



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, September 13, 2022 - 7:30 PM
or Immediately Following the
Sewer Utility District Commission Meeting
Christine Nuernberg Hall**

Agenda

- 1) Call to Order**
- 2) Pledge of Allegiance**
- 3) Roll Call**
- 4) Public Hearing(s):**
 - a) **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; **Recommended by Planning Commission June 27, 2022; First Reading at Common Council August 10, 2022.**
 - 1) Public hearing
 - 2) Consideration of ordinance
- 5) Personal Appearances and Public Comment:**

Citizens wishing to address the Council on any matter **not** on the agenda may do so at this time. If you desire to be heard on agenda items, you may be heard when that item is considered on the agenda. Please speak into the microphone at the podium. The time limitation is **FIVE** minutes. **To speak or to have your opinion recorded, please complete a registration slip found on the table in the lobby and return it to the bin in the Council Chambers.**

6) Public Officials' Reports:

- a) Mayor
 - 1) Proclamation Honoring Vertz Marketing as Ozaukee Economic Development Council's 2022 Small Business of the Year
 - 2) Proclamation Honoring Hayes Performance Systems as Ozaukee Economic Development Council's 2022 Large Business of the Year
- b) City Administrator

7) Consent Agenda:

- a) Common Council meeting minutes of August 10 and August 29, 2022
- b) Architectural Board meeting minutes of July 11, 2022
- c) Board of Review meeting minutes of May 12 and August 24, 2022
- d) Festivals Committee meeting minutes of July 20, 2022
- e) Finance-Personnel Committee meeting minutes of July 12, 2022
- f) Joint Mequon-Thiensville Bike and Pedestrian Way Commission meeting minutes of July 14, 2022
- g) Mequon Municipal Water Utility Commission meeting minutes of June 14, 2022
- h) Park and Open Space Board meeting minutes of June 22, 2022
- i) Public Safety Committee meeting minutes of July 12, 2022
- j) Public Welfare Committee meeting minutes of July 12, 2022
- k) Sewer Utility District Commission meeting minutes of June 14, 2022
- l) Zoning Enforcement and Site Compliance Report through September 1, 2022

8) Ordinance:

- a) **ORDINANCE 2022-1618** - An Ordinance Creating Section 10-26 of the Mequon Municipal Code, Related to Residential Swimming Pools; **Recommended by Public Welfare Committee February 8, 2022; First Reading at Common Council February 8, 2022; Tabled at Common Council March 8, 2022; Recommended by Public Welfare Committee April 12, 2022; Rejected by the Common Council May 10, 2022; Reconsidered by the Common Council June 14, 2022; Tabled at Common Council June 14, 2022; Recommended by Public Welfare Committee August 10, 2022.**

9) Resolutions:

- a) **RESOLUTION 3977** - A Resolution Authorizing an Amendment to the Contract for the Design of Proposed Pedestrian and Traffic Safety Improvements Along Mequon Road from Buntrock Avenue East Towards Cedarburg Road, to R.H. Batterman & Co, Inc. of Beloit, Wisconsin, in an Amount Not-to-Exceed \$50,240; **Recommendation Forthcoming by Committee of the Whole September 13, 2022.**

- b) **RESOLUTION 3978** - A Resolution Approving Amendments to the City's FY2022 Fee Schedule, in Connection with Ambulance and Emergency Medical Transport Fees; **Recommendation Forthcoming by Finance - Personnel Committee September 13, 2022.**
- c) **RESOLUTION 3979** - A Resolution Authorizing the Purchase of Road Signs in the Amount of \$35,000 from the Right-of-Way Assets Capital Account to Replace Signage Along Streets Included in the City's Annual Road Program from 2015-2018; **Recommendation Forthcoming by Public Works Committee September 13, 2022.**
- d) **RESOLUTION 3980** - A Resolution Approving an Amendment to a Funding Agreement Between the City of Mequon and the Milwaukee Metropolitan Sewerage District, Increasing the Amount by \$726,343 for Sewer Lateral Work to Reduce Infiltration and Inflow from Private Property Sources; **Recommendation Forthcoming by Sewer Utility District Commission September 13, 2022.**
- e) **RESOLUTION 3981** - A Resolution Approving Award of a Contract to Install Building Sewer Lateral Clean-outs in the Riverdale Park Lift Station "F" Area to MJ Construction, Inc. of Milwaukee, Wisconsin, in the Amount of \$755,060; **Recommendation Forthcoming by Sewer Utility District Commission September 13, 2022.**

