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Office of the City Clerk
Taped and Televised

**COMMON COUNCIL
Regular Meeting
Tuesday, June 14, 2022 - 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 7:45 PM.

2) Pledge of Allegiance

3) Roll Call

Present:

Mayor Andrew Nerbun
Alderman Robert Strzelczyk
Alderman Glenn Bushee
Alderman Dale Mayr
Alderman Jeffrey Hansher
Alderman Mark Gierl
Alderman Brian Parrish
Alderman Kathleen Schneider
Alderman Vacant Seat - **Absent**

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

4) Specified Miscellaneous New Business:

Appointment to the District 8 Aldermanic Seat Through April 4, 2023 or Reconsideration of the Aldermanic Appointment Process.

City Attorney Sajdak provided an overview of the process. The options are: 1) Do an either/or candidate advisory vote and then a subsequent motion to appoint, 2) Have a motion to appoint a candidate, and 3) Vote on a motion to hold a special election. A code amendment will be done in order to bring Mequon's Code in line with State statute regarding holding a special election to fill

a vacancy. He reminded the council that the Mayor does not have a vote, the vacant seat is a "deemed no" vote and the Mayor may, but is not required, to vote to break the tie for that particular motion. In addition, if a special election is held, the successful candidate will serve until the end of the term, April 2024. Conversely, if a candidate is appointed, he/she would serve until April 2023, at which time they would run again in the Spring Election in order to serve out the rest of the term until April 2024.

Attorney Sajdak presented potential dates to hold a primary and special election. Per statute there are black out dates in which a special election could not be held and also Council would need to order a special election through a future action. Option 1: December 13th primary - January 10th election - Nomination papers due on November 15th. Option 2: December 27th primary - January 24th election. Option 3: Primary in February 2023 - Election on April 2023 regular ballot. After discussion, a primary on December 6th - Election on January 3rd - Nomination papers due November 8th was also deemed an option. Council discussion ensued.

The following residents spoke in favor of Nancy Urbani: Nancy Urbani, Bridget King, and Dan Abendroth.

The following residents spoke in favor of Bill Gebhardt: Julie Luetzgen, Heather Nill, Amber Schroeder, Rich Kozinski, Peter Glaser, and Jill Chromy.

The following residents spoke against Nancy Urbani: Scarlett Johnson and Kimberly Steinbrenner.

Some Council members expressed their views regarding appointment vs. special election.

Motion to hold a special election for District 8.

MOVED BY: Alderman Gierl
SECONDED BY: Alderman Strzelczyk

Alderman Strzelczyk withdrew his second of the motion.

Alderman Bushee seconded the motion.

RESULT: Failed by Roll Call Vote [3 to 5]
MOVED BY: Alderman Gierl
SECONDED BY: Alderman Bushee

AYES:	Strzelczyk, Bushee, Gierl
NAYS:	Mayr, Hansher, Parrish, Schneider
DEEMED NO:	Vacant Seat

Motion to appoint Nancy Urbani to the District 8 Aldermanic position.

City Attorney Sajdak clarified the rules regarding abstention for this motion.

RESULT: Failed by Roll Call Vote [3 to 5]
MOVED BY: Alderman Schneider
SECONDED BY: Alderman Hansher

AYES:	Hansher, Parrish, Schneider
NAYS:	Strzelczyk, Bushee, Mayr, Gierl
DEEMED NO:	Vacant Seat

Motion to reconsider holding a special election for District 8.

RESULT: Approved by Roll Call Vote [5 to 3]
MOVED BY: Alderman Schneider
SECONDED BY: Alderman Gierl

AYES:	Strzelczyk, Hansher, Gierl, Parrish, Schneider
NAYS:	Bushee, Mayr
DEEMED NO:	Vacant Seat

Motion to hold a special election in District 8.

