of sections of the asphalt, mill and overlay, and/or pulverize and repave.
- (e) Reimbursement to the CITY for annual inspection and any reasonably required maintenance or repairs of the "signal beacon".
- (f) Response to CITY notification of reasonable issues or concerns.

(2) The CITY currently does not remove snow from locally owned off road paths and cannot due to equipment and staffing constraints. MT Trails may contract a private snow removal firm if snow removal is desired or required. Prior to entering into the contract, MT Trails shall provide a copy of the contractor's liability insurance, naming the City as an additional insured, and submit to the CITY so the CITY is aware of the contractor's equipment and labor capabilities. No right-of-way permit shall be required for snow removal.

(3) If a "signal beacon" is installed, the CITY reserves the right to review the life cycle costs and the cost/benefit ratio of maintaining the infrastructure in perpetuity, and retains the right to make all decisions regarding operation, maintenance, repair and replacement.

Section 1.8 Access. CITY will provide reasonable public access to MT Trails within the right-of-way between the Ozaukee Interurban Trail and Rotary Park for the construction, operation and maintenance of the Project. Permits to work within the right-of-way shall not be required for snow removal, debris and garbage removal and operation or maintenance activities which do not permanently alter the right-of-way. Permits will be required for those activities outlined in Section 5.a.(3) and (4), as well as any construction, operation or maintenance activities which permanently alter the right-of-way.

Section 1.9 Diggers Hotline. MT Trails acknowledges that it will contact Diggers Hotline prior to the installation of the Project and will coordinate as needed with the CITY to ensure that CITY and other public utilities in said public right-of-way are not damaged as part of said installation.

Section 1.10 Drainage. MT Trails acknowledges that the installation, operation and maintenance of the Project may not block or dam existing surface drainage patterns through the area.

Section 1.11 Permits. Recommendation by the Park and Open Space Board, Finance-Personnel Committee and approval of the Common Council does not constitute the right to construct. Proper permits must be obtained through the City Engineering Division.

Section 1.12 Easement. Any easement that may be required for the installation of private utilities shall be approved by the Common Council.

Section 1.13 Fees. MT Trails shall not charge any fee for the use of the property without the express written consent of CITY, which consent can be withheld in its sole and absolute discretion.

Section 1.14 Impact. Should CITY resurface, reconstruct, improve, or otherwise modify the right-of-way between the OIT and Rotary Park, MT Trails is not owed repayment or damages for donated infrastructure if the CITY's work impacts the IMPROVEMENTS.

ARTICLE II REPRESENTATIONS AND WARRANTIES

Section 2.1 Purpose. The purpose of this Agreement is to:

(1) Memorialize the understanding of the CITY and MT Trails regarding public access to the Project.

Section 2.2 Representations and Warranties of CITY. The CITY makes the following representations and warranties:

(1) CITY is a municipal corporation of the State of Wisconsin and has the power to enter into this Agreement and carry out its obligations hereunder.

(2) CITY makes no representation or warranty, either express or implied, as to the Property, or its condition or the soil conditions thereon, or that the Property shall be suitable for MT Trails' purposes or needs.

(3) Neither the execution and delivery of this Agreement, the consummation of the transactions contemplated hereby, nor the fulfillment of or compliance with the terms and conditions of this Agreement is prevented, limited by or conflicts with or results in the breach of, the terms, conditions or provision of any law, ordinance, charter, contractual restriction, evidence of indebtedness, agreement or instrument of whatever nature to which the CITY is now a party or by which it is bound, or constitutes a default under any of the foregoing.

(4) The private development of the Project is consistent with the public purposes, plans and objectives of the CITY.

(5) If MT Trails requests inclusion in the issuance of standard CITY contracts (i.e. cracksealing, GSB-88 or Road Improvements), notice shall be provided to the CITY no later than January 15 on the year the contract is requested. Separate bid items will be provided for the Project and reimbursement will be equal to actual costs. MT Trails will be provided with the cost of the bid items prior to contract award. Upon receipt of the cost of the bid items, MT Trails must notify City Staff within five (5) business days that sufficient funds have been allocated for MT Trails to reimburse the City and that reimbursement will be provided within thirty (30) days of invoicing or that MT Trails will not participate and the bid items should not be awarded.

Section 2.3 Grant Funding. The Grant will pay for up to \$988,000 of the cost of the Project not to exceed the Grant award as defined in the Grant contract. The local match requirement is all remaining Project costs. MT Trails will provide all required project sponsor match funds and any additional project costs not covered under the Grant agreement.

Section 2.4 Representations and Warranties of MT Trails. MT Trails makes the following representations and warranties:

(1) MT Trails shall not have or obtain any legal rights to said public right-of-way by virtue of such construction, installation, maintenance, expenditure of money or usage. CITY may at any time proceed or permit grading, utility installation, repair, maintenance, plowing, reconstruction, and/or similar activities in said public right-of-way without being obligated to MT Trails in any way and without any compensation to MT Trails for the Project.

(2) MT Trails is a Wisconsin Non-Stock/Non-Profit Corporation and has the power to enter into this Agreement and to perform its obligations hereunder and is in good standing under the laws of the State of Wisconsin.

(3) MT Trails will cause the Project to be constructed in accordance with the terms of this Agreement, the Plans and Specifications and all local, state and federal laws, ordinances, approvals, licenses, and regulations (including, but not limited to, environmental, zoning, energy conservation, building code and public health laws, ordinances and regulations), except for minor changes to

the Plans and Specifications approved in writing by City staff which will not have a material adverse effect on the Project.

(4) MT Trails will not erect any signs, plaques or sell any naming rights for infrastructure within the public right-of-way or located on public property, including within Rotary Park.

(5) Neither the execution and delivery of this Agreement, the consummation of the transactions contemplated hereby, nor the fulfillment of or compliance with the terms and conditions of this Agreement is prevented, limited by or conflicts with or results in the breach of, the terms, conditions or provision of any contractual restriction, evidence of indebtedness, agreement or instrument of whatever nature to which MT Trails is now a party or by which it is bound, or constitutes a default under any of the foregoing.

