



11333 N. Cedarburg Road
Mequon, WI 53092
Phone: 262-236-2914
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www.ci.mequon.wi.us

Office of the City Clerk
Taped and Televised

**Common Council
Tuesday, June 11, 2024 - 7:30 PM
or Immediately Following the
Sewer Utility District Commission Meeting
Christine Nuernberg Hall**

Agenda

1) Call to Order

2) Pledge of Allegiance

3) Roll Call

4) 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 limit 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 in the Council Chambers.**

5) Public Officials' Reports:

- a) Mayor
- b) City Administrator

6) Consent Agenda:

- a) Common Council meeting minutes of May 14, 2024
- b) Architectural Board meeting minutes of April 8, 2024
- c) Economic Development Board meeting minutes of February 20 and March 19, 2024
- d) Festivals Committee meeting minutes of April 22, 2024
- e) Finance-Personnel Committee meeting minutes of April 9, 2024
- f) Joint Mequon-Thiensville Bike and Pedestrian Way Commission meeting minutes of April 18, 2024
- g) Mequon Municipal Wayer Utility Commission meeting minutes of April 9, 2024
- h) Park and Open Space Board meeting minutes of April 17, 2024
- i) Planning Commission meeting minutes of April 29, 2024

- j) Public Safety Committee meeting minutes of April 9, 2024
- k) Public Welfare Committee meeting minutes of April 9, 2024
- l) Public Works Committee meeting minutes of April 9, 2024
- m) Sewer Utility District Commission meeting minutes of October 30 and November 14, 2023
- n) Southern Ozaukee Fire & EMS Board meeting minutes of March 13, 2024
- o) Southern Ozaukee Fire & EMS Commission meeting minutes of March 13, 2024
- p) Zoning Enforcement and Site Compliance Report Through June 1, 2024

7) Ordinance:

- a) **ORDINANCE 2024-1662** - An Ordinance Repealing and Recreating Article XI within Chapter 58 of the Mequon Municipal Code, as it Relates to Floodplain Zoning; **Recommended by Planning Commission March 18, 2024; First Reading at Common Council April 9, 2024; Recommended by Public Welfare May 14, 2024; Public Hearing at Common Council May 14, 2024; Tabled by Common Council May 14, 2024.**

8) Resolutions:

- a) **RESOLUTION 4126** - A Resolution Disallowing the Claim of Zachariah Anderson Dated May 21, 2024; **Recommendation Forthcoming by Finance-Personnel Committee June 11, 2024.**
- b) **RESOLUTION 4127** - A Resolution Appointing Brenda Arnett to the Position of Director of Finance/City Treasurer; **Recommendation Forthcoming by Finance-Personnel Committee June 11, 2024.**
- c) **RESOLUTION 4128** - A Resolution Awarding a Design Services Contract for the City Brush Site to The Sigma Group, Milwaukee, Wisconsin, in the Amount of \$84,914; **Recommendation Forthcoming by Public Works Committee June 11, 2024.**
- d) **RESOLUTION 4129** - A Resolution Approving an Intergovernmental Agreement Between the City of Mequon and the City of Milwaukee, in Connection with the Provision of Law Enforcement Support Services During the 2024 Republican National Convention; **Recommendation Forthcoming by Public Safety Committee June 11, 2024.**
- e) **RESOLUTION 4130** - A Resolution Ratifying Replacement of a Public Sanitary Sewer Lateral at 11333 North Port Washington Road with Grunau of Oak Creek, Wisconsin, in the Estimated Amount of \$60,000; **Recommendation Forthcoming by Sewer Utility District Commission June 11, 2024.**
- f) **RESOLUTION 4131** - A Resolution Authorizing Staff to File the City of Mequon's Compliance Maintenance Annual Report (CMAR) for Calendar Year 2023, in Accordance with Requirements Under Wisconsin Administrative Code NR208; **Recommendation Forthcoming by Sewer Utility District Commission June 11, 2024.**

9) Specified Unfinished Business From Prior Meetings: None.

10) Specified New Business: None.

11) Potential Closed Session:

- a) Acquisition and/or Use of the Property at 11015 N. Market Street. The Common Council may convene into closed session pursuant to Wis. Stat. § 19.85(1)(e) for the purpose of deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session, and then may reconvene into open session to take such action as it may deem appropriate.

12) Adjourn

Dated: June 6, 2024 _____ /s/ Andrew Nerbun, Mayor

Notice is hereby given that a quorum of other governmental bodies may be present at this meeting to present, discuss and/or gather information about a subject over which they have decision-making responsibility, although they will not take formal action thereto at this meeting. Persons with disabilities requiring accommodation 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



draft

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**Regular Meeting
Tuesday, May 14, 2024 - 7:30 PM
or Immediately Following the
Sewer Utility District Commission Meeting
Christine Nuernberg Hall**

Minutes

1) Call to Order

Mayor Nerbun called the meeting to order at 9:08 PM.

2) Pledge of Allegiance

3) Roll Call

Present:

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

Excused: Alderman Strzelczyk

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

4) Public Hearings:

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

1) Public Hearing

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

Attachment: 05-14-24_Common Council draft minutes (9386 : Common Council meeting minutes of May 14, 2024)

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

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

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

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

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

2) Consideration of ordinance

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

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

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

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

1) Public Hearing

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

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

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

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

approving.

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

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

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

2) Consideration of ordinance

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

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

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

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

5) Personal Appearances and Public Comment:

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

6) Public Officials' Reports:

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

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

7) Consent Agenda:

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

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

RESULT: Approved by Voice Acclamation [7-1]

MOVED BY: Alderman Mayr

SECONDED BY: Alderman Gebhardt

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

8) Ordinance:

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

RESULT: Approved by Voice Acclamation [7-1]

MOVED BY: Alderman Gebhardt

SECONDED BY: Alderman Bratt

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

9) Resolutions:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The Sewer Utility District Commission approved with amendments.

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

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

10) Specified Unfinished Business From Prior Meetings: None.

11) Specified New Business:

a) Mayoral Appointments

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

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

b) Aldermanic Appointments

- 1) Ethics Board: Luke Behnke, Member, District 8
2) Ethics Board: Barbara Levin, Member, District 6

Motion to approve all Mayoral and Aldermanic Appointments.

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

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

12) Adjourn

Motion to adjourn at 9:56 PM.

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

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

Respectfully Submitted,
Kathy Andrykowski
Deputy Clerk



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INSPECTION DIVISION

ARCHITECTURAL BOARD MINUTES
Monday, April 8, 2024
6:00 PM
Lower-Level Conference Room

Minutes

1. Call to Order, Roll Call:

Present: Vice-Chairman Paul Apfelbach

Members at Large: John Mikkelson, Michael Wade, Tom Irvin, Janet Ehn

Building Inspector: Greg Golden

2. Meeting Minutes

Minutes from the March 11, 2024, meeting were approved by District Representative Ton Irvin and seconded by District Representative Michael Wade.

Minutes were approved unanimously.

3. Application Submittals:

No.	Alder. District /Time	Type of App	Owner(s) / Project Address	Contractor
1)	Dist. 7 6:00 pm	New Single-Family Residence	Aaron & Molly Sandock 10720 N. Torrey Drive Subd: Torrey Drive	Contractor: Victory Homes of WI Architect: David Pluim
Moved to Approve: <u>Irvin</u> Seconded by: <u>Wade</u> Approved: <u>Yes</u> Vote: <u>Unanimous</u> Conditions: Plans approved as submitted.				
2)	Dist. 7 6:05 pm	Covered Porch	Jon & Nora Lansenfeld 4111 W. Le Grande Blvd. Subd: Lac Du Cours	Contractor: Auchter Construction Architect: Kathryn Kamm
Moved to Approve: <u>Mikkelson</u> Seconded by: <u>Ehn</u> Approved: <u>Yes</u> Vote: <u>Unanimous</u> Conditions: Plans approved as submitted.				
3)	Dist. 2 6:15 pm	Re-submittal: New Single-Family Residence	Vlad Girgul 12645 N. Rotary Park Court Subd: N/A	Contractor: Adamant Homes Architect: Adamant Homes
Moved to Approve: <u>Irvin</u> Seconded by: <u>Mikkelson</u> Approved: <u>Yes</u> Vote: <u>Unanimous</u> Conditions: Plans approved with the following conditions: 1. Add cedar headers on all windows to be consistent. 2. Corner boards should be added on all elevations.				

Attachment: Arch Brd minutes_04-08-24 (9393 : Architectural Board meeting minutes of April 8, 2024)

4)	Dist. 4 6:20 pm	New Single-Family Residence	Veridian Homes LLC 8081 W. Preserve Parkway Subd: The Enclave	Contractor: Veridian Homes LLC Architect: Veridian Homes LLC
Moved to Approve: <u>Mikkelson</u> Seconded by: <u>Irvin</u> Approved: <u>Yes</u> Vote: <u>Unanimous</u> Conditions: Plans approved as submitted.				

4. **Announcements:** New Architectural Board Guidelines

The new Architectural Board Guidelines were reviewed with Greg Golden pointing out that the major change to the Guidelines was the shed/outbuilding minimum square foot going from 150 to 300 square feet.

5. **Action:**

Vice-Chairman Paul Apfelbach made a motion to adjourn the meeting.
District Representative Michael Wade seconded the motion.

A vote was taken; vote was passed unanimously.

Meeting adjourned at 6:32 p.m.



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ECONOMIC DEVELOPMENT BOARD

Tuesday, February 20, 2024

8:00 AM

North Conference Room

Minutes

1) Call to Order, Roll Call

Present:

Chair Timothy Carr
 Alderman/Vice Chair William Gebhardt
 Alt. Board Member Dennis Engel
 Board Member Daniel Gannon
 Board Member Michael Kramer
 Board Member Inge Plautz
 Alt. Board Member Colin Boyd -- **Absent**
 Board Member Tracy Johnson -- **Absent**
 Board Member Jeff McLean -- **Absent**

Chairman Carr called the meeting to order at 8:00 a.m.

2) Approval of Meeting Minutes from January 23, 2024

Action

Board Member Gannon made a motion to approve the January 23, 2024, meeting minutes.
 Board Member Engle seconded the motion.
A voice vote was taken; vote passed ((7-0))

RESULT	Approved [Unanimous]
MOVED BY:	Board Member Gannon
SECONDED BY:	Board Member Engle
AYES:	Carr, Gebhardt, Engel, Gannon, Kramer, Plautz
ABSENT:	Boyd, Johnson, McLean

3) Port Washington Road RFP for real estate market analysis

Assistant Director Jac Zader stated that the interview panel meet on January 29th to review the proposal. The two main concerns are the scope of the proposal and the cost. It was decided not to rush the process with a special EDB meeting, and the applicant submitted an updated RFP and adjusted the price from \$85,000 to \$69,000. He commented that staff is comfortable with the modified scope of the project and recommends approval.

Ald. Gebhardt added that he is supportive of the revised RFP as he believes it aligns with the objective and the city's strategy.

Director Kim Tollefson reminded the Board of how the actions of the EDB are part of the larger context of redevelopment along Port Washington Road and that it includes multiple action steps:

- **Streetscape Plan** - staff will finalize the plan and fall bids will go out for construction to commence in Spring 2025. The timing of construction is purposely delayed so as not to conflict with the I-43 construction. The intent is for the enhancement of public space and aspects.
- **TIF Incentive Policy** - the goal is to provide an economic toolbox with as many options to fit the redevelopment needs as possible.
- **Design Standards** - to cover a variety of commercial style developments. Staff presented this issue to the Planning Commission to begin discussions regarding modifying the design guidelines.
- **Rezoning and Land Use** - changes to be made to address design issues and to provide transparent requirements to developers. The market analysis will help determine what type of zoning should be in place in various areas in the city and capture high priority opportunities.

Action

Board Member Kramer made a motion to recommend the RFP to the Common Council.

Alderman Gebhardt seconded the motion.

A voice vote was taken; vote passed ((7-0))

RESULT	Approved [Unanimous]
MOVED BY:	Board Member Kramer
SECONDED BY:	Alderman Gebhardt
AYES:	Carr, Gebhardt, Engel, Gannon, Kramer, Plautz
ABSENT:	Boyd, Johnson, McLean

4) Annual Revolving Loan Fund Program Report

Director Tollefson stated that she will provide an RLF update annually to the Board every February.

She commented that she worked together with the Finance Director to follow up on an outstanding loan. It has since been paid and that account is currently in good standing.

5) Staff Updates

Asst. Dir. Zader stated that he had Placer.ai present a demo for the county EDB. Although there is interest by some of the other communities, he is not certain that there would be funds to support this service and it would not be feasible until 2025 budgets are in place.

Director Tollefson stated that staff is continuing to push forward with the southwest industrial zoning initiative. She reminded the Board that the Council directed staff to hire a consultant to further the sewer service analysis. The preliminary review by the Deputy Director of Service and Utilities indicated that it is more complicated than originally anticipated. There are dollars budgeted in the 2024 budget to address some of the issues and that an RFP will go out this month with the intent of awarding the contract and work completed in the 2nd quarter. The sewer analysis will identify for the city how to masterplan as development incrementally happens, the developers can be directed on the correct size of mains, how to properly place the sewer for interconnectivity and how to assess cost of the sewer infrastructure and evaluate whether it is an appropriate expenditure that can be passed onto developers.

Staff answered questions from the Board regarding various developments and projects in the city.

6) Announcements

The next meeting is a special meeting on Tuesday, March 19, 2024, at 8:00 a.m.

7) Adjourn

Action

Board Member Gannon made a motion to adjourn the meeting.

Board Member Sipiora seconded the motion.

A voice vote was taken; vote passed ((7-0))

The meeting was adjourned at 8:55 a.m.

Respectfully Submitted,

Kim Tollefson

Director of Community Development



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 Fax: 262-242-9655

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ECONOMIC DEVELOPMENT BOARD

Tuesday, March 19, 2024

8:00 AM

North Conference Room

Minutes

1) Call to Order, Roll Call

Present:

Alderman/Vice Chair William Gebhardt
 Board Member Daniel Gannon
 Board Member Michael Kramer
 Board Member Jeff McLean
 Board Member Bruce Sipiora
 Chair Timothy Carr -- **Absent**
 Alt. Board Member Colin Boyd -- **Absent**
 Alt. Board Member Dennis Engel -- **Absent**
 Board Member Tracy Johnson -- **Absent**
 Board Member Inge Plautz – **Absent**

Acting Chairman McLean call the meeting to order at 8:00 a.m.

2) Closure of Tax Increment District #2 (Mequon Business Park - Phase II)

1. **RESOLUTION 4110** A Resolution Dissolving Tax Incremental District No. 2, and Authorizing Distribution of Excess Incremental Revenue to the Affected Taxing Jurisdictions

Action

Alderman Gebhardt made a motion to recommend closing TID #4 to the Common Council.
 Board Member McLean Seconded the motion.
A voice vote was taken; vote passed (5-0)

RESULT **Approved [Unanimous]**
MOVED BY: Alderman Gebhardt
SECONDED BY: Board Member McLean
AYES: Sipiora, Gannon, Kramer,
ABSENT: Boyd, Johnson, Carr, Plautz, Engel,

3) Announcements

The next meeting is Tuesday, April 30, 2024, at 8:00 a.m.

4) Adjourn

Action

Board Member Sipiora made a motion to adjourn the meeting.

Alderman Gebhardt Seconded the motion.

A voice vote was taken; vote passed (5-0)

Respectfully Submitted,

Kim Tollefson

Director of Community Development



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FESTIVALS COMMITTEE

Monday, April 22, 2024

6:30 PM

North Conference Room

Minutes

1) Call to Order, Roll Call

Present:

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

SECONDED BY: Member Conaty

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

3) Vendor Updates

a. Vendor List

Returning vendor applications received since last meeting are Julie's Blue Ribbon Cookies, Tobin Jewelers, Christ Alone, and Advanced Wildlife.

b. Jandy's Base Camp Application

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

Attachment: Festival Mins 04-22-24 (9427 : Festivals Committee meeting minutes of April 22, 2024)

MOVED BY: Committee Member White
SECONDED BY: Member Conaty

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

4) Sponsor Updates

The Committee reviewed the Sponsor list and decided to remove those that have not given and/or expressed interest in the past 5 years. Sponsorship levels and Committee Assignments for follow-up will be emailed later this week.

5) Children's Area Updates

Beglan Irish Dancers and North Shore Dance have agreed to perform again at this year's festival. Christ Alone Children's Choir have expressed interest in performing as well. Committee Chair White, Vice-Chair Conaty, and Executive Assistant Enea will be meeting with More Happy Kitchens on Thursday and will report out their collaboration ideas at the next meeting.

6) Contracts

a. Face Painting Quote

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

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

b. Caricature Artist Quote

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

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

c. Port-a-John Quote

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

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

7) Next Meeting Date and Time

A. May 20, 2024 at 6:30pm

8) Adjourn

Committee Chair White moved to adjourn at 7:04 PM and Committee Member Benson seconded.

Respectfully Submitted,

Carrie Enea
Executive Assistant

Attachment: Festival Mins 04-22-24 (9427 : Festivals Committee meeting minutes of April 22, 2024)



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Office of the City Administrator

FINANCE-PERSONNEL COMMITTEE

Tuesday, April 9, 2024

6:00 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, Jennifer Engroff, Finance Director, Marie Keyser, Assistant Finance Director, Caroline Fochs, City Clerk and Brian Sajdak, City Attorney.

2) Approve Meeting Minutes

a. March 12, 2024 Finance-Personnel Meeting Minutes

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

MOVED BY: Alderman Strzelczyk

SECONDED BY: Alderman Parrish

AYES:	Gebhardt, Parrish, Strzelczyk
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3) License Applications

a. April, 2024 Licenses

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

MOVED BY: Alderman Strzelczyk

SECONDED BY: Alderman Gebhardt

AYES:	Gebhardt, Parrish, Strzelczyk
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4) Vouchers Paid

a. March 2024 Vouchers Paid List

It was asked of staff members to be more descriptive in the voucher report regarding larger purchases to vendors such as "Amazon." Many of those descriptions show "work supplies" or "materials" and it is difficult for elected officials to determine what those purchases are.

Staff will talk with their respective managers and administrative personnel to address this concern when entering payables into the computer system.

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

MOVED BY: Alderman Parrish

SECONDED BY: Alderman Gebhardt

AYES: Gebhardt, Parrish, Strzelczyk

5) Resolutions

Action requested: review and recommend approval

- a. **RESOLUTION 4110** A Resolution Dissolving Tax Incremental District No. 2, and Authorizing Distribution of Excess Incremental Revenue to the Affected Taxing Jurisdictions

Committee members were pleased with the success of TID 2 and commended staff on this positive news.

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

MOVED BY: Alderman Parrish

SECONDED BY: Alderman Strzelczyk

AYES: Gebhardt, Parrish, Strzelczyk

6) Discussion Items

- a. Review of Proposed Financial Policy Change Recommendations

There were no recommendations for changing any of the proposed amendments to the three financial policy statements included in the agenda packet.

Further discussion was had around the Capital Improvement Planning (CIP) process and its relevance to the budgeting process as well as long-term financial planning process.

- b. Finance & Personnel Work Plan

7) Adjourn

A motion to adjourn was made at 6:30PM by Alderman Strzelczyk, seconded by Alderman Gebhardt. All voted in favor "aye."

Respectfully Submitted,

Marie Keyser

Assistant Finance Director



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Public Works Department

Joint Mequon-Thiensville Bike and Pedestrian Way Commission
Thursday, April 18, 2024
9:00 AM
South Conference Room

Minutes

1. Call to Order, Roll Call

Present:

Commissioner Kenneth Maciolek
Chair T. Azinger
Commissioner Jim Doornek
Commissioner Ron Heinritz
Commissioner Kristin Wade

Absent:

Commissioner Rob Holyoke
Commissioner John Liegeois

Also in attendance were City Engineer/Director of Public Works Lundeen, Assistant City Engineer McCraw, and Engineering Administrative Assistant Redeker. Thiensville resident Alan Siggelkow arrived during the first agenda item and remained until the meeting adjourned.

Chair Azinger reminded the Committee that his term is up and he will not be reappointed with the commission. A new Chair will be elected at the next meeting.

2. Approval of Meeting Minutes

a. March 14, 2024 Minutes

Thiensville resident Alan Siggelkow arrived after the start of the meeting to speak regarding his safety concerns for pedestrians and bicycles.

RESULT: **Approved [Unanimous]**
MOVED BY: Commissioner Heinritz
SECONDED BY: Commissioner Maciolek

AYES: Maciolek, Azinger, Doornek, Heinritz, Wade

3. Discussion/Action Items

a. Planning Study Proposal Evaluation

Commissioners discussed the Planning Study Proposal Evaluation results. Commissioner Wade moved to select Graef and Commissioner Doornek seconded. The motion passed with a vote of four to one.

RESULT: **Approved [4 to 1]**
MOVED BY: Commissioner Wade
SECONDED BY: Commissioner Doornek

AYES: Maciolek, Azinger, Doornek, Wade
NAYS: Heinritz

b. Draft Letter to OCR Review

A draft letter to the Office of the Commissioner of Railroads (OCR) was discussed and some edits were suggested. Commissioner Heinritz made a motion to send the letter with corrections and Commissioner Maciolek seconded. The motion passed unanimously.

RESULT: **Approved as Amended [Unanimous]**
MOVED BY: Commissioner Heinritz
SECONDED BY: Commissioner Maciolek

AYES: Maciolek, Azinger, Doornek, Heinritz, Wade

c. Pedestrian and Bicycle Incidents in the City of Mequon

The Commission briefly discussed the incidents and chose to revisit the topic at the next meeting with more information and more commissioners present.

4. Other Business

Thiensville Resident Alan Siggelkow spoke regarding his concerns about pedestrian and bicycle safety in the area of Division St, the Mequon Town Center, and the OIT crossing at Mequon Rd.

5. Adjourn

a. Motion

RESULT: **Approved by Voice Acclamation [Unanimous]**
MOVED BY: Commissioner Maciolek
SECONDED BY: Commissioner Wade

AYES: Maciolek, Azinger, Doornek, Heinritz, Wade

Respectfully Submitted,

Kaye Redeker



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Water Utility

MEQUON MUNICIPAL WATER UTILITY COMMISSION

Regular Meeting

Tuesday, April 9, 2024

7:30 PM

Christine Nuernberg Hall

Minutes

1) Call to Order, Roll Call

Meeting was called to order at 7:51PM

Present:

Commissioner Andrew Nerbun
 Commissioner Robert Strzelczyk
 Commissioner Kelly Tolocko
 Commissioner Dale Mayr
 Commissioner Jeffrey Hansher
 Commissioner Gregg Bach
 Commissioner Brian Parrish
 Commissioner Kathleen Schneider
 Commissioner William Gebhardt

Also present: City Administrator Jones, Assistant City Administrator Schoenemann, City Attorney Sajdak, City Clerk Fochs, Director of Public Works/City Engineering Lundeen, Director of Community Development Tollefson, Assistant Director of Community Development Zader, Administrative Assistant Schlereth, press and interested public.

2) Approval of Meeting Minutes

- a. October 30, 2023, Minutes

RESULT: **Approved by Voice Acclamation [Unanimous]**
MOVED BY: Commissioner Mayr
SECONDED BY: Commissioner Parrish

AYES: Nerbun, Strzelczyk, Tolocko, Mayr, Hansher, Bach, Parrish, Schneider, Gebhardt

3) Discussion and Possible Action

- a. Approving the Purchase of a Replacement for Truck 801 from Ewald Automotive Group of Oconomowoc, WI for a Total Cost of \$79,000

RESULT: **Approved by Roll Call Vote [Unanimous]**
MOVED BY: Commissioner Strzelczyk
SECONDED BY: Commissioner Schneider

AYES: Nerbun, Strzelczyk, Tolocko, Mayr, Hansher, Bach, Parrish, Schneider, Gebhardt

4) Adjourn

- a. Motion to Adjourn 7:53 PM

Respectfully Submitted,

Ren Schlereth
Administrative Assistant



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Office of Parks and Operations

PARK AND OPEN SPACE BOARD

Wednesday, April 17, 2024

6:30 PM

South Conference Room

Minutes

1) Call to Order, Roll Call

Meeting called to order at 6:30 PM

Present:

Chair Jason Cain
 Vice Chair Breanne Plier
 Alderman Brian Parrish
 Board Member Peter Bratt
 Board Member James Lysaught
 Board Member Anton Usowski
 Board Member Gerald Vite
 Board Member David Wolfson -- **Excused**

Also present: Parks & Forestry Superintendent Gies, Luke Geiaer and Moraan Shapiro from MSA Professional Services, Inc.

2) Approval of Meeting Minutes

a. April 2, 2024, Minutes

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

MOVED BY: Board Member Lysaught

SECONDED BY: Board Member Vite

AYES: Cain, Plier, Parrish, Bratt, Lysaught, Usowski, Vite

NOT PRESENT: Wolfson

3) Discussion Item – MSA Presentation for Comp Plan

Task 1: Comprehensive Park, Recreation & Open Space Plan Update

Task 1, Phase 1: Background and Existing Plan Review April -May

Develop and facilitate two online surveys: one geared towards park user groups, and one geared to the public and residents of Mequon. Both surveys will be hosted online via SurveyMonkey. MSA will submit drafts of the two surveys by May 6th for the POSB approval at the May meeting.

Task 1, Phase 2: Plan Development June - August

Updated goals and objectives to the POSB by June 3.

Visit every City-owned Park to take photographs and assess maintenance issues.

Update parks and trails maps and a park service area.

Develop a draft Comprehensive Plan in Microsoft Word for the City to review.

Task 1, Phase 3: Plan Adoption September - December

Present draft plan in Adobe InDesign at the POSB September Public Input Session meeting.

POSB and Common Council plan presentation and approval.

Task 2: Playground Inventory, Safety Assessment, And Recommendation Analysis

Task 2, Phase 1: Playground Inventory and Needs Analysis

June - July

MSA will conduct site inventory and safety analysis for each of the six (6) existing playgrounds.

MSA will consider the impact of the Rotary Club of Mequon's planning for a larger playground into the inventory and needs analysis.

August- September

Develop recommendations for each structure.

Results from Phase 1 and 2 will be compiled into a report and included as an appendix to the CORP.

Task 3: Impact Fee Review August - December

Review current park impact fee ordinance, calculate a new fee (if deemed necessary) and prepare a Facility Needs Assessment.

Task 4: Katherine Kearney Carpenter Park Master Plan April - August

Prepare a preliminary design for the dog park that considers:

The elimination of the west parking lot.

Adding more parking to the North existing parking lot.

Recent or planned tree removal.

Drainage improvements and stormwater management planning.

Improvement and recommendations to facilities

Safety assessment and recommendations.

Task 5: River Barn Master Plan

Create an updated design that incorporates all the amendments to the plan made over the past five years.

A MSA project team member will attend the following six (6) POSB and Common Council meetings to report progress on Tasks 1-4.

April 17, 2024 -POSB

May 22, 2024 - POSB

June 19, 2024 - POSB

September 18, 2024 - POSB

October 16, 2024 - POSB

December 10, 2024 - Common Council

4) Adjourn

- a. Motion to Adjourn at 8:15 PM

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

MOVED BY: Board Member Bratt

SECONDED BY: Board Member Lysaught

AYES: Cain, Plier, Parrish, Bratt, Lysaught, Usowski, Vite

NOT PRESENT: Wolfson

Respectfully Submitted,

Ren Schlereth

Administrative Assistant



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Department of Community Development
Taped and Televised

PLANNING COMMISSION
Regular Meeting
Monday, April 29, 2024
6:00 PM
Christine Nuernberg Hall

Minutes

1) Call to Order, Roll Call

Present:

Chair Andrew Nerbun
Alderman Robert Strzelczyk
Commissioner Bruce Barnes
Commissioner Martin Choren
Commissioner Stephanie Hawley
Commissioner Rebecca Schaefer
Commissioner Nancy Urbani
Commissioner Dan Gentges - **Absent**
Commissioner John Stoker - **Absent**

Mayor Nerbun called the meeting to order at 6:00 p.m.

a) Approval of Minutes from March 18, 2024

Action

Ald. Strzelczyk made a motion to approve the March 18, 2024, meeting minutes.

Commissioner Choren seconded the motion.

A voice vote was taken; voted passed (7-0)

RESULT:	APPROVED [7 TO 0]
MOVER:	Robert Strzelczyk, Alderman
SECONDER:	Martin Choren, Commissioner
AYES:	Nerbun, Strzelczyk, Barnes, Choren, Hawley, Schaefer, Urbani
ABSENT:	Gentges, Stoker

2) Public Hearing/Consent

- a) St. John Properties, Inc. for NA Creative, LLC. The applicant is seeking conditional use grant approval to allow for a photography studio for the property located at 10650 N. Baehr Road.

Ald. Strzelczyk suggested that the zoning and conditional uses be reviewed for this area as there have been several similar conditional use grant requests.

Action

Commissioner Choren made a motion to open a public hearing.

Ald. Strzelczyk seconded the motion.

A voice vote was taken; voted passed (7-0)

No public comment.

Action

Ald. Strzelczyk made a motion to close the public hearing.

Commissioner Hawley seconded the motion.

A voice vote was taken; voted passed (7-0)

Action

Ald. Strzelczyk made a motion to approve the conditional use grant.

Commissioner Choren seconded the motion.

A voice vote was taken; voted passed (7-0)

RESULT:	APPROVED [7 TO 0]
MOVER:	Robert Strzelczyk, Alderman
SECONDER:	Martin Choren, Commissioner
AYES:	Nerbun, Strzelczyk, Barnes, Choren Hawley, Schaefer, Urbani
ABSENT:	Gentges, Stoker

3) Consent

- 1) Coldwell Banker Realty for Bernita and Henry Hile. The applicant is seeking certified survey map approval for a 2-lot land division for the property located at 7777 W. Bonniwell Road.

Action

Ald. Strzelczyk made a motion to open a public hearing.

Commissioner Hawley seconded the motion.

A voice vote was taken; voted passed (7-0)

No public comment.

Action

Ald. Strzelczyk made a motion to close the public hearing.

Commissioner Hawley seconded the motion.
A voice vote was taken; voted passed (7-0)

Action

Ald. Strzelczyk made a motion to approve the conditional use grant.
 Commissioner Choren seconded the motion.
A voice vote was taken; voted passed (7-0)

RESULT:	APPROVED [7 TO 0]
MOVER:	Robert Strzelczyk, Alderman
SECONDER:	Stephanie Hawley, Commissioner
AYES:	Nerbun, Strzelczyk, Barnes, Choren, Hawley, Schaefer, Urbani
ABSENT:	Gentges, Stoker

4) Public Hearing

- a) Logic Design & Architecture, Inc. for The TJX Companies, Inc. The applicant is seeking conditional use grant and building and site plan amendment approval for a general merchandise tenant for the property located at 11110 N. Port Washington Road (Sierra)

Action

Commissioner Choren made a motion to open a public hearing.
 Ald. Strzelczyk seconded the motion.
A voice vote was taken; voted passed (7-0)

No public comment.

Action

Ald. Strzelczyk made a motion to close the public hearing.
 Commissioner Hawley seconded the motion.
A voice vote was taken; voted passed (7-0)

Assistant Director, Jac Zader, stated that this request is for conditional use grant and building and site plan amendment for the tenant space of the former Bed, Bath and Beyond located in the Mequon Pavilions. The new tenant is Sierra, categorized as a general merchandise store. In 2013 language was added to the text to allow this type of use as a conditional use.

He commented that staff supports the use but there are some concerns regarding the architecture. The applicant submitted four different proposals for the front façade and signage with different levels of customization. Their preferred proposal includes a white façade, with a higher sign face with some architectural banding to match their brand colors. He showed all the proposals submitted. Staff prefers a hybrid approach incorporating a higher façade but not as high as shown, closer to 3-feet instead of the 6-foot submittal. Staff prefers to see the awnings with a little bit of the corporate branding (orange and brown) to better complement the existing shopping center.

He stated that there was a condition of approval added related to site compliance. Although it is beyond the scope of this specific tenant, staff wanted the Commission to be aware. There is some fading of the roof near First Watch. A letter has been sent to the property owner, Brixor, to ensure follow through of the building maintenance. Staff recommends approval subject to the conditions in the report.

There was discussion among the Commission regarding the various elevation proposals. The awnings with gray paint on the sides and the accent materials are preferred (as shown on packet page 34). There was consensus that the façade should be a bit shorter but there is flexibility on the exact height, as long as there is a return, and the exact location of the sign.

Action

Commissioner Schaefer made a motion to approve the item with an amendment that staff, the applicant and the Commission architect, Marty Choren, work together to agree on the location and the size of the sign.

Commissioner Urbani seconded the motion.

A roll call vote was taken; voted passed (7-0)

RESULT:	APPROVED WITH CONDITIONS [7 TO 0]
MOVER:	Rebecca Schaefer, Commissioner
SECONDER:	Nancy Urbani, Commissioner
AYES:	Nerbun, Strzelczyk, Barnes, Choren, Hawley, Schaefer, Urbani
ABSENT:	Gentges, Stoker

5) Regular Business

- a) Hahn ACE Hardware. The applicant is seeking building and site plan amendment approval to allow for outdoor display and storage for the property located at 11300 N. Port Washington Road.

Asst. Dir. Zader stated that Hahn Ace Hardware recently opened at the former Pick-n-Save building and this space has been converted into a multi-tenant space. The use is permitted under the code, but they are requesting approval for outdoor storage. The proposed outdoor plan is a temporary solution. He showed an orthophoto of the site and the location of the proposed outdoor storage area. There are a few parking spaces owned by the other property owner on the parcel, and staff is requesting that Hahn Ace work with that owner to prohibit parking in the 3 stalls affected by the outdoor storage area. The applicant has until April 2025 to complete a finalized outdoor storage plan.

As conditions of approval there are some site compliance issues for the building owner to address that have been added with completion dates. Staff is supportive of the approval request.

The applicant communicated that they will work with the adjacent property owner regarding the parking spaces and they are not worried about any issues.

Action

Ald. Strzelczyk made a motion to approve the item.
 Commissioner Choren seconded the motion.
A voice vote was taken; voted passed (7-0)

RESULT:	APPROVED [7 TO 0]
MOVER:	Robert Strzelczyk, Alderman
SECONDER:	Martin Choren, Commissioner
AYES:	Nerbun, Strzelczyk, Barnes, Choren, Hawley, Schaefer, Urbani
ABSENT:	Gentges, Stoker

- b) RDCycle LLC for BP. The applicant is seeking building and site plan amendment to allow for an accessory structure (textile recycling container) for the property located at 11147 N. Port Washington Road (BP gas station)

Associate Planner Evan Hoier stated this was brought to the attention of staff by the City Code Enforcement Officer who noticed these containers on the three sites, he issued an order to correct and notified the owner of the collection containers to apply for Planning Commission approval.