RESULT: Approved by Roll Call Vote [6 to 2]
MOVED BY: Alderman Gierl
SECONDED BY: Alderman Bushee

AYES:	Strzelczyk, Bushee, Hansher, Gierl, Parrish, Schneider
NAYS:	Mayr
DEEMED NO:	Vacant Seat

The date of the special election for District 8 will be decided at the Common Council meeting on July 12, 2022.

5) Public Hearing:

- a) **ORDINANCE 2022-1621** - An Ordinance Amending a Planned Unit Development for the Property Located at 12831 N. Port Washington Road, in Connection with Expanding Hours of Operation to 7:00 a.m. - 7:00 p.m.

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

AYES:	Strzelczyk, Bushee, Mayr, Hansher, Gierl, Parrish, Schneider
DEEMED NO:	Vacant Seat

1) Public Hearing

Motion to open the public hearing for **ORDINANCE 2022-1621**.

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

AYES:	Strzelczyk, Bushee, Mayr, Hansher, Gierl, Parrish, Schneider
DEEMED NO:	Vacant Seat

Motion to close the public hearing for **ORDINANCE 2022-1621**.

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

AYES:	Strzelczyk, Bushee, Mayr, Hansher, Gierl, Parrish, Schneider
DEEMED NO:	Vacant Seat

2) Consideration of Ordinance

Motion to approve **ORDINANCE 2022-1621**.

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

AYES:	Strzelczyk, Bushee, Mayr, Hansher, Gierl, Parrish, Schneider
DEEMED NO:	Vacant Seat

6) **Personal Appearances and Public Comment:** None.

7) **Public Officials' Reports:**

- a) Mayor: None.
- b) City Administrator: None.

8) **Consent Agenda:**

- a) Common Council meeting minutes of May 10, 2022.
- b) Architectural Board meeting minutes of April 11, 2022.
- c) Board of Appeals meeting minutes of April 7, 2022.

- d) Board of Police and Fire Commissioners meeting minutes of March 22, 2022.
- e) Economic Development Board meeting minutes of April 26, 2022.
- f) Festivals Committee meeting minutes of April 20, 2022.
- g) Finance-Personnel Committee meeting minutes of April 12, 2022.
- h) Joint Mequon-Thiensville Bike and Pedestrian Way Commission meeting minutes of April 14, 2022.
- i) Mequon Municipal Water Utility Commission meeting minutes of April 12, 2022.
- j) Planning Commission meeting minutes of April 25, 2022.
- k) Public Safety Committee meeting minutes of December 14, 2021.
- l) Public Welfare Committee meeting minutes of April 12, 2022.
- m) Sewer Utility District Commission meeting minutes of April 12, 2022.
- n) Zoning Enforcement and Site Compliance Report through June 1, 2022.
- o) Acceptance of the FY2021 Annual Comprehensive Financial Report and Report on Internal Control.
- p) **RESOLUTION 3957** - A Resolution Authorizing the Release of the Bike Path Easement on Lots 1 and/or 2 of Certified Survey Map 3406 (Oriole Lane).
- q) **RESOLUTION 3958** - A Resolution Authorizing City Staff to File the City of Mequon's Compliance Maintenance Annual Report (CMAR) for Calendar Year 2021, in Accordance with Requirements Under Wisconsin Administrative Code NR208.
- r) Ordinance First Readings

NOTE: First reading of Ordinances will not be acted upon unless a suspension of the rules is approved by a recorded vote of two-thirds majority of all aldermen.

- 1) **ORDINANCE 2022-1624** - An Ordinance Amending the City Zoning Map, Chapter 58, From R-3/C-2 to R-3/C-2 with a Transfer of Development Rights (TDR) and PUD (Planned Unit Development) Overlays to Allow for A 17-Lot Single Family Residential Cluster Development for the Property Located on the North Side of Donges Bay Road, Approximately 800 Feet West of Wauwatosa Road (Burr Oak Estates).

RESULT: First Reading

Motion to approve the Consent Agenda, Items A-Q.