(6) Insurance. MT Trails or its contractors shall maintain, until CITY's acceptance of the dedication of the Project, Commercial general liability insurance covered under a comprehensive general liability policy including contractual liability issued by insurers licensed in the State of Wisconsin, with Best's A ratings and in the financial size category as insurers of similar projects, with such policies (the "Insurance Policies") in amounts maintained by developers of similar projects, and insuring against bodily injury, including personal injury, death, property damage and other risks and casualties. Each Insurance Policy shall require the insurer to provide at least thirty (30) days prior written notice to the CITY of any material change or cancellation of such policy. The CITY shall be named as an additional insured/loss payee on all policies of insurance except worker's compensation insurance. MT Trails further understands and agrees that any builders risk coverage is its responsibility.

(7) Indemnification.

- (a) Except as caused, in whole or in part, by negligence or wrongful act or omission of the CITY, if the persons or property of others sustain loss, damage or injury resulting directly or indirectly from the negligence or wrongful act or omission of MT Trails or its contractors, subcontractors or materialmen in their performance of this Agreement or from MT Trails' failure to comply with any of the provisions of this Agreement or of law, MT Trails shall indemnify and hold the CITY harmless from any and all claims and judgments for damages, and from costs and expenses to which the CITY may be subjected or which it may suffer or incur by reason thereof, provided; however, that the CITY shall provide to MT Trails promptly, in writing, notice of the alleged loss, damage or injury.
- (b) In conjunction with the construction, installation and maintenance of the Project by MT Trails within said public right-of-way, MT Trails will assume all liability for any damage to CITY facilities or other public utilities located in said public right-of-way. MT Trails will indemnify and hold the CITY or other public utilities harmless from any claims for personal injuries or property damage caused by MT Trails arising out of the construction, installation or maintenance by MT Trails of the Project within said public right-of-way.

(8) The Project shall at all times be subject to CITY inspection and approval, and the CITY shall not be required to accept conveyance of the Project unless it has been constructed in a good workmanlike manner, in accordance with the approved plans. Following approval by the CITY of the completed Project, the Project shall be dedicated and conveyed to the CITY, at no cost or expense to the CITY. The MT Trails shall provide to the CITY, from the general contractor constructing the Project, a one-year warranty against defects in construction, materials and workmanship, from the date of conveyance to the CITY, in a customary form reasonably acceptable to the CITY.

(9) MT Trails acknowledges and agrees that it is not entitled to any just compensation for the donation of the improvements to CITY and that this donation is a material inducement for CITY to permit the construction of such improvements upon CITY-owned real property.

(10) MT Trails acknowledges and agrees that CITY will ultimately retain jurisdiction over the improvements associated with the Project and has the right to provide use of the improvements to other entities, subject to CITY approval.

ARTICLE III DEFAULT AND REMEDIES

Section 3.1 Default. The occurrence of any one or more of the following events shall constitute a default ("Default") hereunder.

(1) Any representation or warranty made by MT Trails or the CITY in this Agreement, or any document or financial statement delivered by MT Trails pursuant to this Agreement, shall prove to have been false in any material respect as of the time when made or given; or

(2) Except as provided for in (a), MT Trails or the CITY shall breach or fail to perform timely any of its covenants or obligations under this Agreement, and such failure shall continue for thirty (30) days following written notice thereof from the other party; however, if the breach or failure was not the result of an intentionally wrongful act or omission of the breaching party and the breach or failure cannot be cured using commercially reasonable and diligent efforts within such 30-day period but could, with additional time, be cured using commercially reasonable and diligent efforts, such 30-day cure period shall be extended for the period reasonably necessary to cure if (and for such period as) (i) the breaching party uses commercially reasonable and diligent efforts during such 30-day period; (ii) the breaching party continues to use all commercially reasonable and diligent efforts to cure after such 30-day period; and (iii) such efforts are adequate to ensure a cure; or

(3) Construction of the Project shall be abandoned (no material work having been completed) for more than ninety (90) consecutive days after commencement, or if the Project is not completed on or before the deadlines set forth in this Agreement, or if any portion of the Project shall be damaged by fire or other casualty and not be repaired, rebuilt or replaced; or

(4) If MT Trails shall cease to exist; or

Except as otherwise set forth in this Agreement, upon the occurrence of any Default,

without further notice, demand or action of any kind by the non-defaulting party, the non-defaulting party may, at its option, pursue any or all of the rights and remedies available at law and/or in equity against the defaulting party and/or the Project. The non-defaulting party shall also have the right to suspend performance of any of its obligations or covenants under this Agreement and/or to terminate this Agreement. Except as otherwise set forth herein, no remedy herein conferred upon the non-defaulting party is intended to be exclusive of any other remedy and each and every such remedy shall be cumulative and shall be in addition to every other remedy given under this Agreement, and/or now or hereafter existing at law or in equity. No failure or delay on the part of the non-defaulting in exercising any right or remedy shall operate as a waiver thereof nor shall any single or partial exercise of any right preclude other or further exercise thereof or the exercise of any other right or remedy.

MT Trails shall pay all costs and expenses, including attorney's fees and costs, associated with the enforcement of the CITY's rights against MT Trails under this Agreement, including without limitation the enforcement of such rights in any bankruptcy, reorganization or insolvency proceeding involving MT Trails. Any and all such fees, costs and expenses incurred by the CITY which are to be paid by MT Trails, shall be paid by MT Trails to the CITY within 90 days following delivery of invoices documenting the costs.

ARTICLE IV MISCELLANEOUS PROVISIONS

Section 4.1 Execution in Multiple Counterparts. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original and all of which together shall constitute one and the same instrument.