He explained that the containers are not incidental to the operation of a gas station, they are an accessory use that has not been approved, they do not conform to setback and is considered a non-essential structure on site.

Public Comment

Mikelle Flanner, owner Fifth & Main stated that she is opposed to the request as she feels that it is a competing business to hers, the operation of the proposed business is contrary to what is allowed for her business operation, the containers are visually offensive and they violate ordinance requirements.

Asst. Dir. Zader explained that property owners are supposed to get Planning Commission approval for their outside site plans (ice chest, propane tank areas, etc).

The applicant, Darrin Lehsten from RDCycle, stated that he submitted Supreme Court cases that require that he be provided with reasons for denial.

Mayor Nerbun replied that the denial is based on the structures not having been previously approved prior to being placed in the existing locations (3 gas stations), they are considered to be non-conforming structures, and the color was not approved.

Action

Ald. Strzelczyk made a motion to deny the request based on the reasons stated by Mayor Nerbun as well as fact that the structures are not compliant with the principal business use and the setbacks are not compliant.

Commissioner Hawley seconded the motion.
A roll call vote was taken; voted passed (7-0)

RESULT: DENIAL [7 TO 0]
MOVER: Andrew Nerbun, Chair
SECONDER: Stephanie Hawley, Commissioner
AYES: Nerbun, Strzelczyk, Barnes, Choren, Hawley, Schaefer, Urbani
ABSENT: Gentges, Stoker

- c) RDCycle, LLC for Clark gas station. The applicant is seeking building and site plan amendment approval to allow for an accessory structure (textile recycling container) for the property located at 10355 N. Port Washington Road.

Mayor Nerbun replied that the denial is based on the structures not having been previously approved prior to being placed in the existing locations (3 gas stations), they are considered to be non-conforming structures, and the color was not approved.

Action

Ald. Strzelczyk made a motion deny the request based on the reasons stated by Mayor Nerbun as well as fact that the structures are not compliant with the principal business use and the setbacks are not compliant.

Commissioner Hawley seconded the motion.

A roll call vote was taken; voted passed (7-0)

RESULT: DENIAL [7 TO 0]
MOVER: Andrew Nerbun, Chair
SECONDER: Stephanie Hawley, Commissioner
AYES: Nerbun, Strzelczyk, Barnes, Choren, Hawley, Urbani, Schaefer
ABSENT: Gentges, Stoker

- d) RDCycle, LLC for Mobile gas station. The applicant is seeking building and site plan amendment approval to allow for an accessory structure (textile recycling container) for the property located at 11210 N. Port Washington Road (Mobil gas station).

Mayor Nerbun replied that the denial is based on the structures not having been previously approved prior to being placed in the existing locations (3 gas stations), they are considered to be non-conforming structures, and the color was not approved.

Action

Ald. Strzelczyk made a motion deny the request based on the reasons stated by Mayor Nerbun as well as fact that the structures are not compliant with the principal business use and the setbacks are not compliant.

Commissioner Hawley seconded the motion.

A roll call vote was taken; voted passed (7-0)

RESULT:	DENIAL [7 TO 0]
MOVER:	Robert Strzelczyk, Alderman
SECONDER:	Stephanie Hawley, Commissioner
AYES:	Nerbun, Strzelczyk, Hawley, Urbani, Barnes, Choren, Schaefer
ABSENT:	Gentges, Stoker

- e) HJ Martin and Son, Inc. The applicant is seeking minor request approval to allow for vinyl window coverings for the property located at 10948 N. Port Washington Road (Marshalls).

Associate Planner Hoier stated this is a request to install blue vinyl in the windows behind the cash registers to provide more privacy. There has been a precedent not to block windows and staff recommends denial of this request.

The Commission stated that they are not supportive of the blue color going in the window. It was suggested that the applicant use frosted vinyl as it provides privacy, opacity (but not opaque) and has a higher end appearance.

The applicant commented that they are open to using a different color than blue being used. They are requesting coverage that would be cabinet height for the entire length of the cash register area.

There was conversation between staff and the Commission that every business in the city is faced with the same issue of a floorplan that allows for tasteful window displays and for not setting precedent to allow windows to be blocked.

Action

Commissioner Choren made a motion to table the item.

Commissioner Barnes seconded the motion.

A voice vote was taken; voted passed (7-0)

RESULT:	TABLED [7 TO 0]
MOVER:	Martin Choren, Commissioner
SECONDER:	Bruce Barnes, Commissioner
AYES:	Nerbun, Strzelczyk, Barnes, Choren, Hawley, Schaefer, Urbani
ABSENT:	Gentges, Stoker

6) Policy

1) Port Washington Road Design Guidelines for Commercial Structures

Asst. Dir. Zader stated that staff put together some visuals of recent projects and developments to compare how closely the existing design guidelines are being followed and enforced. In 2018, there was an architectural survey of projects in the city and only 8 of the 50 invited responded. The 8 responses were included in the report, although there was not much consensus.

He showed a power point of recently approved developments and projects in the city, highlighting the design guidelines from each development that are preferred. He emphasized the following trends/inconsistencies:

- Entrances - preferred along the main street.
- Higher percentage of glass than typically permitted.
- Roof articulation issues, especially important on flat roofs.
- Roof forms; depths of parapets, lack of variation roof height and roof accents.
- Over reliance on national/corporate building designs.

Overall, there are minor improvements to the design guidelines to be modified to assist in providing direction of the desired architecture for the city.

The Commission appreciated the visuals and conversation around the varying architectural elements. They support staff modifying the guidelines with the intent to provide better clarification for staff, the Commission and the developers as to what is expected.

Mayor Nerbun stated that there is a city survey that will address some of these issues. Asst. Dir. Zader commented that staff will continue to work on adjusting the design guidelines.

2) Chapter 58-303; Specific Design Guidelines for the Arrival Corridor Zoning District

Director Kim Tollefson stated that the Arrival Corridor (“AC”) text amendment was modified at the meeting last month. One issue that was raised by a member of the public is the requirement for commercial uses at ground level if the site fronts Mequon Road. Staff was asked to return with some analysis.

The Town Center (“TC”) requires 75% ground level commercial use, and the pending issue is whether that requirement should be alleviated or modified for the AC zoning district. She commented that there are many more sites in TC than AC affected by this zoning requirement.

In the staff report, there are two broad categories listed:

1. *Design Considerations:* define the public realm, the private realm and the middle transition between the two.
2. *Market Considerations:* the market can still incorporate commercial uses.

The intent when creating these zoning districts was for AC to feel like TC but less pedestrian oriented traffic and less commercial use was expected.

Staff recommends the TC district continue to require 75% ground floor commercial use; but to alleviate the requirement in the AC district for sites fronting Mequon Road with the additional design features; should the structure be purely residential.

Dir. Tollefson explained that if the Commission wants to continue to push the market and require

ground floor commercial use in the AC, that staff recommend at least 1,200 sq. ft. of commercial use and not be based on a percentage.

There was some lingering interest from the Commission for some commercial use in the AC district, while also support for the concentrating of the commercial uses in the TC district due to higher population and synergy of other commercial users there. Commissioners support the modification from staff to no longer require ground level commercial use in the AC for sites fronting Mequon Road and did not want to require a minimum 1,200 sq. ft.

Mayor Nerbun reminded the Commission that the current plan for the TC and AC districts has changed from the original strategy which allowed several multi-story buildings. The Council no longer allow this type of residential dwelling and has mandated that buildings have no more than 16 units per building. Consequently, this affects the absorption of the retail spaces and causes the need for some more flexibility for interested developers.

Action

Commissioner Barnes made a motion to recommend the text amendment change to the Common Council.

Ald. Strzelczyk seconded the motion.

A roll call vote was taken; voted passed (7-0)

7) Announcements

The next meeting is Monday, May 20, 2024, at 6:00 p.m.

8) Adjourn

Action

Commissioner Urbani made a motion to adjourn.

Ald. Strzelczyk seconded the motion.

A voice vote was taken; voted passed (7-0)

The meeting was adjourned at 7:59 p.m.

Respectfully Submitted,

Jac Zader



11333 N. Cedarburg Road
Mequon, WI 53092
Phone: 262-242-3500
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www.ci.mequon.wi.us

Police and Fire Departments

PUBLIC SAFETY COMMITTEE
Tuesday, April 9, 2024
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: Fire Chief Bialk, Administrative Coordinator Bowen.

Alderman Mayr arrived at 5:02PM.

2) Approve Meeting Minutes

- a. Public Safety Committee - Regular Meeting - Mar 12, 2024 5:30 PM

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

MOVED BY: Alderman Tolocko

SECONDED BY: Alderman Bach

AYES: Bach, Tolocko

ABSENT: Mayr

3) Resolutions

Action requested: review and recommend approval

- a. **RESOLUTION 4114** A Resolution Approving the Southern Ozaukee Fire & EMS Department's Capital Improvement Budget Amendment to Authorize the Purchase of a 2026 Ford Ambulance from Life Line Emergency Vehicles of Sumner, Iowa, in the Amount of \$365,144

Chief Bialk provided a summary of the resolution.

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

MOVED BY: Alderman Tolocko

SECONDED BY: Alderman Mayr

AYES: Bach, Mayr, Tolocko

4) Adjourn

- a. Motion to Adjourn

A motion to adjourn was made at 5:08PM.

Attachment: Public Safety mins 4-9-24 (9434 : Public Safety Committee meeting minutes of April 9, 2024)

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

AYES: Bach, Mayr, Tolocko

Respectfully Submitted,

Melina Bowen

Attachment: Public Safety mins 4-9-24 (9434 : Public Safety Committee meeting minutes of April 9, 2024)



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Office of the City Administrator

PUBLIC WELFARE COMMITTEE

Tuesday, April 9, 2024

5:15 PM

Lower Conference Room

Minutes

1) Call to Order, Roll Call

Present:

Chair Dale Mayr
Alderman Gregg Bach
Alderman Kathleen Schneider

Also Present: Assistant City Administrator Schoenemann, City Attorney Sajdak, City Clerk Fochs, and Executive Assistant Enea

2) Approval of Meeting Minutes

a. March Meeting Minutes

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

MOVED BY: Alderman Bach

SECONDED BY: Alderman Schneider

AYES: Mayr, Bach, Schneider

3) Ordinances

Action requested: review and recommend approval

City Clerk Fochs explained how the recreating of the district maps goes back to the Census in 2020 when redistricting occurred. The State found the newly drawn boundaries unconstitutional and redrew them, splitting Ward 7 into 7 and 7a and Ward 11 into 11 and 11a. The new boundaries affected approximately 600-700 people within the City, but did not change any Supervisory or Aldermanic Districts.

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

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

MOVED BY: Alderman Bach

SECONDED BY: Alderman Schneider

AYES: Mayr, Bach, Schneider

4) Resolutions

Action requested: review and recommend approval

- a. **RESOLUTION 4111** A Resolution Approving Revisions to the Mequon Ward Listing, Ward Map and Polling Site Designations, Due to 2024 Senate and Assembly Redistricting

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

MOVED BY: Alderman Bach

SECONDED BY: Alderman Schneider

AYES: Mayr, Bach, Schneider

5) Discussion Items

- a. Magellan Strategies Presentation

Ryan Winger, the Polling Project Manager and Director of Campaign Strategy from Magellan Strategies', presented their proposal to conduct the City's Next Community Survey. He explained to the Committee how their methodology via MMS Text doesn't limit how much a resident can respond to an open-ended question and gives all residents an equal chance to participate. It also eliminates the high cost of mailing a paper survey. Residents can still request to have a paper copy mailed if they wish. Alderman Bach inquired if the text could be forwarded to friends. Mr. Winger said it could be forwarded, but a device can only fill it out once. Alderwoman Schneider asked about texting results for those that are survey resistant, how do they get cell phone numbers, and how do older voters respond to it? Mr. Winger stated that since COVID, older residents are more comfortable with digital media. Phone numbers can be pulled from voter files, and if not, they can be purchased through a 3rd party. Mr. Winger also spoke about benchmark comparisons with similar cities that make sense. Alderman Bach asked how residents would know the survey was coming. Mr. Winger said they would lay the groundwork, whether that is sending an email to a listserv or sending a postcard with a QR code. On the back end, Magellan will comb through all the responses and summarize 5-6 themes.

6) Work Calendar

May- ETC Institute

June- Polco

7) Adjourn

Alderman Bach moved to adjourn at 6:05 PM and Alderwoman Schneider seconded.

Respectfully Submitted,

Carrie Enea

Executive Assistant



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Public Works Department

PUBLIC WORKS COMMITTEE

Tuesday, April 9, 2024

6:15 PM

South Conference Room

Minutes

1) Call to Order, Roll Call

Meeting called to order at 6:15 PM.

Present:

Chair Kathleen Schneider
 Alderman Jeffrey Hansher
 Alderman Kelly Tolocko

Also present: Director of Public Works/City Engineer Lundeen, Assistant City Engineer McCraw, Deputy Director of Public Works Weyker, Parks and Forestry Superintendent Gies, and Administrative Assistant Schlereth.

Public supporting Rotary Playground: Lynn Streeter (2826 W. Golf Cir), Jenne Hohn (11607 N Grace Ct), and John Wirth (8420 W Daventry Rd).

2) Approval of Minutes

a. March 12, 2024, Minutes

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

MOVED BY: Alderman Hansher

SECONDED BY: Alderman Tolocko

AYES: Schneider, Hansher, Tolocko

Attachment: Public Works mins_04-09-24 (9394 : Public Works Committee meeting minutes of April 9, 2024)

3) Resolutions

Action requested: review and recommend approval

a. Motion to suspend the rules and take up Resolution #4116 first

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

MOVED BY: Alderman Schneider

SECONDED BY: Alderman Hansher

AYES:	Schneider, Hansher, Tolocko
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b. **RESOLUTION 4116** A Resolution Approving a Pre-Development Agreement with the Rotary Club of Thiensville-Mequon for Development of an All-User Inclusive Playground at Rotary Park

Chair Schneider abstained from conversation and voting as she is a member of the Rotary Club of Thiensville-Mequon

Alderman Hansher facilitated the discussion.

The Park and Open Space Board has already approved the recommendation in favor of adopting proposed resolution and pre-development agreement.

Staff clarified that the committee was being asked to approve a pre-developmental agreement that is consistent with Rotary Park's Master Plan.

Rotary Club of Thiensville-Mequon Member John Wirth gave a brief overview of the concept plan developed by Zimmerman Architectural Studios (Harwood). Approval from the City for the concept allows the Club to move forward with stakeholder approval and public fundraising.

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

MOVED BY: Alderman Hansher

SECONDED BY: Alderman Tolocko

AYES:	Hansher, Tolocko
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ABSTAIN:	Schneider
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- c. **RESOLUTION 4112** A Resolution Approving Award of the 2024 GSB-88 Bituminous Seal Contract to Fahrner Asphalt Sealers, of Waukegan, Wisconsin in an Amount Not-to-Exceed \$97,000

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

MOVED BY: Alderman Tolocko

SECONDED BY: Alderman Hansher

AYES: Schneider, Hansher, Tolocko

- d. **RESOLUTION 4113** A Resolution Approving the Purchase of a Land Pride AFM4522 Batwing Finish Mower from John P. Lochen Co., Inc., of Newburg, Wisconsin in the Amount of \$34,900

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

MOVED BY: Alderman Schneider

SECONDED BY: Alderman Hansher

AYES: Schneider, Hansher, Tolocko

- e. **RESOLUTION 4115** A Resolution Awarding a Contract for an Update to the Comprehensive Park, Recreation & Open Space Plan to MSA Professional Services, Inc., of Mequon, Wisconsin, in an Amount Not-to-Exceed \$50,500

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

MOVED BY: Alderman Hansher

SECONDED BY: Alderman Tolocko

AYES: Schneider, Hansher, Tolocko

4) Discussion Items

- a. Public Works Work Plan (4.9.24)

5) Adjourn

- a. Motion to Adjourn at 6:36 PM

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

MOVED BY: Alderman Hansher

SECONDED BY: Alderman Tolocko

AYES: Schneider, Hansher, Tolocko

Respectfully Submitted,

Ren Schlereth
Administrative Assistant



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Public Works/Engineering
Taped and Televised

SEWER UTILITY DISTRICT COMMISSION

Monday, October 30, 2023

6:30 PM

Christine Nuernberg Hall

Minutes

1) Call to Order, Roll Call

Meeting was called to order at 6:45 PM.

Present:

Commissioner Andrew Nerbun
Commissioner Kelly Tolocko
Commissioner Dale Mayr
Commissioner Jeffrey Hansher
Commissioner Gregg Bach
Commissioner Brian Parrish
Commissioner Kathleen Schneider
Commissioner William Gebhardt
Commissioner Robert Strzelczyk -- **Excused**

Also present: City Administrator Jones, Director of Public Works/City Engineering Lundeen, Finance Director Engroff, Assistant Finance Director Keyser, and Administrative Assistant Schlereth.

2) Approval of Meeting Minutes

a. October 10, 2023, Minutes

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

MOVED BY: Commissioner Bach

SECONDED BY: Commissioner Mayr

AYES: Nerbun, Tolocko, Mayr, Hansher, Bach, Parrish, Schneider, Gebhardt

NOT PRESENT: Strzelczyk

3) Resolutions and Discussion Items

- a. **RESOLUTION 4076** A Resolution Amending City of Mequon Financial Policy Statement 3: Reserve Requirements to Include the City of Mequon Sewer Utility

The Commission discussed the minimum range for the policy and its impact on the City's bond rating.

RESULT: Approved by Voice Acclamation [Unanimous]
MOVED BY: Commissioner Gebhardt
SECONDED BY: Commissioner Hansher

AYES: Nerbun, Tolocko, Mayr, Hansher, Bach, Parrish, Schneider, Gebhardt
NOT PRESENT: Strzelczyk

- b. **RESOLUTION 4077** A Resolution Reassigning Undesignated Cash Reserves of \$1,950,000 within the Sewer Utility Fund to One-Time Capital Projects, in Accordance with City of Mequon Financial Policy Statement 3: Reserve Requirements

The Commission discussed the value of the reassignment as compared to the minimum requirements of the policy, based upon Finance Department projections.

- c. Confirmation of Source Revenue for Capital Funding in the FY2024 Budget

Director Lundeen provided an overview of the cash flow analysis and the projected 5-year capital improvement program. Based on current projections the City would have sufficient funds for 2024 if the staff recommended increases were not approved by the Commission. If the Lift Station E project cost were not split between two years, there would be a deficit projected for 2024.

Director Engroff noted Table 4 does not include the \$1.95M in reassigned undesignated cash reserves. Figuring the \$1.95M to Table 4 brings the projected 2025 deficit down to \$2,359,253.

The Commission discussed the number of residents that report a basement backup each year, as well as whether that is an accurate representation of the number of residents who are impacted by a basement backup. Director Lundeen could not represent the number of customers within the Lift Station E sewershed, further noting that the service area includes several other lift stations that ultimately flow to Lift Station E.

Director Engroff reviewed the Municipal Levy Limit Worksheet submitted yearly to the Wisconsin Department of Revenue. Historically the City has always used the minimum claim amount to determine what the capacity will be. The City could go up to the max claim amount, that would include non-recurring expenditures. The City could only use this amount to pay for one-time purchases because as the debt is paid the max claim amount goes down.

The Commission further discussed how reevaluation of the five-year plan projects, timing and rates could be adjusted accordingly to try and avoid borrowing in 2024 and 2025.

RESULT: **Approved by Roll Call Vote [Unanimous]**
MOVED BY: Commissioner Gebhardt
SECONDED BY: Commissioner Bach

AYES: Nerbun, Tolocko, Mayr, Hansher, Bach, Parrish, Schneider, Gebhardt
NOT PRESENT: Strzelczyk

d. **RESOLUTION 4078** A Resolution Adopting the Fiscal Year 2024 Sanitary Sewer Utility Budget and Establishing the 2024 Sanitary Sewer User Fee Schedule

RESULT: **Approved by Roll Call Vote [Unanimous]**
MOVED BY: Commissioner Parrish
SECONDED BY: Commissioner Gebhardt

AYES: Nerbun, Tolocko, Mayr, Hansher, Bach, Parrish, Schneider, Gebhardt
NOT PRESENT: Strzelczyk

4) Adjourn

a. Motion to Adjourn at 7:43 PM

RESULT: **Approved by Voice Acclamation [Unanimous]**
MOVED BY: Commissioner Mayr
SECONDED BY: Commissioner Schneider

AYES: Nerbun, Tolocko, Mayr, Hansher, Bach, Parrish, Schneider, Gebhardt
NOT PRESENT: Strzelczyk

Respectfully Submitted,

Ren Schlereth
 Administrative Assistant



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Public Works/Engineering
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SEWER UTILITY DISTRICT COMMISSION

Tuesday, November 14, 2023

7:30 PM

Christine Nuernberg Hall

Minutes

1) Call to Order, Roll Call

Meeting called to order at 7:34 PM

Present:

Commissioner Andrew Nerbun
Commissioner Robert Strzelczyk
Commissioner Kelly Tolocko
Commissioner Dale Mayr
Commissioner Jeffrey Hansher
Commissioner Gregg Bach
Commissioner Brian Parrish
Commissioner Kathleen Schneider
Commissioner William Gebhardt

Also present: City Administrator Jones, Assistant City Administrator Schoenemann, City Attorney Sajdak, City Clerk Fochs, Fire Chief David Bialk, Police Chief Patrick Pryor, Finance Director Engroff, Director of Public Works/City Engineering Lundeen, Director of Community Development Tollefson, Assistant Director of Community Development Zader, Administrative Assistant Schlereth, press and interested public.

2) Approval of Meeting Minutes

a. October 30, 2023, Minutes

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

MOVED BY: Commissioner Mayr

SECONDED BY: Commissioner Gebhardt

AYES: Nerbun, Strzelczyk, Tolocko, Mayr, Hansher, Bach, Parrish, Schneider, Gebhardt

3) Ordinances

Action requested: review and recommend approval

1. **ORDINANCE 2023-1656** An Ordinance Appropriating the Necessary Funds from the City of Mequon's Sewer Utility District for the Year 2024 for Capital Charge Payments to the Milwaukee Metropolitan Sewerage District (MMSD) and City of Mequon Capital Debt Service Requirements

RESULT: **Approved by Roll Call Vote [Unanimous]****MOVED BY:** Commissioner Mayr**SECONDED BY:** Commissioner Schneider**AYES:** Nerbun, Strzelczyk, Tolocko, Mayr, Hansher, Bach, Parrish, Schneider, Gebhardt

4) Resolutions

Action requested: review and recommend approval

- a. **RESOLUTION 4093** A Resolution Ratifying an Estimated Final Contract Amount of \$55,000 with S.E.H. of Sheboygan, Wisconsin, for Inspection Services in Connection with the Tamerlane Drive Lift Station O Parallel Sanitary Force Main and Pump Replacement Projects

RESULT: **Approved by Roll Call Vote [Unanimous]****MOVED BY:** Commissioner Mayr**SECONDED BY:** Commissioner Gebhardt**AYES:** Nerbun, Strzelczyk, Tolocko, Mayr, Hansher, Bach, Parrish, Schneider, Gebhardt

5) Adjourn

Respectfully Submitted,

*Ren Schlereth**Administrative Assistant*



Southern Ozaukee Fire & EMS Board MINUTES

DATE: Wednesday, March 13, 2024

LOCATION: 250 Elm Street, Thiensville,
WI

TIME: 5:30 PM

I. CALL TO ORDER

Mayor Nerbun called the meeting to order at 5:30 PM.

II. ROLL CALL

MEQUON MAYOR ANDREW NERBUN
MEQUON ADMINISTRATOR WILL JONES
MEQUON ALDERMAN DALE MAYR (EXCUSED)
MEQUON ALDERWOMAN KATHLEEN SCHNEIDER
MEQUON CITIZEN MEMBER LYNN STREETER

THIENSVILLE PRESIDENT VAN MOBLEY
THIENSVILLE ADMINISTRATOR COLLEEN LANDISCH-HANSEN
THIENSVILLE TRUSTEE KRISTINA ECKERT
THIENSVILLE CITIZEN MEMBER DOUGLAS CHIMENTI
THIENSVILLE ALTERNATE TRUSTEE DAVID LANGE (EXCUSED)

III. APPROVAL OF MINUTES

A. January 10, 2024 (att)

MOTION by President Mobley, **SECONDED** by Alderwoman Schneider to approve the January 10, 2024 Minutes. **MOTION CARRIED UNANIMOUSLY.**

IV. PERSONAL APPEARANCES AND PUBLIC COMMENT

A. Citizens wishing to address the SOFD Board 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. The time limit is five minutes.

There were no citizens to be heard.

V. GOVERNANCE

A. Consolidation of SOFD Fleet and Capital Accounts Update (att)

Chief Bialk outlined changes to the Intergovernmental Agreement approved early in 2024 that called for both communities to donate their fleet and committed Fire Department capital reserves to SOFD. The Thiensville Village Board and Mequon Common Council have approved the Second Amendment to the Intergovernmental Agreement, which outlined the method of consolidating the SOFD Fleet and Capital Accounts. Thiensville received \$180,938.69 under the approved joint funding formula to equalize the contributions from Mequon and Thiensville.

Jerry Deutsch, 11223 N. Grace Court, Mequon, asked where the funds came from for the payment to Thiensville. Mayor Nerbun replied it came from the sale of capital equipment.

VI. OPERATIONS

A. Review and Action regarding Commercial Fire Inspection Fee Policy (att)

Chief Bialk noted a new commercial fire inspection fee schedule was created after the new department was formed. A discussion ensued regarding the appropriate wording for entities exempt from inspection fees. Attorney Sadjak suggested wording the policy to apply to tax-supported government-owned properties. Administrator Jones added the policy can be amended if the Board sees a need after it is implemented. President Mobley clarified that the action being considered applies solely to fire inspection services and not other SOFD fees. The exemption to the inspection fee will apply to facilities owned by the City of Mequon and the Village of Thiensville, the Mequon-Thiensville School District, the Frank L. Weyenberg Library and the Milwaukee Area Technical College campus in Mequon.

MOTION by Alderwoman Schneider, **SECONDED** by Citizen Member Streeter to approve Commercial Fire Inspection Fee Policy with a change to the second paragraph to read "Except where the property is leased to a non-governmental entity, tax-supported government-owned properties" with the named entities deleting "post offices." **MOTION CARRIED UNANIMOUSLY.**

B. SOFD Handbook (update)

Mequon Assistant City Administrator Justin Schoenemann provided an update on the SOFD Handbook. Mr. Schoenemann and Citizen Member Chimenti met and discussed specific items for inclusion. Progress on the SOFD Handbook is ongoing.

C. City of Mequon Space Needs Analysis (update)

Chief Bialk provided an update of the City of Mequon Space Needs Analysis. The firm FGMA was selected to conduct the analysis in Mequon. Information was collected from City officials

and a preliminary report was presented in January. President Mobley asked if space in Thiensville was included in the study. Administrator Jones added the Mequon Common Council will have a strategic planning meeting on Thursday, May 2, 2024, prior to the May 8, 2024 SOFD Board meeting. Chief Bialk can provide an update at that meeting. There potentially could be joint discussions between the Common Council and Village Board related to future facility planning. President Mobley noted that Thiensville is considering leasing space to Bell Ambulance and potential SOFD space needs could have an impact. A written report from Chief Bialk on the impact of leasing space to Bell Ambulance would be helpful. Citizen Member Streeter added the SOFD Board at some point needs to discuss when to approach a strategic plan for SOFD.

VII. FINANCE

A. Ozaukee County EMS ARPA Grant Audit Update (att)

Chief Bialk provided an update on the site visit review of the Ozaukee County ARPA grant. President Mobley asked about revenue from ambulance billing. Chief Bialk noted that bills are going out and revenue is being received regularly.

B. SOFD Audit - Baker Tilly Update (att)

Chief Bialk provided an update on the upcoming audit.

C. Review and Action regarding Payment for Ambulance Chassis (att)

MOTION by President Mobley, **SECONDED** by Alderwoman Schneider to authorize \$35,967 Payment to Life Line Emergency Vehicles for Ambulance Chassis. (Resolution 2024001)

Ayes: Mayor Nerbun, Alderwoman Schneider, Citizen Member Streeter, President Mobley, Trustee Eckert, Citizen Member Chimenti

Naes: None

MOTION CARRIED.

D. Review and Action regarding Purchase of Replacement Ambulance (att)

Chief Bialk noted it will take approximately two years for delivery of a replacement ambulance. The price includes a \$55,356 Stryker Power-Load cot system.

MOTION by Citizen Member Chimenti, **SECONDED** by Trustee Eckert to purchase a replacement ambulance from Life Line Emergency Vehicles for \$365,144. (Resolution 2024002)

Ayes: Mayor Nerbun, Alderwoman Schneider, Citizen Member Streeter, President Mobley, Trustee Eckert, Citizen Member Chimenti

Naes: None
MOTION CARRIED.

VIII. REVIEW DATE OF NEXT MEETING

A. May 8, 2024

Trustee Eckert asked about the recent donation of dive equipment. It will be accepted by the Board at the May 8, 2024 meeting.

Trustee Eckert requested details on the most-recent fatal fire. Chief Bialk provided an update. Mayor Nerbun suggested placing updates of major events on the agenda in the future. Trustee Eckert suggested the SOFD appoint a public information officer.

Citizen Member Streeter suggested sharing photos from a recent stair-climb photo with the local newspaper.

IX. ADJOURNMENT

MOTION by Citizen Member Chimenti, **SECONDED** by Trustee Eckert to adjourn the Meeting at 7:02 PM. **MOTION CARRIED UNANIMOUSLY.**

Submitted by,

Gary Achterberg
Administrative Assistant
Village of Thiensville

Signed by,

Colleen Landisch-Hansen
Village Administrator/Interim Village Clerk
Village of Thiensville



Southern Ozaukee Fire & EMS Commission MINUTES

DATE: Wednesday, March 13, 2024

LOCATION: 250 Elm Street, Thiensville, WI

**IMMEDIATELY FOLLOWING SOFD BOARD
MEETING**

TIME: 5:30 PM

I. CALL TO ORDER

Mayor Nerbun called the meeting to order at 7:17 PM.

II. ROLL CALL

MEQUON MAYOR ANDREW NERBUN
MEQUON ADMINISTRATOR WILL JONES
MEQUON ALDERMAN DALE MAYR (EXCUSED)
MEQUON ALDERWOMAN KATHLEEN SCHNEIDER
MEQUON CITIZEN MEMBER LYNN STREETER

THIENSVILLE PRESIDENT VAN MOBLEY
THIENSVILLE ADMINISTRATOR COLLEEN LANDISCH-HANSEN
THIENSVILLE TRUSTEE KRISTINA ECKERT
THIENSVILLE CITIZEN MEMBER DOUGLAS CHIMENTI
THIENSVILLE ALTERNATE TRUSTEE DAVID LANGE (EXCUSED)

III. APPROVAL OF MINUTES

A. January 10, 2024 (att)

MOTION by Commissioner Eckert, **SECONDED** by Commissioner Streeter to approve the January 10, 2024 Minutes. **MOTION CARRIED UNANIMOUSLY.**

IV. MOTION TO ADJOURN TO CLOSED SESSION

A. Command Staff Performance. The Commission may enter into Closed Session pursuant to Wis. Stats. 19.85(1)(c) Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility, and then may reconvene in open session to take such action as it deems necessary.

MOTION by Commissioner Eckert, **SECONDED** by Commissioner Streeter to adjourn to Closed Session at 7:19 pm.