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

AYES:	Strzelczyk, Bushee, Mayr, Hansher, Gierl, Parrish, Schneider
DEEMED NO:	Vacant Seat

9) **Ordinances:**

- a) **ORDINANCE 2022-1618** - An Ordinance Creating Section 10-26 of the Mequon Municipal Code, Related to Residential Swimming Pools.

- (i) Request to Reconsider the Action of May 10, 2022 in which the Common Council Denied Approval of **ORDINANCE 2022-1618**.

Motion to reconsider **ORDINANCE 2022-1618**

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

AYES:	Strzelczyk, Bushee, Mayr, Hansher, Gierl, Parrish, Schneider
DEEMED NO:	Vacant Seat

Council discussion ensued on reworking the ordinance and potential revisions to technical standards and age of supervision.

Resident Amber Schroeder spoke in favor of the reconsideration of the ordinance.

- (ii) In the event that the Common Council votes to reconsider the actions, the Common Council will then proceed to take such action on the matter as it deems appropriate.

Motion to table **ORDINANCE 2022-1618** and refer it back to the Public Welfare Committee.

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

AYES:	Strzelczyk, Bushee, Mayr, Hansher, Gierl, Parrish, Schneider
DEEMED NO:	Vacant Seat

- b) **ORDINANCE 2022-1623** - An Ordinance Amending Various Provisions of the Mequon Municipal Code in Connection with Establishment of the Southern Ozaukee Fire & Emergency Medical Services Department.

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

AYES:	Strzelczyk, Bushee, Mayr, Hansher, Gierl, Parrish, Schneider
DEEMED NO:	Vacant Seat

10) Resolutions:

- a) **RESOLUTION 3959** - A Resolution Authorizing Execution of a Professional Services Agreement for the Completion of a Classification and Compensation Study of Non-Represented Positions with GovHR USA, LLC, Northbrook, Illinois in an Amount Not-to-Exceed \$22,200.

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

AYES:	Strzelczyk, Bushee, Mayr, Hansher, Gierl, Parrish, Schneider
DEEMED NO:	Vacant Seat

- b) **RESOLUTION 3960** - A Resolution Amending the City of Mequon Financial Policies to include Policy Statement 15: Vehicle Leasing.

The Committee of the Whole recommended that the Policy Statement 15 under Reporting be changed to indicate "quarterly" reporting rather than "at a minimum of twice a year".

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

AYES:	Strzelczyk, Bushee, Mayr, Hansher, Gierl, Parrish, Schneider
DEEMED NO:	Vacant Seat

- c) **RESOLUTION 3961** - A Resolution Authorizing Receipt of Infrastructure Improvements and Execution of a Dedication Agreement with Thiensville-Mequon Youth Baseball Association for Dugout Improvements at Rotary and River Barn Parks.

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

AYES:	Strzelczyk, Bushee, Mayr, Hansher, Gierl, Parrish, Schneider
DEEMED NO:	Vacant Seat

- d) **RESOLUTION 3962** - A Resolution Authorizing Award of a Contract to Design Tamerlane Drive Lift Station O Capacity Improvements to S.E.H. of Sheboygan, WI in the Amount of \$46,960.

RESULT: **Approved by Roll Call Vote [6-2]**
MOVED BY: Alderman Bushee
SECONDED BY: Alderman Parrish

AYES:	Strzelczyk, Bushee, Hansher, Gierl, Parrish, Schneider
DEEMED NO:	Vacant Seat
RECUSED:	Mayr

11) Specified Unfinished Business From Prior Meetings: None.

12) Adjourn

Motion to adjourn at 9:48 PM.

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

AYES:	Strzelczyk, Bushee, Mayr, Hansher, Gierl, Parrish, Schneider
DEEMED NO:	Vacant Seat

Respectfully Submitted,
Kathy Andrykowski
Deputy Clerk
Approved 7-12-22