Section 4.2 Construction. The Parties acknowledge and represent that this Agreement has been the subject of negotiation by all Parties and that all Parties together shall be construed to be the drafter hereof and this Agreement shall not be construed against any Party individually as drafter.

Section 4.3 Legal Relationship. Nothing in this Agreement shall be construed to create an employer/employee relationship, joint employer, joint venture or partnership relationship, or a principal/agent relationship.

Section 4.4 Survival. All agreements, representations, covenants and warranties made herein shall survive the execution of this Agreement and the making of the grants hereunder. This Agreement shall be binding upon the Parties, their respective successors and assigns.

Section 4.5 No Waiver. The failure of any Party to require strict performance of any provision of this Agreement will not constitute a waiver of the provision or of any other of that Party's rights under this Agreement. Rights and obligations under this Agreement may only be waived or modified in writing. A writing waiving a right must be signed by the Party waiving the right. If an obligation of a Party is being waived or released, the writing must be signed by the affected Parties. Waiver of one right, or release of one obligation, will not constitute a waiver or release of any other right or obligation of any Party. Waivers and releases shall affect only the specific right or obligation waived or released and will not affect the rights or obligations of any other Party that did not sign the waiver or release.

Section 4.6 Severability of Provisions. If any provision of this Agreement shall be held or declared to be invalid, illegal or unenforceable by reason of its being contrary to any applicable law, such provision shall be deemed to be deleted from this Agreement without impairing or prejudicing the validity, legality or enforceability of the remaining provisions.

Section 4.7 Law Governing. This Agreement will be governed and construed in accordance with the laws of the State of Wisconsin. Except as otherwise specifically and expressly set forth in this Agreement, the venue for any disputes arising under this Agreement shall be the Circuit Court for Ozaukee County.

Section 4.8 Notices and Demands. Except as otherwise expressly provided in this Agreement, a notice, demand or other communication under this Agreement by any Party to any other shall be sufficiently given or delivered if it is dispatched by registered or certified mail, postage prepaid, return receipt requested, or delivered personally, and

- (a) in the case of MT Trails is addressed to or delivered personally to:

Ms. Lori Lorenz, Board Member
MT Trails Foundation Inc.
9801 N Hilltop Lane
Mequon, WI 53092

- (b) in the case of CITY is addressed to or delivered personally to:

Mr. William H. Jones, Jr., City Administrator
City of Mequon
11333 N. Cedarburg Rd.
Mequon, WI 53092

With a Copy to:

Mr. Brian C. Sajdak, City Attorney
Wesolowski, Reidenbach & Sajdak, S.C.
11402 W. Church St.
Franklin, WI 53132

or at such other address with respect to any such Party as that Party may, from time to time, designate in writing and forward to the other, as provided in this Section.

Section 4.9 Force Majeure. As used herein, the term "Force Majeure" shall mean any accident, breakage, war, insurrection, civil commotion, riot, act of terror, act of God or the elements, governmental action (except for governmental action by CITY with respect to obligations of CITY under this Agreement), alteration, strike or lockout, picketing (whether legal or illegal), inability of a Party or its agents or contractors, as applicable, to obtain fuel or supplies, unusual weather conditions, or any other cause or causes beyond the reasonable control of such Party or its agents or contractors, as applicable. No Party to this Agreement shall be in default hereunder for so long as such Party or its agents and contractors, if applicable,

are prevented from performing any of its obligations hereunder due to a Force Majeure occurrence.

Section 4.10 Compliance. Nothing contained in this Agreement is intended to or has the effect of releasing MT Trails, its successors and/or assigns, from compliance with all applicable laws, rules, regulations and ordinances in addition to compliance with all terms, conditions and covenants contained in this Agreement.

Section 4.11 Amendment. This Agreement may be rescinded, modified or amended, in whole or in part, by mutual agreement of the Parties hereto, their successors and/or assigns, in writing signed by all Parties.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement as of the date indicated.

M-T Trails Foundation, Inc.

CITY

BY: Lori N. Loring

BY: Andrew Nerburn
Andrew Nerburn, Mayor

ATTEST:

BY: Caroline Fochs
Caroline Fochs, Clerk

Dated: 5/21/23

Dated: 6-13-23

Approved by: Brian C. Sajdak
Brian C. Sajdak, City Attorney

Attachment: Executed ROW Agreement (M-T Trails) (RESOLUTION 4214 : MT Trails ROW Agreement Amendment)

MT Trails Foundation, Inc. Highland Road Bike/Pedestrian Spur



Attachment: MT Trails Bike Path Map (RESOLUTION 4214 : MT Trails ROW Agreement Amendment)



11333 N. Cedarburg Road
 Mequon, WI 53092
 Phone: 262-236-2913
 Fax: 262-242-9655

www.cityofmequonwi.gov

Office of Public Works

TO: Common Council
FROM: Tim Weyker, Deputy Director of Public Works
DATE: June 2, 2025
SUBJECT: RESOLUTION 4215 A Resolution Approving the Purchase of a 2020 Elgin Whirlwind 1 Pure Vacuum Street Sweeper from Macqueen Group of Menomonee Falls, Wisconsin, in the Amount of \$270,395

Background

The Department of Public Works (DPW) Equipment Replacement Program provides for the purchase and replacement of vehicles and equipment for all divisions within the Department. The Wastewater Division and the Water Utility have separate budgets that support the replacement of their respective equipment. The DPW's equipment replacement program provides funding for smaller items such as lawn mowers and chain saws to larger vehicles such as snowplow trucks, loaders and excavators.

The equipment purchase/replacement presented in the attached resolution is for the purchase of a used 2020 Elgin Whirlwind 1 pure vacuum street sweeper to replace unit #325, a 1992 Elgin Pelican mechanical street sweeper. The 33-year-old sweeper with 21,915 miles and 4,013 hours has reached the end of its useful life and is prone to continual hydraulic leaks due to worn out and rusted steel hydraulic lines deep inside the sweeper's inner workings. After multiple repairs, the sweeper continues to spring new leaks from different areas and leaves hydraulic fluid on the very roads DPW is trying to clean. It is not cost effective to replace more and more lines and parts on this sweeper, so it has been taken out of service.