1. Roll Call Vote

Ayes: Mayor Nerbun, Alderman Mayr, Alderwoman Schneider, Citizen Member Streeter, President Mobley, Trustee Eckert and Citizen Member Chimenti

Naes: None

MOTION CARRIED UNANIMOUSLY

V. MOTION TO RECONVENE IN OPEN SESSION

A. Motion of Commission to Reconvene

MOTION by Commissioner Schneider, **SECONDED** by Commissioner Streeter to Reconvene in Open Session at 7:52 PM. **MOTION CARRIED UNANIMOUSLY.**

VI. ADJOURNMENT

MOTION by Commissioner Schneider, **SECONDED** by Commissioner Streeter to Adjourn the Meeting at 7:52 PM. **MOTION CARRIED UNANIMOUSLY.**

Submitted by,

Gary Achterberg
Administrative Assistant
Village of Thiensville

Signed by,

Colleen Landisch-Hansen
Village Administrator/Interim Clerk
Village of Thiensville

	A	B	C	D	E	F	G	I	J	K
1				CODE ENFORCEMENT SUMMARY JUNE 1, 2024						
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	8	151050504000	10843 N PEBBLE LANE	ABBAS OR FATIMA ALI	YARD WASTE LEAVES AND BRANCHES	1/21/2022	6/1/2022		1	NO
6	4	140341500100	6110-6112 W COUNTY LINE ROAD	JEFFERY KRETZ	PARKING	12/1/2021	12/15/2021		#5 CITATION 1,2	NO
7	1	140300600500	12323 W MEQUON ROAD	JONATHON SCHOTTE	PARKING	10/21/2021	11/4/2021		1	NO
8	3	140221000600	11512 N WAUWATOSA ROAD	RICK OR PATRICIA FREYMUTH	TEMPORARY STRUCTURE	10/22/2021	11/5/2021		1	NO
9	4	EXEMPT	110010 N BUNTROCK AVENUE	WILSON SCHOOL	ELECTRONIC MESSAGE SIGN ILLUMINATION	12/8/2021	12/17/2021		1	NO
10	1	141550010000	13760 N BONNIWELL COURT	GALINA OR MISHA SHEPSHELEVICH	PARKING	ONGOING	ONGOING	NOT SET	#3, CIRCUIT COURT	YES
11	3	RENTAL	6200 W MEQUON ROAD	ST PAULS FISH	BANNER/SIGNS	11/17/2021	11/20/2021		1	NO
12	2	140820648000	2916 W SHOLES DRIVE	DAVID OR ELIZABETH SANDE	HOME BUSINESS	11/22/2021	12/5/2021		1	NO
13	1	141550011000	13702 N BONNIWELL COURT	MICHAEL OR SHELLEY OLSON	PARKING	11/22/2021	11/5/2021		1	NO
14	4	140270101200	10910 INDUSTRIAL DRIVE	SUPER STEEL LLC	BANNER/SIGNS	11/17/2021	11/20/2021		1	NO
15	8	RENTAL	10042 N PORT WASHINGTON ROAD	NEARLY NEW CONSIGNMENT SHOP	BANNER	11/17/2021	11/20/2021		1	NO
16	4	RENTAL	11035 INDUSTRIAL DRIVE	CENTRAL BARK	BANNER/SIGNS	11/17/2021	11/20/2021		1	NO
17	5	EXEMPT	13460 N PORT WASHINGTON ROAD	CHRIST CHURCH	BANNER	11/17/2021	11/20/2021		1	NO
18	4	140340500100	6809 W DONGES BAY ROAD	MEQUON LAWN AND GARDEN	BANNER	11/17/2021	11/20/2021		1	NO
19	6	150191301600	11357 N PORT WASHINGTON ROAD	KOHLER CREDIT UNION	FLAG	11/17/2021	11/20/2021		1	NO
20	8	RENTAL	11018 N PORT WASHINGTON ROAD	MATHNASIUM	BANNER	11/17/2021	11/20/2021		1	NO
21	5	150201001800	11522 N PORT WASHINGTON ROAD	SHELL GAS STATION	BANNER	11/17/2021	11/20/2021		1	NO
22	6	RENTAL	10945 N PORT WASHINGTON ROAD	SPINE PAIN DIAGNOSTICS ASSOCIATES SUITE 101	BANNER	11/17/2021	11/20/2021		1	NO
23	8	RENTAL	10930 N PORT WASHINGTON ROAD	SENDIK'S	BANNER	11/17/2021	11/20/2021		1	NO
24	6	RENTAL	10945 N PORT WASHINGTON ROAD	WISCONSIN RADIOLOGY SPECIALISTS	BANNER	11/17/2021	11/20/2021		1	NO
25	8	RENTAL	10984 N PORT WASHINGTON ROAD	MARSHALLS	BANNER/SIGNS	11/17/2021	11/20/2021		1	NO
26	8	RENTAL	10526 N PORT WASHINGTON ROAD	DERIAH BOUTIQUE	BANNER	11/17/2021	11/20/2021		1	NO
27	6	RENTAL	10501 N PORT WASHINGTON ROAD	ALLSTATE INSURANCE	FLAG	11/17/2021	11/20/2021		1	NO
28	8	RENTAL	10916 N PORT WASHINGTON ROAD	ELITE NUTRITION	BANNER	11/17/2021	11/20/2021		1	NO
29	6	RENTAL	11649 N PORT WASHINGTON ROAD	MEQUON SMILE DESIGN	BANNER	11/17/2021	11/20/2021		1	NO
30	6	RENTAL	11042 N PORT WASHINGTON ROAD	X GOLF MEQUON	FLAG	11/17/2021	11/20/2021		1	NO
31	8	150290600200	11150 N PORT WASHINGTON ROAD	CULVER'S	BANNER/SIGN	11/17/2021	11/20/2021		1	NO
32	4	140270201000	11130 N BUNTROCK AVENUE	ARTESA APARTMENTS	BANNER/SIGN	11/17/2021	11/20/2021		1	NO
33	8	RENTAL	10992 N PORT WASHINGTON ROAD	GREAT CLIPS	BANNER	11/17/2021	11/20/2021		1	NO
34	3	RENTAL	6330 W SPUR ROAD	SPUR 16	FLAG	11/17/2021	11/20/2021		1	NO
35	4	RENTAL	10503 N CEDARBURG ROAD	THE COLOUR BOWL SALON AND WELLNESS	FLAG	11/17/2021	11/20/2021		1	NO
36	4	140500612000	5616 W DONGES BAY ROAD	LIBBY MONTANA	BANNER	11/17/2021	11/20/2021		1	NO
37	6	150300600500	2635 W MEQUON ROAD	THE RANGE LINE INN	BANNER/SIGN	11/17/2021	11/20/2021		1	NO
38	6	151530001000	1505 W MEQUON ROAD	EAST TOWNE SQUARE MALL	FLAG	11/17/2021	11/20/2021		1	NO
39	6	RENTAL	1339 W MEQUON ROAD	SOVEREIGN SELECT LLC	BANNER	11/17/2021	11/20/2021		1	NO
40	3	RENTAL	7602 W MEQUON ROAD	IN BALANCE YOGA	BANNER	11/17/2021	11/20/2021		1	NO
41	6	RENTAL	1340 W MEQUON ROAD	AC ZUKERMAN JEWELERS	BANNER	11/17/2021	11/20/2021		1	NO
42	6	RENTAL	1300 W MEQUON ROAD	PANERA BREAD	BANNER/SIGNS	11/17/2021	11/20/2021		1	NO
43	6	RENTAL	1424 W MEQUON ROAD	NORTH SHORE COMPUTER	BANNER	11/17/2021	11/20/2021		1	NO
44	6	RENTAL	1402 W MEQUON ROAD	KUMON MATH AND READING	BANNER	11/17/2021	11/20/2021		1	NO
45	8	RENTAL	10530 N PORT WASHINGTON ROAD	HIDDLEHEADS COFFEE	BANNER/SIGNS	11/17/2021	11/20/2021	4/6/2022	#5, CITATION 1	NO
46	6	RENTAL	11525 N PORT WASHINGTON ROAD	JIMMY JOHNS	BANNER/FLAGS	11/17/2021	11/20/2021	3/2/2022	#5, CITATION 1	NO
47	6	RENTAL	11511 N PORT WASHINGTON ROAD	TACO BELL	BANNER	11/17/2021	11/20/2021	4/6/2022	#5, CITATION 1,2	NO
48	4	140500903002	10360 N CEDARBURG ROAD	KWIK TRIP	TRASH/LITTER	12/23/2021	12/27/2021	4/6/2022	#5, CITATIONS 1,2,3	NO
49	4	140500903002	10360 N CEDARBURG ROAD	KWIK TRIP	BANNER/FLAGS	11/17/2021	11/20/2021	3/2/2022	#5, CITATION 1,2	NO
50	8	150291100500	10500 N PORT WASHINGTON ROAD	HOLD HOLDINGS	PUBLIC NUISANCE	4/14/2021	4/23/2021	4/6/2022	#5, CITATIONS 1,2,3	NO
51	4	140840107000	9712 N MEQUON PLACE	TOUA YANG	PARKING	10/25/2021	11/5/2021	4/6/2022	#5 CITATIONS 1, 2,3,4, 5,6	YES
52	7	140250600600	11050 N RIVER ROAD	ROBERT STERN	OUTSIDE STORAGE	11/17/2021	11/24/2021		#5 CITATION 1	NO
53	4	140501204000	10056 N CEDARBURG ROAD	WILLIAM WISTH	OUTSIDE STORAGE	ONGOING	ONGOING	NOT SET	#5 CIRCUIT COURT	NO
54	3	140870805000	11715 N SILVER AVENUE	LUJESS	PARKING	ONGOING	ONGOING	NOT SET	#5 CIRCUIT COURT	YES
55	6	151000203000	12539 N ISLAND DRIVE	WILLIAM WISTH	OUTSIDE STORAGE	ONGOING	ONGOING	NOT SET	#5 CIRCUIT COURT	YES
56	8	151070412000	819 W SIERRA LANE	VANN FAMILY TRUST	OUTSIDE STORAGE	2/25/2022	3/11/2022		1	NO
57	8	151070412000	819 W SIERRA LANE	VANN FAMILY TRUST	PARKING	2/25/2022	3/11/2022		1	NO
58	2	140241201000	11249 N RIVERLAND ROAD	PAUL FREDERICK	OUTSIDE STORAGE	2/25/2022	3/11/2022		1	NO
59	2	140241201000	11249 N RIVERLAND ROAD	PAUL FREDERICK	PARKING	2/25/2022	3/11/2022		#5 CITATION 1	NO
60	1	140121200300	3500 W HIGHLAND ROAD	THOMAS LEMENS	OUTSIDE STORAGE	2/25/2022	3/11/2022		1	NO
61	1	140121200300	3500 W HIGHLAND ROAD	THOMAS LEMENS	PARKING	2/25/2022	3/11/2022		1	NO

Attachment: Zoning Enforcement Report through June 1, 2024 (9435 : Zoning Enforcement and Site

	A	B	C	D	E	F	G	I	J	K
62	1	140191500200	11206-11210 W MEQUON ROAD	JORDON OR KRISTY LARSON	PARKING	2/25/2022	3/11/2022		1	NO
63	1	140191500200	11206- 11210 W MEQUON ROAD	JORDON OR KRISTY LARSON	OUTSIDE STORAGE	2/25/2022	3/11/2022		1	NO
64	1	140191500200	11206-11210 W MEQUON ROAD	JORDON OR KRISTY LARSON	OUTSIDE MAINTANCE	2/25/2022	5/30/2022		1	NO
65	2	140950607000	3033 W RENEE COURT	IGOR OR MARGARITA LETKIN	PARKING	3/8/2022	3/22/2022		1	NO
66	6	150300800400	10841 N ORIOLE LANE	NICHOLAS OR LAURA MEYER	OUTSIDE STORAGE	3/14/2022	3/31/2022		1	NO
67	6	150300800400	10841 N ORIOLE LANE	NICHOLAS OR LAURA MEYER	GENERAL MAINTENANCE	3/14/2022	5/30/2022		1	NO
68	6	140950607000	2030 W SUNNYDALE LANE	DIANNE MCCLELLAN	PARKING	3/14/2022	3/31/2022		1	NO
69	6	140950607000	2030 W SUNNYDALE LANE	DIANNE MCCLELLAN	OUTSIDE STORAGE	3/14/2022	3/31/2022		1	NO
70	4	140271200400	6926 W DONGES BAY ROAD	GO RITEWAY	PARKING	3/17/2022	3/21/2022		1	NO
71	4	140271200400	6926 W DONGES BAY ROAD	GO RITEWAY	ADVERTISING FLAG	3/17/2022	3/21/2022		1	NO
72	4	140840205000	9612 W MEQUON PLACE	LEWIS OR JEAN BIRKEL	OUTSIDE MAINTENANCE	3/23/2022	6/1/2022		1	NO
73	7	150850000002	3100 W COUNTRY CLUB DRIVE	NORTH SHORE COUNTRY CLUB	LANDSCAPING	3/23/2022	6/1/2022		1	NO
74	4	140500709001	1863/461 N 1/2 LOT 9 BLK 7 CEDARBURG ROAD	WILLIAM CONLEY	MAINTENANCE	3/24/2022	7/1/2022		1	NO
75	4	140270901200	10541-10601 N COMMERCE STREET	MEGAL DEVELOPMENT CORPORATION	BUSINESS OCCUPANCY PERMIT	3/31/2022	4/8/2022		1	NO
76	2	140240701200	11610 N RIVER ROAD	MARILYN MANKE	OUTSIDE STORAGE	3/31/2022	4/7/2022		1	NO
77	5	RENTAL	11700 N PORT WASHINGTON ROAD	MARCUS NORTH SHORE CINEMA	LITTER	4/5/2022	4/13/2022		1	NO
78	5	150200701100	11616 N PORT WASHINGTON ROAD	ELITE HIGHLANDER MEQUON INC	LITTER	4/6/2022	4/13/2022		1	NO
79	5	RENTAL	11558 N PORT WASHINGTON ROAD	METRO MARKET	LITTER	4/6/2022	4/13/2022		1	NO
80	3	140860207000	11345 N SOLAR AVE	JEFFREY MCCLONE	PARKING	4/21/2022	4/28/2022		#5 CITATION 1,2	NO
81	3	140892402000	11425 N VEGA AVE	DENNIS HERRERA	PARKING	4/21/2022	4/28/2022		1	NO
82	3	140210101000	11932 N VEGA AVE	JOHN OR STACEY MURRAY	PARKING	4/21/2022	4/28/2022		1	NO
83	3	141220004000	11912 N SOLAR AVE	JAMES MCNICHOL	PARKING	4/21/2022	4/28/2022		#5 CITATION 1,2	NO
84	3	140870708000	11625 N VEGA AVE	ROBERT MACKIEWICZ	PARKING	4/21/2022	4/28/2022		1	NO
85	3	140881402000	8509 W POPLAR DR	WILLIAM BLATZ	PARKING	4/21/2022	4/28/2022		1	NO
86	4	140840509000	4808 W HIAWATHA DR	PAUL SCHUMACHER	HOOP HOUSE	4/21/2022	5/5/2022		1	NO
87	2	141160010000	12335 N WOODFIELD CT	JEFFREY OR SUSAN POMERANTZ	OUTSIDE STORAGE	4/22/2022	4/29/2022		1	NO
88	3	140500102002	6714 W MEQUON ROAD	MICHAEL OR TRACY LALONDE	OUTSIDE STORAGE	4/28/2022	5/13/2022		#5 CITATION 1,2	NO
89	7	150560205000	1425 W ZEDLER LANE	BRADFORD FIGG	GARBAGE	5/10/2022	5/13/2022		#5 CITATION 1	NO
90	2	141160010000	12335 N WOODFIELD COURT	JEFFERY OR SUSAN POMERANTZ	PARKING	5/17/2022	5/24/2022		1	NO
91	5	RENTAL	11740 N PORT WASHINGTON ROAD	BANK FIRST	BANNER	5/17/2022	5/21/2022		1	NO
92	5	EXEMPT	13800 N PORT WASHINGTON ROAD	UNITARIAN CHURCH	BANNER/FLAG	5/17/2022	5/21/2022		1	NO
93	3	RENTAL	6006 W MEQUON ROAD	SPUR 16	BANNER/FLAG	5/17/2022	5/21/2022		1	NO
94	8	RENTAL	10900 N PORT WASHINGTON ROAD	THE FEED BAG	BANNER	5/17/2022	5/21/1955		1	NO
95	2	EXEMPT	9906 W MEQUON ROAD	ST BONIFACE CHURCH	BANNER	5/17/2022	5/21/2022		1	NO
96	5	151001214000	1630 W DOROTHY PLACE	DAVID OR SHELLY HAUGH	OUTSIDE MAINTENANCE	5/25/2022	6/18/2022		1	NO
97	5	151001214000	1630 W DOROTHY PLACE	DAVID OR SHELLY HAUGH	OUTSIDE STORAGE	5/25/2022	7/1/2022		1	NO
98	3	140870504001	11733 N WAUWATOSA ROAD	DELORES FILLAFER	OUTSIDE STORAGE	5/25/2022	6/15/2022		1	NO
99	3	140870504001	11733 N WAUWATOSA ROAD	DELORES FILLAFER	OUTSIDE MAINTENANCE	6/7/2022	7/5/2022		1	NO
100	4	140341600200	BAEHR AND COUNTY LINE/ NO ADDRESS	BILL FINE/COUNTY LINE HOLDINGS	PARKING	6/13/2022	6/29/2022		#5 CITATION 1,2	NO
101	6	150570602000	1424 W ZEDLER LANE	ROSEMARY KOLLER	GRASS	6/15/2022	6/22/2022		1	NO
102	8	151070412000	819 SIERRA LANE	VANN FAMILY TRUST	GRASS	6/15/2022	6/22/2022		1	NO
103	7	141510000500	9853 N RANGE LINE ROAD	CYNTHIS COAKLEY	OUTSIDE STORAGE	6/15/2022	6/29/2022		1	NO
104	5	151030214001	12707 N EAST SHORELAND DRIVE	GARMAN LIVING TRUST	PARKING	6/15/2022	6/29/2022		1	NO
105	5	151030211000	12731 N EAST SHORELAND DRIVE	TED RUEHL	OUTSIDE STORAGE	6/15/2022	6/29/2022		1	NO
106	4	140640202000	10811 N SHERWOOD DRIVE	CHARLES CONRAD	YARD WASTE BRANCHES	6/21/2022	6/28/2022		1	NO
107	8	151070412000	819 W SIERRA LANE	VANN FAMILY TRUST	TRASH/LITTER	6/21/2022	6/28/2022		1	NO
108	6	150710411000	11604 N HILLSIDE LANE	MICHAEL GMIREK OR SUZANNE PEPLINSKI	TURF GRASS	6/21/2022	6/28/2022		1	NO
109	6	150710405000	11433 N COUNTRY LANE	WILLIAM GENSRIK	TEMPORARY STRUCTURE	6/21/2022	6/28/2022		1	NO
110	6	150710405000	11433 N COUNTRY LANE	WILLIAM GENSRIK	PARKING	6/21/2022	6/28/2022		1	NO
111	6	150630108000	11820 N VALLEY DRIVE	JONATHAN SCHULTZ	PARKING	6/21/2022	6/28/2022		1	NO
112	7	140700083000	3327 BURGANDY COURT	LYNN VORBECK	PARKING	6/21/2022	6/28/2022		1	NO
113	6	150990701000	12345 N EAST SHORELAND DRIVE	ANDREW OR WENDY PETZOLD	OUTSIDE MAINTENANCE	6/23/2022	7/29/2022		1	NO
114	6	150990701000	12345 N EAST SHORELAND DRIVE	ANDREW OR WENDY PETZOLD	TURF GRASS	6/23/2022	7/14/2022		1	NO
115	5	150060901900	13804 N MARTIN WAY SUITE 2400	13804 N MARTIN WAY LLC	POOL FENCE	7/7/2022	7/29/2022		#5 CITATION 1	YES
116	5	150061500900	1908 W BONNIWELL ROAD	RAVI NARAYAN OR SOWMYA SUBRAMANIAN	POOL FENCE	8/11/2021	8/26/2022		1	NO
117	2	150911001000	2517 W CHESTNUT ROAD	TAOFIKI OR KERRY ALABI	PARKING	7/15/2022	7/22/2022		1	NO
118	4	140501305007	9807 N CEDARBURG ROAD	RYAN OR KATHERINE KAUTZER	TURF GRASS	7/15/2022	7/22/2022		1	NO
119	6	XXXXXX	NORTH SHORE ESTATES	DEBRA NEWELL PRESIDENT	OUTSIDE STORAGE	7/14/2022	8/5/2022		1	NO
120	3	142010051000	10879 N WILDCAT WAY	AMBER SCHROEDER	FENCE	5/16/2022	5/27/2022		#5 CITATION 1,2	YES
121	3	140860205000	11413 N SOLAR AVENUE	DUANE OR JULIE WAGNER	PARKING	7/21/2022	8/4/2022		1	NO
122	8	RENTAL	10930 N PORT WASHINGTON ROAD	SENDIKS	BANNERS	7/21/2022	7/28/2022		1	NO

	A	B	C	D	E	F	G	I	J	K
123	1	XXXXXXXXXX	HIGHLANDS LOT 8	KINGS WAY HOMES	OUTSIDE MAINTENANCE	7/22/2022	7/29/2022		1	NO
124	4	140270201500	6835 W MEQUON ROAD	RESERVE FRONT LOT	LANDSCAPING	7/22/2022	8/16/2022		1	NO
125	4	140270200200	6729 W MEQUON ROAD	STORYPOINT SENIOR LIVING	SIGNS	7/22/2022	8/19/2022		1	NO
126	7	1508500000002	3100 W COUNTRY CLUB DRIVE	NORTH SHORE COUNTRY CLUB	LANDSCAPING	7/22/2022	10/5/2022		1	NO
127	8	XXXXXXXXXX	10930 N PORT WASHINGTON ROAD	MEQUON PAVILIONS	FLAGS	7/22/2022	7/29/2022		1	NO
128	2	140820210001	3015 W SHOLES DRIVE	THOMAS OR CAPTOLA BACHER	2 SHEDS	8/11/2022	9/11/2022		1	NO
129	5	151120203000	13837 N LAKE SHORE DRIVE	GREGORY OR NICOLE PATERSON	OUTDOOR STORAGE	8/11/2022	8/26/2022		1	NO
130	6	150300802300	2212 W SUNNYDALE LANE	AARON OR PETER KINNEY	POOL FENCE	8/11/2022	8/26/2022		1	NO
131	8	RENTAL	10806 N PORT WASHINGTON ROAD	NORTH SHORE BANK	BANNER	8/19/2022	8/25/2022		1	NO
132	6	RENTAL	1505 W MEQUON ROAD	EAST TOWNE SQUARE MALL	FLAGS	8/19/2022	8/25/2022		1	NO
133	6	RENTAL	1505 W MEQUON ROAD	FAYE'S MEQUON	FLAGS	8/19/2022	8/25/2022		1	NO
134	6	RENTAL	1505 W MEQUON ROAD	THE LEMON TREE	FLAGS	8/19/2022	8/25/2022		1	NO
135	6	RENTAL	1515 W MEQUON ROAD	ZARLETTI MEQUON	FLAGS	8/19/2022	8/25/2022		1	NO
136	6	RENTAL	1330 W MEQUON ROAD	COCOA TREE CONFECTIONARY	BANNER	8/19/2022	8/25/2022		1	NO
137	6	RENTAL	1402 W MEQUON ROAD	KUMON MATH AND READING	BANNER	8/19/2022	8/25/2022		1	NO
138	6	RENTAL	1550 W MEQUON ROAD	FIFTH MAIN	A FRAME	8/19/2022	8/25/2022		1	NO
139	6	RENTAL	11035 N PORT WASHINGTON ROAD	PICARDY SHOE PARLOUR	BANNER	8/19/2022	8/25/2022		1	NO
140	4	140271601200	10433 N BAEHR ROAD	NORTH SHORE DANCE	SIGNS	7/7/2022	7/29/2022		#5 CITATION 1	NO
141	1	141440022001	7421 RIDGEVIEW DRIVE	YOUSSEF BERRADA	PLUMBING PERMIT	8/24/2022	9/7/2022		EXTENSION	YES
142	1	141440022001	7421 RIDGEVIEW DRIVE	YOUSSEF BERRADA	ELECTRIC PERMIT	8/24/2022	9/7/2022		EXTENSION	YES
143	1	141440022001	7421 RIDGEVIEW DRIVE	YOUSSEF BERRADA	BUILDING PERMIT	8/24/2022	9/7/2022		EXTENSION	YES
144	1	141440022001	7421 RIDGEVIEW DRIVE	YOUSSEF BERRADA	FILL PERMIT	8/24/2022	9/7/2022		EXTENSION	YES
145	1	141440022001	7421 RIDGEVIEW DRIVE	YOUSSEF BERRADA	SURVEY	8/24/2022	9/7/2022		EXTENSION	YES
146	7	150500116000	1828 W FIESTA LANE	CHARLES MAYER	GRASS	8/31/2022	9/8/2022		1	NO
147	7	1407001145000	3531 W LEGRANDE BLVD	WILLIAM GRUBER	HOME BUSINESS	9/6/2022	9/16/2022		1	NO
148	4	RENTAL	10801 N COMMERCE STREET	GOOD LAND PREMIUM FOODS PROVISIONS INC	BUILDING AND SITE PLAN AMENDMENT	9/6/2022	9/19/2022		1	NO
149	6	RENTAL	1339 W MEQUON ROAD	REMAX LAKESIDE	WALL SIGN	9/8/2022	10/28/2022		1	NO
150	5	151010105001	12668 N SHORELAND PARKWAY	NANCY TOLOCKO	DECK	9/13/2022	12/14/2022		1	NO
151	5	150970019000	12648 N RIVER FOREST CIRCLE	JOHN OR JULIE HENNINGS	PARKING	9/13/2022	9/23/2022		1	NO
152	5	150970019000	12648 N RIVER FOREST CIRCLE	JOHN OR JULIE HENNINGS	OUTSIDE MAINTENANCE	9/13/2022	9/27/2022		1	NO
153	8	EXEMPT	10370 N WILDWOOD COURT	OZAUKEE WASHINGTON COUNTY LAND TRUST	OUTSIDE MAINTENANCE	9/14/2022	10/14/2022		1	NO
154	3	RENTAL	7180 W DONGES BAY ROAD	WARREN BARNETT INTERIORS	CONDITIONAL USE GRANT	9/20/2022	10/4/2022		#5 CITATION 1	NO
155	6	150190400400	11743 N PORT WASHINGTON ROAD LOT 1	SHELY 2012 IRREVOCABLE TRUST	GRASS	9/22/2022	10/7/2022		1	NO
156	6	150190400500	11743 N PORT WASHINGTON ROAD LOT 2	SHELY 2012 IRREVOCABLE TRUST	GRASS	9/22/2022	10/7/2022		1	NO
157	6	150190400600	11743 N PORT WASHINGTON ROAD LOT 3	SHELY 2012 IRREVOCABLE TRUST	GRASS	9/22/2022	10/7/2022		1	NO
158	6	RENTAL	1550 W MEQUON ROAD	FIFTH MAIN	MONUMENT SIGN	9/29/2022	10/13/2022		#5 CITATION 1,2,3	NO
159	8	150740120000	317 E CIRCLE ROAD	JEFFREY OR JENNIFER PARULSKI	PARKING	9/29/2022	10/13/2022		#5 CITATION 1	NO
160	4	140840306000	4904 W COUNTY LINE ROAD	SHAWN OR RUTH RUBINSTEIN	SUMP PUMP	9/29/2022	10/7/2022		1	NO
161	6	RENTAL	11431 N PORT WASHINGTON ROAD SUITE 207	DAYALUV COSMETICS	CONDITIONAL USE GRANT	10/5/2022	11/14/2022		1	NO
162	6	RENTAL	11431 N PORT WASHINGTON ROAD SUITE 135	EMBRACE YOUR FACE	CONDITIONAL USE GRANT	10/5/2022	11/14/2022		1	NO
163	6	RENTAL	11431 N PORT WASHINGTON ROAD SUITE 101E	CEDAR CREEK MASSAGE	CONDITIONAL USE GRANT	10/5/2022	11/14/2022		1	NO
164	6	RENTAL	11431 N PORT WASHINGTON ROAD SUITE 106A	JANET HALONEN-ACUESTICS	CONDITIONAL USE GRANT	10/5/2022	11/14/2022		1	NO
165	6	RENTAL	11431 N PORT WASHINGTON ROAD SUITE 108	DRAGON FLY MEDITATION AND WELLNESS	CONDITIONAL USE GRANT	10/5/2022	11/14/2022		1	NO
166	6	RENTAL	11431 N PORT WASHINGTON ROAD SUITE 101	THERPUTIC MASSAGE AND WELLNESS CENTER	CONDITIONAL USE GRANT	10/5/2022	11/14/2022		1	NO
167	6	RENTAL	11431 N PORT WASHINGTON ROAD SUITE 212	WYNTER CO. BEAUTY	CONDITIONAL USE GRANT	10/5/2022	11/14/2022		1	NO
168	6	150300600900	2505 W MEQUON ROAD	NORTH SHORE DENTAL	BANNER	10/6/2022	10/13/2022		1	NO
169	3	RENTAL	7606 W MEQUON ROAD	HOMESTEAD FAMILY DENTISTRY	BANNER	10/6/2022	10/13/2022		1	NO
170	6	150710405000	11433 N COUNTRY LANE	WILLIAM OR CAROL GENSIRICK	OUTSIDE STORAGE	10/6/2022	10/27/2022		1	NO
171	6	150710405000	11433 N COUNTRY LANE	WILLIAM OR CAROL GENSIRICK	OUTSIDE MAINTENANCE	10/6/2022	11/10/2022		1	NO
172	6	150910101100	10355 N PORT WASHINGTON ROAD	CLARK GAS STATION	OUTSIDE MAINTENANCE	10/12/2022	11/12/2022		#5 CITATION 1	NO
173	1	140200600700	10505 W FREISTADT ROAD	HERMAN OR SANDRA STERN	PARKING	10/19/2022	11/11/2022		1	NO
174	1	140171101100	10516 W FREISTADT ROAD	JENNIFER JOHNSON OR JOSHUA COMFORT	PARKING	10/19/2022	11/11/2022		1	NO
175	4	140500404000	11155 N CEDARBURG ROAD	MEQUON AUTO TECH	WATER TO FACILITY	10/19/2022	11/25/2022		#5 CITATION 1	YES
176	5	150170800500	12531 N LAKESHORE DRIVE	STEVEN OR KIMBERLY BROWN	SHED PERMIT	10/19/2022	11/4/2022		1	NO
177	4	140271601200	10433 N BAEHR ROAD	NORTH SHORE DANCE STUDIO	MONUMENT SIGN	10/21/2022	11/30/2022		1	NO
178	4	RENTAL	11120 N BUNTROCK AVENUE	PRESTIGE AUTO SERVICE	PARKING COMMERCIAL	10/26/2022	11/2/2022		EXTENSION	YES
179	5	150920201000	11404 N PINEHURST CIRCLE	US BANK	GRASS	10/27/2022	11/4/2022		1	NO
180	5	150920201000	11404 N PINEHURST CIRCLE	US BANK	OUTSIDE MAINTENANCE	10/27/2022	11/27/2022		1	NO
181	8	151070112002	1027 W DONGES BAY	MARY JOHNSON	OUTSIDE MAINTENANCE	10/27/2022	11/27/2022		1	NO
182	6	151260105000	10451 N STRATFORD PLACE	STEFAN OR SARAH GENDELMAN	BUILDING PERMIT	10/28/2022	11/21/2022		1	NO
183	5	151200017000	11633 N LAKE SHORE DRIVE	BARBARA PFAFF	OUTSIDE MAINTENANCE	1/19/2022	5/30/2022		# 5 CITATION 1	YES

	A	B	C	D	E	F	G	I	J	K
184	5	151200017000	11693 N LAKE SHORE DRIVE	BARBARA PFAFF	OUTSIDE STORAGE	1/19/2022	2/9/2022		#5 CITATION 1	YES
185	1	14030300200	14015 N CEDARBURG ROAD	WHITE RABBIT RESTAURANT	MONUMENT SIGNS	11/9/2022	11/23/2022		1	NO
186	6	150191602200	1400 W MEQUON ROAD	CONCORD 37 LLC	OUTSIDE MAINTENANCE	11/10/2022	12/2/2022		1	NO
187	6	150191602300	1350 W MEQUON ROAD	CONCORD 37 LLC	OUTSIDE MAINTENANCE	11/10/2022	12/2/2022		1	NO
188	8	150320700200	10000 N PORT WASHINGTON ROAD	PARK AVENUE PLAZA OF MEQUON	OUTSIDE MAINTENANCE	11/10/2022	12/2/2022		1	NO
189	6	151850001000	1511 MARKET STREET	LAKESIDE DEVELOPMENT COMPANY	OUTSIDE MAINTENANCE	11/10/2022	12/2/2022		1	NO
190	5	150201101000	11300 N PORT WASHINGTON ROAD	(PNS) SCHMIDT MEQUON LLC	OUTSIDE MAINTENANCE	11/15/2022	12/16/2022		EXTENSION NEW OWNER	YES
191	7	140501403003	10015 N RIVER ROAD	JEFF OR BETH ASTEMBORSKI	OUTSIDE STORAGE	11/17/2022	12/2/2022		1	NO
192	4	140341100400	9716 N WAUWATOSA ROAD	ANDREW BERGMAN	PARKING	11/17/2022	12/2/2022		1	NO
193	4	140341100400	9716 N WAUWATOSA ROAD	ANDREW BERGMAN	OUTSIDE STORAGE	11/17/2022	12/2/2022		1	NO
194	4	140340500800	10146 N WAUWATOSA ROAD	ROBERT PETZOLD JR	PARKING	11/17/2022	12/2/2022		1	NO
195	4	140340500800	10146 N WAUWATOSA ROAD	ROBERT PETZOLD JR	OUTSIDE STORAGE	11/17/2022	12/2/2022		1	NO
196	1	140181300800	12031 N GRANVILLE ROAD	LINDENWOOD FARMS	PARKING	11/17/2022	12/2/2022		1	NO
197	1	140181300800	12031 N GRANVILLE ROAD	LINDENWOOD FARMS	OUTSIDE STORAGE	11/17/2022	12/2/2022		1	NO
198	8	RENTAL	10840 N PORT WASHINGTON ROAD	TOBIN JEWELERS	BANNER	11/30/2022	12/8/2022		1	NO
199	6	151530001000	1505 W MEQUON ROAD	EAST TOWNE SQUARE MALL	BANNER/FLAGS	11/30/2022	12/8/2022		1	NO
200	3	140860219000	11428 N VEGA AVENUE	MARK KRUEGER	OUTSIDE STORAGE	12/6/2022	12/20/2022		1	NO
201	3	140860219000	11428 N VEGA AVENUE	MARK KRUEGER	PARKING	12/6/2022	12/20/2022		1	NO
202	3	140860220000	7907 W WILLOWBROOK DRIVE	BENJAMIN AHANGER	OUTSIDE STORAGE	12/6/2022	12/20/2022		1	NO
203	6	150191500300	1836 W MEQUON ROAD	REGINALD FLETCHER	OUTSIDE STORAGE	12/6/2022	12/20/2022		1	NO
204	3	140881604000	11329 N MEADOWBROOK DRIVE	JEREMY GONZALES	PARKING	12/7/2022	12/14/2022		1	NO
205	3	140881602000	11309 N MEADOWBROOK DRIVE	KIMBERLY SCIDMORE OR KERRY HANSEN	PARKING	12/7/2022	12/14/2022		1	NO
206	3	140870807000	11730 N RIDGEWAY AVENUE	DAVID WOZNIAK	PARKING	12/7/2022	12/14/2022		1	NO
207	3	140881708000	11310 N MEADOWBROOK DRIVE	GREEN HILL PROPERTIES	PARKING	12/7/2022	12/14/2022		#5 CITATION 1,2	NO
208	3	140871001000	11932 N SILVER AVENUE	DANIEL MUELLER	PARKING	12/7/2022	12/14/2022		1	NO
209	4	140270201200	11030 N BUNTROCK AVENUE	SANG WOO NAM	PARKING	12/9/2022	12/16/2022		1	NO
210	5	150830013001	13560 N LAKESHORE DRIVE	MICHAEL COLE	PARKING	12/13/2022	12/27/2022		1	NO
211	2	150180600500	12750 N SHORELAND PARKWAY	GRANTIT REMODELS LLC	PARKING	12/14/2022	12/29/2022		1	NO
212	8	RENTAL	10038 N PORT WASHINGTON ROAD	MOM'S ALTERATIONS	BANNER	12/22/2022	12/30/2022		#5 CITATION 1,	NO
213	2	140140400100	12435 N RIVER ROAD	JOSEPH OR MELANIE DEVORKIN	BUILDING PERMIT	12/22/2022	1/6/2023		#5 CITATION 1	NO
214	1	141440022001	7421 RIDGEVIEW DRIVE	YOUSSEF BERRADA	ACCESSORY STRUCTURE (2)	12/29/2022	1/27/2023		#5 CITATION 1	YES
215	1	141440022001	7421 RIDGEVIEW DRIVE	YOUSSEF BERRADA	SURVEY	12/29/2022	1/12/2023		1	NO
216	6	150600216000	10212 SUNNYCREST DRIVE	HPA III ACQUISITIONS 1 LLC	PARKING	1/6/2023	1/19/2023		1	NO
217	4	140340600900	7227 W DONGES BAY ROAD	ANTOINETTE JACKSON	PARKING	1/11/2023	1/27/2023		1	NO
218	4	140340600900	7227 W DONGES BAY ROAD	ANTOINETTE JACKSON	OUTSIDE STORAGE	1/11/2023	1/27/2023		1	NO
219	3	140510104000	11201 N SOLAR AVENUE	CHRISTOPHER BESLER	OUTSIDE MAINTENANCE	1/12/2023	1/19/2023		#5 CITATION #1	NO
220	8	151790001000	10526 N PORT WASHINGTON ROAD	CONCORD 34 LLC	ELECTRIC	1/19/2023	2/17/2023		1	NO
221	8	151790001000	10526 N PORT WASHINGTON ROAD	CONCORD 34 LLC	DUMPSTER DOORS	1/19/2023	4/15/2023		1	NO
222	8	151790001000	10526 N PORT WASHINGTON ROAD	CONCORD 34 LLC	STORAGE CONTAINER	1/19/2023	2/17/2023		1	NO
223	4	140500506000	11100 N GREEN BAY ROAD	EW DEVELOPMENT CORP	REFUSE	1/20/2023	2/3/2023		#5 CITATION 1	NO
224	4	140500506000	11100 N GREEN BAY ROAD	EW DEVELOPMENT CORP	OUTSIDE MAINTENANCE	1/20/2023	5/1/2023		1	NO
225	6	150190400400	11743 N PORT WASHINGTON ROAD	SHELY 2012 IRREVOCABLE TRUST	OUTSIDE MAINTENANCE	1/26/2023	2/7/2023		#5 CITATION 1,2	NO
226	3	140510104000	11201 N SOLAR AVENUE	CHRISTOPHER BESLER	PARKING	2/2/2023	2/9/2023		1	NO
227	6	151290001000	11001 N PORT WASHINGTON ROAD	ACE HARDWARE	COMMUNITY SPIRIT LETTER	2/9/2023	OPEN		1	NO
228	6	150300100700	1425 W MEQUON ROAD	BMO HARRIS BANK	COMMUNITY SPIRIT LETTER	2/9/2023	OPEN		1	NO
229	6	151290017000	1317 W TOWNE SQUARE ROAD	MEQUON UNIT-17 LLC	COMMUNITY SPIRIT LETTER	2/9/2023	OPEN		1	NO
230	8	151750010144	10144 N PORT WASHINGTON ROAD	SSRF LLC	COMMUNITY SPIRIT LETTER	2/9/2023	OPEN		1	NO
231	6	151710002000	10602 N PORT WASHINGTON ROAD	PJL 10935 LLC	COMMUNITY SPIRIT LETTER	2/9/2023	OPEN		1	NO
232	5	150200600100	1025 W GLEN OAKS LANE	GLEN OAKS OFFICE PARK LLC	COMMUNITY SPIRIT LETTER	2/9/2023	OPEN		1	NO
233	3	140500202001	8200 W MEQUON ROAD	ST PAULS FISH COMPANY	OUTSIDE STORAGE	2/14/2023	2/28/2023		1	NO
234	4	140271600600	6130 W DONGES BAY ROAD	JWI LLC	OUTSIDE STORAGE	2/16/2023	3/10/2023		1	NO
235	4	140261100700	10412 N BAEHR ROAD	MEHTA PROPERTIES LLC	COMMUNITY SPIRIT LETTER	2/16/2023	OPEN		1	NO
236	4	RENTAL	5900 W MEQUON ROAD	CAFE HOLLANDER	BANNER	2/21/2023	2/28/2023		1	NO
237	6	151001310000	12510 N PILOT DRIVE	JEAN GORSKI	OUTSIDE MAINTENANCE	2/22/2023	5/31/2023		1	NO
238	1	141440022001	7421 RIDGEVIEW DRIVE	YOUSSEF BERRADA	BUILDING PERMIT	2/27/2023	3/14/2023		EXTENSION	YES
239	3	140892302000	11433 N TOWER LANE	JULIS OR ALICE HOLDEN	SUMP PUMP	2/28/2023	3/8/2023		1	NO
240	1	140171101200	10545 W HEATHER DRIVE	STEPHANIE WELDON	BUILDING PERMIT	3/1/2023	3/14/2023		1	NO
241	6	150291100700	10510 N PORT WASHINGTON ROAD	PETU	HVAC AND ELECTRIC PERMITS	3/7/2023	4/7/2023		1	NO
242	2	140130600800	12602 N RIVER ROAD	GARY OR JUNE GEIGER	BASKETBALL COURT	3/9/2023	5/31/2023		1	NO
243	8	150291100200	10404 N PORT WASHINGTON ROAD	FERRANTES PIZZA	OUTSIDE MAINTENANCE	3/16/2023	7/28/2023		1	NO
244	8	RENTAL	10972 N PORT WASHINGTON ROAD	THE JOINT CHIROPRACTIC	SIGN	3/16/2023	3/23/2023		1	NO

