



11333 N. Cedarburg Road
Mequon, WI 53092
Phone: 262-236-2914
Fax: 262-242-9655

www.ci.mequon.wi.us

Office of the City Clerk
Taped and Televised

**COMMON COUNCIL
Regular Meeting
Tuesday, August 10, 2021 - 7:30 PM
or Immediately Following the
Mequon Municipal Water Utility Commission Meeting
Christine Nuernberg Hall**

Minutes

1) Call to Order, Pledge of Allegiance, Roll Call

Mayor Wirth called the meeting to order at 7:33 PM.

Present:

Mayor John Wirth
Alderman Robert Strzelczyk
Alderman Glenn Bushee
Alderman Dale Mayr
Alderman Jeffrey Hansher
Alderman Mark Gierl
Alderman Brian Parrish
Alderman Kathleen Schneider
Alderman Andrew Nerbun

Also present: City Administrator Jones, Assistant City Administrator Schoenemann, City Attorney Sajdak, City Clerk Fochs, Community Development Director Tollefson, Police Chief Pryor, Deputy Director of Public Works Weyker, Engineering and Public Works Director Lundeen, Parks and Forestry Superintendent Gies, Steve Hoff, P.E. of WisDOT, Andy Kowske of HNTTP, press and interested public.

2) Personal Appearances and Public Comment:

Bridget King spoke against pending **ORDINANCE 2021-1596** regarding setting term limits. She supports not imposing term limits because she values very highly historical perspective and experience in local government.

The Common Council convened into the Committee of the Whole at 7:43 PM.

3) Committee of the Whole:

- a) WisDOT Presentation of I-43 Expansion Project: Steve Hoff, P.E. from WisDOT and Andy Kowske of HNTP Design Group presented on the I-43 North/South Corridor Project. The freeway expansion project will start at Bender Road and go north 14 miles to Hwy 60 in Grafton. This project will expand this stretch from two to three lanes, reconstruct five interchanges, add another interchange at Highland Road, rework the interchange at County Line Road, expand a section of Port Washington Road, and expand a railroad bridge. Construction starts in August and will be completed in early 2025. They provided an overview of how and when the different construction phases will take place, highlighting new speed limits, designated detours, night-time lane closures, and planned communications.

Gilbert Lindemann questioned whether there will be noise barriers constructed. Mr. Hoff said there would be two constructed, both on the west side of the freeway. He explained the noise analysis process that occurred to determine the location of noise barriers.

A question and answer period ensued where topics such as traffic control, wildlife crossings, noise barriers and decibel levels, traffic detours to Port Washington Road, staging areas for contractors, safe exits for Newcastle Place onto Highland Road, traffic signals plan for Port Washington Road and County Line Road, and communications for construction updates.

- b) Reconvene as the Common Council

The Committee of the Whole reconvened as the Common Council at 8:31 PM.

4) Public Hearings:

- a) **ORDINANCE 2021-1593** - An Ordinance Amending Chapter 58 of the Mequon Municipal Code to Rezone the Property Located at 9961 N. Baehr Road from R-2B, R-1B and Floodway to R-2B, R-4 and Floodway, and to Rezone the Property Located at 9931 N. Baehr Road from R-4 to R-2B; Recommended by Planning Commission May 24, 2021; First Reading at Common Council June 8, 2021.

Mr. Charles Zens stated his reasons for rezoning and reconfiguring his two lots through a boundary line adjustment. A consequence of this request is that he must deed 30 feet of his right-of-way to the City. If Council passes the ordinance with this stipulation he will decline the rezone.

Motion to open the public hearing for **ORDINANCE 2021-1593**.

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

AYES:	Strzelczyk, Bushee, Mayr, Hansher, Gierl, Parrish, Schneider, Nerbun
--------------	--

Motion to close the public hearing for **ORDINANCE 2021-1593**.

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

AYES: Strzelczyk, Bushee, Mayr, Hansher, Gierl, Parrish, Schneider, Nerbun

- 5a) **ORDINANCE 2021-1593** - An Ordinance Amending Chapter 58 of the Mequon Municipal Code to Rezone the Property Located at 9961 N. Baehr Road from R-2B, R-1B and Floodway to R-2B, R-4 and Floodway, and to Rezone the Property Located at 9931 N. Baehr Road from R-4 to R-2B.

Community Development Director Tollefson explained that after the new property lines are drawn up and the two properties are rezoned the zoning will appropriately match the lot sizes. In addition, the 30-foot right-of-way on Baehr Road had not previously been dedicated and so staff recommended that it be dedicated as part of rezoning and Planning Commission subsequently approved that as a condition of rezoning. Ultimate road right-of-ways are adopted by ordinance and are used to expand roads, extend public services or infrastructure or development improvements.

Motion to approve **ORDINANCE 2021-1593** with the removal of the 30-foot right-of-way contingency.