10) Specified Unfinished Business From Prior Meetings: None.

11) Specified New Business: None.

12) Potential Closed Session(s):

- a) Legal Services: 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.
- 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.

- 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.

13) Adjourn

Dated: September 8, 2022/s/ Andrew Nerbun, Mayor

Notice is hereby given that a quorum of other governmental bodies may be present at this meeting to present, discuss and/or gather information about a subject over which they have decision-making responsibility, although they will not take formal action thereto at this meeting. Persons with disabilities requiring accommodations for attendance at this meeting should contact the City Clerk's Office at 262-236-2914, twenty-four (24) hours in advance of the meeting.

Any questions regarding this agenda may be directed to the City Clerk's Office at 262-236-2914, Monday through Friday, 8:00 AM – 4:30 PM



11333 N. Cedarburg Road
Mequon, WI 53092-1930
Phone: 262-236-2902
Fax: 262-242-9655

www.ci.mequon.wi.us

Office of Community Development

TO: Common Council
FROM: Jac Zader, Assistant Director Community Development
DATE: August 10, 2022
SUBJECT: 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 (Residential 1-Acre) to R-3 with a Planned Unit Development (PUD), to Allow for an 11-Lot Cluster Residential Subdivision

Background

The applicant, Torrey Drive, LLC, is requesting rezoning and concept plan approval for an 11-lot conservation subdivision development on 11.27 acres located at 10766 N. Torrey Drive. The property is currently zoned R-3 (Residential 1-Acre). The parcel currently contains a single-family home and outbuildings that will be razed as part of the development.

Analysis

The site appears to be appropriate for a conservation subdivision in that it matches the development pattern of the surrounding subdivisions, and it contains several small wetlands and woodlands. The concept plan shows 11 lots served by a public road from Torrey Drive. The proposed lots range in size from .70 to .87 acres. There is a perimeter open space buffer proposed and as a condition of approval, the Planning Commission required the open space buffer on the south and west property line to be 30 feet and 25 feet on the north and east. The open space shall include a natural walking trail. There are two proposed stormwater ponds shown as part of the development which are in the outlot.

The proposed plan shows the road extending from the current stub of Torrey Drive to serve the development which terminates in a cul-de-sac. As a condition of approval, the Planning Commission recommended a 10-foot bike path connection between the proposed cul-de-sac and North Fairway Circle.

Site Conditions

The City Forester has walked the site and has determined there are 10 specimen trees which are located on Lot 3 of the proposed concept plan. As a condition of approval, the Planning Commission recommended that the stand of trees on the north end be located within the outlot area.

Fiscal Impact

The developer states that home/lot packages will be in excess of \$1,000,000 with annual tax revenue of at least \$140,000 at full build-out.

Recommendation

The Planning Commission recommended approval by a vote of 6-0 on July 25, 2022.

Attachments:

Exhibit A: Concept Plan (PDF)

Exhibit B: Yield Plan (PDF)

Exhibit C: Zoning Map (PDF)

COMMON COUNCIL
OF THE
CITY OF MEQUON

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 (Residential 1-Acre) to R-3 with a Planned Unit Development (PUD), to Allow for an 11-Lot Cluster Residential Subdivision

RECITALS

A. Pursuant to section 62.23(3) of the Wisconsin Statutes, the City of Mequon, is authorized to prepare and adopt a comprehensive plan, or amendment thereof, as defined in section 66.1001(1)(a) and 66.1001(2) and 66.1001(4)(c) and 66.1001(4)(d).