	A	B	C	D	E	F	G	I	J	K
245	8	RENTAL	10916 N PORT WASHINGTON ROAD	ELITE NUTRITION	SIGN	3/18/2023	3/23/2023		1	NO
246	8	RENTAL	10902 N PORT WASHINGTON ROAD	NEROLI SALON	SIGN	3/16/2023	3/23/2023		1	NO
247	8	151060024000	429 W THORNAPPLE LANE	FRANK TRUST	PARKING	4/4/2023	4/11/2023		1	NO
248	8	RENTAL	10984 N PORT WASHINGTON ROAD	MARSHALLS MEQUON	COMMUNITY SPIRIT LETTER	4/10/2023			1	NO
249	8	RENTAL	10964 N PORT WASHINGTON ROAD	PET SUPPLIES PLUS MEQUON	COMMUNITY SPIRIT LETTER	4/10/2023	OPEN		1	NO
250	8	RENTAL	10930 N PORT WASHINGTON ROAD	SENDIKS MARKET MEQUON	COMMUNITY SPIRIT LETTER	4/10/2023	OPEN		1	NO
251	8	150290601000	10930 N PORT WASHINGTON ROAD	BRIXMOR MEQUON	COMMUNITY SPIRIT LETTER	4/10/2023	OPEN		1	NO
252	4	140710027000	4807 W ELMDALE ROAD	OLEG KONOVCHKO	PARKING	4/18/2023	5/31/2023		#5 CITATION 1,2,3	NO
253	6	151230502000	12010 N RIVER GLENN LANE	KENNETH R NASON OR LESLEY A SCHWARTZ-NASON	OUTSIDE STORAGE	4/18/2023	4/26/2023		1	NO
254	4	140500905004	10240 N CEDARBURG ROAD	SYBARIS	OUTSIDE MAINTENANCE	4/26/2023	5/15/2023		1	NO
255	4	140501001000	10365 N CEDARBURG ROAD	TAYLOR AND DUNNS	OUTSIDE MAINTENANCE	4/26/2023	6/1/2023		1	NO
256	2	140850404000	3403 W COLETTE COURT	PAWEL WYDRA	OUTSIDE STORAGE	5/1/2023	5/15/2023		#5 CITATION 1	NO
257	8	150291100500	10500 N PORT WASHINGTON ROAD	LISA HOLDEN	PARKING	5/10/2023	OPEN		#5 CITATION 1	NO
258	1	140300600500	12323 W MEQUON ROAD	JONATHAN SCHOTTE	PARKING	5/12/2023	5/19/2023		1	NO
259	8	150320600200	10353 N PORT WASHINGTON ROAD	SOBELMANS 10352 LLC	OUTSIDE MAINTENANCE	5/12/2023	EXTENSION		EXTENSION NEW OWNER	YES
260	7	140250600800	11152 N RIVER ROAD	STROLI REAL ESTATE LLC	OUTSIDE MAINTENANCE	5/12/2023	5/22/2023		1	NO
261	1	140300500400	11805-11807 W MEQUON ROAD	MAE BRIELMAIER	PARKING	5/16/2023	5/26/2023		1	NO
262	1	140300500400	11805-11807 W MEQUON ROAD	MAE BRIELMAIER	OUTSIDE STORAGE	5/16/2023	5/26/2023		1	NO
263	2	140230400100	11761 N RIVER ROAD	EVAN OR SANDRA MORGAN	OUTSIDE LIGHTING	5/23/2023	6/2/2023		#5 CITATION	NO
264	5	150170800500	12531 N LAKE SHORE DRIVE	STEVEN OR KIMBERLY BROWN	GARBAGE	5/23/2023	5/30/2023		1	NO
265	5	150170200200	12730 N LAKE SHORE DRIVE	FREDRICK REED	GARBAGE	5/23/2023	5/30/2023		1	NO
266	7	140250700700	109062 N RIVER ROAD	JEFFREY OR JAMY LEVESQUE	SUMP PUMP	5/24/2023	6/2/2023		1	NO
267	2	140240200500	11808 N RIVERLAND ROAD	BORIS PERMITIN	OUTSIDE STORAGE	6/8/2023	7/7/2023		1	NO
268	4	140501304006	9839 N ARROWWOOD ROAD	THOMAS OR MARY CONNOLLY	PARKING	6/8/2023	6/23/2023		1	NO
269	2	140820648000	2916 W SHOLES DRIVE	DAVID OR ELIZABETH SANDE	PARKING	6/8/2023	6/16/2023		1	NO
270	2	140820214000	2911 W SHOLES DRIVE	JOHN OR BARBARA MULGREW	PARKING	6/8/2023	6/16/2023		1	NO
271	2	140820101000	11855 N AUER LANE	JAMES OR JOANNE GUTHRIE PETERSON	PARKING	6/8/2023	6/16/2023		1	NO
272	3	141220007000	11909 N SOLAR AVENUE	BRANDON OR SARAH ZELAZOSKI	PARKING	6/8/2023	6/16/2023		1	NO
273	2	141160018000	3134 W WOODFIELD DRIVE	SCOTT EDISON	GRASS	6/8/2023	6/16/2023		1	NO
274	7	140700145000	3531 W LE GRANDE BLVD	LAC DU GRUBER LLC	OUTSIDE MAINTENANCE	6/8/2023	6/29/2023		1	NO
275	7	150560205000	1425 W ZEDLER LANE	BRADFORD FIGG	GRASS	6/19/2023	6/26/2023		1	NO
276	5	150051400200	13920 N LAKE SHORE DRIVE	RAPHAEL OR IRENE BRUNETTE	OUTSIDE STORAGE	6/21/2023	7/12/2023		1	NO
277	1	RENTAL	14015 N CEDARBURG ROAD	THE WHITE RABBIT	CONDITIONAL USE GRANT	6/21/2023	6/29/2023		1	NO
278	6	RENTAL	1402 W MEQUON ROAD	KUMON MATH AND READING	BANNER	6/28/2023	7/1/2023		1	NO
279	6	RENTAL	1340 W MEQUON ROAD	NORTH SHORE JEWELERS	BANNER	6/28/2023	7/1/2023		1	NO
280	6	RENTAL	1406 W MEQUON ROAD	LITTLE SPROUTS PLAY CAFE	BANNER	6/28/2023	7/1/2023		1	NO
281	6	RENTAL	1330 W MEQUON ROAD	COCOA TREE CONFECTIONARY	BANNER	6/28/2023	7/1/2023		1	NO
282	6	RENTAL	1300 W MEQUON ROAD	PANERA BREAD	BANNER	6/28/2023	7/1/2023		1	NO
283	4	140560305000	5103 W WESTFIELD ROAD	DAVID KRIEGEL	OUTSIDE STORAGE	6/29/2023	7/6/2023		1	NO
284	4	140560305000	5103 W WESTFIELD ROAD	DAVID KRIEGEL	PARKING	6/29/2023	7/13/2023		1	NO
285	4	140840205000	9612 N MEQUON PLACE	JUSTIN BIRKEL	OUTSIDE STORAGE	6/29/2023	7/6/2023		1	NO
286	4	140840205000	9612 N MEQUON PLACE	JUSTIN BIRKEL	GRASS	6/29/2023	7/6/2023		1	NO
287	6	150900603000	11541 N LAGUNA DRIVE	INA PETROVICI	PARKING	7/6/2023	7/20/2023		1	NO
288	6	140771401000	2716 W CHESTNUT ROAD	HOWARD DUBOFF	PERMITS	7/19/2023	8/20/2023		1	NO
289	6	150830002000	13418 LAKEWOOD DRIVE	SAMUAL OR NINA KIRK	OUTSIDE MAINTENANCE	8/4/2023	9/4/2023		1	NO
290	6	150200200700	326 SEACROFT COURT	DANIEL DOMAGALA	PARKING	8/4/2023	8/11/2023		#5 CITATION 1	NO
291	8	150540506000	10903 N SAN MARINO DRIVE	KARSTEN OR KELLY HUTTELMAIER	OUTSIDE MAINTENANCE	8/4/2023	8/18/2023		1	NO
292	4	140710007000	4707 W ELMDALE ROAD	MALACHY TOAL	OUTSIDE MAINTENANCE	8/4/2023	8/18/2023		1	NO
293	5	150180600500	12750 N SHORELAND PARKWAY	GRANTIT REMODELS LLC	GRASS	8/9/2023	8/19/2023		1	NO
294	8	151060024000	429 W THORNAPPLE LANE	FRANK TRUST	OUTSIDE STORAGE	8/9/2023	8/19/2023		1	NO
295	7	140250601000	11006 N RIVER ROAD	JUAN OR DANA OZOZCO	PARKING	8/23/2023	9/1/2023		1	NO
296	1	140300100700	11031 N GRANVILLE ROAD	MIROSLAW OR IWONA PAWELEC	HOME OCCUPATION BUSINESS	8/23/2023	9/1/2023		1	NO
297	8	150820600200	10952 N PORT WASHINGTON ROAD	GUZAM PROPERTIES LLC	COMMUNITY SPIRIT LETTER	8/31/2023	10/1/2023		1	NO
298	4	140501305007	9807 N CEDARBURG ROAD	RYAN OR KATHERINE KAUTZER	GRASS	9/1/2023	9/14/2023		1	NO
299	4	140501001000	10365 N CEDARBURG ROAD	10365 LLC	OUTSIDE STORAGE	9/1/2023	9/14/2023		1	NO
300	7	140850103000	4429 W TARRYTOWN LANE	THOMAS OR RUBY AHMANN	PARKING	9/1/2023	9/14/2023		1	NO
301	6	150800200600	11122 N ORIOLE LANE	NICOLAS ERDMANN	SHED PERMIT	9/1/2023	9/14/2023		1	NO
302	4	140501305006	9809 N CEDARBURG ROAD	BONNIWELL 9807 LLC	GRASS	9/6/2023	9/20/2023		1	NO
303	6	CONDO ASSN	IVY COURT GREENBRIER CONDO ASSN	HUNT MANAGEMENT	COMMUNITY SPIRIT LETTER	10/5/2023	OPEN		1	YES
304	2	140230400100	11761 N RIVER ROAD	SANDRA MORGAN	LIGHTING	10/25/2023	11/1/2023		#5 CITATION 1,2,3	NO
305	3	140500108001	6614 W MEQUON ROAD	ERIKA JANIK	LIGHTING	10/25/2023	11/1/2023		1	NO

	A	B	C	D	E	F	G	I	J	K
306	7	15085000002	3100 W COUNTRY CLUB DRIVE	NORTH SHORE COUNTRY CLUB	COMMUNITY SPIRIT LETTER	10/25/2024	OPEN		1	NO
307	6	150300101500	11147 N PORT WASHINGTON ROAD	BP GAS STATION	COMMUNITY SPIRIT LETTER	11/2/2023	OPEN		1	NO
308	6	150201101200	11210 N PORT WASHINGTON ROAD	MOBIL GAS STATION	COMMUNITY SPIRIT LETTER	11/2/2023	OPEN		1	NO
309	5	150310101100	10355 N PORT WASHINGTON ROAD	CLARK GAS STATION	COMMUNITY SPIRIT LETTER	11/2/2023	OPEN		EXTENSION	NO
310	3	RENTAL	6000 W MEQUON ROAD	RUBY TAP	LETTER WINE TASTING	11/15/2023	OPEN		1	NO
311	1	140021200100	5320 W BONNIWELL ROAD	PETER OR KRISTA BEAUDOIN	LETTER WINE TASTING	11/15/2023	OPEN		1	NO
312	3	140881618000	11344 N GLENWOOD DRIVE	DEXTER OR CYNTHIA JONES	OUTDOOR LIGHTING	11/16/2023	11/23/2016		1	NO
313	6	RENTAL	1400 W MEQUON ROAD	GF SMOOTHIES ALAN MC FADYEN	BANNER	5/1/2023	11/26/2023		#5 CITATION 1,2,3	YES
314	6	150191600300	1550 W MEQUON ROAD	FIFTH-MAIN	BANNER	11/29/2023	12/7/2023		1	NO
315	5	150920201000	11404 N PINEHURST CIRCLE	EMMA LASKOWSKI	OUTSIDE MAINTENANCE	11/29/2023	4/1/2024		1	NO
316	2	140740110000	5310 W HILLCREST DRIVE	PATRICK OHARE	GRASS	11/29/2023	5/1/2024		1	NO
317	2	140740110000	5310 W HILLCREST DRIVE	PATRICK OHARE	OUTSIDE STORAGE	11/29/2023	12/10/2023		1	NO
318	4	140270201600	6751 W MEQUON ROAD	STORYPOINT SENIOR LIVING	FLAGS	12/7/2023	12/14/2023		1	NO
319	6	150300101500	11147 N PORT WASHINGTON ROAD	BP GAS STATION	FLAG	12/7/2023	12/14/2023		#5 CITATION 1	YES
320	3	RENTAL	6200 W MEQUON ROAD	ST PAULS FISH COMPANY	FLAG	12/7/2023	12/14/2023		1	NO
321	6	150300402000	10911 N PORT WASHINGTON ROAD	ARBYS	FLAG	12/7/2023	12/14/2023		1	NO
322	8	RENTAL	10930 N PORT WASHINGTON ROAD	JERSEY MIKE'S SUBS	FLAG/BANNER	12/7/2023	12/14/2023		1	NO
323	6	151530002000	1505 W MEQUON ROAD	MIDLAND MANAGEMENT	FLAGS/BANNER	12/7/2023	12/14/2023		#5 CITATION 1	YES
324	3	RENTAL	5900 W MEQUON ROAD	CAFÉ HOLLANDER	BANNER	12/7/2023	12/14/2023		1	NO
325	3	140201500300	11246 N FARMDALE ROAD	DENNIS OR MARIE MYLER	PARKING	12/7/2023	12/14/2023		1	NO
326	1	140170901500	12243 N FARMDALE ROAD	GREGORY OR SUSAN ERNST	PARKING	12/7/2023	12/14/2023		1	NO
327	1	140200700300	11713 N FARMDALE ROAD	PAUL OR MARY BRISKI	PARKING	12/7/2023	12/14/2023		1	NO
328	6	150191200100	2110 W MEQUON ROAD	DOUGLAS KOLLER	PARKING	12/7/2023	12/14/2023		1	NO
329	3	140221000600	11512 N WAUWATOSA ROAD	RICK OR PATRICIA FREYMUTH	PARKING	12/7/2023	12/14/2023		#5 CITATION 1	YES
330	6	150900113000	11336 N ARBOR LANE	JOSHUA BRUCKNER	PARKING	12/7/2023	12/14/2023		1	NO
331	8	150320600200	10352 N PORTWASHINGTON ROAD	GUZAM PROPERTIES LLC	OUTSIDE MAINTENANCE	12/11/2023	2/29/2024		#5 CITATION 1, 2	YES
332	8	150760105000	221 E MEQUON ROAD	CHARLES MITCH	BUILDING PERMIT	12/21/2023	1/15/2024		1	NO
333	8	150760107000	11115 N LAKESHORE DRIVE	NICOLAS PASCHKE	BUILDING PERMIT	12/21/2023	1/15/2024		1	NO
334	8	150200201400	428 W SEACROFT COURT	JOHN L'NSCOTT	POD	12/26/2023	1/10/2024		#5 CITATION 1	YES
335	6	150190500600	1714 W MEQUON ROAD	JOE WALTER PROPERTIES LLC	LANDSCAPING TREE	1/3/2024	1/31/2024		1	NO
336	4	140840107000	9712 N MEQUON PLACE	TOUA YANG	OUTSIDE STORAGE	1/5/2024	1/12/2024		1	NO
337	4	141030328000	9939 N CONCORD DRIVE	PAUL DOMAZ	PARKING	1/5/2024	1/19/2024		1	NO
338	2	140730010000	11339 N PARKVIEW DRIVE	PLANTINIUM POINT PROPERTIES LLC	OUTSIDE LIGHTING	1/11/2024	1/25/2024		1	NO
339	2	140740310000	5520 W PLEASANT DRIVE	PHILIP NUELK	OUTSIDE LIGHTING	1/11/2024	1/25/2024		1	NO
340	1	141640001000	14195 N TWIN OAKS LANE	ENID TROTMAN ANYANWU	BUILDING PERMIT	10/6/2023	10/23/2023		#5 CITATION 1	YES
341	2	140940215000	3217 W FLEUR DE LIS DRIVE	ADEEB OR SIBA RAHMAN	STRUCTURE	1/31/2024	2/7/2024		1	NO
342	2	140940215000	3217 W FLEUR DE LIS DRIVE	ADEEB OR SIBA RAHMAN	PARKING	1/31/2024	2/7/2024		1	NO
343	7	140250700700	10962 N RIVER ROAD	JEFFREY OR JAMY LEVESQUE	PARKING	2/13/2024	27-Feb		1	NO
344	6	RENTAL	1402 W MEQUON ROAD	KUMON MATH AND READING	BANNER	2/20/2024	2/27/2024		#5 CITATION 1	YES
345	6	150191600300	1550 W MEQUON ROAD	FIFTH-MAIN	BANNER	2/20/2024	2/27/2024		1	NO
346	8	151340025000	211 W TRILLIUM ROAD	SCOTT OR SANDRA STERN	OUTSIDE STORAGE	2/22/2024	3/1/2024		1	NO
347	3	140870805000	11750 N SILVER AVENUE	LUJESS LLC - JESSE HYPHE	OUTSIDE MAINTENANCE	2/27/2024	3/14/2024		EXTENSION	YES
348	5	150170800500	12531 N LAKE SHORE DRIVE	STEVEN BROWN	REFUSE CONTAINER	3/7/2024	3/12/2024		1	NO
349	3	140280600200	8813 W MEQUON ROAD	TOLUOLOPE OLANDINI OR VICTORIA HANNEMAN	OUTSIDE STORAGE	3/22/2024	4/5/2024		1	NO
350	2	140580401000	4618 W GRACE AVENUE	GAIL SKIFF	BUILDING PERMITS	3/22/2024	4/5/2024		1	NO
351	8	151070112002	1027 W DONGES BAY ROAD	MARY JOHNSON	OUTSIDE MAINTENANCE	4/2/2024	4/30/2024		EXTENSION	YES
352	2	140231600300	11307 N RIVER ROAD	JOHN OR KATHLEEN LEFEBER NELSON	OUTSIDE STORAGE	4/18/2024	4/25/2024		EXTENSION	YES
353	2	140231600300	11307 N RIVER ROAD	JOHN OR KATHLEEN LEFEBER NELSON	OUTSIDE MAINTENANCE	4/18/2024	5/18/2024		1	NO
354	2	140240701200	11610 N RIVER ROAD	MARILYN MANKE	OUTSIDE MAINTENANCE	4/18/2024	5/18/2024		EXTENSION	YES
355	2	140240701400	11611 N GRACE COURT	MARY JO JANSEN OR STEVEN SHAPSON	OUTSIDE MAINTENANCE	4/18/2024	5/18/2024		EXTENSION	YES
356	8	150290601000	10930 N PORT WASHINGTON ROAD	BRIXMOR GROUP	OUTSIDE MAINTENANCE	4/25/2024	5/31/2024		EXTENSION	YES
357	6	XXXXXXXXXX	224 N 76TH STREET	BRIARWOOD CONDO ASSOCIATION	OUTSIDE MAINTENANCE	5/3/2024	6/3/2024		EXTENSION	YES
358	6	150310101100	10355 N PORT WASHINGTON ROAD	CLARK GAS STATION	TEMPORARY STRUCTURE	5/3/2024	5/31/2024		1	NO
359	8	150201101200	11210 N PORT WASHINGTON ROAD	MOBIL GAS STATION	TEMPORARY STRUCTURE	5/3/2024	5/31/2024		1	NO
360	6	150300101500	11147 N PORT WASHINGTON ROAD	BP GAS STATION	TEMPORARY STRUCTURE	5/3/2024	5/31/2024		1	NO
361	4	RENTAL	5401 W DONGES BAY ROAD	ALMO DISTRIBUTING	BOP	5/7/2024	5/21/2024		1	NO
362	6	150191500600	1714 W MEQUON ROAD	STATE FARM INSURANCE	MONUMENT SIGN	5/7/2024	5/31/2024		1	NO
363	4	XXXXXXXXXX	10033 N PORT WASHINGTON ROAD	LAKESIDE DEVELOPMENT COMPANY	DEVELOPMENT SIGN	5/8/2024	5/17/2024		1	NO
364	4	140840204000	4725 W CHIPPEWA DRIVE	BRIAN OR JENNIFER KUSCH	YARD WASTE	5/8/2024	5/15/2024		EXTENSION	YES
365	2	140740304000	5417 W ELMHURST DRIVE	STARK REVOCABLE TRUST	PARKING	5/8/2024	5/22/2024		1	NO
366	6	150191601400	11223 N PORT WASHINGTON ROAD	ASSOCIATED BANK	COMMERCIAL LIGHTING	5/15/2024	5/22/2024		1	NO

Attachment: Zoning Enforcement Report through June 1, 2024 (9435 : Zoning Enforcement and Site

	A	B	C	D	E	F	G	I	J	K
367	3	140510104000	11201 N SOLAR AVENUE	CHRISTOPHER BESLER	PARKING	5/17/2024	5/24/2024		EXTENSION	YES
368	2	140580205000	4430 W GRACE AVENUE	HOMEME LLC	GRASS	5/17/2024	6/7/2024			YES
369	2	140580205000	4430 W GRACE AVENUE	HOMEME LLC	OUTSIDE STORAGE	5/17/2024	5/24/2024			YES
370	8	150740114000	10522 N CIRCLE ROAD	MDM 20 LLC	SHORT TERM RENTAL	5/22/2024	6/5/2024			YES
371	6	150870104000	1342 HOMESTEAD TRAIL	GRACEFUL LIVING	BUILDING PERMIT	5/3/2024	5/13/2024		#5 CITATION 1	YES
372	3	140510103000	7816 W MEQUON ROAD	JOHN MOORE	PARKING	5/23/2024	6/6/2024			YES
373	3	140510103000	7816 W MEQUON ROAD	JOHN MOORE	OUTSIDE STORAGE	5/23/2024	6/6/2024			YES
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Office of Community Development

TO: Common Council
FROM: Kim Tollefson, Director of Community Development
DATE: April 9, 2024
SUBJECT: ORDINANCE 2024-1662 An Ordinance Repealing and Recreating Article XI within Chapter 58 of the Mequon Municipal Code, as it Relates to Floodplain Zoning

Background

Earlier this year, the Federal Emergency Management Agency (FEMA) released updated draft floodplain maps and corresponding Flood Insurance Studies for all communities in Ozaukee County. In order to remain in the National Flood Insurance Program, the City is required to adopt the new maps by July 31, 2024. In addition, the Wisconsin Department of Natural Resources (WDNR) is requiring the City to adopt an updated model floodplain ordinance and new flood storage district maps as part of this process.

Analysis

Based on the feedback received at the Committee of the Whole's meeting on April 9, 2024, staff has updated the draft floodplain ordinance to eliminate the provisions associated with the Community Rating System. Staff has also updated language regarding the covering of a deck, based on the direction of the Council which is highlighted on page 17 of the ordinance. The City Attorney has also updated the section addressing the conflict with the existing zoning map which is highlighted on page four.

The proposed draft ordinance in its current form has been reviewed and approved by WDNR. Once it is adopted by the City, the WDNR will send it to FEMA for final approval.

Fiscal Impact

The fiscal impact is neutral.

Recommendation

The Planning Commission recommended approval of the proposed ordinance at its meeting on March 18, 2024, by a vote of 8-0. The Public Welfare Committee recommended approval of the proposed ordinance at its meeting on May 14, 2024, by a vote of 3-0.

Attachments:

Exhibit A: Draft Model Ordinance (DOCX)

Exhibit B: CRS Guide(PDF)

COMMON COUNCIL
OF THE
CITY OF MEQUON

ORDINANCE 2024-1662

An Ordinance Repealing and Recreating Article XI within Chapter 58 of the Mequon Municipal Code, as it Relates to Floodplain Zoning

RECITALS

A. The Common Council previously adopted Article XI within Chapter 58 of the Mequon Municipal Code, which regulates development in floodplains within the City pursuant to Wis. Stat. §§ 62.23 and 87.30.

B. The Federal Emergency Management Agency prepared and adopted revised floodplain maps for the Milwaukee River watershed, which must be adopted by July 31, 2024.

C. As part of the adoption of the revised floodplain maps, the Wisconsin Department of Natural Resources (WDNR) requires the adoption of a floodplain zoning ordinance substantially similar to the model ordinance the Department has prepared.

D. The Planning Commission recommended approval of the proposed ordinance on March 18, 2024.

E. Based upon the Planning Commission's recommendation, and all public input provided at the public hearing before the Common Council, the Common Council finds that development and use of the floodplains and rivers of the City would impair the public health, safety, convenience, general welfare and tax base, and that reasonable regulation of such development is necessary.

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

SECTION I

Article XI of Chapter 58 of the Mequon Municipal Code is repealed and recreated to read as shown on the attached Exhibit A.

SECTION II

The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

SECTION III

All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.

SECTION IV

This Ordinance shall become effective after its publication and on July 31, 2024 as provided by law.

Approved by: Andrew Nerbun, Mayor

Date Approved: June 11, 2024

I certify that the foregoing Ordinance was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on June 11, 2024.

Caroline Fochs, City Clerk

Published: _____

ARTICLE XI. – FLOODPLAIN ZONING

DIVISION 1 STATUTORY AUTHORIZATION, FINDING OF FACT, STATEMENT OF PURPOSE, TITLE, AND GENERAL PROVISIONS

58-750. - Statutory Authorization.

This article is adopted pursuant to the authorization in Wis. Stat. §§ 62.23 and 87.30.

58-751. - Findings of Fact.

The common council finds that uncontrolled development and use of the floodplains and rivers of this municipality would impair the public health, safety, convenience, general welfare, and tax base, and that reasonable regulation of such development is necessary.

58-752. - Statement of Purpose.

This article is intended to regulate floodplain development to:

- (1) Protect life, health and property.
- (2) Minimize expenditures of public funds for flood control projects.
- (3) Minimize rescue and relief efforts undertaken at the expense of the taxpayers.
- (4) Minimize business interruptions and other economic disruptions.
- (5) Minimize damage to public facilities in the floodplain.
- (6) Minimize the occurrence of future flood blight areas in the floodplain.
- (7) Discourage the victimization of unwary land and homebuyers.
- (8) Prevent increases in flood heights that could increase flood damage and result in conflicts between property owners; and
- (9) Discourage development in a floodplain if there is any practicable alternative to locate the activity, use or structure outside of the floodplain.

58-753. – Title.

This division shall be known as the Floodplain Zoning Ordinance for Mequon, Wisconsin.

58-754. – Definitions.

Unless specifically defined, words and phrases in this article shall have their common law meaning and shall be applied in accordance with their common usage. Words used in the present tense include the future, the singular number includes the plural, and the plural number includes the singular. The word "may" is permissive, "shall" is mandatory and is not discretionary. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

A Zones: Those areas shown on the Official Floodplain Zoning Map which would be inundated by the regional flood. These areas may be numbered or unnumbered A Zones. The A Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.

AH Zone: See “AREA OF SHALLOW FLOODING.”

AO Zone: See “AREA OF SHALLOW FLOODING.”

Accessory Structure or Use: A facility, structure, building or use which is accessory or incidental to the principal use of a property, structure or building. An accessory structure shall not be used for human habitation.

Alteration: An enhancement, upgrade or substantial change or modification other than an addition or repair to a dwelling or to electrical, plumbing, heating, ventilating, air conditioning and other systems within a structure.

Area of Shallow Flooding: A designated AO, AH, AR/AO, AR/AH, or VO zone on a community’s Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flood may be evident. Such flooding is characterized by ponding or sheet flow.

Base Flood or Base Flood Event (BFE): Means the flood having a one percent chance of being equaled or exceeded in any given year, as published by FEMA as part of a FIS and depicted on a FIRM.

Basement: Any enclosed area of a building having more than one-half of the story height below grade.

Building: See “STRUCTURE.”

Bulkhead Line: A geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the WDNR pursuant to Wis. Stat. § 30.11 and which allows limited filling between this bulkhead line and the original ordinary highwater mark, except where such filling is prohibited by the floodway provisions of this article.

Campground: Any parcel of land which is designed, maintained, intended, or used for the purpose of providing sites for nonpermanent overnight use by 4 or more camping units, or which is advertised or represented as a camping area.

Camping Unit: Any portable device, no more than 400 square feet in area, used as a temporary shelter, including but not limited to a camping trailer, motor home, bus, van, pick-up truck, or tent that is fully licensed, if required, and ready for highway use.

Certificate of Compliance: – A certification issued by the department of community development that the construction and the use of land or a building, the elevation of fill or the lowest floor of a structure is in compliance with all of the provisions of this article.

Channel: A natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.

Crawlways or Crawl Space: An enclosed area below the first usable floor of a building, generally less than five feet in height, used for access to plumbing and electrical utilities.

Deck: An unenclosed exterior structure that has no roof or sides and has a permeable floor which allows the infiltration of precipitation.

Development: Any artificial change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or alterations to buildings, structures or accessory structures; the repair of any damaged building, structure, or accessory structure, or the improvement or renovation of any building, structure, or accessory structure, regardless of percentage of damage or improvement; the placement of buildings, structures, or accessory structures; subdivision layout and site preparation; mining, dredging, filling, grading, paving, excavation or drilling operations; the storage, deposition or extraction of materials or equipment; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.

Dryland Access: A vehicular access route which is above the regional flood elevation, and which connects land located in the floodplain to land outside the floodplain, such as a road with its surface above regional flood elevation and which is wide enough for wheeled rescue and relief vehicles.

Encroachment: Any fill, structure, equipment, use or development in the floodway.

Federal Emergency Management Agency (FEMA): The federal agency that administers the National Flood Insurance Program.

Flood Insurance Rate Map (FIRM): A map of a community on which the Federal Insurance Administration has delineated both the floodplain and the risk premium zones applicable to the community. This map can only be amended by the Federal Emergency Management Agency.

Flood or Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas caused by one or more of the following conditions:

- The overflow or rise of inland waters.
- The rapid accumulation or runoff of surface waters from any source.

- The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of Lake Michigan; or
- The sudden increase caused by an unusually high-water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.

Flood Frequency: The probability of a flood occurrence which is determined from statistical analyses. The frequency of a particular flood event is usually expressed as occurring, on the average once in a specified number of years or as a percent (%) chance of occurring in any given year.