As a best management practice, Mequon DPW sweeps all curb & gutter streets (40 miles) and parking lots in the City on a monthly basis from April to November as part of Mequon's stormwater management program. Such efforts are intended to keep debris out of the community's storm sewer systems and ultimately, out of drainageways, creeks, streams, and rivers. In 2024 with Mequon's current sweeper, DPW logged approximately 200 hours of sweeping time. The amount of debris collected is transmitted to the Wisconsin Department of Natural Resources (WDNR), as part of the City's annual reporting for its Municipal Separate Storm Sewer System (MS4) Permit.

Replacement of the current mechanical sweeper has been in DPW's plans for the last several years, but due to the high purchase price of approximately \$400,000, it has not fit in with recent annual replacement expenditures. Staff is recommending replacing the 1992 mechanical sweeper with a pure vacuum sweeper to better remove fine particles when sweeping, and to remove any debris which might clog permeable paver parking lots. In addition to sweeping, a pure vacuum sweeper also has the capability to clean out storm sewer catch basins and culvert pipes with its suction hose attachment, making it a multi-task machine to keep storm drainage systems flowing

properly while reducing the amount of sediment and debris entering local waterways.

Analysis

Ultimately, failure of the current street sweeper has accelerated DPW's search for a replacement. In addition to obtaining pricing on two new sweepers (with a lead time of six to nine months for delivery), staff also obtained pricing on nine used street sweepers of various ages and conditions shown in the attached spreadsheet. The 2020 Elgin Whirlwind 1 pure vacuum street sweeper from Macqueen Group is up for sale from their rental fleet and has been maintained by Macqueen Group since new. It is in very good condition with only 177 hours on the sweeper mechanicals. The Elgin Whirlwind 1 pure vacuum sweeper is a truck chassis mounted sweeper as opposed to our current three-wheeled Elgin Pelican mechanical sweeper. The Elgin Pelican model is more of an on-site sweeper and is not as efficient in highway travel to and from sweeping sites as a truck chassis mounted sweeper. This 2020 Elgin Whirlwind 1 sweeper was rented by a contractor who drove the sweeper to multiple jobsites but only performed sweeping operations for very short periods. Therefore, the truck chassis has 30,280 miles and 1,271 hours, but the actual sweeper unit was only used for 177 hours. Since in City operations the sweeper would never leave the City and wouldn't amass high mileage on the chassis, staff is not concerned with the truck chassis mileage. Based on the price comparison between this used sweeper and a new sweeper with the same features, as well as the overall condition of the 2020 sweeper with low sweeper hours, staff recommends this sweeper. Used sweepers in good condition do not stay on the market for long, so staff is requesting approval to purchase this used 2020 sweeper.

Fiscal Impact

The purchase price of the 2020 Elgin Whirlwind 1 sweeper is \$270,395. Macqueen Group uses Bell Bank Equipment Finance from Maple Grove, Minnesota as a partner for municipal financing. Bell Bank Equipment Finance has provided multiple lease options for the purchase of this machine, which are attached with the quote. With interest applied due to financing this unit along with an initial downpayment and a 5-year full payout as proposed, the final cost of the unit would be \$304,346.16. The municipal financing terms have no penalty for early payoff, so a large portion of the \$33,951.16 in interest could potentially be saved by paying off the financing in 2026 and/or 2027 depending on available budget allocations.

The Finance Department has reviewed the Bell Bank municipal financing options and has contacted Port Washington State Bank (PWSB) for a local bank rate comparison. PWSB will match the terms of Bell Bank at 4.99%, which is approximately 2% lower than their normal commercial rates for equipment financing reflecting their interest in working with the City on this and future needs. Since PWSB is the City's local long-time banking partner and maintains a no fee banking relationship with the City, it benefits the City to utilize PWSB for this financing. The Finance Department is recommending Port Washington State Bank's 5-year full payout municipal lease at 4.99%. PWSB's proposal letter is attached.

The Department of Public Works Equipment Replacement Account #410787-725012-10359 currently has a balance of approximately \$94,000 in unencumbered funds to make the down payment of \$50,724.36 due on delivery.

The old sweeper unit will be sold on the Wisconsin Surplus Online Auction, with the proceeds going back to the equipment replacement account.

Recommendation

A recommendation is forthcoming from the Public Works Committee on June 10, 2025.

Attachments:

2020 Elgin Whirlwind1 Proposal 5.7.2025 (PDF)

Sweeper Spreadsheet 6 3 25 (PDF)

PWSB Loan Proposal (PDF)

COMMON COUNCIL
OF THE
CITY OF MEQUON

RESOLUTION 4215

A Resolution Approving the Purchase of a 2020 Elgin Whirlwind 1 Pure Vacuum Street Sweeper from Macqueen Group of Menomonee Falls, Wisconsin, in the Amount of \$270,395

RECITALS

A. The DPW Highway Division currently utilizes a mechanical street sweeper for sweeping curb & gutter streets and parking lots on a regular basis to reduce the amount of debris washing into the City's storm sewer systems.

B. The current City Unit #325 is a 1992 model that is no longer dependable and is experiencing repeated hydraulic fluid leaks on streets and parking lots and has reached the end of its useful life. Staff would like to replace/upgrade to a pure vacuum sweeper with more capabilities.

C. DPW staff received price quotations for several replacement options including both new and used models and has determined that the most cost beneficial option is a 2020 Elgin Whirlwind 1 pure vacuum street sweeper from Macqueen Group of Menomonee Falls, Wisconsin for a cost of \$270,395.

D. Adequate funds are available in the Department of Public Works Equipment Replacement Fund, Account #410787-725012-10359 for the \$50,724.36 payment due on delivery, with the remainder due through a government equipment 5-year full payout municipal lease.