RESULT: Approved by Roll Call Vote [Unanimous]
MOVED BY: Alderman Strzelczyk
SECONDED BY: Alderman Parrish

AYES: Strzelczyk, Bushee, Mayr, Hansher, Gierl, Parrish, Schneider, Nerbun

- b) **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; Recommended by Public Welfare Committee June 8, 2021; Recommendation to Deny by Planning Commission June 28, 2021; First Reading at Common Council July 13, 2021.

Motion to open the public hearing for **ORDINANCE 2021-1594**.

The following residents support **ORDINANCE 2021-1594** but do not wish to speak: Daniel Dunar and Heather LaBonte. The following residents also support the ordinance and spoke before the Council: Dave LaBonte and Iris Fieber. Chickens control pests, provide environmentally healthy alternatives to pests, mosquito, honeybee controls. Chicken raising also teaches biology, responsibility, and provides eggs and fertilizer.

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

AYES:	Strzelczyk, Bushee, Mayr, Hansher, Gierl, Parrish, Schneider, Nerbun
--------------	--

Motion to close the public hearing for **ORDINANCE 2021-1594**.

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

AYES:	Strzelczyk, Bushee, Mayr, Hansher, Gierl, Schneider, Nerbun
NOT PRESENT:	Parrish

5) Ordinances:

- a) **ORDINANCE 2021-1593** was moved to after its public hearing.
- b) **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.

Council discussion ensued on attracting predators, the added stress on staff for permitting and monitoring compliance, on potential problems with neighbors, and complaints to-date.

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

AYES:	Strzelczyk, Bushee, Hansher, Gierl, Parrish, Schneider, Nerbun
NAYS:	Mayr

- c) **ORDINANCE 2021-1595** - An Ordinance Repealing and Recreating Section 62-8(b) (4) of the Mequon Municipal Code Relating to the Regulation of Political Messages.

RESULT: **No Vote**

ORDINANCE 2021-1595 was removed from the agenda prior to the meeting.

6) Potential Closed Session:

- a) Potential Claim of Amber Schroeder Relating to Political Signage on Public Property: The Common Council may convene into closed session pursuant to Wis. Stat. § 19.85(1)(g) for the purpose 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 or is likely to become involved and then will reconvene into open session.

Motion to go into a Closed Session to discuss the potential claim of Amber Schroeder relating to public signage on public property.

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

AYES: Strzelczyk, Bushee, Mayr, Hansher, Gierl, Parrish, Schneider, Nerbun, Wirth
--

The Common Council reconvened into open session at 9:44 PM.

7) Public Officials' Reports:

- a) Mayor: Mayor Wirth recognized the approximately 120 volunteers who serve on boards and commissions in Mequon. We could not function without them. In particular, he recognized Mr. Pat Marchese, former Chair of the Park and Open Space Board, who has been instrumental in transforming and reinvigorating that Board to accomplish many wonderful things in recent years.
- b) City Administrator: None.

8) Consent Agenda:

- a) Common Council meeting minutes of July 13, 2021.
- b) Architectural Board meeting minutes of June 14, 2021.
- c) Economic Development Committee meeting minutes of June 29, 2021.
- d) Festivals Committee meeting minutes of June 10, 2021.
- e) Finance-Personnel Committee meeting minutes of June 8, 2021.
- f) Park and Open Space Board meeting minutes of June 23, 2021.
- g) Planning Commission meeting minutes of June 28, 2021.
- h) Planning Commission Policy Subcommittee meeting minutes of June 7, 2021.
- i) Public Safety Minutes of June 8 and July 13, 2021.
- j) Public Welfare Committee meeting minutes of June 8, 2021.
- k) Public Works Committee meeting minutes of June 8, 2021.
- l) **RESOLUTION 3867** - A Resolution Granting Final Plat Approval for The Residence at Foxtown, a 23-Lot Single-Family Home Subdivision Located Immediately East of 11050 N. Weston Drive.
- m) **RESOLUTION 3869** - A Resolution Granting Final Plat Approval for Lakeshore Estates, a 9-Lot Subdivision Located at the Southwest Corner of Lakeshore Drive and Pioneer Road.
- n) **RESOLUTION 3870** - A Resolution Granting a Permanent Easement to WE Energies for Installation of New Electrical Cables at the City's Department of Public Works Facility at 10800 North Industrial Drive.

Motion to approve the Consent Agenda Items A-N.

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

AYES: Strzelczyk, Bushee, Mayr, Hansher, Gierl, Parrish, Schneider, Nerbun

o) Ordinance First Readings:

NOTE: First readings 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 2021-1596** - A Charter Ordinance Amending Provisions of the Mequon Municipal Code, Establishing Terms of Office for Elected Officials.