Floodfringe: That portion of the floodplain outside of the floodway which is covered by flood waters during the regional flood and associated with standing water rather than flowing water.

Flood Hazard Boundary Map: A map designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A Zones and do not contain floodway lines or regional flood elevations. This map forms the basis for both the regulatory and insurance aspects of the National Flood Insurance Program (NFIP) until superseded by a Flood Insurance Study and a Flood Insurance Rate Map.

Flood Insurance Study (FIS): A technical engineering examination, evaluation, and determination of the local flood hazard areas. It provides maps designating those areas affected by the regional flood and provides both flood insurance rate zones and base flood elevations and may provide floodway lines. The flood hazard areas are designated as numbered and unnumbered A Zones. Flood Insurance Rate Maps, that accompany the Flood Insurance Study, form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.

Floodplain: Land which has been or may be covered by flood water during the regional flood. It includes the floodway and the floodfringe and may include other designated floodplain areas for regulatory purposes.

Floodplain Island: A natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.

Floodplain Management: Policy and procedures to ensure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.

Flood Profile: A graph or a longitudinal profile line showing the relationship of the water surface elevation of a flood event to locations of land surface elevations along a stream or river.

Floodproofing: Any combination of structural provisions, changes or adjustments to properties and structures, water and sanitary facilities and contents of buildings subject to flooding, for the purpose of reducing or eliminating flood damage.

Flood Protection Elevation: An elevation of two feet of freeboard above the Regional Flood Elevation.

Flood Storage: Those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge.

Floodway: The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.

Freeboard: A safety factor expressed in terms of a specified number of feet above a calculated flood level. Freeboard compensates for any factors that cause flood heights greater than those calculated, including ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of watershed urbanization, loss of flood storage areas due to development and aggregation of the river or stream bed.

Habitable Structure: Any structure or portion thereof used or designed for human habitation.

Hearing Notice: Publication or posting meeting the requirements of Wis. Stat. Ch. 985. For appeals, a Class 1 notice, published once at least one week (7 days) before the hearing, is required. For all zoning ordinances and amendments, a Class 2 notice, published twice, once each week consecutively, the last at least one week (7 days) before the hearing. The requirements of sec. 58-43 of this code shall also apply as applicable.

High Flood Damage Potential: Damage that could result from flooding that includes any danger to life or health or any significant economic loss to a structure or building and its contents.

Highest Adjacent Grade: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic Structure: Any structure that is either:

- Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.
- Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.

- Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program, as determined by the Secretary of the Interior, or by the Secretary of the Interior in states without approved programs.

Increase In Regional Flood Height: A calculated upward rise in the regional flood elevation greater than 0.00 foot, based on a comparison of existing conditions and proposed conditions which is directly attributable to development in the floodplain but not attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients and discharge.

Land Use: Any nonstructural use made of unimproved or improved real estate. (See also: "DEVELOPMENT.")

Lowest Adjacent Grade: Elevation of the lowest ground surface that touches any of the exterior walls of a building.

Maintenance: The act or process of ordinary upkeep and repairs, including redecorating, refinishing, nonstructural repairs, or the replacement of existing fixtures, systems or equipment with equivalent fixtures, systems, or structures.

Manufactured Home: A structure transportable in one or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities. The term "manufactured home" includes a mobile home but does not include a "mobile recreational vehicle."

Mobile/Manufactured Home Park or Subdivision: A parcel (or contiguous parcels) of land, divided into two or more manufactured home lots for rent or sale.

Mobile/Manufactured Home Park or Subdivision, Existing: A parcel of land, divided into two or more manufactured home lots for rent or sale, on which the construction of facilities for servicing the lots is completed before the effective date of this article. At a minimum, this would include the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads.

Mobile/Manufactured Home Park, Expansion to Existing: The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed. This includes installation of utilities, construction of streets and either final site grading, or the pouring of concrete pads.

Mobile Recreational Vehicle: A vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled, carried or permanently towable by a licensed, light-duty vehicle, is licensed for highway use if registration is required and is designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use. Manufactured homes that are towed or carried onto a parcel of land, but do not remain capable of being towed or carried, including park model homes, do not fall within the definition of “mobile recreational vehicles.”

Model, Corrected Effective: A hydraulic engineering model that corrects any errors that occur in the Duplicate Effective Model, adds any additional cross sections to the Duplicate Effective Model, or incorporates more detailed topographic information than that used in the current effective model.

Model, Duplicate Effective: A copy of the hydraulic analysis used in the effective FIS and referred to as the effective model.

Model, Effective: The hydraulic engineering model that was used to produce the current effective Flood Insurance Study.

Model, Existing (Pre-Project): A modification of the Duplicate Effective Model or Corrected Effective Model to reflect any man-made modifications that have occurred within the floodplain since the date of the effective model but prior to the construction of the project for which the revision is being requested. If no modification has occurred since the date of the effective model, then this model would be identical to the Corrected Effective Model or Duplicate Effective Model.

Model, Revised (Post-Project): A modification of the Existing or Pre-Project Conditions Model, Duplicate Effective Model or Corrected Effective Model to reflect revised or post-project conditions.

Municipality or Municipal: The City of Mequon, as the governmental unit enacting, administering, and enforcing this zoning ordinance.

NAVD or North American Vertical Datum: Elevations referenced to mean sea level datum, 1988 adjustment.

NGVD or National Geodetic Vertical Datum: Elevations referenced to mean sea level datum, 1929 adjustment.

New Construction: Structures for which the start of construction commenced on or after the effective date of a floodplain zoning regulation adopted by this community and includes any subsequent improvements to such structures.

Non-Flood Disaster: A fire or an ice storm, tornado, windstorm, mudslide, or other destructive act of nature, but excludes a flood.

Nonconforming Structure: An existing lawful structure or building which is not in conformity with the dimensional or structural requirements of this article for the area of the floodplain which it occupies. (For example, an existing residential structure in the floodfringe district is a conforming use. However, if the lowest floor is lower than the flood protection elevation, the structure is nonconforming.)

Nonconforming Use: An existing lawful use or accessory use of a structure or building which is not in conformity with the provisions of this article for the area of the floodplain which it occupies. (Such as a residence in the floodway.)

Obstruction to Flow: Any development which blocks the conveyance of floodwaters such that this development alone or together with any future development will cause an increase in regional flood height.

Official Floodplain Zoning Map: That map, adopted and made part of this article, as described in sec. 58-755, which has been approved by the WDNR and FEMA.

Open Space Use: Those uses having a relatively low flood damage potential and not involving structures.

Ordinary Highwater Mark: The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.

Person: An individual or group of individuals, corporation, limited liability company, partnership, association, municipality, or state agency.

Private Sewage System: A sewage treatment and disposal system serving one structure with a septic tank and soil absorption field located on the same parcel as the structure. It also means an alternative sewage system approved by the Department of Safety and Professional Services, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure, or a system located on a different parcel than the structure.

Public Utilities: Those utilities using underground or overhead transmission lines such as electric, telephone and telegraph, and distribution and collection systems such as water, sanitary sewer, and storm sewer.

Reasonably Safe from Flooding: Means base flood waters will not inundate the land or damage structures to be removed from the floodplain and that any subsurface waters related to the base flood will not damage existing or proposed buildings.

Regional Flood or Regional Flood Event (RFE): A flood determined to be representative of large floods known to have occurred in Wisconsin. A regional flood is a flood with a one percent chance of being equaled or exceeded in any given year, and if depicted on the FIRM, the RFE is equivalent to the BFE.

Start of Construction: The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond initial excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For an alteration, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure: Any manmade object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, stream bed or lakebed, including, but not limited to, roofed and walled buildings, gas or liquid storage tanks, bridges, dams and culverts.

Subdivision – Has the meaning given in Wis. Stat. § 236.02(12).

Substantial Damage: Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the equalized assessed value of the structure before the damage occurred.

Substantial Improvement: Any repair, reconstruction, rehabilitation, addition or improvement of a building or structure, the cost of which equals or exceeds 50 percent of the equalized assessed value of the structure before the improvement or repair is started. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the work performed. The term does not include either any project for the improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions; or any alteration of a historic structure provided

that the alteration will not preclude the structure's continued designation as a historic structure.

Unnecessary Hardship: Where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height, or density unnecessarily burdensome or unreasonable in light of the purposes of this article.

Variance: An authorization by the board of adjustment or appeals for the construction or maintenance of a building or structure in a manner which is inconsistent with dimensional standards (not uses) contained in the floodplain zoning ordinance.

Violation: The failure of a structure or other development to be fully compliant with this article. A structure or other development without required permits, lowest floor elevation documentation, floodproofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.

Watershed: The entire region contributing runoff or surface water to a watercourse or body of water.

Water Surface Profile: A graphical representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain flood flow. A water surface profile of the regional flood is used in regulating floodplain areas.

Well: means an excavation opening in the ground made by digging, boring, drilling, driving or other methods, to obtain groundwater regardless of its intended use.

WDNR: The Wisconsin Department of Natural Resources.

58-755. - General Provisions.

- (a) *Areas to be regulated.* This article regulates all areas of special flood hazard identified as zones A, AO, AH, A1-30, AE, on the Flood Insurance Rate Map. Additional areas identified on maps approved by the Wisconsin Department of Natural Resources and local community may also be regulated under the provisions of this article, where applicable.
- (b) *Official maps and revisions.* Special Flood Hazard Areas (SFHA) are designated as zones A, A1-30, AE, AH, AO, on the Flood Insurance Rate Maps (FIRMs) based on flood hazard analyses summarized in the Flood Insurance Study (FIS) listed in sub. (1) below. Additional flood hazard areas subject to regulation under this article are identified on maps based on studies approved by the WDNR and listed in sub. (1) below. **These maps and revisions are on file in the office of the department of community**

development. In the event that the maps adopted by this article are in conflict with previously adopted zoning maps, the most restrictive information and provisions shall apply.

- (1) OFFICIAL MAPS: Based on the Flood Insurance Study (FIS)
 - a. Flood Insurance Rate Map (FIRM), panel number 555564165G, 555564168G, 555564169G, 555564188G, 555564189G, 555564193G, 555564194G, 555564230G, 555564231G, 555564232G, 555564233G, 555564234G, 555564251G, 555564252G, 555564253G, 555564254G, 555564256G, 555564257G, 555564 258G, 555564, 259G dated 7/31/2024
 - b. Flood Insurance Study (FIS) for Ozaukee County, dated 7/31/2024.
- (2) OFFICIAL MAPS: Based on other studies. Any maps referenced in this section must be approved by the WDNR and be more restrictive than those based on the FIS at the site of the proposed development.
 - a. Floodplain study for Little Menomonee Creek and Little Menomonee River completed by Laura Herrick, SEWRPC and approved by the WDNR on 1/14/2022.
 - b. Flood Storage Map, panel number 8 dated 7/31/24 approved by the WDNR.
- (c) *Establishment of floodplain zoning districts.* The regulated SFHA within the city are divided into districts as follows:
 - (1) The Floodway District (FW) is the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional floodwaters, within AE Zones as shown on the FIRM, or within A Zones shown on the FIRM when determined according to Sec. 58-790(e).
 - (2) The Floodfringe District (FF) is that portion of a riverine special flood hazard area outside the floodway within AE Zones on the FIRM, or, when floodway limits have been determined according to Sec. 58-790(e), within A Zones shown on the FIRM.
 - (3) The General Floodplain District (GFP) is those riverine areas that may be covered by floodwater during the regional flood in which a floodway boundary has not been delineated on the FIRM and also

includes shallow flooding areas identified as AH and AO zones on the FIRM.

- (4) The Flood Storage District (FSD) is that area of the floodplain where storage of floodwaters is calculated to reduce the regional flood discharge.
- (d) *Locating floodplain boundaries.* Discrepancies between the exterior boundaries of zones A1-30, AE, AH, or A on the official floodplain zoning map and actual field conditions may be resolved using the criteria in sub. (1) or (2) below. If a significant difference exists, the map shall be amended according to Division 8. The director of community development can rely on a boundary derived from a profile elevation to grant or deny a land use permit, whether or not a map amendment is required. The director of community development shall be responsible for documenting actual pre-development field conditions and the basis upon which the district boundary was determined and for initiating any map amendments required under this section. Disputes between the director of community development and an applicant over the district boundary line shall be settled according to Sec. 58-904(c) and the criteria in sub. (1) and (2) below. Where the flood profiles are based on established base flood elevations from a FIRM, FEMA must approve any map amendment or revision pursuant to Division 8.
 - (1) If flood profiles exist, the map scale and the profile elevations shall determine the district boundary. The regional or base flood elevations shall govern if there are any discrepancies.
 - (2) Where flood profiles do not exist for projects, including any boundary of zone A, AO, the location of the boundary shall be determined by the map scale, visual on-site inspection, and any information provided by the WDNR.
- (e) *Removal of lands from floodplain.* All or a portion of a property may be removed from the floodplain boundary and thus regulation under this article by one of the following methods:
 - (1) Compliance with the provisions of this article shall not be grounds for removing land from the floodplain unless it is filled at least two feet above the regional or base flood elevation, the fill is contiguous to land outside the floodplain, and the map is amended pursuant to Division 8.
 - (2) The delineation of any of the Floodplain Districts may be revised by the community where natural or man-made changes have occurred

and/or where more detailed studies have been conducted. However, prior to any such change, approval must be obtained from the Wisconsin Department of Natural Resources and Federal Emergency Management Agency. A completed Letter of Map Revision is a record of this approval. The floodplain administrator shall not sign a community acknowledgement form unless all criteria set forth in the following paragraphs are met:

- a. The land and/or land around the structure must be filled at least two feet above the regional or base flood elevation.
 - b. The fill must be contiguous to land outside the floodplain; Applicant shall obtain floodplain development permit before applying for a LOMR or LOMR-F.
- (3) Removal of lands from the floodplain may also occur by operation of Wis. Stat. § 87.30(1)(e) if a property owner has obtained a letter of map amendment from the federal emergency management agency under 44 C.F.R. § 70. Removals under this sub. (3) do not need to comply with sub. (1) above.
- (f) *Compliance.*
 - (1) No structure or use within areas regulated by this article shall hereafter be located, erected, constructed, reconstructed, repaired, extended, converted, enlarged, or altered without full compliance with the terms of these regulations and all other applicable regulations that apply to uses within the jurisdiction of these regulations.
 - (2) Failure to obtain a floodplain development permit shall be a violation of these regulations and shall be punishable in accordance with Division 9.0.
 - (3) Floodplain development permits issued on the basis of plans and applications approved by the Floodplain Administrator authorize only the use, and arrangement, set forth in such approved plans and applications, or amendments thereto if approved by the Floodplain Administrator. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of these regulations and punishable in accordance with Division 9.0.
- (g) *Municipalities and state agencies regulated.* Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this

article and obtain all necessary permits. State agencies are required to comply if Wis. Stat. § 13.48(13) applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation (WisDOT) is exempt when Wis. Stat. § 30.2022 applies. Although exempt from a local zoning permit and permit fees, WisDOT must provide sufficient project documentation and analysis to ensure that the community is in compliance with Federal, State, and local floodplain standards. If a local transportation project is located within a Zone A floodplain and is not a WisDOT project under Wis. Stat. § 30.2022, then the road project design documents (including appropriate detailed plans and profiles) may be sufficient to meet the requirements for issuance of a local floodplain permit if the following apply: the applicant provides documentation to the community development department that the proposed project is a culvert or bridge replacement having a span of less than 20 feet; the relocation is in the same location; the project is exempt from a WDNR permit under Wis. Stat. § 30.123(6)(d); the water flow capacity through or under the replacement structure is not decreased; the road profile and grade is not raised; and no floodway data is available from a federal, state, or other source. If floodway data is available in the impacted area from a federal, state, or other source that existing data must be utilized by the applicant in the analysis of the project site.

- (h) *Abrogation and greater restrictions.*
 - (1) This article supersedes all the provisions of any municipal zoning ordinance enacted under Wis. Stat. §§ 62.23 or 87.30 which relate to floodplains. A more restrictive ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.
 - (2) This article is not intended to repeal, abrogate, or impair any existing deed restrictions, covenants, or easements. If this article imposes greater restrictions, the provisions of this article shall prevail.
- (i) *Interpretation.* In their interpretation and application, the provisions of this article shall be held to be the minimum requirements and shall be liberally construed in favor of the city and are not a limitation on or repeal of any other powers granted by the Wisconsin Statutes. If a provision of this article, required by Wis. Admin. Code Ch. NR 116, is unclear, the provision shall be interpreted in light of the standards in effect on the date of the adoption of this article or in effect on the date of the most recent text amendment to this article.
- (j) *Warning and disclaimer of liability.* The flood protection standards in this article are based on engineering experience and research. Larger floods may

occur, or the flood height may be increased by man-made or natural causes. This article does not imply or guarantee that non-floodplain areas or permitted floodplain uses will be free from flooding and flood damages. This article does not create liability on the part of, or a cause of action against, the City of Mequon or any officer or employee thereof for any flood damage that may result from reliance on this article.

- (k) *Severability.* Should any portion of this article be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this article shall not be affected.
- (l) *Annexed areas for cities and villages.* The Ozaukee County floodplain zoning provisions in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the municipality adopts and enforces an ordinance which meets the requirements of Wis. Admin. Code Ch. NR 116 and the National Flood Insurance Program (NFIP), 44 C.F.R. Parts 59-72. These annexed lands are described on the municipality's official zoning map. County floodplain zoning provisions are incorporated by reference for the purpose of administering this section and are on file in the office of the director of community development. All plats or maps of annexation shall show the regional flood elevation and the floodway location.

DIVISION 2. GENERAL STANDARDS APPLICABLE TO ALL FLOODPLAIN DISTRICTS

Sec. 58-760. - Application Review.

The city shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding as defined in 44 C.F.R. § 65.2 and assure that all necessary permits have been received from those governmental agencies whose approval is required by federal or state law.

- (a) If a proposed building site is in a flood-prone area, as defined in 44 C.F.R. § 59.1, all new construction and substantial improvements shall:
 - (1) be designed and anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy if the structure is less than two feet above the base flood elevation;
 - (2) be constructed with flood-resistant materials;
 - (3) be constructed by methods and practices that minimize flood damage if the lowest finished floor structure is less than two feet above the base flood elevation; and

- (4) Mechanical and utility equipment must be elevated one foot above the flood protection elevation so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (b) A subdivision or other proposed new development that is in a flood-prone area, as defined in 44 C.F.R. § 59.1, shall:
 - (1) be designed to ensure that the lowest finished floor elevation of any structure will be constructed a minimum of two feet above the flood protection elevation;
 - (2) be designed in a manner that is consistent with the need to minimize flood damage within the flood-prone area;
 - (3) be designed to ensure that all public utilities and facilities such as sewer, gas, electric, and water systems will be located and constructed to minimize or eliminate flood damage;
 - (4) be designed to ensure that adequate drainage is provided to reduce exposure to flood hazards;
 - (5) include regional flood elevation and floodway data for any development that meets the definition of a subdivision in this article, including manufactured home parks; and
 - (6) be designed and constructed in compliance with the terms of this article.

Sec. 58-761. – Hydraulic and Hydrologic Analyses.

- (a) No floodplain development shall:
 - (1) Obstruct flow, defined as development which blocks the conveyance of floodwaters by itself or with other development, causing any increase in the regional flood height; or
 - (2) Cause any increase in the regional flood height due to floodplain storage area lost.
- (b) The director of community development or their designee shall deny permits if it is determined the proposed development will obstruct flow or cause any increase in the regional flood height, based on the officially adopted FIRM or other adopted map, unless the provisions of Division 8 are met.

- (c) All design and methods of construction shall be conducted and certified by a professional engineer licensed in the State of Wisconsin and meet the requirements of this document and the Wis. Admin. Code Ch. NR 116.

Sec. 58-762. - Watercourse Alterations.

No land use permit to alter or relocate a watercourse in a mapped floodplain shall be issued until the local official has notified in writing all adjacent municipalities, the WDNR and FEMA regional offices, and required the applicant to secure all necessary state and federal permits. The standards of Sec. 58-762 must be met and the flood carrying capacity of any altered or relocated watercourse shall be maintained.

As soon as is practicable, but not later than six months after the date of the watercourse alteration or relocation and pursuant to Division 8, the municipality shall apply for a Letter of Map Revision (LOMR) from FEMA. Any such alterations must be reviewed and approved by FEMA and the WDNR through the LOMC process.

Sec. 58-763. - Development Under Wis. Stat. Ch. 30 and 31.

Development which requires a permit from the WDNR under Wis. Stat. Ch. 30 and 31, such as docks, piers, wharves, bridges, culverts, dams, and navigational aids, may be allowed if the necessary permits are obtained and amendments to this article are made according to Division 8.

DIVISION 3. FLOODWAY DISTRICT (FW)

Sec. 58-770. – Applicability.

This section applies to all floodway areas on the floodplain zoning maps and those identified pursuant to Sec. 58-790(e).

Sec. 58-771. – Permitted Uses.

The following open space uses are allowed in the Floodway District and the floodway areas of the General Floodplain District, if: they are not prohibited by any other ordinance; they meet the standards in Sec. 58-772 and 58-773; and all permits or certificates have been issued according to Sec. 58-902.

- (a) Agricultural uses, such as: farming, outdoor plant nurseries, horticulture, viticulture, and wild crop harvesting.
- (b) Nonstructural recreational uses, such as golf courses, tennis courts, archery ranges, picnic grounds, boat ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting, trap, and skeet activities, hunting and fishing areas and hiking and horseback riding trails, subject to the fill limitations of Sec. 58-773.

- (c) Uses or structures accessory to permanent public open space uses or classified as historic structures that comply with Sec. 58-772 and 58-773.
- (d) Functionally water dependent public uses, such as docks, piers or wharves, dams, flowage areas, culverts, navigational aids and river crossings of transmission lines, and pipelines that comply with Wis. Stat. Ch. 30 and 31.
- (e) Public utilities, streets and bridges that comply with Sec. 58-772(c).
- (f) Public or private wells used to obtain potable water for recreational areas that meet the requirements of local ordinances and Wis. Adm. Code Ch. NR 811 and NR 812.
- (g) Sanitary sewer or water supply lines to service existing or proposed development located outside the floodway that complies with the regulations for the floodplain area occupied.

Sec. 58-772. – Standards for Development in the Floodway.

- (a) *In General.*
 - (1) Any development in the floodway shall comply with Division 2 and have a low flood damage potential.
 - (2) Applicants shall provide an analysis calculating the effects of this proposal on the regional flood height to determine the effects of the proposal according to Sec. 58-761 and 58-902(b)(3). The analysis must be completed by a registered professional engineer in the state of Wisconsin.
 - (3) Any encroachment in the regulatory floodway is prohibited unless the data submitted for sub. (a)(2) above demonstrates that the encroachment will cause no increase in flood elevations in flood events up to the base flood at any location or removes the encroached area from the regulatory floodway as provided in Sec. 58-755(e).
 - (4) All setbacks, offsets and lot coverage requirements in the FW district shall be the same as the regulations found in the comparable residential zoning district with a minimum lot size smaller than, but closest in size to, the property.
- (b) *Structures.* Structures accessory to permanent public open space uses, including utility and sanitary facilities, or functionally dependent on a

waterfront location may be allowed by permit if the structures comply with the following criteria:

- (1) Not designed for human habitation, does not have a high flood damage potential and is constructed to minimize flood damage.
- (2) Shall either have the lowest floor elevated to or above the flood protection elevation or shall meet all the following standards:
 - a. Have the lowest floor elevated to or above the regional flood elevation and be dry floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water and completely dry to the flood protection elevation without human intervention during flooding;
 - b. Have structural components capable of meeting all provisions of Sub. (b)(6); and
 - c. Be certified by a registered professional engineer or architect, through the use of a Federal Emergency Management Agency Floodproofing Certificate, that the design and methods of construction are in accordance with Sub. (b)(6).
- (3) Must be anchored to resist flotation, collapse, and lateral movement.
- (4) Mechanical and utility equipment must be elevated to or above the flood protection elevation.
- (5) Must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.
- (6) For a structure designed to allow the automatic entry of floodwaters below the Regional Flood Elevation, the applicant shall submit a plan that meets Sub. (b)(1) through (b)(5) and meets or exceeds the following standards:
 - a. The lowest floor must be elevated to or above the regional flood elevation.
 - b. a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding.

- c. the bottom of all openings shall be no higher than one foot above the lowest adjacent grade; openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters, otherwise must remain open.
 - d. The use must be limited to parking, building access or limited storage.
- (7) Whenever floodproofing measures are required, a registered professional engineer or architect shall certify that the following floodproofing measures will be utilized, where appropriate, and are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the regional flood:
 - a. Reinforcement of floors and walls to resist rupture, collapse, or lateral movement caused by water pressures or debris buildup.
 - b. Construction of wells, water supply systems and waste treatment systems so as to prevent the entrance of flood waters in such systems and must be in accordance with provisions in Sec. 58-782(f) through (h).
 - c. Subsurface drainage systems to relieve external pressures on foundation walls and basement floors.
 - d. Cutoff valves on sewer lines or the elimination of gravity flow basement drains; and
 - e. Placement of utilities to or above the flood protection elevation.
- (c) *Public Utilities, Streets and Bridges.* Public utilities, streets and bridges may be allowed by permit, if:
 - (1) Adequate floodproofing measures are provided to the flood protection elevation; and
 - (2) Construction meets the development standards of Sec. 58-761.
- (d) *Fills or Deposition of Materials.* Fills or deposition of materials may be allowed by permit, if:
 - (1) The requirements of Sec. 58-761 are met.

- (2) No material is deposited in navigable waters unless a permit is issued by the WDNR pursuant to Wis. Stat. Ch. 30 and a permit pursuant to s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. § 1344 has been issued, if applicable, and all other requirements have been met.
- (3) The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling or bulkheading; and
- (4) The fill is not classified as a solid or hazardous material.

Sec. 58-773. – Prohibited Uses.

All uses not listed as permitted uses in Sec. 58-771 are prohibited,

DIVISION 4. FLOODFRINGE OVERLAY DISTRICT (FFO)

Sec. 58-780. – Applicability.

This section applies to all floodfringe areas shown on the floodplain zoning maps and those identified pursuant to Sec. 58-790(e).

Sec. 58-781. – Permitted Uses.

Any structure, land use, or development is allowed in the Floodfringe District if the standards in Sec. 58-782 are met, the use is not prohibited by this, or any other ordinance or regulation and all permits or certificates specified in Sec. 58-902 have been issued.

Sec. 58-782. – Standards for Development in the Floodfringe.

In addition to the requirements of the underlying base zoning district and Division 2 of this article, the following requirements according to the use requested shall also apply. In the event of a conflict between the requirements of the base zoning district, and the provisions below, the more restrictive provision shall apply. Any existing structure in the floodfringe must meet the requirements of Division 6.

- (a) *Residential Uses.* Any structure, including a manufactured home, which is to be newly constructed or moved into the floodfringe, shall meet or exceed the following standards:
 - (1) All new construction, including placement of manufactured homes, and substantial improvement of residential structures, shall have the lowest floor elevated to or above the flood protection elevation on fill. The fill around the structure shall be one foot or more above the regional flood elevation extending at least 15 feet beyond the limits of the structure. No area may be removed from the floodfringe district unless it can be shown to meet Sec. 58-755(e).

- (2) Notwithstanding sub. (a)(1), a basement or crawlspace floor may be placed at the regional flood elevation if the basement or crawlspace is designed to make all portions of the structure below the flood protection elevation watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. No floor of any kind is allowed below the regional flood elevation.
- (3) Contiguous dryland access shall be provided from a structure to land outside of the floodplain, except as provided in sub. (4).
- (4) In developments where existing street or sewer line elevations make compliance with sub. (3) impractical, the municipality may permit new development and substantial improvements where roads are below the regional flood elevation, if:
 - a. The municipality has written assurance from police, fire and emergency services that rescue, and relief will be provided to the structure(s) by wheeled vehicles during a regional flood event; or
 - b. The municipality has a WDNR-approved emergency evacuation plan that follows acceptable hazard mitigation planning guidelines.
- (b) *Accessory Structures or Uses.* New construction and substantial improvements of Accessory structures shall be constructed on fill with the lowest floor at or above the regional flood elevation.
- (c) *Commercial Uses.* Unless otherwise prohibited, any commercial structure which is erected, altered, or moved into the floodfringe shall meet the requirements of sub. (a). Subject to the requirements of sub. (e), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.
- (d) *Manufacturing and Industrial Uses.* Unless otherwise prohibited, any manufacturing or industrial structure which is erected, altered, or moved into the floodfringe shall have the lowest floor elevated to or above the flood protection elevation or meet the floodproofing standards in Sec. 58-905. Subject to the requirements of sub. (e), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

- (e) *Storage of Materials.* Materials that are buoyant, flammable, explosive, or injurious to property, water quality or human, animal, plant, fish, or aquatic life shall be stored at or above the flood protection elevation or floodproofed in compliance with sec. 58-905. Adequate measures, as determined by the department of community development shall be taken to ensure that such materials will not enter the water body during flooding.
- (f) *Public Utilities, Streets and Bridges.* All utilities, streets and bridges shall be designed to be compatible with comprehensive floodplain development plans; and
 - (1) When failure of public utilities, streets and bridges would endanger public health or safety, or where such facilities are deemed essential, construction or repair of such facilities shall only be permitted if they are designed to comply with Sec. 58-905.
 - (2) Minor roads or non-essential utilities may be constructed at lower elevations if they are designed to withstand flood forces to the regional flood elevation.
- (g) *Sewage Systems.* All sewage disposal systems shall be designed to minimize or eliminate infiltration of flood water into the system, pursuant to Sec. 58-905(c), to the flood protection elevation and meet the provisions of all local ordinances and Wis. Admin. Code Ch. SPS 383. Ozaukee County regulates all private, onsite, wastewater treatment systems (POWTS), as regulated under SPS 383 in incorporated parts of the county.
- (h) *Wells.* All wells shall be designed to minimize or eliminate infiltration of flood waters into the system, pursuant to Sec. 58-905(c), to the flood protection elevation and shall meet the provisions of Wis. Admin. Code Ch. NR 811 and NR 812. Ozaukee County administers this regulation for private wells on properties served by Private Onsite Wastewater Treatment Systems in incorporated parts of the county.
- (i) *Solid Waste Disposal Sites.* Disposal of solid or hazardous waste is prohibited in floodfringe areas.
- (j) *Deposition of Materials.* Any deposited material must meet all the provisions of this article and Section 58-603.
- (k) *Manufactured Homes.*

- (1) Owners or operators of all manufactured home parks and subdivisions shall provide adequate surface drainage to minimize flood damage, and prepare, secure approval, and file an evacuation plan, indicating vehicular access and escape routes, with local emergency management authorities.
 - (2) In existing manufactured home parks, all new homes, replacement homes on existing pads, and substantially improved homes shall:
 - a. have the lowest floor elevated to the flood protection elevation; and
 - b. be anchored so they do not float, collapse, or move laterally during a flood.
 - (3) Outside of existing manufactured home parks, including new manufactured home parks and all single units outside of existing parks, all new, replacement and substantially improved manufactured homes shall meet the residential development standards for the floodfringe in sub. (a).
- (l) *Mobile Recreational Vehicles.* All mobile recreational vehicles must be on site in accordance with Sec. 58-441(11) and be:
- (1) fully licensed and ready for highway use; or
 - (2) shall meet the elevation and anchoring requirements in sub. (k)(2) and (k)(3).

A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices and has no permanently attached additions.

DIVISION 5. OTHER FLOODPLAIN DISTRICTS

Sec. 58-790. – General Floodplain District (GFP)

- (a) *Applicability.* The provisions for the General Floodplain District shall apply to development in all floodplains mapped as A, AO, AH, and in AE zones within which a floodway is not delineated on the Flood Insurance Rate Maps identified in Sec. 58-755(b)(1).
- (b) *Floodway Boundaries.* For proposed development in zone A, or in zone AE within which a floodway is not delineated on the Flood Insurance Rate Map identified in Sec. 58-755(b)(1), the boundaries of the regulatory floodway

shall be determined pursuant to sub. (e). If the development is proposed to encroach upon the regulatory floodway, the development is subject to the standards of Division 3. If the development is located entirely within the floodfringe, the development is subject to the standards of Division 4.

- (c) *Permitted Uses.* Pursuant to sub. (e) it shall be determined whether the proposed use is located within the floodway or floodfringe. Those uses permitted in the Floodway District under Sec. 58-771 and Floodfringe District under Sec. 58-781 are allowed within the General Floodplain District, according to the standards of sub. (d) provided that all permits or certificates required under Sec. 58-902 have been issued.
- (d) *Standards for Development in the General Floodplain District.* Division 3 applies to floodway areas, determined to pursuant to sub. (e); Division 4 applies to floodfringe areas, determined to pursuant to sub. (e).
 - (1) New construction and substantial improvement of structures in zone AO shall have the lowest floor, including basement, elevated:
 - a. To or above the depth, in feet, as shown on the FIRM above the highest adjacent natural grade; or
 - b. If the depth is not specified on the FIRM, two (2) above the highest adjacent natural grade or higher.
 - (2) New Construction and substantial improvement of structures in zone AH shall have the lowest floor, including basement, elevated to or above the flood protection elevation.
 - (3) In AO/AH zones, provide adequate drainage paths to guide floodwaters around structures.
 - (4) All development in zones AO and zone AH shall meet the requirements of Division 4 applicable to flood fringe areas.
- (e) *Determining Floodway and Floodfringe Limits.* Upon receiving an application for development within zone A, or within zone AE where a floodway has not been delineated on the Flood Insurance Rate Maps, the director of community development shall:
 - (1) Require the applicant to submit two copies of an aerial photograph or a plan which shows the proposed development with respect to the general floodplain district limits, stream channel, and existing floodplain developments, along with a legal description of the

property, fill limits and elevations, building floor elevations and flood proofing measures and the flood zone as shown on the FIRM.

- (2) Require the applicant to furnish any of the following information deemed necessary by the Department to evaluate the effects of the proposal upon flood height and flood flows, regional flood elevation and to determine floodway boundaries.
 - a. A Hydrologic and Hydraulic Study as specified in Sec. 58-902(b)(3).
 - b. Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location, and layout of all proposed and existing structures on the site; location and elevations of streets, water supply, and sanitary facilities; soil types and other pertinent information.
 - c. Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage, water supply and sanitary facilities.

Sec. 58-791. – Flood Storage District.

The flood storage district delineates that portion of the floodplain where storage of floodwaters has been taken into account and is relied upon to reduce the regional flood discharge. The district protects the flood storage areas and assures that any development in the storage areas will not decrease the effective flood storage capacity which would cause higher flood elevations.

