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Office of the City Clerk
Taped and Televised

**COMMON COUNCIL
Regular Meeting
Wednesday, August 10, 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 7:35 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, Assistant Community Development Director Zader, Engineering and Public Works Director Lundeen, Finance Director Engroff, Fire Chief Bialk, Police Chief Pryor, Police Captain Riley, press and interested public.

4) Public Hearings:

- a) **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; **Recommended by Planning Commission June 27, 2022; First Reading at Common Council July 12, 2022.**

1) Public Hearing

Motion to open the public hearing for **ORDINANCE 2022-1625**.

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 close the public hearing for **ORDINANCE 2022-1625**.

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

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

2) Consideration of Ordinance

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

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

- b) **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; **Recommended by Planning Commission June 27, 2022; First Reading at Common Council July 12, 2022.**

1) Public Hearing

Motion to open the public hearing for **ORDINANCE 2022-1626**.

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

Motion to close the public hearing for **ORDINANCE 2022-1626**.

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

2) Consideration of Ordinance

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: **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

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

6) **Public Officials' Reports:**

- a) Mayor: Mayor Nerbun announced that Taste of Mequon will be held from noon to 9:00 pm on Saturday, September 10, 2022.
- b) City Administrator: Administrator Jones announced that former Mequon City Administrator Harry Kollman passed away recently. He served in that capacity from 1993-1998 and then served on the City's Economic Development Board.

There will be a blood drive at City Hall on Friday, August 26th from 7:00 am and noon. A registration link can be found on the city website.

Lastly, due to the availability of pool staff, the Mequon pool will be able to extend the days of operation until Saturday, August 27th.

7) Consent Agenda:

- a) Common Council meeting minutes of July 12, 2022.
- b) Architectural Board meeting minutes of June 13, 2022.
- c) Economic Development Board meeting minutes of June 28, 2022.
- d) Festivals Committee meeting minutes of June 15, 2022.
- e) Finance-Personnel Committee meeting minutes of June 14, 2022.
- f) Joint Mequon-Thiensville Bike and Pedestrian Way Commission meeting minutes of May 12, 2022.
- g) Planning Commission meeting minutes of June 27, 2022.
- h) Public Safety Committee meeting minutes of May 10, 2022.
- i) Public Welfare Committee meeting minutes of June 14, 2022.
- j) Zoning Enforcement and Site Compliance Report through August 1, 2022.
- k) **RESOLUTION 3969** - A Resolution Approving a Second Amendment to the Development Agreement for the Artesa Multi-Family Residential Development Located at 1130 North Buntrock Avenue, Transferring Ownership from Dermond Property Investments, LLC to Milwaukee Dermond, LLC.

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

MOVED BY: Alderman Bushee

SECONDED BY: Alderman Gierl

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

DEEMED NO: Vacant Seat

l) 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 2022-1628** - An Ordinance Amending Chapter 58 of the Mequon Municipal Code to Rezone the Property Located at 10766 Torrey Drive from R-3 (Single-Family Residential) to R-3 with a Planned Unit Development (PUD), to Allow an 11-Lot Cluster Residential Subdivision.

RESULT: **First Reading**

Motion to approve the Consent Agenda, Items A-K, including **RESOLUTION 3969**.

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

MOVED BY: Alderman Bushee

SECONDED BY: Alderman Gierl

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

DEEMED NO: Vacant Seat

8) Ordinances:

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

City Attorney Sajdak stated that this ordinance clarifies Mequon's code to match the State code. Standard rules of succession will continue to apply until the vacancy is resolved.

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

9) Resolutions:

- a) **RESOLUTION 3966** - A Resolution Authorizing Execution of a Five-Year Lease Agreement for Print & Copier Services with Office Technology Group, Milwaukee, Wisconsin, in the Estimated Amount of \$68,415.

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

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

- b) **RESOLUTION 3970** - A Resolution Awarding Contracts for the Replacement of Exterior Doors at City Hall to Quality Door & Hardware LLC, Wisconsin Rapids, Wisconsin in the Amount of \$89,050 and for Access Upgrades to Complex Security Solutions, Inc., of New Berlin, Wisconsin in the Amount of \$20,077.

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

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

- c) **RESOLUTION 3971** - A Resolution Approving Amendments to the City of Mequon's FY2022 Fee Schedule, Relating to Financial Guarantees for Stormwater Facilities and Green Infrastructure Projects.

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

- d) **RESOLUTION 3972** - A Resolution Approving a Quit Claim Deed, a Temporary Construction Easement and a Statement of Non-Reimbursement with the Wisconsin Department of Transportation, in Connection with the Interstate-43 Freeway Expansion Project.

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

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

- e) **RESOLUTION 3973** - A Resolution Approving a Contract for the Preparation of Bid Documents for Sewer Lateral Repair Work in the Ranch Road Lift Station "E" Area to raSmith of Brookfield, Wisconsin, in the Amount of \$48,300.

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

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

10) Specified Unfinished Business From Prior Meetings: None.

11) Specified New Business: None.

12) Potential Closed Session:

- a) 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 go into closed session to discuss the Legal Services RFP.

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

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

- b) Potential Claim Against the Mequon Police Department: 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 may reconvene into open session to take such action as deemed appropriate.

Motion to go into closed session to discuss the Potential Claim Against the Mequon Police Department.

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

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

- c) Ozaukee County - Communications Services Agreement: 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 deemed appropriate.

Motion to go into closed session to discuss the Ozaukee County Communications Services Agreement.

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

13) Adjourn

Motion to adjourn at 9:15 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 09-13-22