E. The Committee on Public Works, at its meeting on June 10, 2025, approved staff's recommendation.

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

1. Staff is authorized to purchase a 2020 Elgin Whirlwind 1 Pure Vacuum Street Sweeper from Macqueen Group of Menomonee Falls, Wisconsin for the purchase price of \$270,395, which includes a \$50,724.36 down payment, and further authorized to enter into a five-year, no pre-payment penalty municipal equipment financing agreement with Port Washington State Bank for the balance including executing any necessary contractual documents which are subject to any clerical, technical and/or legal changes deemed necessary and appropriate by the City Attorney.

Approved by: Andrew Nerbun, Mayor

Date Approved: June 10, 2025

I certify that the foregoing Resolution was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on June 10, 2025.

Caroline Fochs, City Clerk



May 7, 2025

Request for Quotation:
2020 Elgin Whirlwind1
Single Engine Street Sweeper

Prepared For:
Tim Weyker
City of Mequon
10800 N Weston Dr.
Mequon, WI 53092

Prepared by:
MacQueen
N60 W15835 Kohler Ln
Menomonee Falls, WI 53051

Tim,

The attached proposal lists all the options that make up the combined purchase price. The final sections explain the terms, MacQueen services, and training for the proposed machine.

Thank you for this opportunity to submit this proposal on behalf of your equipment needs.

Sincerely,

Cody Pfennig
Sales Representative
MacQueen





MACQUEEN™

Product Description:

- ✓ Elgin Whirlwind1, Single Engine Street Sweeper
- ✓ Freightliner M2 106 Chassis
- ✓ Marmon-Herrington Variable Speed Device Powering Single Engine System
- ✓ 8 Cubic Yard Capacity
- ✓ 335 Gallon Water Capacity
- ✓ 177 Fan Hours (Sweeping Hours)
- ✓ 30,280 Chassis Miles
- ✓ 1,271.3 Chassis Hours

*This sweeper is in great condition, and has been fully maintained by MacQueen throughout the life of the machine. Before delivery, we will bring it into the shop, and make any repairs necessary to ensure that it performs up to MacQueen’s standards for the City of Mequon. This is included in the purchase price.

Equipment Features:

- ✓ 36” Dual Side Brooms
- ✓ 3rd Caster Wheel, Both Sides
- ✓ Lifeline Hopper System
- ✓ Dual Side Broom Tilt w/ Display
- ✓ Auto Shutter Dual
- ✓ LED Beacons, Cab/Front/Rear
- ✓ Front Spray Bar
- ✓ Air Purge for Water System
- ✓ Dual Rear LED Flood Lights
- ✓ Inspection Door and Step Right Hand
- ✓ Wandering Hose for Catch Basin Cleaning
- ✓ Hopper Deluge
- ✓ (2) Four Foot Aluminum Extension Tubes
- ✓ High Pressure Washdown
- ✓ Dual Variable Speed Side Brooms
- ✓ 6” Hopper Drain

EQUIPMENT TOTAL.....\$270,000.00

Quoted prices are based on current costs and therefore subject to change with written notice to account for pricing changes beyond seller’s control.

Attachment: 2020 Elgin Whirlwind1 Proposal 5.7.2025 (RESOLUTION 4215 : 2025 DPW Equipment Replacement Program - Street Sweeper)



FINANCE OPTIONS:

The following finance options are provided by Jeff Tibbetts at Bell Bank Equipment Finance.

Jeff Tibbetts

Vice President – Territory Manager



Family and Employee Owned

15490 101st Ave N | Suite 200 | Maple Grove, MN 55369

Mobile 612.251.1037

jtibbetts@bell.bank | www.bell.bank | Member FDIC

Finance amount = \$270,395.00 (includes \$395 doc fee)

5-year full payout municipal lease @ 4.99%

Annual payments:

2025 - \$50,724.36 – payment due in advance / at delivery
 2026 - \$50,724.36
 2027 - \$50,724.36
 2028 - \$50,724.36
 2029 - \$50,724.36
 2030 - \$50,724.36 – final payment

Below quotes assume June 25' delivery with first annual payment not made until January 26':

Annual payments (55-month term – 4.99%):

6/15/25 – no payment required at delivery
 1/15/26 - \$61,200.70
 1/15/27 - \$61,200.70
 1/15/28 - \$61,200.70
 1/15/29 - \$61,200.70
 1/15/30 - \$61,200.70

Annual payments (67-month term – 4.99%):

6/15/25 – no payment required at delivery
 1/15/26 - \$52,200.86
 1/15/27 - \$52,200.86
 1/15/28 - \$52,200.86
 1/15/29 - \$52,200.86
 1/15/30 - \$52,200.86
 1/15/31 - \$52,200.86– final payment



MACQUEEN™

MACQUEEN EQUIPMENT SERVICES:

- ✓ Full service-center located in Menomonee Falls, WI with over \$1,000,000 in parts stocked.
 - 70+ years of experience servicing municipal equipment in Wisconsin.
 - 40+ years of experience servicing Elgin, specifically.
- ✓ 7 factory qualified service technicians including over-the-road service.
- ✓ One of our Product Training Specialists, Travis Fritz or Tim Schell, will fully train operators upon delivery.
 - They can also be scheduled to come back in events such as new hires, turnover, or if operators simply want to refresh knowledge. Fees for non-delivery training sessions should be discussed with Travis and Tim.
 - They are available by phone for questions at any time:
 - Travis' mobile: (920) 263-7272
 - Tim's mobile: (262) 893-3611
- ✓ Free mechanic and operator training is offered at the factory as well. Dates will be provided by us when requested.

PARTS AND SERVICE CONTACTS:

- ❖ Aaron Long – Service Manager
(414) 614-4799 | aaron.long@macqueengroup.com
- ❖ Bill Wellman – Parts Manager
(262) 252-4744 | bill.wellman@macqueengroup.com
- ❖ Travis Fritz – Over-the-Road Parts and Service Sales
(920) 893-3611 | travis.fritz@macqueengroup.com

Terms of Sale: Net 30 Terms. Signature will initiate the process of sale.