- (a) *Applicability.* The provisions of this section apply to all areas within the Flood Storage District (FSD), as shown on the official floodplain zoning maps.
- (b) *Permitted Uses.* Any use or development which occurs in a flood storage district must meet the applicable requirements in Sec. 58-781.
- (c) *Standards for Development in Flood Storage Districts.*
 - (1) Development in a flood storage district shall not cause an increase equal or greater than 0.00 of a foot in the height of the regional flood.
 - (2) No development shall be allowed which removes flood storage volume unless an equal volume of storage as defined by the pre-development ground surface and the regional flood elevation shall be provided in the immediate area of the proposed development to compensate for the volume of storage, which is lost, (compensatory

storage). Excavation below the groundwater table is not considered to provide an equal volume of storage.

- (3) If compensatory storage cannot be provided, the area may not be developed unless the entire area zoned as flood storage district – on this waterway – is rezoned to the floodfringe district. This must include a revision to the floodplain study and map done for the waterway to revert to the higher regional flood discharge calculated without floodplain storage, as per Division 8 of this article.
- (4) No area may be removed from the flood storage district unless it can be shown that the area has been filled to the flood protection elevation and is contiguous to other lands lying outside of the floodplain.

DIVISION 6. NONCONFORMING USES

Sec. 58-800. – General.

(a) Applicability.

- (1) The standards in this section shall apply to all uses and buildings that do not conform to the provisions contained within a floodplain zoning ordinance or with Wis. Stat. § 87.30, Wis. Admin. Code §§ NR 116.12 – 116.14, and 44 C.F.R. § 59-72, these standards shall apply to all modifications or additions to any nonconforming use or structure and to the use of any structure or premises which was lawful before the passage of this ordinance or any amendment thereto. A party asserting existence of a lawfully established nonconforming use or structure has the burden of proving that the use or structure was compliant with the floodplain zoning ordinance in effect at the time the use or structure was created.
 - (2) As permit applications are received for additions, modifications, or substantial improvements to nonconforming buildings in the floodplain, municipalities shall develop a list of those nonconforming buildings, their present equalized assessed value, and a list of the costs of those activities associated with changes to those buildings.
- (b) The existing lawful use of a structure or its accessory use which is not in conformity with the provisions of this article may continue subject to the following conditions:
- (1) No modifications or additions to a nonconforming use or structure shall be permitted unless they comply with this article. The words

"modification" and "addition" include, but are not limited to, any alteration, addition, modification, structural repair, rebuilding or replacement of any such existing use, structure or accessory structure or use. Maintenance is not considered a modification; this includes painting, decorating, paneling and other nonstructural components and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to public utilities. Any costs associated with the repair of a damaged structure are not considered maintenance.

The construction of a single deck that does not exceed 200 square feet and that is adjacent to the exterior wall of a principal structure is not an extension, modification, or addition. The roof of the structure may extend over the deck at a doorway in order to provide safe ingress and egress to the principal structure. The roof structure may extend perpendicular from the dwelling a maximum of four feet and two feet beyond the door in each direction.

- (2) If a nonconforming use or the use of a nonconforming structure is discontinued for 12 consecutive months, it is no longer permitted and any future use of the property, and any structure or building thereon, shall conform to the applicable requirements of this article.
- (3) The municipality shall keep a record which lists all nonconforming uses and nonconforming structures, their present equalized assessed value, the cost of all modifications or additions which have been permitted, and the percentage of the structure's total current value those modifications represent.
- (4) No modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this article. If the cost exceeds 50% as defined above, contiguous dry land access must be provided for residential and commercial uses in compliance with Sec. 58-782(a). The costs of elevating the lowest floor of a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the 50% provisions of this paragraph.
- (5) No maintenance on a per event basis to any nonconforming structure or any structure with a nonconforming use, the cost of which would

equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this article. If the cost exceeds 50% as defined above, contiguous dry land access must be provided for residential and commercial uses in compliance with Sec. 58-782(a). Maintenance to any nonconforming structure, which does not exceed 50% of its present equalized assessed value on a per event basis, does not count against the cumulative calculations over the life of the structure for substantial improvement calculations.

- (6) If on a per event basis the total value of the work being done under sub. (4) and (5) equals or exceeds 50% of the present equalized assessed value, the work shall not be permitted unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this article. Contiguous dry land access must be provided for residential and commercial uses in compliance with Sec. 58-782(a).
- (7) Except as provided in sub. (8), if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged by a flood, it cannot be replaced, reconstructed, or rebuilt unless the use and the structure meet the current ordinance requirements. A structure is considered substantially damaged if the total cost to restore the structure to its pre-damaged condition equals or exceeds 50% of the structure's present equalized assessed value.
- (8) For nonconforming buildings that are substantially damaged or destroyed by a nonflood disaster, the repair or reconstruction of any such nonconforming building shall be permitted in order to restore it to the size and use in effect prior to the damage event, provided that the following minimum requirements are met, and all required permits have been granted prior to the start of construction:
 - a. Residential Structures
 - 1. Shall have the lowest floor, including basement, elevated to or above the base flood elevation using fill, pilings, columns, posts, or perimeter walls. Perimeter walls must meet the requirements of Sec. 58-905(b).
 - 2. Shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the

effects of buoyancy, and shall be constructed with methods and materials resistant to flood damage.

3. Shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.
4. In A Zones, obtain, review, and utilize any flood data available from a federal, state or other source.
5. In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in Sec. 58-790(d).
6. in AO Zones, shall have adequate drainage paths around structures on slopes to guide floodwaters around and away from the structure.
7. Contiguous dryland access is not required.

b. Nonresidential Structures

1. Shall meet the requirements of sub. (b)(8)a.
2. Shall either have the lowest floor, including basement, elevated to or above the regional flood elevation; or, together with attendant utility and sanitary facilities, shall meet the standards in Sec. 58-905(a) or (b).
3. In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in Sec. 58-790(d).

- (c) A nonconforming historic structure may be altered if the alteration will not preclude the structure's continued designation as a historic structure, the alteration will comply with Sec, 58-772(a), flood resistant materials are used, and construction practices and floodproofing methods that comply with Sec. 58-905 are used. Repair or rehabilitation of historic structures shall be exempt from the development standards of sub. (b)(8)a if it is determined that the proposed repair or rehabilitation will not preclude the structure's

continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure.

- (d) Notwithstanding anything in this chapter to the contrary, modifications, additions, maintenance, and repairs to a nonconforming building shall not be prohibited based on cost and the building's nonconforming use shall be permitted to continue if:
- (1) Any living quarters in the nonconforming building are elevated to be at or above the flood protection elevation;
 - (2) The lowest floor of the nonconforming building, including the basement, is elevated to or above the regional flood elevation;
 - (3) The nonconforming building is permanently changed to conform to the applicable requirements of Division 2;
 - (4) If the nonconforming building is in the floodway, the building is permanently changed to conform to the applicable requirements of Sec. 58-772(a), 58-772(b)(2) through (b)(5), 58-772(c), 58-772(d), and 58-801. Any development that adds additional fill or creates an encroachment in the floodplain from beyond the original nonconforming structure's 3-D building envelope must determine the floodway in accordance with Sec. 58-790(e). If the encroachment is in the floodway, it must meet the standards in Sec. 58-772(d);
 - (5) If the nonconforming building is in the floodfringe, the building is permanently changed to conform to the applicable requirements of Sec. 58-782 and 58-802;
 - (6) Repair or reconstruction of nonconforming structures and substantial improvements of residential buildings in zones A1-30, AE, and AH must have the lowest floor (including basement) elevated to or above the base flood elevation;
 - (7) Repair or reconstruction of nonconforming structures and substantial improvements of non-residential buildings in zones A1-30, AE, and AH must have the lowest floor (including basement) elevated to or above the base flood elevation, or (together with attendant utility and sanitary facilities) be designed so that below the base flood elevation the building is watertight with walls substantially impermeable to the passage of water and with structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy:

- a. Where a non-residential structure is intended to be made watertight below the base flood elevation, a registered professional engineer or architect must develop and/or review structural design, specifications, and plans for the construction, and must certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of sub. (d)(7) above.
 - b. The community must maintain a record of such certification including the specific elevation to which each such structure is floodproofed;
- (8) Fully enclosed areas below the lowest floor of repair or reconstruction of nonconforming structures and substantial improvements in zones A1-30, AE, and AH that are usable solely for parking of vehicles, building access, or storage, must be designed to adequately equalize hydrostatic forces on exterior walls by allowing for the entry and exit of floodwaters. Subsequent improvements to repaired or reconstructed nonconforming structures must not increase the degree of their nonconformity. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet the following criteria:
 - a. A minimum of two openings into each enclosed area must be located below the base flood elevation and provide a total net area of not less than one square inch for every square foot of enclosed area.
 - b. The bottom of all openings must be no higher than one foot above the adjacent grade.
 - c. Openings may be equipped with screens, louvers, valves, or other coverings if they permit the automatic entry and exit of floodwaters;
- (9) Recreational vehicles placed on sites within zones A1-30, AH, and AE shall:
 - a. Comply with the provisions of sec. 58-441(11); and
 - b. Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type

utilities and security devices, and has no permanently attached additions);

- (10) In a regulatory floodway that has been delineated on the FIRM in zone A1-30 or AE, encroachments, including repair or reconstruction of nonconforming structures, substantial improvement, or other development (including fill) must be prohibited unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment will not result in any increase in flood levels within the community during the occurrence of the base flood discharge. Subsequent improvements to repair or reconstructed nonconforming structures must not increase the degree of their nonconformity;
- (11) In zone A, the community must obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source as criteria for requiring repair or reconstruction of nonconforming structures, substantial improvement, and other development to meet sub. (d)(6) through (8) above. Any development that adds additional fill or creates an encroachment in the floodplain from beyond the original nonconforming structure's 3-D building envelope must determine the floodway in accordance with Sec. 58-790(e). If the encroachment is in the floodway, it must meet the standards in Sec. 58-772(d). Subsequent improvements to repair or reconstructed nonconforming structures must not increase the degree of their nonconformity;
- (12) In zones A1-30 or AE where a regulatory floodway has not been delineated on the FIRM, repair or reconstruction of nonconforming structures, substantial improvement, or any development that adds additional fill or creates an encroachment in the floodplain from beyond the original nonconforming structure's 3-D building envelope must determine the floodway in accordance with Sec. 58-790(e). If the encroachment is in the floodway, it must meet the standards in Sec. 58-772(d). Subsequent improvements to repair or reconstructed nonconforming structures must not increase the degree of their nonconformity;
- (13) In zone AO, repair or reconstruction of nonconforming structures and substantial improvements of residential structures must have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM (at least two feet if no depth number is specified). Subsequent

improvements to repair or reconstructed nonconforming structures must not increase the degree of their nonconformity; or

- (14) In zone AO, repair or reconstruction of nonconforming structures and substantial improvements of nonresidential structures must have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM (at least two feet if no depth number is specified), or (together with attendant utility and sanitary facilities) be structurally dry-floodproofed to that level according to the standard specified in sub. (d)(6) above. Subsequent improvements to repair or reconstructed nonconforming structures must not increase the degree of their nonconformity.

Sec. 58-801. – Floodway District.

- (a) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in the Floodway District, unless such modification or addition:
 - (1) Has been granted a permit or variance which meets all ordinance requirements.
 - (2) Meets the requirements of Sec. 58-800.
 - (3) Shall not increase the obstruction to flood flows or regional flood height.
 - (4) Any addition to the existing structure shall be floodproofed, pursuant to Sec. 58-905, by means other than the use of fill, to the flood protection elevation; and,
 - (5) If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:
 - a. The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of flood waters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than 12 inches above the adjacent grade.
 - b. The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials.

- c. Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and
 - d. The use must be limited to parking, building access or limited storage.
- (b) No new on site sewage disposal system, or addition to an existing on site sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in the Floodway District. Any replacement, repair, or maintenance of an existing on site sewage disposal system in a floodway area shall meet the applicable requirements of all municipal ordinances, Sec. 58-905(c) and Wis. Admin. Code Ch. SPS 383.
- (c) No new well or modification to an existing well used to obtain potable water shall be allowed in the Floodway District. Any replacement, repair, or maintenance of an existing well in the Floodway District shall meet the applicable requirements of all municipal ordinances, Sec. 58-905(c) and Wis. Admin. Code Ch. NR 811 and NR 812.

Sec. 58-802. – Floodfringe District.

- (a) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use unless such modification or addition has been granted a permit or variance by the municipality and meets the requirements of Sec. 58-782 except where sub. (b) is applicable.
- (b) Where compliance with the provisions of sub. (a) would result in unnecessary hardship and only where the structure will not be used for human habitation or be associated with a high flood damage potential, the Board of Appeals, using the procedures established in Sec. 58-904, may grant a variance from those provisions of sub. (a) for modifications or additions using the criteria listed below. Modifications or additions which are protected to elevations lower than the flood protection elevation may be permitted if:
 - (1) No floor is allowed below the regional flood elevation for residential or commercial structures.
 - (2) Human lives are not endangered.
 - (3) Public facilities, such as water or sewer, shall not be installed.
 - (4) Flood depths shall not exceed two feet.

- (5) Flood velocities shall not exceed two feet per second; and
- (6) The structure shall not be used for storage of materials as described in Sec. 58-782(e).
- (c) All new private sewage disposal systems, or addition to, replacement, repair or maintenance of a private sewage disposal system shall meet all the applicable provisions of all local ordinances, Sec. 58-905(c) and Wis. Admin. Code Ch. SPS 383.
- (d) All new wells, or addition to, replacement, repair, or maintenance of a well shall meet the applicable provisions of this article, Sec. 58-905(c) and Wis. Admin. Code Ch. NR 811 and NR 812.

Sec. 58-803. – Flood Storage Districts.

No modifications or additions shall be allowed to any nonconforming structure in a flood storage area unless the standards outlined in Sec. 58-791(c) are met.

DIVISION 7. ADMINISTRATION

Sec. 58-901. – Administration.

The department of community development shall administer this article.

Sec. 58-902. – Director of Community Development.

- (a) *Duties and Powers.* The director of community development or their designee is authorized to administer this article and shall have the following duties and powers:
 - (1) Advise applicants of the provisions of this article, assist in preparing permit applications and appeals, and assure that the regional flood elevation for the proposed development is shown on all permit applications.
 - (2) Issue permits and inspect properties for compliance with provisions of this article and issue certificates of compliance where appropriate.
 - (3) Inspect and assess all damaged floodplain structures to determine if substantial damage to the structures has occurred.
 - (4) Keep records of all official actions such as:
 - a. All permits issued, inspections made, and work approved.

- b. Documentation of certified lowest floor and regional flood elevations.
 - c. Floodproofing certificates.
 - d. Water surface profiles, floodplain zoning maps and ordinances, nonconforming uses and structures including changes, appeals, variances and amendments.
 - e. All substantial damage assessment reports for floodplain structures.
 - f. List of nonconforming structures and uses.
- (5) Submit copies of the following items to the WDNR Regional office:
 - a. Within 10 days of the decision, a copy of any decisions on variances, appeals for map or text interpretations, and map or text amendments.
 - b. Copies of case-by-case analyses and other required information.
 - c. Copies of substantial damage assessments performed and all related correspondence concerning the assessments.
- (6) Investigate, prepare reports, and report violations of this article to the municipal zoning agency and attorney for prosecution. Copies of the reports shall also be sent to the WDNR Regional office.
- (7) Submit copies of amendments to the FEMA Regional office.
- (b) *Building Permit.* A building permit shall be obtained before any development; repair, modification, or addition to an existing structure; or change in the use of a building or structure, including sewer and water facilities, may be initiated. Application to the department of community development shall include:
 - (1) General Information.
 - a. Name and address of the applicant, property owner and contractor.

- b. Legal description, proposed use, and whether it is new construction or a modification.
- (2) Site Development Plan. A site plan drawn to scale shall be submitted with the permit application form and shall contain all of the following where applicable:
 - a. Location, dimensions, area and elevation of the lot.
 - b. Location of the ordinary highwater mark of any abutting navigable waterways.
 - c. Location of any structures with distances measured from the lot lines and street center lines.
 - d. Location of any existing or proposed on-site sewage systems or private water supply systems.
 - e. Location and elevation of existing or future access roads.
 - f. Location of floodplain and floodway limits as determined from the official floodplain zoning maps.
 - g. The elevation of the lowest floor of proposed buildings and any fill using the vertical datum from the adopted study – either National Geodetic Vertical Datum (NGVD) or North American Vertical Datum (NAVD).
 - h. Data sufficient to determine the regional flood elevation in NGVD or NAVD at the location of the development and to determine whether or not the requirements of Divisions 3 or 4 are met.
 - i. Data to determine if the proposed development will cause an obstruction to flow or an increase in regional flood height or discharge according to Sec. 58-761. This may include any of the information noted in Sec. 58-772(a).
- (3) *Hydraulic and Hydrologic Studies to Analyze Development.* All hydraulic and hydrologic studies shall be completed under the direct supervision of a professional engineer registered in the State. The study contractor shall be responsible for the technical adequacy of the study. All studies shall be reviewed and approved by the WDNR.

- a. Zone A floodplains and in AE zones within which a floodway is not delineated:
1. Hydrology. The appropriate method shall be based on the standards in Wis. Admin. Code §. NR 116.07(3).
 2. Hydraulic modeling. The regional flood elevation shall be based on the standards in Wis. Admin. Code § NR 116.07(4) and the following:
 - i. determination of the required limits of the hydraulic model shall be based on detailed study information for downstream structures (dam, bridge, culvert) to determine adequate starting WSEL for the study.
 - ii. channel sections must be surveyed.
 - iii. minimum four-foot contour data in the overbanks shall be used for the development of cross section overbank and floodplain mapping.
 - iv. a maximum distance of 500 feet between cross sections is allowed in developed areas with additional intermediate cross sections required at transitions in channel bottom slope including a survey of the channel at each location.
 - v. the most current version of HEC-RAS shall be used.
 - vi. a survey of bridge and culvert openings and the top of road is required at each structure.
 - vii. additional cross sections are required at the downstream and upstream limits of the proposed development and any necessary intermediate locations based on the length of the reach if greater than 500 feet.
 - viii. standard accepted engineering practices shall be used when assigning parameters for the base model such as flow, Manning's N values, expansion and contraction coefficients or

effective flow limits. The base model shall be calibrated to past flooding data such as high-water marks to determine the reasonableness of the model results. If no historical data is available, adequate justification shall be provided for any parameters outside standard accepted engineering practices.

- ix. the model must extend past the upstream limit of the difference in the existing and proposed flood profiles in order to provide a tie-in to existing studies. The height difference between the proposed flood profile and the existing study profiles shall be no more than 0.00 feet.

- 3. Mapping. A work map of the reach studied shall be provided, showing all cross-section locations, floodway/floodplain limits based on best available topographic data, geographic limits of the proposed development and whether the proposed development is located in the floodway.

- i. If the proposed development is located outside of the floodway, then it is determined to have no impact on the regional flood elevation.
- ii. If any part of the proposed development is in the floodway, it must be added to the base model to show the difference between existing and proposed conditions. The study must ensure that all coefficients remain the same as in the existing model, unless adequate justification based on standard accepted engineering practices is provided.

b. Zone AE Floodplains

- 1. Hydrology. If the proposed hydrology will change the existing study, the appropriate method to be used shall be based on Wis. Admin. Code § NR 116.07(3).
- 2. Hydraulic model. The regional flood elevation shall be based on the standards in Wis. Admin. Code § NR 116.07(4) and the following:

- i. Duplicate Effective Model. The effective model shall be reproduced to ensure correct transference of the model data and to allow integration of the revised data to provide a continuous FIS model upstream and downstream of the revised reach. If data from the effective model is available, models shall be generated that duplicate the FIS profiles and the elevations shown in the Floodway Data Table in the FIS report to within 0.1 foot.
- ii. Corrected Effective Model. The Corrected Effective Model shall not include any man-made physical changes since the effective model date but shall import the model into the most current version of HEC-RAS for WDNR review.
- iii. Existing (Pre-Project Conditions) Model. The Existing Model shall be required to support conclusions about the actual impacts of the project associated with the Revised (Post-Project) Model or to establish more up-to-date models on which to base the Revised (Post-Project) Model.
- iv. Revised (Post-Project Conditions) Model. The Revised (Post-Project Conditions) Model shall incorporate the Existing Model and any proposed changes to the topography caused by the proposed development. This model shall reflect proposed conditions.
- v. All changes to the Duplicate Effective Model and subsequent models must be supported by certified topographic information, bridge plans, construction plans and survey notes.
- vi. Changes to the hydraulic models shall be limited to the stream reach for which the revision is being requested. Cross sections upstream and downstream of the revised reach shall be identical to those in the effective model and result in water surface elevations and top widths

computed by the revised models matching those in the effective models upstream and downstream of the revised reach as required. The Effective Model shall not be truncated.

3. Mapping. Maps and associated engineering data shall be submitted to the WDNR for review which meet the following conditions:
 - i. Consistency between the revised hydraulic models, the revised floodplain and floodway delineations, the revised flood profiles, topographic work map, annotated FIRMs and/or Flood Boundary Floodway Maps (FBFMs), construction plans, bridge plans.
 - ii. Certified topographic map of suitable scale, contour interval, and a planimetric map showing the applicable items. If a digital version of the map is available, it may be submitted in order that the FIRM may be more easily revised.
 - iii. Annotated FIRM panel showing the revised 1% and 0.2% annual chance floodplains and floodway boundaries.
 - iv. If an annotated FIRM and/or FBFM and digital mapping data (GIS or CADD) are used, then all supporting documentation or metadata must be included with the data submission along with the Universal Transverse Mercator (UTM) projection and State Plane Coordinate System in accordance with FEMA mapping specifications.
 - v. The revised floodplain boundaries shall tie into the effective floodplain boundaries.
 - vi. All cross sections from the effective model shall be labeled in accordance with the effective map and a cross section lookup table shall be included to relate to the model input numbering scheme.

- vii. Both the current and proposed floodways shall be shown on the map.
 - viii. The stream centerline, or profile baseline used to measure stream distances in the model shall be visible on the map.
- (4) *Expiration.* All permits issued under the authority of this article shall expire no more than 180 days after issuance. The permit may be extended for a maximum of 180 days for good and sufficient cause. If the permitted work has not started within 180 days of the permit date, the development must comply with any regulation, including any revision to the FIRM or FIS, that took effect after the permit date.
- (c) Certificate of Compliance. No land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, repaired, rebuilt, or replaced shall be occupied until a certificate of compliance is issued by the director of community development, except where no permit is required, subject to the following provisions:
 - (1) The certificate of compliance shall show that the building or premises or part thereof, and the proposed use, conform to the provisions of this article;
 - (2) Application for such certificate shall be concurrent with the application for a permit;
 - (3) If all ordinance provisions are met, the certificate of compliance shall be issued within 10 days after written notification that the permitted work is completed;
 - (4) The applicant shall submit a certification signed by a registered professional engineer, architect, or land surveyor that the fill, lowest floor and floodproofing elevations are in compliance with the permit issued. Floodproofing measures also require certification by a registered professional engineer or architect that the requirements of Sec. 58-905 are met;
 - (5) Where applicable pursuant to Sec. 58- 790(d), the applicant must submit a certification by a registered professional engineer or surveyor of the elevation of the bottom of the lowest horizontal structural member supporting the lowest floor (excluding pilings or columns), and an indication of whether the structure contains a basement; and

- (6) Where applicable pursuant to Sec. 58- 790(d), the applicant must submit certifications by a registered professional engineer or architect that the structural design and methods of construction meet accepted standards of practice as required by Sec. 58- 790(d).
- (d) Other Permits. Prior to obtaining a floodplain development permit the applicant must secure all necessary permits from federal, state, and local agencies, including but not limited to those required by the U.S. Army Corps of Engineers under s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344.

Sec. 58-903. – The Department of Community Development.

- (a) The department of community development shall:
 - (1) oversee the functions of the office;
 - (2) review and advise the governing body on all proposed amendments to this article, maps, and text; and
 - (3) publish adequate notice pursuant to Ch. 985, Stats., specifying the date, time, place, and subject of the public hearing.
- (b) The department of community development shall not:
 - (1) grant variances to the terms of this article in place of action by the Board of Appeals; or
 - (2) amend the text or zoning maps in place of official action by the governing body.

Sec. 58-904. – Board of Appeals.

The Board of Appeals, created under Wis. Stat. § 62.23(7)(e) and Sec. 2-461, *et seq.*, of this code, is hereby authorized or shall be appointed to act for the purposes of this article. The Board shall exercise the powers conferred by Wisconsin Statutes and adopt rules for the conduct of business.

- (a) *Powers and Duties.* The Board of Appeals shall:
 - (1) Appeals. Hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement or administration of this article.

- (2) Boundary Disputes. Hear and decide disputes concerning the district boundaries shown on the official floodplain zoning map.
 - (3) Variances. Hear and decide, upon appeal, variances from the standards of this article.
- (b) *Appeals to the Board.*
 - (1) Appeals to the board may be taken by any person aggrieved, or by any officer or department of the municipality affected by any decision of the Director of Community Development or other administrative officer. Such appeal shall be taken within 30 days unless otherwise provided by the rules of the board, by filing with the official whose decision is in question, and with the board, a notice of appeal specifying the reasons for the appeal. The official whose decision is in question shall transmit to the board all records regarding the matter appealed.
 - (2) Notice and Hearing for Appeals Including Variances.
 - a. Notice. The board shall:
 - 1. Fix a reasonable time for the hearing;
 - 2. Publish adequate notice pursuant to Wisconsin Statutes, specifying the date, time, place, and subject of the hearing; and
 - 3. Assure that notice shall be mailed to the parties in interest and the WDNR Regional office at least 10 days in advance of the hearing.
 - b. Hearing. Any party may appear in person or by agent. The board shall:
 - 1. Resolve boundary disputes according to sub. (c);
 - 2. Decide variance applications according to sub (d); and
 - 3. Decide appeals of permit denials according to sub (e).
 - c. Decision. The final decision regarding the appeal or variance application shall:

1. Be made within a reasonable time.
2. Be sent to the WDNR Regional office within 10 days of the decision.
3. Be a written determination signed by the chairman or secretary of the Board.
4. State the specific facts which are the basis for the Board's decision.
5. Either affirm, reverse, vary or modify the order, requirement, decision, or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or grant or deny the variance application; and
6. Include the reasons for granting an appeal, describing the hardship demonstrated by the applicant in the case of a variance, clearly stated in the recorded minutes of the Board proceedings.

(c) *Boundary Disputes.* The following procedure shall be used by the Board in hearing disputes concerning floodplain district boundaries:

- (1) If a floodplain district boundary is established by approximate or detailed floodplain studies, the flood elevations or profiles shall prevail in locating the boundary;
- (2) The person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the Board; and
- (3) If the boundary is incorrectly mapped, the Board should inform the zoning committee or the person contesting the boundary location to petition the governing body for a map amendment according to Division 8.

(d) *Variance.*

- (1) The Board may, upon appeal, grant a variance from the standards of this article if an applicant convincingly demonstrates all of the following:

- a. Literal enforcement of this article will cause unnecessary hardship.
 - b. The hardship is due to adoption of the floodplain ordinance and unique property conditions, not common to adjacent lots or premises. In such case the ordinance or map must be amended.
 - c. The variance is not contrary to the public interest.
 - d. The variance is consistent with the purpose of this article in Section 58-752.
- (2) In addition to the criteria in sub. (1), to qualify for a variance under FEMA regulations, the Board must find that the following criteria have been met:
- a. The variance shall not cause any increase in the regional flood elevation.
 - b. The applicant has shown good and sufficient cause for issuance of the variance.
 - c. Failure to grant the variance would result in exceptional hardship.
 - d. Granting the variance will not result in additional threats to public safety, extraordinary expense, create a nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
 - e. The variance granted is the minimum necessary, considering the flood hazard, to afford relief.
- (3) A variance shall not:
- a. Grant, extend or increase any use prohibited in the zoning district.
 - b. Be granted for a hardship based solely on an economic gain or loss.
 - c. Be granted for a hardship which is self-created.

- d. Damage the rights or property values of other persons in the area.
 - e. Allow actions without the amendments to this article or map(s) required in Division 8.
 - f. Allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure.
- (4) When a floodplain variance is granted, the Board may notify the applicant in writing that it may increase risks to life and property and flood insurance premiums could increase up to \$25.00 per \$100.00 of coverage. A copy shall be maintained with the variance record.
- (e) *Appeals of Permit Denials.*
 - (1) The Board shall review all data related to the appeal. This may include:
 - a. Permit application data listed in Sec. 58-902(b).
 - b. Floodway/floodfringe determination data in Sec. 58-790(e).
 - c. Data listed in Sec. 58-772(a)(2) where the applicant has not submitted this information to the director of community development.
 - d. Other data submitted with the application or submitted to the Board with the appeal.
 - (2) For appeals of all denied permits the Board shall:
 - a. Consider recommendations of the community development department; and
 - c. Either uphold the denial or grant the appeal.
 - (3) For appeals concerning increases in regional flood elevation the Board shall:
 - a. Uphold the denial where the Board agrees with the data showing an increase in flood elevation. Increases may only be allowed after amending the flood profile and map and all

appropriate legal arrangements are made with all adversely affected property owners as per the requirements Division 8; and

- b. Grant the appeal where the Board agrees that the data properly demonstrates that the project does not cause an increase provided no other reasons for denial exist.

Sec. 58-905. – Floodproofing Standards.

- (a) No permit or variance shall be issued for a non-residential structure designed to be watertight below the regional flood elevation until the applicant submits a plan certified by a registered professional engineer or architect that the floodproofing measures will protect the structure or development to or above the flood protection elevation and submits a FEMA Floodproofing Certificate. Floodproofing is not an alternative to the development standards in Divisions 2, 3, 4, or Sec. 58-790.
- (b) For a structure designed to allow the entry of floodwaters, no permit or variance shall be issued until the applicant submits a plan either:
 - (1) certified by a registered professional engineer or architect; or
 - (2) meeting or exceeding all of the following standards:
 - a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding.
 - b. The bottom of all openings shall be no higher than one foot above grade.
 - c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- (c) Floodproofing measures shall be designed, as appropriate, to:
 - (1) Withstand flood pressures, depths, velocities, uplift and impact forces and other regional flood factors.
 - (2) Protect structures to the flood protection elevation.

- (3) Anchor structures to foundations to resist flotation and lateral movement.
- (4) Minimize or eliminate infiltration of flood waters.
- (5) Minimize or eliminate discharges into flood waters.
- (6) Placement of essential utilities to or above the flood protection elevation; and
- (7) If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:
 - a. The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of flood waters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than 12 inches above the adjacent grade.
 - b. The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials.
 - c. Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and
 - d. The use must be limited to parking, building access or limited storage.

Sec. 58-906. – Public Information.

All maps, engineering data and regulations shall be available and widely distributed.

DIVISION 8. AMENDMENTS.

Sec. 58-950. – Standards.

Obstructions or increases may only be permitted if amendments are made to this article, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with Sec. 58-951.

- (a) In AE Zones with a mapped floodway, no obstructions or increases shall be permitted unless the applicant receives a Conditional Letter of Map Revision from FEMA and amendments are made to this article, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with

Sec. 58-951. Any such alterations must be reviewed and approved by FEMA and the WDNR.

- (b) In A Zones increases equal to or greater than 1.0 foot may only be permitted if the applicant receives a Conditional Letter of Map Revision from FEMA and amendments are made to this article, the official floodplain maps, floodway lines, and water surface profiles, in accordance with Sec. 58-951.

Sec. 58-951. – General.

The governing body shall change or supplement the floodplain zoning district boundaries and this article in the manner outlined in Sec. 58-952. Actions which require an amendment to the ordinance and/or submittal of a Letter of Map Change (LOMC) include, but are not limited to, the following:

- (a) Any fill or floodway encroachment that obstructs flow causing any increase in the regional flood height.
- (b) Any change to the floodplain boundaries and/or watercourse alterations on the FIRM.
- (c) Any changes to any other officially adopted floodplain maps listed in Sec. 58-755(b)(2).
- (d) Any floodplain fill which raises the elevation of the filled area to a height at or above the flood protection elevation and is contiguous to land lying outside the floodplain.
- (e) Correction of discrepancies between the water surface profiles and floodplain maps.
- (f) Any upgrade to a floodplain zoning ordinance text required by Wis. Admin. Code § NR 116.05, or otherwise required by law, or for changes by the municipality.
- (g) All channel relocations and changes to the maps to alter floodway lines or to remove an area from the floodway or the floodfringe that is based on a base flood elevation from a FIRM requires prior approval by FEMA.

Sec. 58-952. – Procedures.

Ordinance amendments may be made upon petition of any party according to the provisions of Wis. Stat. § 62.23. The petitions shall include all data required by Sec. 58-790(e) and 58-902(b). The Building Permit shall not be issued until a Letter of Map Revision is issued by FEMA for the proposed changes.

- (a) The proposed amendment shall be referred to the zoning agency for a public hearing and recommendation to the governing body. The amendment and notice of public hearing shall be submitted to the WDNR Regional office for review prior to the hearing. The amendment procedure shall comply with the provisions of Wis. Stat. § 62.23.
- (b) No amendments shall become effective until reviewed and approved by the WDNR.
- (c) All persons petitioning for a map amendment that obstructs flow causing any increase in the regional flood height, shall obtain flooding easements or other appropriate legal arrangements from all adversely affected property owners and notify local units of government before the amendment can be approved by the governing body.

Division 9. Enforcement and Penalties.

Sec. 58-990. – Enforcement and Penalties. Any violation of the provisions of this article by any person or entity shall be unlawful and an offense under this article, and a violator shall, upon conviction, forfeit not more than \$50, together with the costs of prosecution, for each offense. Each day of continued violation shall constitute a separate offense. Every violation of this article is declared to be a public nuisance and the creation may be enjoined and the maintenance may be abated by action at suit of the City of Mequon, the state, or any citizen thereof pursuant to Wis. Stat. § 87.30.



National Flood Insurance Program Community Rating System

A Local Official's Guide to
Saving Lives, Preventing Property Damage, and
Reducing the Cost of Flood Insurance

FEMA B 573 / 2018



FEMA

The Community Rating System Works

Every year, flooding causes hundreds of millions of dollars' worth of damage to homes and businesses around the country. Standard homeowners and commercial property insurance policies do not cover flood losses. To meet the need for this vital coverage, the Federal Emergency Management Agency (FEMA) administers the National Flood Insurance Program (NFIP).

The NFIP offers reasonably priced flood insurance to all properties in communities that comply with minimum standards for floodplain management.

The NFIP's Community Rating System (CRS) credits community efforts beyond those minimum standards by reducing flood insurance premiums for the community's property owners. The CRS is similar to—but separate from—the private insurance industry's programs that grade communities on the effectiveness of their fire suppression and building code enforcement efforts.