B. The Planning Commission by majority vote made a recommendation of approval on the 25th day of July 2022.

C. The required due notice and public hearing by the Common Council of the City of Mequon occurred on the 13th day of September 2022.

BASED UPON THE FOREGOING RECITALS, the Common Council of the City of Mequon, Wisconsin, do ordain as follows:

SECTION I

1. The City of Mequon Zoning Map is hereby amended so as to change the zoning classification of the property to R-3/PUD subject to the following conditions:

- A. All wetlands and associated offsets shall be contained in the outlot.
- B. The perimeter outlot shall be a minimum of 30 feet on the west and south, and 25 feet on the east and north. The area that includes the significant stand of trees shown on Lot 3 of the concept plan shall also be included in the outlot.
- C. All buildings shall maintain a minimum building setback of 30' from the public road right-of-way and a minimum 20' offset from the side and rear property lines, and a building setback of 50 feet from the right-of-way. Offsets to wetlands are to be established by the Department of Natural Resources (DNR).
- D. Lot coverage shall not exceed 20%.
- E. An open space plan with a natural trail shall be submitted for Planning Commission approval.
- F. The development shall comply with preliminary plat, development agreement, and final plat requirements.
- G. Architectural design of residential buildings shall comply with the Architectural Board's publication entitled "Guidelines for Residential Structures" and are subject to the Architectural Review Board.

- H. Street trees are subject to the approval of the Tree Board and Planning Commission.
- I. Street lighting, if proposed, is subject to the approval of the Planning Commission.
- J. Entryway signage and landscaping is subject to the approval of the Planning Commission.
- K. Any substantial change to the general concept plans illustrated in the attached exhibits shall require appropriate amendment to this ordinance.
- L. The entire property is subject to the City of Mequon Tree Preservation Ordinance and necessary preservation easements, if any.
- M. There shall be an asphalt bike path that connects the proposed cul-de-sac to North Fairway Circle. The path shall be located in an outlot and be a minimum of 10 feet in width.
- N. The development shall connect to public water and sewer with appropriate road reparations where existing pavement is impacted.
- O. A WDNR concurrence letter should be submitted with the preliminary plat application. The wetland boundaries and protective areas should be shown on the preliminary plat. Assuming wetland fill is required, the developer shall submit the permitting documents from the WDNR prior to application for preliminary plat.

SECTION II

The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

SECTION III

All other ordinances or parts of ordinances contravening the terms of this ordinance are hereby and to that extent repealed.

SECTION IV

This ordinance shall take effect and be in full force upon its passage and the day after its publication.