SIGNATURE: _____ DATE: _____

Current Sweeper

<u>Year</u>	<u>Chassis Miles</u>	<u>Chassis Hours</u>	<u>Sweeper Hours</u>	<u>Make/Model</u>	<u>Type</u>	<u>Age</u>	<u>Comments</u>
1992		3,500	3,500	Elgin Pelican	Mechanical	33	Out of Service

Possible Replacement Sweeper

<u>Year</u>	<u>Miles</u>	<u>Hours</u>	<u>Sweeper Hours</u>	<u>Make/Model</u>	<u>Type</u>	<u>Age</u>	<u>Location</u>	<u>Price</u>	<u>Date Available</u>	<u>Int. Rt.</u>	<u>Comments</u>
2025	0	0	0	Elgin Whirlwind 1	Pure Vacuum	0	Macqueen, Menomonee Falls, WI	\$420,376.00	Nov. 2025	5.75%	New - 1 year warranty
2025	0	0	0	Bucher Municipal V65	Pure Vacuum	0	Envirotech, Lannon, WI	\$386,090.00	Mar. 2026	5.59%	New - 2 year warranty
2020	30,280	1,271	177	Elgin Whirlwind 1	Pure Vacuum	5	Macqueen, Menomonee Falls, WI	\$270,000.00	Available Now	4.99%	Excellent Condition
2017	32,625	3,717		Elgin Whirlwind	Pure Vacuum	8	Cate Machinery Co, Salt Lake City, UT	\$105,000.00			Poorer Condition
2016	50,826	5,658		Bucher/Johnston VT651	Pure Vacuum	9	Mtech Company, Cleveland, OH	\$150,000.00			Good Condition - High Hours
2015	38,753	4,739		Bucher/Johnston VT651	Pure Vacuum	10	Big Truck & Equipment, Fontana, CA	\$149,900.00			
2014	50,671	7,527		Bucher/Johnston VT651	Pure Vacuum	11	Envirotech, Lannon, WI	\$74,000.00			Poorer Condition - High Hours
2014	40,000	3,795		Elgin Whirlwind	Pure Vacuum	11	Macqueen, Menomonee Falls, WI	\$120,000.00			
2009		5,741		Bucher/Johnston VT650	Pure Vacuum	16	Bortech Industries, Mechanicsburg, PA	\$79,000.00			
2006	46,978			Bucher/Johnston VT650	Pure Vacuum	19	Brown Equipment Co, Fort Wayne, IN	\$120,000.00			
2000		16,000		Bucher/Johnston 605	Pure Vacuum	25	Brown Equipment Co, Fort Wayne, IN	\$50,000.00			

Brown Deer has new Bucher Municipal V65t that they like.
 Thiensville has Elgin Whirlwind that they like.



Yesterday, Today, Tomorrow... Since 1899

June 3, 2025

City of Mequon
 Attn: Brenda Arnett
 11333 N Cedarburg Rd
 Mequon, WI 53092

RE: Loan Proposal

Dear Ms. Arnett:

Thank you for the opportunity to provide you with this financing proposal for discussion. Please note that this is a proposal only at this time and, as such, should not be interpreted as a commitment by the Bank to provide financing.

This term sheet serves as a preliminary description of the possible terms and conditions of the proposed financing, which is subject to further review, analysis, consideration, and credit approval by the bank. If the bank extends credit, the final loan documentation will contain additional representations, warranties, covenants and other provisions customarily employed by Port Washington State Bank for similar loan transactions or that the Bank believes to be necessary or appropriate with respect to the specific credit.

I welcome your thoughts and questions throughout the process, as items contained herein may be modified during the review process. That being said, this proposal presents what I would anticipate will be very close to the term should you choose to move forward with Port Washington State Bank, again, subject to credit review and underwriting.

Thanks again for the opportunity to present the proposed terms. If you are comfortable proceeding, I will work diligently to get a final approval as efficiently as possible. Once you had the chance to review, please give me a call to discuss.

Sincerely,

Brian C. Gold
 Vice President - Senior Business Lender
 Port Washington State Bank

PROPOSED TERMS & CONDITIONS

BORROWER:	City of Mequon
AMOUNT:	up to \$219,275.64
USE OF FUNDS:	Purchase 2020 Elgin Whirlwind Single Engine Street Sweeper
RATE/TERM:	4.99% fixed for five (5) years
AMORTIZATION:	up to 5 years
COLLATERAL:	2020 Elgin Whirlwind Single Engine Street Sweeper
COMPUTATION:	Interest shall be calculated on the basis of a 360 day year, on the actual number of days elapsed, and on the unpaid principal balance, from time to time outstanding.
LOAN FEES:	\$395
REPAYMENT TERMS:	Principal and Interest payments monthly
PREPAYMENT PENALTY:	None
GUARANTY:	None
LOAN DOCUMENTS:	The loan will be evidenced and secured by documents satisfactory to the Lender which shall include but not limited to Business Note, Selective Business Security Agreement, and such additional loan and security documents as Lender shall reasonably require.
Other:	
FINANCIAL REPORTING:	None
CLOSING ITEMS:	<ol style="list-style-type: none"> 1. Proof of Insurance on the equipment 2. Authorization from the City to borrow and the designation of who the signers will be 3. Any other information that the Bank may need.