RESULT: First Reading

- 2) **ORDINANCE 2021-1597** - An Ordinance Amending Article II of Chapter 2 within the Mequon Municipal Code, in Connection with the Roles, Duties and Functions of the Mayor and Common Council.

RESULT: First Reading

9) **Resolutions:**

- a) **RESOLUTION 3871** - A Resolution Approving a State/Municipal Maintenance Agreement (SMMA) and Three State/Municipal Financial Agreements (SMFA) for a State-Let Highway Project with the Wisconsin Department of Transportation for the County Line Road and Mequon Road Interchanges.

The Public Works Committee reviewed the SMMA Agreement and recommended approval with the following amendment: Removal of the sidewalks at the County Line Road and Port Washington Lane intersection, specifically the west side of the intersection on the north and south sides of County Line Road.

The Sewer Utility District Commission and Mequon Municipal Water Utility Commission approved all three SMFA Agreements in **RESOLUTION 3871**.

RESULT: Approved by Roll Call Vote with Amendment [Unanimous]

MOVED BY: Alderman Parrish

SECONDED BY: Alderman Strzelczyk

AYES: Strzelczyk, Bushee, Mayr, Hansher, Gierl, Parrish, Schneider, Nerbun

- b) **RESOLUTION 3866** - A Resolution Increasing Compensation for the Position of Mayor.

Mayor Wirth stated that this resolution would not increase compensation during his term(s) but would take effect for all subsequent Mayors. Also, the current Mayor's salary has been in effect for just over thirty years ago. This resolution adjusts for inflation and brings Mequon to the midpoint of where part-time Mayors are paid for communities between 16,000 and 40,000 people.

Discussion ensued on the increase of compensation on the Mayor's pension, timing of this

proposal, work ethics of Mayors past and present, inflation, compensation for daytime duties, expectations and financial stability of the City. Mayoral compensation cannot be changed mid-term so timing is important.

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

AYES:	Strzelczyk, Hansher, Gierl, Parrish, Schneider, Nerbun
NAYS:	Bushee, Mayr

- c) **RESOLUTION 3872** - A Resolution Authorizing the Collateral Assignment of the Development Agreement with Blue Ribbon Self Storage III, LLC to First Midwest Bank.

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

AYES:	Strzelczyk, Bushee, Mayr, Hansher, Gierl, Parrish, Schneider, Nerbun
--------------	--

- d) **RESOLUTION 3868** - A Resolution Awarding an Architectural/Engineering Design Services Contract for a Combined Restroom, Concession and Storage Facility at Lemke Park to Kueny Architects, L.L.C. of Pleasant Prairie, Wisconsin in an Amount Not-to-Exceed \$38,000.

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

AYES:	Strzelczyk, Bushee, Mayr, Hansher, Gierl, Parrish, Schneider, Nerbun
--------------	--

- e) **RESOLUTION 3873** - A Resolution Approving the Following Items: A) The Purchase of a John Deere 624P Loader from Brooks Tractor, Milwaukee, Wisconsin in the Amount of \$232,043; B) The Purchase of Associated Plow & Wing Attachments from Universal Truck Equipment, Inc., Galesville, Wisconsin in the Amount of \$35,947; and C) The Transfer of \$228,715 from Various Department of Public Works Operating Accounts to the Department's Equipment Replacement Account.

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

AYES: Strzelczyk, Bushee, Mayr, Hansher, Gierl, Parrish, Schneider, Nerbun

- f) **RESOLUTION 3874** - A Resolution Approving the Receipt of a Donation from the Mequon Community Foundation for the Purchase of Police Bicycles and Associated Equipment in the Estimated Amount of \$7,069.

RESULT: **Approved by Voice Acclamation [Unanimous]**
MOVED BY: Alderman Nerbun
SECONDED BY: Alderman Schneider

AYES: Strzelczyk, Bushee, Mayr, Hansher, Gierl, Parrish, Schneider, Nerbun

10) Specified Unfinished Business: None.

11) Presentation of Petitions, Memorials, and/or Remonstrances and Communications: None.

12) Specified Miscellaneous New Business: None.

13) Potential Closed Session:

- a) Acquisition of a Stormwater Drainage Easement Across the Property at 9731 N. Courtland Drive: The Common Council may convene into closed session pursuant to Wis. Stat. §19.85(1)(e), 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 go into Closed Session to discuss the acquisition of a stormwater drainage easement across the property at 9731 N. Courtland Drive.

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

AYES: Strzelczyk, Bushee, Mayr, Hansher, Gierl, Parrish, Schneider, Nerbun, Wirth

14) Adjourn

Motion to adjourn at 10:43 PM.

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

AYES: Strzelczyk, Bushee, Mayr, Hansher, Gierl, Parrish, Schneider, Nerbun

Respectfully Submitted,
Kathy Andrykowski
Approved 09-14-21