CRS discounts on flood insurance premiums range from 5% up to 45% (see Table 1), based on CRS credit points that are awarded to

communities. The discounts provide an incentive for communities to implement new flood protection activities that can help save lives and property when a flood occurs.

The CRS provides credit under 19 public information and floodplain management activities described in the *CRS Coordinator's Manual*.

You're probably already doing many of these activities. To get credit, community officials will need to prepare documentation that verifies these efforts.

The CRS assigns credit points for each activity. Table 2 lists the activities and the possible number of credit points for each one. The table also shows the average number of credit points communities earn for each activity. These averages may give you a better indication than the maximums of what your community can expect.

To be eligible for a CRS discount, your community must do Activity 310, Elevation Certificates. If you're a designated repetitive loss community, you must also do Activity 510, Floodplain Management Planning. All other activities are optional.



Based on the total number of points your community earns, the CRS assigns you to one of ten classes. Your discount on flood insurance premiums is based on your class.

For example, if your community earns 4,500 points or more, it qualifies for Class 1, and property owners in the in the Special Flood Hazard Area (SFHA) get a 45% discount on their insurance

premiums. If your community earns as little as 500 points, it's in Class 9 and property owners in the SFHA get a 5% discount. If a community does not apply or fails to receive at least 500 points, it's in Class 10, and property owners get no discount.

Table 1, below, shows the number of points required for each class and the corresponding discount.

Table 1.
How much discount property owners in your community can get

Rate Class	Discount for SFHA *	Discount for Non-SFHA **	Credit Points Required
1	45%	10%	4,500 +
2	40%	10%	4,000–4,499
3	35%	10%	3,500–3,999
4	30%	10%	3,500–3,499
5	25%	10%	3,000–2,999
6	20%	10%	2,500–2,499
7	15%	5%	1,500–1,999
8	10%	5%	1,000–1,499
9	5%	5%	500–999
10	0	0	0–499

* Special Flood Hazard Area

** Preferred Risk Policies are available only in B, C, and X Zones for properties that are shown to have a minimal risk of flood damage. The Preferred Risk Policy does not receive premium rate credits under the CRS because it already has a lower premium than other policies. Although they are in SFHAs, Zones AR and A99 are limited to a 5% discount. Premium reductions are subject to change.

Table 2.

What You Can Do to Get Credit

The CRS grants credit for 19 different activities that fall into four series:

Series 300	Public Information	Maximum Points*	Average Points
	This series credits programs that advise people about the flood hazard, flood insurance, and ways to reduce flood damage. The activities also provide data insurance agents need for accurate flood insurance rating.		
310	Elevation Certificates • Maintain FEMA elevation certificates for new construction in the floodplain. (At a minimum, a community must maintain certificates for buildings built after the date of its CRS application.)	116	38
320	Map Information Service • Provide Flood Insurance Rate Map information to those who inquire, and publicize this service.	90	73
330	Outreach Projects • Distribute outreach projects with messages about flood hazards, flood insurance, flood protection measures, and/or the natural and beneficial functions of floodplains.	350	87
340	Hazard Disclosure • Real estate agents advise potential purchasers of flood-prone property about the flood hazard. • Regulations require notice of the hazard.	80	14
350	Flood Protection Information • The public library and/or community’s website maintains references on flood insurance and flood protection.	125	38
360	Flood Protection Assistance • Give inquiring property owners technical advice on how to protect their buildings from flooding, and publicize this service.	110	55
370	Flood Insurance Promotion • Assess flood insurance coverage within the community and implement a plan to promote flood insurance.	110	39
Series 300		Total	981
			3448

Attachment: Exhibit B: CRS Guide (ORDINANCE 2024-1662 : FEMA Model Ord)

Attachment: Exhibit B: CRS Guide (ORDINANCE 2024-1662 : FEMA Model Ord)

Series 400	Mapping & Regulations	Maximum Points*	Average Points
This series credits programs that limit floodplain development or provide increased protection to new and existing development.			
410	Floodplain Mapping • Develop new flood elevations, floodway delineations, wave heights, or other regulatory flood hazard data for an area not mapped in detail by the flood insurance study. • Have a more restrictive mapping standard.	802	60
420	Open Space Preservation • Guarantee that currently open public or private floodplain parcels will be kept free from development. • Zone the floodplain for minimum lot sizes of 5 acres or larger.	2,020	509
430	Higher Regulatory Standards • Limit new buildings and/or fill in the floodplain. • Require freeboard. • Require soil tests or engineered foundations. • Require compensatory storage. • Require coastal construction standards in AE Zones. • Have regulations tailored to protect critical facilities or areas subject to special flood hazards (for example, alluvial fans, ice jams, subsidence, or coastal erosion).	2,042	270
440	Flood Data Maintenance • Keep flood and property data on computer records. • Use better base maps. • Maintain elevation reference marks.	222	115
450	Stormwater Management • Regulate new development throughout the watershed to ensure that post-development runoff is no greater than pre-development runoff. • Regulate new construction to minimize soil erosion and protect or improve water quality.	755	132
Series 400		Total	5,841
			1,08

Attachment: Exhibit B: CRS Guide (ORDINANCE 2024-1662 : FEMA Model Ord)

Attachment: Exhibit B: CRS Guide (ORDINANCE 2024-1662 : FEMA Model Ord)

Series 500	Flood Damage Reduction	Maximum Points*	Average Points
	This series credits programs that reduce the flood risk to existing development.		
510	Floodplain Management Planning • Prepare, adopt, implement, and update a comprehensive flood hazard mitigation plan using a standard planning process. • Prepare an analysis of the repetitive flood loss areas within the community. <i>Note: category C repetitive loss communities must receive credit for either the floodplain management plan or the repetitive loss area analysis, above.</i> • Prepare, adopt, implement, and update a plan to protect natural functions within the community's floodplain.	622	175
520	Acquisition and Relocation • Acquire and/or relocate floodprone buildings so that they are out of the floodplain.	2,250	195
530	Flood Protection • Protect existing floodplain development by floodproofing, elevation, or minor flood control projects.	1,600	73
540	Drainage System Maintenance • Have a program for and conduct annual inspections of all channels and detention basins; remove debris as needed.	570	218
Series 500 Total		5,042	661

Attachment: Exhibit B: CRS Guide (ORDINANCE 2024-1662 : FEMA Model Ord)

Series 600	Flood Preparedness	Maximum Points*	Average Points
	This series credits flood warning, levee safety, and dam safety projects.		
610	Flood Warning and Response • Provide early flood warnings to the public, and have a detailed flood response plan keyed to flood crest predictions.	395	254
620	Levees • Annually inspect and maintain existing levees; have a system for recognizing the threat of levee failure and/or overtopping, disseminating warnings, and providing emergency response; and coordinate with operators of critical facilities.	235	157
630	Dams • Have a high-hazard-potential dam that could affect the community; have a system for recognizing the threat of dam failure, disseminating warnings, planning and practicing emergency responses; and coordinating with operators of critical facilities.	160	35
Series 600 Total		790	446
All Series Total		12,654	2,53

Attachment: Exhibit B: CRS Guide (ORDINANCE 2024-1662 : FEMA Model Ord)

Additional Credit

Your community can get additional credit for regulating development outside the SFHA to the same standards as development inside the SFHA. There is also credit for assessing future flood conditions, including the impacts of future development, urbanization, and changing weather patterns. See the *CRS Coordinator's Manual* for full details.

Many communities can qualify for what the CRS calls “state-based credit,” based on the activities or regulations a state or regional agency implements within communities. For example, some states have disclosure laws eligible for credit under Activity 340 (Hazard Disclosure). Any community in those states can receive the state-based credit.

Your community may want to consider floodplain management activities not listed in the *CRS Coordinator's Manual*. You should evaluate these activities for their ability to increase public safety, reduce property damage, avoid economic disruption and loss, and protect the environment. In addition, you can request a review of these activities to determine whether they could be eligible for CRS credit. FEMA welcomes innovative ways to prevent or reduce flood damage.

How to Apply

Participation in the CRS is voluntary. If your community is in full compliance with the rules and regulations of the NFIP, you may apply. There's no application fee, and all CRS publications are free.

Your community's chief executive officer (your mayor, city manager, or other top official) must appoint a CRS coordinator to serve as the liaison between the community and FEMA. The coordinator should know the operations of all departments that deal with floodplain management and public information. And the coordinator should be able to speak for the community's chief executive officer.

To begin the application process, your community submits a letter of interest to your FEMA Regional Office and documents that you are implementing floodplain management activities that warrant at least 500 CRS credit points. On the [CRS Resources website](http://www.CRSresources.org) (www.CRSresources.org) you can find a sample letter; the CRS Quick Check, a tool that helps you assess your community's possible credit points; and further instructions.

You may also want to download from that website a copy of the *CRS Coordinator's Manual*, which describes the program in full and provides specific information, including eligible activities, required documentation, and resources for assistance.

Help is also available through the contact information below.

CRS-related materials and many more resources are available at the [CRS Resources website](http://www.fema.gov/national-flood-insurance-program-community-rating-system) and on [FEMA's website](http://www.fema.gov/national-flood-insurance-program-community-rating-system) (https://www.fema.gov/national-flood-insurance-program-community-rating-system).

After your community applies for a CRS classification, the CRS will verify the information and arrange for flood insurance premium discounts.

For more info, write, phone, or fax:

NFIP/CRS

P.O. Box 501016

Indianapolis, IN 46250-1016

(317) 848-2898

Fax: (201) 748-1936

e-mail: nfipcrs@iso.com

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11333 N. Cedarburg Road
Mequon, WI 53092
Phone: 262-242-3100
Fax: 262-242-9655

www.ci.mequon.wi.us

Office of City Attorney

TO: Common Council
FROM: Brian Sajdak, City Attorney
DATE: June 11, 2024
SUBJECT: RESOLUTION 4126 A Resolution Disallowing the Claim of Zachariah Anderson Dated May 21, 2024

Background

On May 25, 2024, the City's Police Department received the attached Notice of Claim from Zachariah Anderson alleging certain damages resulting from his arrest on May 19, 2020. In the Claim, Mr. Anderson seeks \$10,000,000 as compensation for his damages.

Analysis

I have completed a review of the claim and have determined that it should be disallowed (denied) for multiple reasons. First, the alleged causes of action for which he seeks compensation are all state law claims. Accordingly, these claims are governed by Wis. Stat. § 893.80. Under that statute, a claimant has 120 days from the date of the claim arising within which to file a notice of circumstances of claim. The first notice the City received about the claim was the May 21, 2024 Notice of Claim, over 4 years after the claims would have arose. Failure to comply with this provision alone is sufficient to deny the claim. See City of Racine v. Waste Facilities Siting Board, 216 Wis. 2d 616, 575 N.W. 2d 712 (1998).

A second basis for disallowance is found in Wis. Stat. § 66.0313. Simplified, that section provides that, when a police officer is acting in a mutual aid capacity at the request of another department, the requesting department is legally responsible for claims resulting from the officer's actions in that mutual aid capacity. In this case, the Mequon Police responded to a request for mutual aid from the City of Kenosha Police Department, and the Kenosha Police ultimately requested that Mequon Police complete the arrest of Mr. Anderson. Accordingly, by statute the liability for any actions of the Mequon Police while acting pursuant to that mutual aid request is the responsibility of the City of Kenosha.

Recommendation

A recommendation is forthcoming from the Finance-Personnel Committee on June 11, 2024.

Attachments:
Notice of Claim (PDF)

COMMON COUNCIL
OF THE
CITY OF MEQUON

RESOLUTION 4126

A Resolution Disallowing the Claim of Zachariah Anderson Dated May 21, 2024

RECITALS

A. Zachariah Anderson provided a Notice of Claim dated May 21, 2024, via certified U.S. Mail received by the Mequon Police Department on May 25, 2024, in which he alleged certain damages stemming from his arrest on May 19, 2020.

B. The City Attorney has reviewed the facts and circumstances of the claim and recommends that the Common Council disallow the claim.

C. Wis. Stat. § 893.80 provides for the process by which the Common Council shall consider, and handle claims made against the Council, the City and its officers, agents and employees.

BASED UPON THE FOREGOING RECITALS, IT IS RESOLVED by the Common Council of the City of Mequon, Wisconsin, that the claim of Zachariah Anderson dated May 21, 2024, relating to his arrest on May 19, 2020, is hereby disallowed.

IT IS FURTHER RESOLVED that the City Clerk's office is directed, pursuant Wis. Stat. § 893.80(1g), to provide Mr. Anderson with written notice of disallowance.

Approved by: Andrew Nerbun, Mayor

Date Approved: June 11, 2024

I certify that the foregoing Resolution was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on June 11, 2024.

Caroline Fochs, City Clerk

May 21, 2024

Police Chief Patrick Pryor
Mequon Police Department
11300 N Buntrock Ave.
Mequon, WI 53092

VIA CERTIFIED MAIL

RE: NOTICE OF CLAIMS OF ZACHARIAH ANDERSON

Dear Police Chief Patrick Pryor:

I, Zachariah Anderson, an adult individual who currently resides at Wisconsin Secure Program Facility, 1101 Morrison Dr., Boscobel, WI 53085, hereby provide notice pursuant to Wisconsin Statute § 893.80 of State Law Claims that I have against current; former; and as-yet unknown current or former employees of the Mequon Police Department.

Factual Background:

On May 19, 2020 I was arrested at my residence, located at 6813 W Highland Rd., Mequon, WI 53092. I was then transported to the Kenosha Police Department and was interrogated by Kenosha Police Detectives. Although I was physically taken into custody by Mequon Police, Mequon Police were acting upon the specific direction of Kenosha Police Officers to arrest me. Although Kenosha Police claim to have ordered my arrest due to suspicion of "Stalking," no arrest warrant had yet been issued, and no reasonable grounds or probable cause existed for my arrest at the time I was taken into custody. Although a search warrant was signed by a judge for the search of my residence prior to my actual arrest, that search warrant contained false information directly speaking to the issue of probable cause, which was known to be false by the Kenosha Police, prior to my arrest.

Claims:

I allege multiple state law claims against Police Chief Patrick Pryor and as-yet unknown employees or former employees of the Mequon Police Department who were involved in the events resulting in my wrongful arrest including negligence, negligent supervision and training, negligent and intentional infliction of emotional distress, wrongful arrest, *respondeat superior*, indemnification, and conspiracy to commit the claims provided above.

In addition to these state law claims for which notice may be required; Claimant alleges federal claims for which notice is not required.

Itemized Damages:

Attachment: Notice of Claim (RESOLUTION 4126 : Disallowing Zachariah Anderson Claim)

Claimant requests \$10,000,000 as compensation for himself, as he has suffered significant personal and property damages due to the intentional, reckless, or negligent actions of Police Chief Patrick Pryor and as yet unknown employees or former employees of the Mequon Police Department on May 19-20, 2020. I, as Claimant, have suffered substantial loss of personal liberty, loss of property, pain and suffering, loss of income and future earnings, and other damages to be determined.

Thank you for your attention to this matter. Correspondence regarding this issue should be forwarded directly to me at the address indicated within the body of this letter.

Very Truly Yours,

/s/Zachariah Anderson

/nlw

(This document was drafted with the assistance of a lawyer)

Attachment: Notice of Claim (RESOLUTION 4126 : Disallowing Zachariah Anderson Claim)



11333 N. Cedarburg Road
Mequon, WI 53092
Phone: 262-236-2941
Fax: 262-242-9655

www.ci.mequon.wi.us

Office of Administration

TO: Common Council
FROM: William Jones, City Administrator
DATE: June 6, 2024
SUBJECT: RESOLUTION 4127 A Resolution Appointing Brenda Arnett to the Position of Director of Finance/City Treasurer

Background

Earlier this year, Director of Finance/City Treasurer Jennifer Engroff resigned effective May 2, in order to take a position as Senior ERP Consultant with Heartland Business Systems. Following this development, the City's Human Resources Division reviewed the Finance Director job description and developed an advertisement to fill the position. The job announcement was posted in April amongst a variety of professional associations, both regionally and nationally. The City received a total of twenty (20) submittals for the position, with an authorized salary range of \$104,009 - \$145,613.

Analysis

Following the application deadline, City staff embarked upon a process to thoroughly evaluate potential candidates. In early May, initial interviews were conducted by the City Administrator and Assistant City Administrator with twelve (12) candidates. Thereafter, a second round of interviews was completed, and subsequently, it was determined that Brenda Arnett was the best overall candidate to fill the vacant Finance Director position.

Ms. Arnett, a Cedarburg resident, brings unique experience to the position, having held jobs in both the private sector as well as in public education. In addition to working as a consultant for Arthur Andersen, she has spent the last twenty-five years working as a math teacher, curriculum coordinator and finance director across several local school districts. She holds both a Bachelor of Business Administration Degree from the University of Wisconsin-Madison and a Master's Degree in Education from National-Louis University, and is scheduled to start work with the City beginning on Monday, July 8.

Recommendation

A recommendation is forthcoming from the Finance-Personnel Committee on June 11, 2024.

COMMON COUNCIL
OF THE
CITY OF MEQUON

RESOLUTION 4127

A Resolution Appointing Brenda Arnett to the Position of Director of Finance/City Treasurer

RECITALS

- A. Pursuant to Wis. Stats. § 62.09, the City of Mequon is required to have certain statutory officers including a treasurer.
- B. In Mequon, the City's Director of Finance is also the City Treasurer.
- C. Following the resignation of the City's previous Director of Finance on May 2, 2024, the office of City Treasurer is temporarily being filled by the City's Assistant Finance Director in her role as the City's Acting Director of Finance.
- D. After a thorough recruitment and selection process, the City Administrator recommends the appointment of Brenda Arnett to the position of the Director of Finance/City Treasurer effective July 8, 2024.
- E. The Common Council, based upon the recommendation of the City Administrator, desires to make an appointment to the office of City Treasurer pursuant to § 2-63(b) of the Mequon Municipal Code.

BASED ON THE FOREGOING RECITALS, IT IS RESOLVED, by the Common Council of the City of Mequon, Wisconsin, that Brenda Arnett is appointed as the City of Mequon's Director of Finance/City Treasurer pursuant to § 2-63(b) of the Municipal Code, effective July 8, 2024.

Approved by: Andrew Nerbun, Mayor

Date Approved: June 11, 2024

I certify that the foregoing Resolution was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on June 11, 2024.

Caroline Fochs, City Clerk



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

www.ci.mequon.wi.us

Office of Public Works

TO: Common Council
FROM: Tim Weyker, Deputy Director of Public Works
DATE: June 3, 2024
SUBJECT: RESOLUTION 4128 A Resolution Awarding a Design Services Contract for the City Brush Site to The Sigma Group, Milwaukee, Wisconsin, in the Amount of \$84,914

Background

In 2021, the City of Mequon embarked upon a comprehensive long-range strategic planning process. The deliverables of the process included a full Strategic Plan document with a Vision, Mission, Values, Strategic Goals, Outcomes and Key Focus Areas. On July 10, 2022, the Common Council adopted the City's Strategic Plan for 2022-2025.

Quality of Life is one of the Key Focus Areas of the Strategic Plan, and one of the identified projects within this focus area is "City Brush Site Automation" (see attachment).

The City of Mequon Brush Site, located on a historic landfill, is currently open on Wednesdays and Saturdays from April through November for a predetermined number of hours and is manned by a seasonal brush site attendant. Annual brush site permits are sold through the Finance Department at City Hall and the brush site attendant checks each vehicle that enters the site to verify they have a permit and oversees administration of brush site policies.

Over the years, residents have requested more access to the brush site. Brush site users would like it to be open earlier and later in the year, open more hours per day, and open more days per week. An automated gate would allow the City flexibility to greatly expand the availability of the brush site and eliminate the need to check license plates and permits by issuing annual brush site access cards and security cameras.

Additionally, the quantity of brush and other collected materials has grown over the years and, at times, gets close to exceeding the available space at the brush site. During the busy season DPW crews drive a loader to the brush site twice a week to push the collected material into piles to accommodate more material. Twice a year, the City contracts for grinding and disposal/recycling of the material on site.

In conjunction with installing an automated gate at the brush site, staff recommends expansion of the lot, improvements to the driveway, and the addition of an equipment storage building to seasonally house a loader and other equipment. The building would include a small office for the required automated gate and security camera electronics as well as an enclosure for an on-site restroom. Collection of electronics for recycling has also been contemplated as an additional public service with improvements to the brush site.

Analysis

In early April, staff issued a Request for Proposal (RFP) for Design Services for Improvements to the City Brush Site. On May 1, staff received two proposals with the low bid from the Sigma Group of Milwaukee.

The RFP documents and Proposals received can be viewed here:

<https://www.ci.mequon.wi.us/publicworks/page/design-services-improvements-city-brush-site>

The RFP identified six tasks required of the designers for this project. Task 1 is “Agency Approvals and Utility Coordination”. Because the brush site is on a historic landfill, the approval process with the Wisconsin Department of Natural Resources (WDNR) is very involved and time consuming, typically requiring a 90-day review process by the WDNR. In light of this, staff requested Sigma Group prepare a separate proposal for Task 1 only, which was authorized by the City on May 16th. Critical work is ongoing with Sigma Group and the WDNR.

The remainder of the design tasks (Task 2 - Task 6) are included in a second Sigma Group proposal. The Task 1 proposal and the Task 2 - Task 6 proposal from Sigma Group when combined are equal to the original proposal in both scope & cost.

A summary of both proposals received is attached.

Fiscal Impact

The attached Resolution awards only the Design Services for the Brush Site Improvement project. While construction cost estimates are included in the scope of the design services contract, actual construction costs will not be known until the construction project is bid later this year.

City Brush Site Automation was identified as one of the projects included in the City’s spending plan for available funds awarded to the City of Mequon in the American Rescue Plan Act of 2021 (ARPA). \$250,000 in ARPA funding is allocated for this project.

Staff expects to fully utilize the ARPA funding for the design and automation aspects of this project from account 250870-691922 Misc Expense - ARPA Grant; however, it is anticipated that parking lot expansion and paving will utilize additional funding from the City’s Right-of-Way Assets Accounts, including 410780-720012-10001 (Demo/Grading) and 410780-720013-10001 (Paving/Resurfacing).

A resolution to award a construction contract for this project is anticipated later this year.

Recommendation

A recommendation is forthcoming from the Public Works Committee on June 11, 2024.

Attachments:

Strategic Plan - Quality of Life (PDF)

Proposal Summary (PDF)

COMMON COUNCIL
OF THE
CITY OF MEQUON

RESOLUTION 4128

A Resolution Awarding a Design Services Contract for the City Brush Site to The Sigma Group, Milwaukee, Wisconsin, in the Amount of \$84,914

RECITALS

A. On July 10, 2022, the Common Council adopted the City's Strategic Plan for 2022-2025.

B. Quality of Life is one of the Key Focus Areas of the Strategic Plan, and one of the identified projects within this focus area is "City Brush Site Automation".

C. Department of Public Works staff has solicited proposals for Design Services for Improvements to the City Brush Site including Brush Site Automation. Staff received two proposals with the low bid from the Sigma Group of Milwaukee.

D. The proposals were reviewed by staff for compliance with requirements specified.

E. Adequate funds are available for the recommended design services contract in the 250870-691922 Misc Expense - ARPA Grant account.

F. The Committee on Public Works, at its meeting on June 11, 2024, approved the design services contract to be forwarded to the Common Council.

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

1. The contract for Design Services for Improvements to City Brush Site is awarded to the Sigma Group of Milwaukee, Wisconsin, in an amount not to exceed \$84,914, subject to any clerical, technical and/or legal changes deemed necessary and appropriate by the City Attorney.

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

Approved by: Andrew Nerbun, Mayor

Date Approved: June 11, 2024

I certify that the foregoing Resolution was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on June 11, 2024.

Caroline Fochs, City Clerk



KEY FOCUS AREA: QUALITY OF LIFE

Quality of Life is a focus area that involves collaboration, partnership and support amongst the community's various stakeholders. The City has a focus on providing exceptional service to the community, and values the open space and natural beauty that make Mequon such a special and unique place to live.

Strategic Goals

- Preserve and enhance opportunities for open space and parks
- Provide community-focused recreational amenities
- Collaborate with community partners to leverage shared opportunities

Outcomes

- Preserve rural character
- Additional park amenities
- Preservation of open space through thoughtful development processes and approvals
- Celebrate and preserve important and unique aspects of the City's history, as well as its natural environment

Projects

- Civic Campus Master Plan
- Brush Site Automation
- Activate Parks w/ Amenities (e.g., Tennis, Pickleball, etc)
- Parks Master Plan Implementation
- Parks Reservation System
- Expand Recreational Partnerships
- Enhanced Lake Michigan Access
- Community Pool Determination
- Additional Community Events
- Environmental Sustainability Plan
- Consideration of Parks Foundation



RFP: Design Services for Improvements to City Brush Site - Proposal Summary

Proposals Received 5/1/24

<u>Task</u>	<u>Description</u>	<u>The Sigma Group, Inc.</u>	<u>Graef</u>
Task 1	Agency Approvals and Utility Coordination	\$17,674.00	\$49,085.00
Task 2	Site Design	\$55,700.00	\$49,324.00
Task 3	Preparation of Plans and Specifications	\$4,760.00	\$47,125.00
Task 4	Bidding Assistance	\$1,500.00	\$14,005.00
Task 5	Meetings	\$2,160.00	\$12,073.00
Task 6	Construction Staking	\$3,120.00	\$8,174.00
TOTAL BID:		\$84,914.00	\$179,786.00



11333 N. Cedarburg Road
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Phone: 262-242-3500
Fax: 262-242-7650

www.ci.mequon.wi.us

Office of Police

TO: Common Council
FROM: Patrick Pryor, Chief of Police
DATE: June 11, 2024
SUBJECT: RESOLUTION 4129 A Resolution Approving an Intergovernmental Agreement Between the City of Mequon and the City of Milwaukee, in Connection with the Provision of Law Enforcement Support Services During the 2024 Republican National Convention

Background:

The Republican National Convention (RNC) is being held in the City of Milwaukee from July 15-18, 2024. The City of Milwaukee Police Department, the United States Department of Homeland Security and the United States Secret Service have been designated as lead authorities and are working cooperatively in commanding and providing security for this event.

Analysis:

The City of Milwaukee has provided an Intergovernmental Agreement for Law Enforcement services related to the RNC. This agreement contains definitions pertaining to the establishment of command and authority, organizational structure, participating and host agency responsibilities and payment terms. This agreement has been reviewed by the Mequon City Attorney and has been found to be acceptable.

This agreement indicates that for any officers sent to assist, all wages, benefits, and mileage will be reimbursed as well as insurance protection provided. This will not cause the Mequon Police Department's resources to be depleted, and the Department has prepared for this by not allowing officers to take off time for the duration of this event. Moreover, the Department will maintain its staffing requirements for the City of Mequon throughout this event.

Fiscal Impact:

All expenses are expected to be reimbursed.

Recommendation:

A recommendation is forthcoming from the Public Safety Committee on June 11, 2024.

Attachments:

2024 RNC Police IGA - Final(DOCX)

COMMON COUNCIL
OF THE
CITY OF MEQUON

RESOLUTION 4129

A Resolution Approving an Intergovernmental Agreement Between the City of Mequon and the
City of Milwaukee, in Connection with the Provision of Law Enforcement Support Services
During the 2024 Republican National Convention

- A. The City of Milwaukee has been designated as the host city for the 2024 Republican National Convention.
- B. The Convention has been classified by the federal government as a National Special Security Event, for which the United State Secret Service (USSS) is the authorized lead agency for the design and implementation of the Security Plan.
- C. The City of Milwaukee is responsible for coordinating local law enforcement, fire safety and other public service efforts in compliance with the Security Plan.
- D. The City of Milwaukee seeks to procure the assistance of additional law enforcement personnel to provide services required by the Security Plan during the Convention Security Period.
- E. Wisconsin Statutes §§ 66.0301 and 66.0313 authorize municipalities to enter into intergovernmental agreements for the purpose of providing mutual aid in circumstances such as the Convention.
- F. In this role, the City seeks to promote the safety and welfare of all Convention participants and members of the public, while enabling individuals to exercise their constitutional rights.

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

- 1. That the Intergovernmental Agreement between the City of Mequon and the City of Milwaukee for Law Enforcement Services for the 2024 Republican National Convention in the form as attached, is hereby approved, subject to any minor or technical changes as may be deemed necessary and appropriate by the City Attorney.
- 2. That the Mayor, City Clerk and Police Chief are authorized and directed to execute and deliver the same to the City of Milwaukee.

Approved by: Andrew Nerbun, Mayor

Date Approved: June 11, 2024

I certify that the foregoing Resolution was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on June 11, 2024.

Caroline Fochs, City Clerk

CONTRACT NUMBER: See Exhibit A
CONTRACTOR: See Exhibit A
COMMON COUNCIL RESOLUTION: 231078

Distribution via DocuSign in this order:

- Assisting agency signatories – Signature/final copy
- Chief (Fire or Police) – Signature/final copy
- Aaron Robinette – Initials/final copy
- Claudia Orugbani – Initials/final copy
- “Comptroller Senior Management” (see DocuSign address book) – Signature/final copy
- City Attorney (ACA Foundos) – Signature/final copy
- Andrea Fowler – final copy (no signature)

**Intergovernmental Agreement for Law Enforcement Services for the
2024 Republican National Convention**

I. Definitions. The following definitions apply to this Agreement.

1. **Agreement** means this Intergovernmental Agreement for Law Enforcement Services for the 2024 Republican National Convention.
2. **Assisting Personnel** means those personnel provided by Contractor to assist Milwaukee pursuant to this Agreement.
3. **Convention** means the 2024 Republican National Convention to be held in the City presently scheduled for July 15-18, 2024.
4. **In Writing** means a written communication via the official Milwaukee email account (@milwaukee.gov) of the MPD Chief, MPD Chief of Staff, or the Chief’s designees.
5. **MPD** means the City of Milwaukee Police Department.
6. **Milwaukee** or **City** means the City of Milwaukee, Wisconsin.
7. **Parties** means Milwaukee and Contractor; **Party** means Milwaukee or Contractor.
8. **Security Plan** means the security plan developed for the Convention by the U.S. Secret Service, in consultation with the Milwaukee Police Department, the Milwaukee Fire Department, and other local, state and federal agencies.
9. **Security Grant** means the grant provided to Milwaukee by the U.S. Department of Justice and/or the U.S. Department of Homeland Security to provide security for the Convention.
10. **Contractor** means the name of the Contractor identified in Exhibit A.

II. Background.

1. Milwaukee has been chosen as the host city for the Convention. Milwaukee has various security obligations for the Convention pursuant to the Security Plan and an agreement between Milwaukee, the Convention host committee, and the Republican National Committee.
2. Milwaukee requires the assistance of non-Milwaukee police personnel in support of its Convention security obligations.
3. Milwaukee expects to and/or has received the Security Grant to pay for costs associated with securing the Convention, including the law enforcement services described in this Agreement.

IV. Exhibits. Exhibits A and B are incorporated into the Agreement, and contain information and forms specific to Contractor. Contractor agrees to provide the personnel and/or equipment listed in Exhibit B, at the times as listed in Exhibit B, and with all information required of Exhibits A and B. Contractor shall submit a “Final” version of Exhibit B at the appropriate times as specified in this Agreement.

V. Additional Terms of Agreement.

1. **Authority to Execute.** The Parties each represent that they, and their signatories, possess the legal authority to enter into the Agreement and to validly and legally bind their respective Party to all terms of the Agreement.
2. **Term.** The term of the Agreement shall begin on the date of final execution of the Agreement by both Parties and shall end upon the completion of all obligations of the Agreement and participation in administrative proceedings and/or criminal and/or civil trials and/or audits by Milwaukee or Federal auditors.
3. **Amount.** Contractor shall not be paid more than the amount set forth in Exhibit B titled “Total Cost,” in the section entitled “Total Request for Reimbursement” which is the estimated total cost for Contractor’s performance under the Agreement. The amount may be increased or decreased only by written amendment of the Agreement or In Writing.
4. **Payment.**
 - 4.1 Costs Reimbursed. Contractor shall be reimbursed for costs that are all of the following, as applicable: (1) properly supported by the documentation set forth below in the section entitled “Payment Requests” and in Exhibit B; (2) included in the Agreement budget or otherwise approved In Writing; (3) for personnel time, time spent in an “on duty” status between the time Assisting Personnel check in with MPD and the time that they check out with MPD at the end of their shift, in accordance with duty assignments distributed by MPD, or in training assigned by MPD, and at the rate(s) provided in Exhibit B; (4) for transportation, mileage or airfare at current United States General Services Administration rates and policies as set forth in Exhibit B; and (5) for equipment at the rates set forth in Exhibit B and at market rate repair costs for any damage to such equipment.
 - 4.2 Costs Not Reimbursed. Irrespective of any costs set forth in the budget, Contractor shall not be paid for any of the following:
 - 4.2.1 Assisting Personnel’s time while located at their place of lodging or home or while traveling to or from their place of lodging or home to the duty station to which they are assigned by MPD or to the location of any training, unless such personnel are covered by a collective bargaining agreement, employment contract, ordinance or other law requiring them to be paid for such time and travel and documentation is provided as required below.
 - 4.2.2 Costs in violation of any federal, state, or local law, regulation, or rule, or this Agreement.
 - 4.2.3 Costs in violation of the terms of the Security Grant award letter to Milwaukee, except when such costs are incurred while Assisting Personnel are acting on a direct command from MPD or responding to an emergency situation which, in Assisting Personnel’s professional judgment, reasonably requires them to provide services to protect public safety.
 - 4.2.4 Rates of pay that exceed the normal salary and benefits of Assisting Personnel.

- 4.2.5 Hours worked outside those established by MPD unless pre-approved In Writing. In Writing approval may be provided retroactively if Assisting Personnel are acting on a direct command from MPD or responding to an emergency situation which, in their professional judgment, reasonably requires them to provide services outside of their assigned work hours to protect public safety. In such instances, Assisting Personnel shall seek approval from Milwaukee MPD command at the earliest reasonable time.
- 4.2.6 Costs of personal entertainment, miscellaneous items, additional food, or transportation beyond that provided or authorized In Writing.

4.3 Payment Requests. Payment requests for work performed during the Convention shall be submitted to Milwaukee no later than September 2, 2024, and must include the following supporting documentation demonstrating that the costs being invoiced are both allowable and allocable to the grant. Failure to include this information in a payment request may result in the denial of the payment request:

- 4.3.1 “Final” version of Exhibit B, and all documentation required therein.
- 4.3.2 If requested, copies of the relevant portion of a collective bargaining agreement, employment contract, ordinance, law, requiring Assisting Personnel to be paid for travel time and overtime.
- 4.3.3 Such other documentation as Milwaukee may reasonably request, or which has been requested by the U.S. Department of Justice, local, state, or federal auditors.
- 4.3.4 If Contractor is budgeted to procure any items or services, it must follow the procurement rules set forth at 2 C.F.R. 200, and must maintain records and make such records available to Milwaukee upon request and must be sufficient to establish (1) the rationale for the method of purchase, (2) selection of the contract type, (3) contractor selection or rejection, and (4) the basis of the contract price (see 2 C.F.R. § 200.318(i)).
- 4.3.5 A completed W-9 form.