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

www.cityofmequonwi.gov

Office of Community Development

TO: Common Council
FROM: Jac Zader, Assistant Director Community Development
DATE: June 10, 2025
SUBJECT: RESOLUTION 4216 A Resolution Rejecting Bids Received for the Port Washington Road Streetscaping Project Between Zedler Lane and Mequon Road

Background

The streetscape plan for North Port Washington Road as part of public improvements within TID No. 4 and TID No. 5 from Zedler Lane to Mequon Road was approved by the Common Council May 14, 2024. The project includes new street and pedestrian light fixtures, median modifications, street trees and landscaping enhancements within the medians and intersection improvements. A Resolution Authorizing a Contract Amendment for the Development of Streetscape Construction Plans with Harwood Engineering Consultants, Ltd., was approved on August 14, 2024, with the intent to bid the project in Fall of 2024 for construction in Spring 2025. This process was postponed due to a delay by Ozaukee County in approving the project. Port Washington Road is under the jurisdiction of the County even though the road is located within the City. Due to this delay, the project was bid earlier this year on May 1, 2025, with a bid opening date of May 22, 2025.

Analysis

The City received two bids for the Port Washington Road Streetscape contract with the low base bid of \$2,560,000 from Property Solutions of Thiensville. The low bid is over twice as much as Harwood's initial estimate of \$1,100,000 (2022). The consultant states that the current bids are significantly higher based on several factors beyond the time that has lapsed since the original estimate. These include the time of the year the project was bid, the compressed schedule to complete the project, and uncertainty with tariffs and inflation. Based on the unanticipated and increased cost for the Port Washington Road Streetscape contract, City staff recommend rejecting both bids, as summarized below. Staff and the consultant agree that bidding the project in fall of 2025, with an extended construction timeframe, will result in more competitive bids for the City.

Port Washington Road Streetscape	Vinton	Property Solutions
Base Bid - Port Washington Road	\$2,561,885	\$2,560,000
Alternate Bid: Port Washington Road & Mequon Road	\$2,767,065	\$2,744,903
Additive Bid: 1-Year Landscape Maintenance	\$25,000	\$20,000

The bid summary is attached.

Fiscal Impact

The overall cost of the streetscaping project is proposed to be split between TID No. 4 and No. 5. Currently, the TIDs combined have approximately \$2,000,000 in cash reserves as of the 2024 Annual Report, which is based on January 1, 2024 values, thus showing a lack of sufficient funding for project implementation.

Recommendation

A recommendation is forthcoming from the Public Works Committee on June 10, 2025.

Attachments:

Bid Summary (PDF)

COMMON COUNCIL
OF THE
CITY OF MEQUON

RESOLUTION 4216

A Resolution Rejecting Bids Received for the Port Washington Road Streetscaping Project
Between Zedler Lane and Mequon Road

RECITALS

- A. The City of Mequon Engineering Division has advertised and received bids for the TID #4 and #5 Public Improvements: Port Washington Road Streetscape.
- B. Staff has reviewed the various bids and contractor qualifications for the contracts.
- C. All bids are substantially higher than estimated and staff recommends that the Public Works Committee rejects all bids.
- D. The Committee on Public Works at its meeting on June 10, 2025, approved staff's recommendation.

BASED UPON THE FOREGOING RECITALS, IT IS RESOLVED by the Common Council of the City of Mequon, Wisconsin that all bids for the City of Mequon's TID #4 and #5 Public Improvements: Port Washington Road Streetscape are rejected.

Approved by: Andrew Nerbun, Mayor

Date Approved: June 10, 2025

I certify that the foregoing Resolution was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on June 10, 2025.

Caroline Fochs, City Clerk



**CITY OF MEQUON
WISCONSIN**

**BIDS RECEIVED FOR: Mequon TID #4 and #5 Public Improvements,
Port Washington Streetscape: Mequon Road to West Zedler Lane**

BID OPENING: 5/22/2025 2:00 PM
DATE TIME

<u>BIDDER</u>	<u>BASE BID</u> Port Washington Road	<u>ALTERNATE BID</u> Port Washington Road & Mequon Road	<u>ADDITIVE BID</u> 1-Year Landscape Maintenance
Vinton	\$2,561,885.00	\$2,767,065.00	\$25,000.00
Property Solutions	\$2,560,000.00	\$2,744,903.00	\$20,000.00

Attachment: Bid Summary (RESOLUTION 4216 : TID 4 and 5 Port Washington Road Streetscape



11333 N. Cedarburg Road
 Mequon, WI 53092
 Phone: 262-242-3500
 Fax: 262-242-7650

www.cityofmequonwi.gov

Office of Police

TO: Common Council
FROM: Mark Riley, Police Chief
DATE: June 5, 2025
SUBJECT: RESOLUTION 4217 A Resolution Approving the Purchase of One (1) K9 Ford Police Interceptor Sport Utility Vehicle from Ewald Automotive Group of Hartford, Wisconsin, in the Amount of \$44,938 and the Receipt of a Donation from the Mequon Community Foundation for the Purchase of K9 Squad Equipment in the Amount of \$10,553

Background

The Mequon Police Department has a long-standing schedule for the replacement of its vehicles. Marked squads are typically replaced every 2 to 2.5 years, while the K9 vehicle is replaced approximately every 5 years, as they approach or exceed 100,000 miles.

The current K9 squad, a 2020 Ford Police Interceptor Utility, is approaching 92,000 miles and has begun to show signs of wear. It is not shared between officers or used 24/7, but it experiences significant stress due to hard driving and prolonged idling to provide climate control for the K9. This has resulted in frequent check engine and AdvanceTrac light warnings, along with issues in the heating and cooling system requiring repairs not covered under warranty.

While originally scheduled for replacement in 2026, the vehicle's current condition, combined with the opportunity to secure 2025 State bid pricing before anticipated increases after June 13, 2025, warrants consideration for early replacement. Additionally, the Mequon Community Foundation has offered to donate funds to cover the full cost of the equipment necessary to upfit the new K9 vehicle.

Analysis

The Department has received a quote from Ewald Automotive Group, the State of Wisconsin bid-awarded dealer. Ewald has historically provided vehicles to the City and continues to offer pricing and delivery timelines that other dealers cannot match. The quote includes a 2025 Ford Police Interceptor Utility at a price of \$44,938. Orders must be placed by June 13, 2025, to secure current pricing, with an estimated delivery window of 90 to 120 days. The existing K9 kennel and most of the equipment can be reused in the new vehicle, minimizing additional costs. However, anticipated design changes in the 2026 model may render the current kennel and some equipment incompatible, making early replacement advantageous.

