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Office of the City Clerk
Taped and Televised

COMMON COUNCIL
Regular Meeting
Tuesday, July 12, 2022 - 7:30 PM
Christine Nuernberg Hall

Minutes

1) Call to Order

Mayor Nerbun called the meeting to order at 7:38 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, City Attorney Sajdak, City Clerk Fochs, Assistant City Administrator Schoenemann (virtually), Community Development Director Tollefson, Assistant Community Development Director Zader, Engineering and Public Works Director Lundeen, Fire Chief Bialk, Police Chief Pryor, Police Captain Riley, Associate City Planner Miller, press and interested public.

4) Public Hearing:

ORDINANCE 2022-1624 - An Ordinance Amending Chapter 58 of the Mequon Municipal Code to Rezone the Property Located on the North Side of Donges Bay Road Approximately 800 Feet West of Wauwatosa Road from R-3/C-2 to R-3/C-2 with a Transfer of Development Rights (TDR) and PUD (Planned Unit Development) Overlay, to Allow for a 17-Lot Single-Family Residential Cluster Development; **Recommended by Planning Commission May 23, 2022; First Reading at Common Council June 14, 2022.**

1) Public Hearing

Motion to open the public hearing for **ORDINANCE 2022-1624**.

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

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

Motion to close the public hearing for **ORDINANCE 2022-1624**.

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

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

2) Consideration of Ordinance

Motion to approve **ORDINANCE 2022-1624** An Ordinance Amending Chapter 58 of the Mequon Municipal Code to Rezone the Property Located on the North Side of Donges Bay Road Approximately 800 Feet West of Wauwatosa Road from R-3/C-2 to R-3/C-2 with a Transfer of Development Rights (TDR) and PUD (Planned Unit Development) Overlay, to Allow for a 17-Lot Single-Family Residential Cluster Development.

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

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

5) Personal Appearances and Public Comment:

David Schlageter spoke to the Council to request that the City consider making improvements on the narrow road at the entrance to Villa Grove Park to make it safer for pedestrians and traffic.

6) Public Officials' Reports:

a) Mayor: None.

- b) City Administrator - Presentation of Wisconsin Law Enforcement Accreditation Group Award

City Administrator Jones announced that the City received the Distinguished Budget Presentation Award from the Government Finance Officers Association. This is the 14th consecutive year the City has received this award.

Also, July 1st marked the start date for the Southern Ozaukee Fire Department to begin operations as one unit. While not official until January 1, 2023, the Mequon and Thiensville departments are operating as one unit. David Bialk is now the Mequon and Thiensville Fire Chief.

In addition, in-person absentee voting for the Partisan Primary will be held at City Hall from July 26-August 5. Hours will be 8:00 am - 4:30 pm, Monday to Friday.

Lastly, he announced that the Mequon Police Department was awarded the status of becoming a Full Accredited Police Agency by the Wisconsin Law Enforcement Accreditation Group (WILEAG). We are one of forty-one agencies fully accredited in Wisconsin of the 564 law enforcement agencies in the state. Mark Ferguson, Glendale Police Chief and President of the WILEAG, presented the award to Chief Pat Pryor and Captain Mark Riley.

7) Consent Agenda:

- a) Common Council meeting minutes of June 14, 2022.
- b) Architectural Board meeting minutes of May 9, 2022.
- c) Economic Development Board meeting minutes of May 24, 2022.
- d) Festivals Committee meeting minutes of May 18, 2022.
- e) Finance-Personnel Committee meeting minutes of May 10, 2022.
- f) Mequon Municipal Water Utility Commission meeting minutes of May 10, 2022.
- g) Planning Commission meeting minutes of May 23, 2022.
- h) Public Welfare Committee meeting minutes of May 10, 2022.
- i) Public Works Committee meeting minutes of April 12, 2022.
- j) Sewer Utility District Commission meeting minutes of May 10, 2022.
- k) Zoning Enforcement and Site Compliance Report through July 1, 2022.
- l) **RESOLUTION 3963** - A Resolution Approving a Development Agreement for The Green at Mequon, a 7-Lot Conservation Subdivision Located at the Southwest Corner of Villa Grove and Freistadt Roads.
- m) 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 2022-1625** - An Ordinance Amending Chapter 58 of the Mequon Municipal Code Relating to Maintenance Responsibilities and Green Infrastructure Requirements, in Connection with the City's Certification of Stormwater Facilities.

