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Office of the City Clerk
Taped and Televised

**COMMON COUNCIL
Regular Meeting
Tuesday, June 11, 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 7:30 PM.

2) Pledge of Allegiance

3) Roll Call

Present:

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

Excused: Alderman Brian Parrish

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

4) Personal Appearances and Public Comment:

5) Public Officials' Reports:

a) Mayor: None.

- b) City Administrator: City Administrator Jones announced the Mequon Road Closure, going east and west under the bridge will remain closed until approximately mid-August for repair/maintenance. The southbound entrance ramp for I-43 is open. Additional closures will occur later this year as well.

The August 2024 Common Council meeting will be on Wednesday, August 14th due to the Partisan Primary Election on August 13th. In addition, there will be a Versiti Blood Drive on Friday, June 21st, from 7:00 - 1:00 pm. See Veristi.org to register for a donation time slot.

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.

Motion to approve the Consent Agenda's list of reports and minutes, Items A - P.

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

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

7) Ordinance:

Motion to remove **ORDINANCE 2024-1662** from the table.

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

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

- 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.

Mayor Nerbun stated that the process continues as the City works with multiple government agencies to correct errors discovered in the document. For instance, the flow rate used to model the flood plain is more than two times the flow rate ever recorded at that location.

Assistant Director of Community Development Zader announced that the Open House on May 29th was well attended with an estimated 70 people attending each of the three presentations. Additionally, there were numerous one-on-one meetings that day and since that day, plus many phone calls. The biggest issues are River Barn Park, the flow rate, the change in elevation of the floodplain from Highland down to Thiensville, and the new maps are under a different vertical datum.

Mayor Nerbun reiterated that this is very time-sensitive. The City needs to provide the approved paperwork to the Federal Emergency Management Agency (FEMA) by the end of June 2024 and the maps need to be approved by the end of July 2024 or those affected cannot participate in the FEMA flood insurance program. The July deadline gives those residents now in the flood plain to remediate the problem, get permits, etc.

Council discussion ensued. In the future, residents are encouraged to contact the Community Development Department to review the status of their properties. Inconsistencies of map elevations is also a concern. One-on-one meetings are on-going. The City will meet shortly with a local Engineering firm to discuss whether outside review of the map should be done. Expenditure for such an outside study would be brought before Council for approval. The City will continue to develop strategies to resolve the problems. The efforts of the City to rectify this serious issue was really appreciated.

The vote on the motion was all Alderman approving under protest.

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

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

8) Resolutions:

- a) **RESOLUTION 4126** - A Resolution Disallowing the Claim of Zachariah Anderson Dated May 21, 2024.

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

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

- b) **RESOLUTION 4127** - A Resolution Appointing Brenda Arnett to the Position of Director of Finance/City Treasurer.

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

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

- 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.

Discussion ensued on the cost of the project. Public Works Director Lundeen explained that much of the design cost is the determination of the mitigating steps to take at every level because the site is built on a landfill. In addition, there will be an automated gate, electrical service costs, and technical work for operating the cameras, the gate, and card readers. Sigma Group's expertise in such environmental work could explain the large cost-savings and efficiencies in scale.

Results of the design study will be presented to the Common Council, most likely in the fall of 2024 after which decisions can be made on all the features available and affordable prior to going to bid.

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

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

- 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.

Only members of Mequon's Special Response Team will participate in the Republican National Convention and the costs will be reimbursed by the U.S. Government.

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

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

RESOLUTION 4131 was addressed before **RESOLUTION 4130**.

- 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.

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

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

- 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.

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

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

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.

Motion to go into Closed Session to discuss the acquisition and/or use of the property at 11015 N. Market Street.

RESULT: **Approved by Roll Call Vote [8-1]**
MOVED BY: Alderman Hansher
SECONDED BY: Alderman Gebhardt

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

12) Adjourn

Motion to adjourn at 8:32 PM.

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

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

Respectfully Submitted,
Kathy Andrykowski
Deputy Clerk
Approved July 9, 2024