In addition, the Mequon Community Foundation has offered to donate \$10,553 to cover the full cost of equipment required to upfit the new K9 vehicle. These funds will allow the Department to proceed with ordering the necessary equipment at no cost to the City. Equipment installation will be completed by Taft Outfitting of Oshkosh, which has previously provided upfitting

services to the Department.

The use of a K9 continues to be an important officer safety and community engagement tool. The Mequon Police K9 has been well received by the public and is frequently requested at community events.

Upon receipt of the new squad, the current 2020 K9 vehicle will be sold at auction and proceeds returned to the Police Department's Vehicle Replacement Account.

Fiscal Impact

The cost of the new vehicle is \$44,938, which has been budgeted in the Police Department's Vehicle Replacement Account. The upfitting cost of \$10,553 will be funded entirely through a donation from the Mequon Community Foundation.

Recommendation

A recommendation is forthcoming from the Public Safety Committee on June 10, 2025.

Attachments:

2025.05.30_K9_Grant Letter_City of Mequon Police Dept (PDF)

Mequon PD '25 Utility Quote (PDF)

COMMON COUNCIL
OF THE
CITY OF MEQUON

RESOLUTION 4217

A Resolution Approving the Purchase of One (1) K9 Ford Police Interceptor Sport Utility Vehicle from Ewald Automotive Group of Hartford, Wisconsin, in the Amount of \$44,938 and the Receipt of a Donation from the Mequon Community Foundation for the Purchase of K9 Squad Equipment in the Amount of \$10,553

RECITALS

A. The City of Mequon Police Department provides 24-hour police services 365 days per year with a plan for scheduled replacement of police vehicles.

B. Staff requested a quote on the purchase of one sport utility vehicle, specifically model year 2025 Ford Police Interceptor Utility vehicle.

C. Ewald Automotive Group used the State of Wisconsin procurement process for the replacement of one (1) vehicle.

D. Staff recommends the purchase of the K9 vehicle from funds set aside each year for this purpose.

E. The Mequon Community Foundation, a non-profit organization located in Mequon that provides grants to the City's various institutions, facilities, and services, has offered to sponsor the purchase of all equipment necessary to outfit the newly purchased vehicle as a Police K9 squad.

F. Fundraising for this project will allow for the purchase of all associated equipment for the K9 squad.

G. The total value of this gift will exceed \$5,000 and therefore requires approval by the Common Council.

H. Staff recommends the purchase of the K9 vehicle from funds set aside each year for this purpose.

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

1. Staff is hereby directed to enter into a purchase agreement with Ewald Automotive Group to replace one existing K9 police squad vehicle in the amount of \$44,938, subject to any clerical, technical, and/or legal changes deemed necessary and appropriate by the City Attorney.

2. Funds for the purchases of the vehicle will be drawn from the Police Vehicle Replacement Account.

3. The City of Mequon hereby accepts a donation from the Mequon Community Foundation in the amount of \$10,553, to support the purchase of equipment for the new Police K9 squad.

4. Staff is authorized to proceed with the purchase of all necessary equipment for the K9 squad using funds donated by the Mequon Community Foundation.

Approved by: Andrew Nerbun, Mayor

Date Approved: June 10, 2025

I certify that the foregoing Resolution was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on June 10, 2025.

Caroline Fochs, City Clerk



Chief Mark Riley
 City of Mequon Police Department
 c/o Melina Bowen
 11300 N. Buntrock Avenue
 Mequon, WI 53092

May 30, 2025

Dear Chief Riley,

The Mequon-Thiensville Community Foundation has received your request for \$10,553 for K-9 equipment and outfitting. We wanted to let you know that we are willing to provide a check to cover the purchase out of the Foundation's Mequon Police Department K9 Restricted Fund.

Most sincerely,

Lori Lorenz

Lori H Lorenz
 President, Mequon-Thiensville Community Foundation Inc.

PO Box 52
 Mequon, WI
 53092
info@mtcfgives.org
 262-238-3803



Ewald Automotive Group

Chrissy Gensch | 262-673-9400 | chrissy.gensch@ewaldauto.com

9.d.b

Vehicle: [Fleet] 2025 Ford Police Interceptor Utility (K8A) AWD (Complete)

Quote Worksheet

	MSRP
Base Price	\$49,515.00
Dest Charge	\$1,595.00
Total Options	(\$1,700.00)
Subtotal	\$49,410.00
Subtotal Pre-Tax Adjustments	\$0.00
Less Customer Discount	(\$4,472.00)
Subtotal Discount	(\$4,472.00)
Trade-In	\$0.00
Subtotal Trade-In	\$0.00
Taxable Price	\$44,938.00
Sales Tax	\$0.00
Subtotal Taxes	\$0.00
Subtotal Post-Tax Adjustments	\$0.00
Total Sales Price	\$44,938.00

Comments:

2025 Ford Interceptor Utility to the specifications as detailed. Registration fees are not included. Due to current market, lead time can not be guaranteed.

Dealer Signature / Date

Customer Signature / Date

This document contains information considered Confidential between GM and its Clients uniquely. The information provided is not intended for public disclosure. Prices, specifications, and availability are subject to change without notice, and do not include certain fees, taxes and charges that may be required by law or vary by manufacturer or region. Performance figures are guidelines only, and actual performance may vary. Photos may not represent actual vehicles or exact configurations. Content based on report preparer's input is subject to the accuracy of the input provided.

Data Version: 22860. Data Updated: Jul 1, 2024 6:41:00 PM PDT.

Attachment: Mequon PD '25 Utility Quote (RESOLUTION 4217 : Resolution Approving the Receipt of Donations from MCF and Authorizing the