4.4 Timing of payments and recoupment.

- 4.4.1 Payment requests shall be reviewed in the order received. Payment is anticipated to be made within 45 days after a complete reimbursement package is received by Milwaukee. A reimbursement package is deemed to be complete after any/all requests for information made by Milwaukee to Contractor have been received and no further questions remain.
- 4.4.2 Final payment under the Agreement shall be predicated, at Milwaukee’s option, on a final audit of Contractor’s documentation by Milwaukee, state, or federal officials.
- 4.4.3 Contractor shall reimburse Milwaukee for any disbursed funds that Milwaukee, or local, state, or federal auditors determine have been misused or misappropriated such as if Contractor billed time not actually worked, or for which such auditors determine were not properly supported or documented. Such reimbursement of funds shall be due upon Milwaukee’s written demand to Contractor.

4.5 Risk. Intentionally Deleted.

4.6 Payment Requests for After Action Activities. The parties shall work in good faith to mutually agree as to payment terms for any After Action Activities (as described in Section 24.4) that may result from this Agreement, except that participation in any information requests, debriefings, or audits shall not be paid.

5. **Records, Audit, and Information Requests.**

- 5.1 Information requested pursuant to payment requests and audit. Contractor shall furnish Milwaukee with such statements, records, reports, data, and information as Milwaukee may reasonably request to substantiate and/or investigate the basis of payment requests, and/or to meet the requirements of Milwaukee, local, state, or federal audits.
- 5.2 Federal Grant Record Retention Requirements. Contractor will retain those records required by 2 C.F.R. § 200.334 for a period of three years after it receives notice from Milwaukee that Milwaukee has submitted final expenditure reports or quarterly or annual financial reports, as applicable, and all other pending matters are closed.
- 5.3 Wisconsin Public Records Law. The Parties understand and agree that they are each Authorities under the Wisconsin Public Records Law, Wis. Stat. § 19.21, et seq. Irrespective of any other term of this Agreement, Contractor is obligated to retain Records for seven years from the date of the Record's creation. The requirements of this section are in addition to, and not in place of, the retention requirements of any other section or paragraph. This term shall survive for a period of seven years after termination or expiration of this Agreement.
6. **Security Information.** Contractor shall comply with all privilege and confidentiality requirements and procedures set forth by the U.S. Department of Homeland Security, the U.S. Secret Service or any other governmental entity. Contractor shall not keep a record (broadly construed to include paper or electronic formats) that contains details of security arrangements or investigations relevant to the Convention. Any records created in the course of Contractor providing services to Milwaukee shall remain in the custody of Milwaukee. Regardless of whether Contractor has custody of a record, Contractor shall, as soon as practicable and without delay, notify Milwaukee of any request to disclose such record.
7. **Choice of Law and Venue.** The Agreement shall be governed by and construed, interpreted and enforced in accordance with the laws of the State of Wisconsin. Contractor and Milwaukee agree that for any claim or suit or other dispute relating to the Agreement that cannot be mutually resolved, jurisdiction and venue shall be in an appropriate court of competent jurisdiction sitting in Milwaukee County, Wisconsin. Contractor agrees to submit itself to the jurisdiction of said courts, to the exclusion of any other court that may have jurisdiction over such a dispute according to any other law, except that, if another party obtains jurisdiction over Milwaukee for claims or other actions involving or related to the Agreement in a different forum or venue, Contractor agrees that it shall submit to the jurisdiction of such forum or venue.
8. **Liability.** Except as otherwise provided in Section 12, each Party agrees that it will be responsible for its own acts and/or omissions and those of its Assisting Personnel, officials, employees, representatives, and agents in carrying out the terms of this Agreement to the extent authorized by law and shall not be responsible for the acts and/or omissions of the other Party.
9. **No Waiver.** Irrespective of any term of this Agreement, nothing contained in this Agreement shall waive or amend, nor be construed to waive or amend any privilege, defense, limitation of liability, or immunity that either Party, their respective officials, agents, or employees may have under any applicable federal, state, local, or common law.
10. **Sam.gov profile.** Contractor is required to maintain an active profile on SAM.GOV and a Unique Entity Identification number during the term of the Agreement.
11. **Independent legal entities and employment.**

- 11.1 Independent Legal Entities. Contractor is an independent legal entity, and neither Contractor, nor Contractor's employees, agents, and/or Assisting Personnel are employees of City, nor are they entitled to any fringe benefits or any other benefits to which City's salaried employees are entitled to or are receiving. Personal income tax payments, social security contributions, insurance, and all other governmental reporting and contributions required as a consequence of Contractor receiving payment under this Agreement shall be the sole responsibility of Contractor. City and Contractor form no joint venture or legal partnership under this Agreement.
- 11.2 Assisting Personnel Remain Employees of Contractor. Contractor acknowledges and affirms that, except as otherwise required under Wis. Stat. § 66.0313, Contractor remains fully responsible for any and all obligations as the employer of its Assisting Personnel, including among other things: responsibility for the payments of: (i) earnings; (ii) overtime earnings; (iii) withholdings; (iv) insurance coverage; (v) workers' compensation; (vi) death benefits; (vii) medical and legal indemnity where lawful and appropriate; and (viii) all other requirements by law, regulations, ordinance, or contract. Assisting Personnel remain employees of Contractor. Contractor shall be responsible for the payment of any compensation or death benefits to Assisting Personnel who are injured or killed while providing services to City under the terms of this Agreement. City shall reimburse Contractor for those expenses to the extent required by state law. Contractor agrees that it shall not include any fringe expense related to worker's compensation insurance premiums in Exhibit B.
12. **Indemnification.** The City shall indemnify Contractor and Assisting Personnel for liability to third parties incurred while Assisting Personnel are acting within the scope of their employment to fulfill the terms of this Agreement to the extent required by Wis. Stat. § 66.0313.
13. **Notices.** Any notices to be given under these terms and conditions unless otherwise stated shall be submitted via certified mail, return receipt requested, and shall be deemed delivered upon receipt of electronic delivery notice to the persons at the addresses identified "Contractor Contact Information" and "Milwaukee Contact Information" in Exhibit A.
14. **Remedies for noncompliance.** If Contractor fails to comply with any term of the Agreement Milwaukee may take one or more of the following actions:
- 14.1 Temporarily withhold reimbursement pending correction of the deficiency or breach;
 - 14.2 Deny both use of funds for all or part of the activity or action not in compliance;
 - 14.3 Wholly or partially suspend the Agreement;
 - 14.4 Withhold further reimbursement;
 - 14.5 Terminate the Agreement under section 15;
 - 14.6 Take other remedies that may be legally available.
15. **Termination.**
- 15.1 Termination by Milwaukee. Milwaukee may terminate the Agreement at any time for any reason upon written notice to Contractor. Contractor will be reimbursed for its costs to date of termination and non-cancelable obligations properly incurred as set forth in the Agreement budget prior to the date of termination under the following circumstances: (1) such costs are properly documented as required in the Agreement; (2) such costs do not exceed the amount allowed under the Agreement; and (3) a report of progress to date of termination has been submitted to Milwaukee. Upon notice of termination, Contractor shall cease to incur or obligate new costs under this program. If Contractor fails to comply with or perform any material term, condition, or obligation contained in the Agreement, and either such breach cannot be cured or,

if such breach may be cured, Contractor fails to cure such breach within seven (7) calendar days after Milwaukee provides Contractor with notice of such failure, Milwaukee may terminate the Agreement and deny reimbursement for all or part of the activity directly related to such breach.

- 15.2 **Termination by Contractor.** Contractor may terminate the Agreement if Contractor is not able to both fulfil the terms of the Agreement and ensure the public safety of its own jurisdiction due to an emergent circumstance. Upon Contractor's termination of the Agreement, Contractor shall fully refund to Milwaukee all prepayments that Milwaukee may have paid to Contractor pursuant to the Agreement (if any). Contractor shall be reimbursed according to the procedures set forth in the Agreement for costs incurred during any provision of Agreement services to Milwaukee. Contractor shall provide notice of termination to Milwaukee as soon as practical upon discovery of conditions requiring the termination.
16. **Amendment.** The Agreement may be amended only by joint written agreement between the Parties.
17. **Headings.** The captions and headings of paragraphs and sections in this Agreement are for convenience of reference only and shall not be construed as defining or limiting the terms.
18. **Survival.** The terms of the Agreement and any exhibits and attachments that by reasonable implications contemplate continued performance, rights, or compliance beyond expiration or termination of the Agreement survive the Agreement and will continue to be enforceable.
19. **Lobbying.** Contractor agrees that no federal appropriated funds have been reimbursed or will be reimbursed, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement. Funds provided pursuant to the Agreement may not be used to influence federal contracting or financial transactions.
20. **Debarment.** By executing the Agreement, Contractor certifies neither it, nor any of its respective principals are debarred, suspended, or proposed for debarment for federal financial assistance (e.g. General Services Administration's List of Parties Excluded from Federal Procurement and Non-Procurement Programs), and that Contractor will not enter into any transactions with any subrecipients, contractors, or any of their principals who are debarred, suspended or proposed for debarment using funds provided by this Agreement. Contractor agrees that it will take all steps necessary to ensure that it and its respective principals do not become debarred, suspended or proposed for debarment for federal financial assistance. If Contractor becomes disbarred, it will immediately notify Milwaukee, and such disbarment may be grounds for termination of the Agreement.
21. **Entire agreement, amendments, severability.**
 - 21.1 **Entire Agreement.** The Agreement constitutes the entire agreement between Milwaukee and Contractor concerning its subject matter and supersedes all prior agreements, discussions, representations, warranties and covenants between them concerning the subject matter of the Agreement.

21.2 Severability. If any term of the Agreement is, to any extent, held invalid or incapable of being enforced, such term shall be excluded only to the extent of such invalidity or unenforceability. All other terms of the Agreement shall remain in full force and effect and, to the extent possible, the invalid or unenforceable term shall be deemed replaced by a term that is valid and enforceable and that comes closest to expressing the intention of such invalid or unenforceable term as mutually agreed by the parties or by a court of competent jurisdiction..

22. **Certifications and incorporation of federally required terms.** The following terms and conditions are incorporated into the Addendum:

22.1 Amendment Permitted. This list of federally required contract terms may be amended by Milwaukee in the event that the Security Grant contains additional required terms.

22.2 Record Retention. Contractor certifies that it will comply with the record retention requirements detailed in 2 C.F.R. § 200.334. Contractor further certifies that it will retain all records as required by 2 C.F.R. § 200.334 for a period of three (3) years after the Term.

22.3 Clean Air Act (42 U.S.C. 7401-7671q.) and the Federal Water Pollution Control Act (33 U.S.C. 1251-1387), as amended. If this Agreement exceeds one hundred fifty thousand dollars (\$150,000), Contractor must comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251-1387). Violations must be reported to the Federal awarding agency (the U.S. Department of Justice) and the Regional Office of the Environmental Protection Agency (EPA).

22.4 Energy Efficiency. Contractor certifies that it will be in compliance with mandatory standards and policies relating to energy efficiency which are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act (Pub. L. 94-163, 89 Stat. 871).

22.5 Byrd Anti-Lobbying Amendment (31 U.S.C. 1352). If the Agreement exceeds one hundred thousand dollars (\$100,000), Contractor certifies that:

22.5.1 No federal appropriated funds have been paid or will be paid, by or on behalf of Contractor, to any person for influencing or attempting to influence an officer or employee of an agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

22.5.2 If any funds other than federal appropriated funds have been paid or will be paid to any person for making lobbying contacts to an officer or employee of an agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this federal contract, grant, loan, or cooperative agreement, Contractor shall request from Milwaukee and provide, completed, to Milwaukee the "Disclosure Form to Report Lobbying," in accordance with its instructions as amended by "Governmentwide Guidance for New Restrictions on Lobbying," 61 Fed. Reg. 1413 (1/19/96).

- 22.5.3 Contractor shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all sub-contractors shall certify and disclose accordingly.
- 22.5.4 This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction by 31 U.S.C. § 1352 (as amended by the Lobbying Disclosure Act of 1995). Any person who fails to file the required certification shall be subject to a civil penalty of not less than ten thousand dollars (\$10,000) and not more than one hundred thousand dollars (\$100,000) for each such failure. Contractor certifies and affirms the truthfulness and accuracy of each statement of its certification and disclosure, if any. In addition, Contractor understands and agrees that the provisions of 31 U.S.C. A 3801, et seq., apply to this certification and disclosure, if any. FAR 52.203-12, "Limitation on Payments to Influence Certain Federal Transactions" is hereby incorporated by reference into this certification.
- 22.6 DHS Seal, Logo, and Flags. Contractor shall not use the Department of Homeland Security (DHS) seal(s), logos, crests, or reproductions of flags or likenesses of DHS agency officials without specific Federal Emergency Management (FEMA) pre-approval.
- 22.7 Federal Government is Not a Party. The Federal Government is not a party to this Agreement and is not subject to any obligations or liabilities to any party pertaining to any matter resulting from the Agreement.
- 22.8 Domestic preferences for procurements. Pursuant to 2 C.F.R. §200.322, as appropriate and if applicable, and to the extent consistent with law, Contractor should, to the greatest extent practicable under the Agreement, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States (including but not limited to iron, aluminum, steel, cement, and other manufactured products). The requirements of this section must be included in all subcontracts and purchase orders for work or products under the Agreement.
- 22.9 Prohibition on Certain Telecommunications and Video Surveillance Services or Equipment. Contractor shall not knowingly use funds under this Agreement to purchase, or enter into subcontracts to purchase, any equipment, services, or systems that use telecommunications equipment or services as a substantial or essential component of a system that is subject to 2 C.F.R. § 200.216. In the event Contractor identifies covered telecommunications equipment or services that constitute a substantial or essential component of any system, or as critical technology as part of any system that is subject to 2 C.F.R. § 200.216, during Agreement performance, Contractor shall alert Milwaukee as soon as possible and shall provide information on any measures taken to prevent recurrence.
- 22.10 Prohibition on confidentiality agreements. Contractor may not require any employee or contractor to sign an internal confidentiality agreement or statement that prohibits or otherwise restricts, or purports to prohibit or restrict, the reporting (in accordance with law) of waste, fraud, or abuse to an investigative or law enforcement representative of a federal department or agency authorized to receive such information.
- 22.11 All terms found in 2 C.F.R. § 200, Appendix II, if not incorporated elsewhere in this Addendum.

23. Organizational Structure and Law Enforcement Procedures.

- 23.1 Unified Incident Command. At all times while operating under this Agreement, Assisting Personnel shall be subject to the structure of supervision, command, and control coordinated by MPD through a unified incident command structure, irrespective of the rank or job title normally held by any member of Assisting Personnel within their own agency.
- 23.2 Lead Local Law Enforcement Agency and Assignments. MPD is the lead local law enforcement agency for purposes of the Convention Security Plan. The Milwaukee Police Chief, or their designee, will communicate the specific assignments for Assisting Personnel to Contractor's commanding officer. Should Contractor object to any specific assignment, it shall make an objection to MPD and MPD shall reasonably attempt to accommodate the objection. The decision of the MPD regarding the objection and the requirements of the Security Plan shall control.
- 23.3 Policies and Law to Apply. Assisting Personnel will abide by applicable MPD policies, the lawful commands of the MPD Chief of Police and their designees, City of Milwaukee Municipal Code of Ordinances, Wisconsin law, and the United States Constitution. Rules of engagement and applicable standard operating procedures are available at <https://milw.sharepoint.com/:f:/r/sites/MPDRNCInformationCenter/Shared%20Documents/General?csf=1&web=1&e=KpTEFq> (see "Outside Agency Documents" → "Files" → "Wisconsin Intergovernmental Agreements Documents" folder) and must be complied with at all times by Assisting Personnel. All other documents are available from Milwaukee upon request. To activate this link, and access these documents, please request access by contacting the MPD RNC Planning Unit by email at MPD_RNC2024@milwaukee.gov or by telephone at (414) 935-7171.
- 23.4 Police Authority. Most Assisting Personnel duty assignments shall include the assignment of at least one MPD officer. Should an arrest or stop be required, the MPD officer shall conduct the arrest, and Assisting Personnel shall assist as directed. Assisting Personnel shall not conduct arrests or stops unless required to do so by emergent circumstances in which an MPD officer is not available or capable of conducting the arrest or stop. In such cases, the arresting officer shall include an MPD officer at his/her earliest opportunity and shall provide that MPD officer with all relevant and/or requested information. This Agreement is a request for assistance pursuant to Wis. Stat. §§ 66.0301 and 66.0313, pursuant to which a responding Wisconsin officer may assist with an arrest, notwithstanding any other jurisdictional provision.
- 23.5 Conformance to Security Plan. All functions and duties to be performed by Assisting Personnel shall conform to the Security Plan, as relayed by the MPD Chief of Police and their designees.

24. Assisting Personnel and Responsibilities.

- 24.1 Assisting Personnel to Participate in Training. Upon reasonable advance written notification from MPD, Assisting Personnel shall participate in Convention training activities (whether in person or online) that are coordinated by MPD. MPD shall make reasonable efforts to coordinate the training schedule with Contractor.
- 24.2 Services Limited. Assisting Personnel shall only provide services in which they are already experienced and for which they are licensed or certified under the law of Contractor.
- 24.3 Field Operations Guide. MPD presently expects to provide a Field Operations Guide to Assisting Personnel as they arrive in Milwaukee, with which Assisting Personnel shall comply at all times while functioning under the terms of the Agreement.

- 24.4 Assisting Personnel to Participate in After Action Activities. At the request of Milwaukee, Contractor shall reasonably provide information, participate in debriefings, respond to information requests required for insurance or audit purposes, and reasonably aid Milwaukee in the prosecution or defense of any civil or criminal proceedings related to Contractor's performance under the Agreement or in any matter in which Assisting Personnel or Contractor is identified by Milwaukee as a witness. Such assistance shall include the provision of personnel or other records in administrative, criminal, and/or civil proceedings as reasonably requested by Milwaukee.
- 24.5 Assisting Personnel Criteria. Each Assisting Personnel provided by Contractor shall meet each of the following criteria:
- 24.5.1 Be licensed or certified as a law enforcement officer or equivalent by Contractor.
 - 24.5.2 By reason of experience, training, and physical fitness, be qualified and capable of performing the duties required of an active duty licensed or certified police officer assigned to an event of the Convention's size and scope.
 - 24.5.3 If assigned to the Major Incident Response Team, have completed Mobile Field Force training or its equivalent and other training as required by MPD or the United States Secret Service.
 - 24.5.4 Employed as a licensed or certified non-probationary officer with at least 1 year of service by Assisting Governmental Unit and be an officer in good standing at all times until the completion of the Convention.
 - 24.5.5 Have not been (i) sued in an individual capacity and adjudicated as liable for violations of the U.S. Constitution, or (ii) have sustained complaints for the use of excessive, unreasonable or unnecessary force within the last five years.
- 24.6 Declining Personnel. At any time, Milwaukee may decline assignment or deployment of any Assisting Personnel without cause or explanation. In the event such personnel are declined through no fault of Contractor or Assisting Personnel, Milwaukee shall reimburse Contractor for any costs budgeted for under the Agreement and already incurred.
- 24.7 Assisting Personnel Equipment.
- 24.7.1 Each Assisting Personnel shall be equipped by Contractor at Contractor's own expense with a seasonally appropriate patrol uniform and equipment, including service belt, service weapon, radio, and personal soft ballistic body armor. Assisting Personnel shall not bring to their assignments any chemical or other non-lethal munitions except as authorized by MPD via the sanctioned equipment list described below.
 - 24.7.2 A complete, sanctioned, equipment list is will be provided to Contractor at least sixty (60) days before the Convention. Any equipment, gear, service weapons or munitions that are not included on the equipment list may not be used by Assisting Personnel as part of their assignments unless MPD consents to the use of such In Writing.
 - 24.7.3 Assisting Personnel may not bring or utilize any demo equipment provided at low or no cost by a supplier seeking to demonstrate new equipment.
25. **Milwaukee Responsibilities.** In addition to Milwaukee's lead law enforcement agency responsibilities for the Convention, Milwaukee will provide the following:

- 25.1 Training. Training for Assisting Personnel, as and if determined necessary by MPD or the United States Secret Service.
- 25.2 Lodging and Food. Milwaukee will provide lodging for Assisting Personnel whose home agency is located more than 50 road miles outside of Milwaukee. Milwaukee will also provide a per diem for all Assisting Personnel for those times that they are stationed in Milwaukee, as specified in Exhibit B. Any expenditures for food or lodging outside of those provided by Milwaukee shall be at Assisting Personnel or Contractor’s own expense.
- 26. **Discipline / Probable Cause Matters**. Milwaukee shall refer disciplinary matters involving Assisting Personnel to Contractor. Based on the judgment of Milwaukee, if a particular matter represents probable cause for the issuance of a criminal complaint, then such matter shall be referred directly to MPD or an external law enforcement agency for investigation with appropriate notice to Contractor.

IN WITNESS WHEREOF, the City and Contractor have fully executed this Agreement as of the date of the final signature below:

CITY OF MILWAUKEE,
A Municipal Corporation

By Its Milwaukee Police Department

By: _____
Chief Jeffrey B. Norman

Date: _____

CONTRACTOR: See Exhibit A

By: _____	Title: Mayor	Date: _____
Andrew Nerbun		

By: _____	Title: City Clerk	Date: _____
Caroline Fochs		

By: _____	Title: Police Chief	Date: _____
Patrick Pryor		

Approved as to Form:

Brian C. Sajdak
Mequon City Attorney

Countersigned:

_____ Date: _____
(City Comptroller)

Date: _____

____Initials (Comptroller Staff)

____Initials (Comptroller Staff)

Examined and approved as to form and execution this ____ day of
_____, 2024.

Assistant City Attorney



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

www.ci.mequon.wi.us

Office of Engineering

TO: Common Council
FROM: Kristen Lundeen, Director of Public Works/City Engineer
DATE: June 11, 2024
SUBJECT: RESOLUTION 4130 A Resolution Ratifying Replacement of a Public Sanitary Sewer Lateral at 11333 North Port Washington Road with Grunau of Oak Creek, Wisconsin, in the Estimated Amount of \$60,000

Background

North Shore Bank is constructing a building at 11317 North Port Washington Road. As a condition of approval, the building must connect to the public sanitary sewer. There is a lateral available to the site, but when the contractor televised the lateral, it discovered that the public portion of the lateral required reconstruction.

In order to allow the project to move forward, staff authorized the lateral repair. However, the cost of the repair exceeds the approval authority of staff, requiring Sewer Utility District Commission recommendation and Common Council action.

Analysis

Once the repair was identified, staff issued a request for quotes to ensure that the repair is cost efficient for the utility. The first attempt received no quotes, but ultimately Utility staff was able to obtain a cost from a contractor to compare to that offered by the developer. Grunau provided a lower cost than the developer and staff authorized approval.

The repair includes the following:

- Permit to work within the Ozaukee County right-of-way
- Saw cut curb and sidewalk
- Remove and replace curb, sidewalk and pavement
- Excavate 15-feet for new lateral
- Haul away spoils from excavation
- Slurry backfill under the roadway
- Stone bedding for all other pipe areas
- Traffic control
- Dust control
- Street sweeping
- Private utilities
- Dewatering (if required)
- Restoration

Fiscal Impact

The quote for the project is \$53,600. While the final work has not yet been invoiced, staff is requesting ratification of the repair at a total of \$60,000 to include unforeseen, ancillary costs.

The project will be paid for through the gravity sanitary sewer capital account.

Recommendation

A recommendation from the Sewer Utility District Commission is forthcoming on June 11, 2024.

COMMON COUNCIL
OF THE
CITY OF MEQUON

RESOLUTION 4130

A Resolution Ratifying Replacement of a Public Sanitary Sewer Lateral at 11333 North Port Washington Road with Grunau of Oak Creek, Wisconsin, in the Estimated Amount of \$60,000

RECITALS

A. The public portion of the sanitary sewer lateral at 11333 North Port Washington Road requires replacement.

B. The repair is critical to the construction of the development at 11333 North Port Washington Road and time was of the essence, creating an emergency situation that did not allow for approval prior to the authorization of the expenditure.

C. The Sewer Utility Gravity Sanitary Sewer Fund Account has sufficient funds for the emergency repair and previously authorized or planned expenditures.

D. Sewer Utility District Commission recommended approval on June 11, 2024.

BASED UPON THE FOREGOING RECITALS, IT IS RESOLVED by the Common Council of the City of Mequon, Wisconsin that the estimated, not-to-exceed \$60,000 project completed by Grunau of Oak Creek, Wisconsin, is ratified.

Approved by: Andrew Nerbun, Mayor

Date Approved: June 11, 2024

I certify that the foregoing Resolution was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on June 11, 2024.

Caroline Fochs, City Clerk



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

www.ci.mequon.wi.us

Office of Engineering

TO: Common Council
FROM: Kristen Lundeen, Director of Public Works/City Engineer
DATE: June 11, 2024
SUBJECT: RESOLUTION 4131 A Resolution Authorizing Staff to File the City of Mequon's Compliance Maintenance Annual Report (CMAR) for Calendar Year 2023, 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 2023 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 2023, the City continued its "A" grade for financial management and collection systems.

In 2023, the City reported three SSOs as a result of wet weather/snowmelt in February at lift stations in the vicinity of the Milwaukee River, in addition to one SSO as a result of equipment failure. 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 11, 2024.

Attachments:

2023 Draft CMAR (PDF)

COMMON COUNCIL
OF THE
CITY OF MEQUON

RESOLUTION 4131

A Resolution Authorizing Staff to File the City of Mequon's Compliance Maintenance Annual Report (CMAR) for Calendar Year 2023, 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 by the Common Council of the City of Mequon, Wisconsin, 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 11, 2024

I certify that the foregoing Resolution was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on June 11, 2024.

Caroline Fochs, City Clerk

Compliance Maintenance Annual Report

8.f.a

Mequon Sewage Collection System

Last Updated: Reporting For:
5/28/2024 2023

Financial Management

1. Provider of Financial Information

Name:

Kristen Lundeen

Telephone:

262-236-2938

(XXX) XXX-XXXX

E-Mail Address
(optional):

klundeen@ci.mequon.wi.us

2. Treatment Works Operating Revenues

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

● Yes (0 points) ☐

○ No (40 points)

If No, please explain:

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

2023

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

○ N/A (private facility)

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

● Yes (0 points)

○ No (40 points)

0

REPLACEMENT FUNDS [PUBLIC MUNICIPAL FACILITIES SHALL COMPLETE QUESTION 3]

3. Equipment Replacement Funds

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

Year:

2023

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

○ N/A

If N/A, please explain:

3.2 Equipment Replacement Fund Activity

3.2.1 Ending Balance Reported on Last Year's CMAR

\$ 316,214.77

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

\$ 0.00

3.2.3 Adjusted January 1st Beginning Balance

\$ 316,214.77

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

+ \$ 35,000.00

Attachment: 2023 Draft CMAR (RESOLUTION 4131 : Compliance Maintenance Annual Report to WDNR)

Compliance Maintenance Annual Report

8.f.a

Mequon Sewage Collection System

Last Updated: Reporting For:
5/28/2024 2023

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

- \$ 0.00

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

\$ 351,214.77

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

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

Nothing to report for 2023

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

0

Please note: If you had a CWFPP 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	Generator, New (LS H)	\$60,000	2025
2	Generator, New (LS K)	\$60,000	2026
3	Generator, New (LS Q)	\$60,000	2027
4	Generator, New (LS J)	\$60,000	2028
5	On-site generator, Replacement (LS V)	\$60,000	2025
6	Lift station & force main R Design and Construction	\$250,000	2028
7	Commercial Sewer Meter Improvements	\$10,000	2023
8	Annual Manhole Inspections	\$30,000	2024
9	Annual Manhole Rehabilitation	\$85,000	2024
10	Sanitary Building Sewer Lateral Work in Ranch Road LS "E" area	\$755,858	2024
11	Lift Station Pump, Valve, Motor Replacement (R,S,T,U)	\$200,000	2025
12	Equipment - Lateral Camera Truck, New	\$250,000	2030
13	Equipment - Sewer Main Camera Truck, Replacement	\$250,000	2025
14	Replace Ranch Road Lift Station E	\$8,800,000	2025
15	Fieldwood Drive Lift Station "G" Force Main Improvements	\$2,200,000	2022
16	Heritage Estates Siphon Replacement Design Study	\$25,000	2026
17	Generator, New (LS M)	\$60,000	2029
18	LS E Infrastructure Utility Work	\$932,000	2025
19	Glen Oaks Lane LS Area E Gravity Sewer Improvements, Construct 1300ft, Ph 3	\$1,300,000	2025
20	Glen Oaks Lane Area E Gravity Sewer Improvements, Construct 1700ft, Phase IV	\$1,700,000	2026

Compliance Maintenance Annual Report

8.f.a

Mequon Sewage Collection System

Last Updated: Reporting For:
5/28/2024 2023

21	Riverdale Park Area F Gravity Sewer Improvements	\$1,500,000	2027
22	Sewer Main Improvements in Areas A, B, C, D	\$1,000,000	2027
23	Update System Hydraulic Modeling with Improvements	\$50,000	2028
24	Mequon Road, Flow Equalization @STH57	\$210,000	2027
25	Fieldwood Drive Lift Station G Capacity Upgrade	\$275,000	2026

5. Financial Management General Comments

None

ENERGY EFFICIENCY AND USE

6. Collection System

6.1 Energy Usage

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

COLLECTION SYSTEM PUMPAGE: Total Power Consumed

Number of Municipally Owned Pump/Lift Stations: 23

	Electricity Consumed (kWh)	Natural Gas Consumed (therms)
January	58,006	53
February	57,132	22
March	78,494	128
April	80,478	22
May	53,982	55
June	32,279	61
July	27,764	25
August	31,753	128
September	29,592	26
October	29,584	63
November	40,262	35
December	44,079	45
Total	563,405	663
Average	46,950	55

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:

Attachment: 2023 Draft CMAR (RESOLUTION 4131 : Compliance Maintenance Annual Report to WDNR)

Compliance Maintenance Annual Report

Mequon Sewage Collection System

Last Updated: Reporting For:
5/28/2024 2023

6.2.2 Comments:

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

No

Yes

Year:

2019

By Whom:

Arch Electric

Describe and Comment:

Preliminary Feasibility Study to evaluate options for utility energy cost offset, 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

Attachment: 2023 Draft CMAR (RESOLUTION 4131 : Compliance Maintenance Annual Report to WDNR)

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Compliance Maintenance Annual Report

8.f.a

Mequon Sewage Collection System

Last Updated: Reporting For:
5/28/2024 2023

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

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Does your operation and maintenance program and equipment include the following:

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

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

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

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

0

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

Does your emergency response capability include:

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

☒ Annual Self-Auditing of your CMOM Program [NR 210.23 (5)] ☐ ☐

☒ Special Studies Last Year (check only those that apply):

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

2. Operation and Maintenance

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

Cleaning	21	% of system/year
Root removal	21	% of system/year
Flow monitoring	3	% of system/year
Smoke testing	0	% of system/year
Sewer line televising	7	% of system/year
Manhole inspections	38	% 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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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:

3. Performance Indicators

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

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

3.2 Performance ratios for the past year:

0.00	Lift station failures (failures/year)
0.00	Sewer pipe failures (pipe failures/sewer mile/yr)
0.02	Sanitary sewer overflows (number/sewer mile/yr)
0.14	Basement backups (number/sewer mile)
0.14	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	2/27/2023 1:00:00 PM - 2/27/2023 1:45:00 PM	12735 N. Fieldwood Dr. (LS G)	Rain, Snowmelt	7,425
1	2/27/2023 12:00:00 PM - 2/27/2023 4:00:00 PM	12439 N. Circle Dr (Riverdale Park Lift Station "F")	Rain, Snowmelt	90,000
2	2/27/2023 12:30:00 PM - 2/27/2023 6:00:00 PM	2932 W. Riverland Dr (Lift Station "H")	Rain, Snowmelt, Flooding	57,750
3	4/18/2023 2:00:00 PM - 4/18/2023 3:00:00 PM	12300 N. Port Washington Road	Plugged Sewer, Equipment Failure	4,500

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

Construction of a new Lift Station E, which accepts discharge from 4 other lift stations to increase capacity and efficiency. Sewer Lateral Work to reduce I/I, Sewer Main Rehabilitation, Replace pumps at lift stations to increase pump capacity.

5. Infiltration / Inflow (I/I)

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

- Yes
- No

If Yes, please describe:

During wet weather flow rates and lift station pump cycles increase

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

- Yes
- No

If Yes, please describe:

During wet weather flow rates and lift station pump cycles increase

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

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

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

Continued with sewer mainline and manhole rehabilitation including grouting and lining, and continued with 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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Mequon Sewage Collection System

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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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Resolution or Owner's Statement

Name of Governing Body or Owner:	
Date of Resolution or Action Taken:	
Resolution Number:	
Date of Submittal:	
ACTIONS SET FORTH BY THE GOVERNING BODY OR OWNER RELATING TO SPECIFIC CMAR SECTIONS (Optional for grade A or B. Required for grade C, D, or F):	
Financial Management: Grade = A 	
Collection Systems: Grade = A (Regardless of grade, response required for Collection Systems if SSOs were reported) 	
ACTIONS SET FORTH BY THE GOVERNING BODY OR OWNER RELATING TO THE OVERALL GRADE POINT AVERAGE AND ANY GENERAL COMMENTS (Optional for G.P.A. greater than or equal to 3.00, required for G.P.A. less than 3.00) G.P.A. = 4.00 	

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(414) 529-8900

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Office of the City Attorney

TO: Mayor and Common Council
FROM: Brian C. Sajdak, City Attorney
DATE: November 8, 2023
SUBJECT: Closed Session for Acquisition and/or Use of the Property at 11015 N. Market Street.

Background

The Common Council may enter into closed session pursuant to Wis. Stat. § 19.85(1)(e) for the purposes of deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session., and then may re-enter open session to take such action it deems appropriate. This section would allow the Council to enter into closed session for the purpose of considering and defining the strategies the Council would use for negotiations related to the potential use or acquisition of property.

Recommendation

Should the Council decide that it wishes to enter closed session, a motion to enter closed session pursuant to Wis. Stat. §19.85(1)(e) for the purposes of deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session.

Attachment: Public Closed Session Memo re JCC pool (9441 : Closed session public memo)