RESULT: **First Reading**

- 2) **ORDINANCE 2022-1626** - An Ordinance Amending Chapter 58 of the Mequon Municipal Code, to Allow Event Planning Services with Facilities as a Permitted Use within the Town Center Zoning District.

RESULT: **First Reading**

- 3) **ORDINANCE 2022-1627** - An Ordinance Repealing and Recreating Section 2-63(d) of the Mequon Municipal Code, Relating to Mayoral and Aldermanic Vacancies.

RESULT: **First Reading**

Motion to approve the Consent Agenda, Items A - K only.

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

Motion to approve **RESOLUTION 3963**.

Alderman Strzelczyk is concerned about the density of this parcel, the removal of a couple specimen trees, and the Villa Grove Road not being widened up to the subdivision.

RESULT: **Approved by Voice Acclamation [6 to 2]**

MOVED BY: Alderman Mayr

SECONDED BY: Alderman Parrish

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

8) **Ordinances:** None.

9) **Resolutions:**

- a) **RESOLUTION 3964** - A Resolution Approving Adoption of the City of Mequon Strategic Plan for 2022-2025.

RESULT: **Approved by Voice Acclamation [7-1]**

MOVED BY: Alderman Parrish

SECONDED BY: Alderman Schneider

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

- b) **RESOLUTION 3965** - A Resolution Authorizing Execution of a Professional Services Agreement for Phase One Planning for an Enterprise Land Management System with Avèro Advisors of Maryville, Tennessee, in an Amount Not-To-Exceed \$42,800.

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

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

- c) **RESOLUTION 3967** - A Resolution Approving the Purchase of Two Ford Police Interceptor Sport Utility Vehicles from Ewald Automotive Group, Hartford, Wisconsin, and the Installation and Purchase of Associated Equipment from General Communications, Milwaukee, Wisconsin in the Total Amount of \$87,714.

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

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

- d) **RESOLUTION 3968** - A Resolution Approving the Purchase of a Fire Department Ambulance from Life Line Emergency Vehicles of Middleton, Wisconsin in the Amount of \$296,511.

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

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

10) Specified Unfinished Business From Prior Meetings:

Update on **ORDINANCE 2021-1594** - An Ordinance Amending Chapter 58 of the Mequon Municipal Code, Related to the Minimum Lot Size and Setback of Producing Animals, Specifically Chickens; Adopted by Common Council August 10, 2021.

Alderswoman Schneider provided an update on Ordinance 2021-1594, regarding raising chickens. Of the thirteen families that requested permits to raise chickens, nine of them had less than 1.5 acres lots and she reported there have been no complaints.

11) Specified New Business:

- a) Appointment of Alderman Gierl to the Public Works Committee
- b) Mayoral Appointment: Planning Commission: Bruce Barnes, Alternate #4, At Large

Motion to approve Alderman Gierl's appointment to the Public Works Committee and to approve the Mayoral appointment to the Planning Commission.

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

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

12) Potential Closed Sessions:

- a) Monsanto Lawsuit: The Common Council may enter into closed session pursuant to Wis. Stat. § 18.85(1)(g) for the purposes of conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is involved, and then may re-enter open session to take such action it deems appropriate.

Motion to convene into Closed Session to discuss the Monsanto Lawsuit.

RESULT: Approved by Roll Call Vote [8-1]
MOVED BY: Alderman Parrish
SECONDED BY: Alderman Mayr

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

- b) Legal Services RFP: The Common Council may convene into closed session pursuant to Wis. Stat. § 19.85(1)(c) for the purpose of considering employment, promotion, compensation or performance evaluation data of any public official over which the governmental body has jurisdiction or exercises responsibility, and 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 deemed appropriate.

Motion to convene into Closed Session at 8:12 PM to discuss the Legal Services RFP.

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

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

Motion to reconvene into Open Session at 8:59 PM.

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

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

Motion to direct the City Attorney to object to the terms of the proposed settlement but to otherwise remain in the settlement class.

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

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

13) Adjourn

Motion to adjourn at 9:00 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 08-10-22