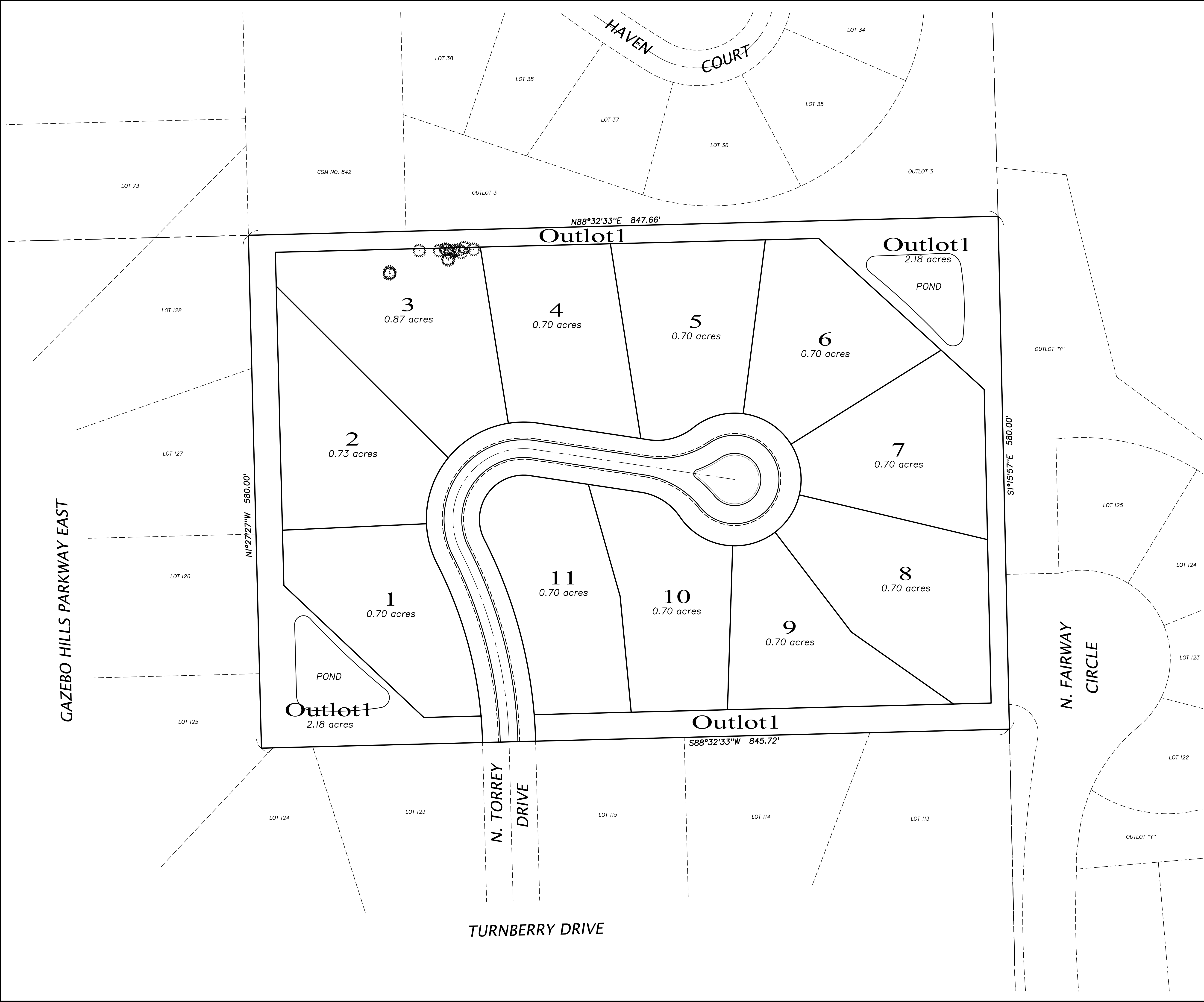
Approved by: Andrew Nerbun, Mayor

Date Approved: September 13, 2022

I certify that the foregoing Ordinance was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on September 13, 2022.

Caroline Fochs, City Clerk

Published: _____



LEGAL DESCRIPTION :
Parcel 1 of Certified Survey Map No. 841, being a part of the Northeast 1/4 of the Southwest 1/4 of Section 25, Township 9 North, Range 21 East, in the City of Mequon, Ozaukee County, Wisconsin.
Said Parcel containing 11.274 acres of land, more or less.

LEGEND :
 DENOTES SPECIMEN TREES AS FLAGGED BY THE CITY FORESTER

Proposed Zoning Statistics:
Lot Coverage = 20%

Minimum Building Setbacks:
Front/Street = 30.0'
Side yard = 20.0'
Rear yard = 20.0'

Property Statistics:
Total Property Area = 11.27 acres (100%)
N. Torrey Court Road Dedication Area = 1.17 acres (10.38%)
Outlot 1 Area = 2.18 acres (19.34%)
Average Lot Area = 7.92 acres x 11 = 0.72 acres (70.28%)



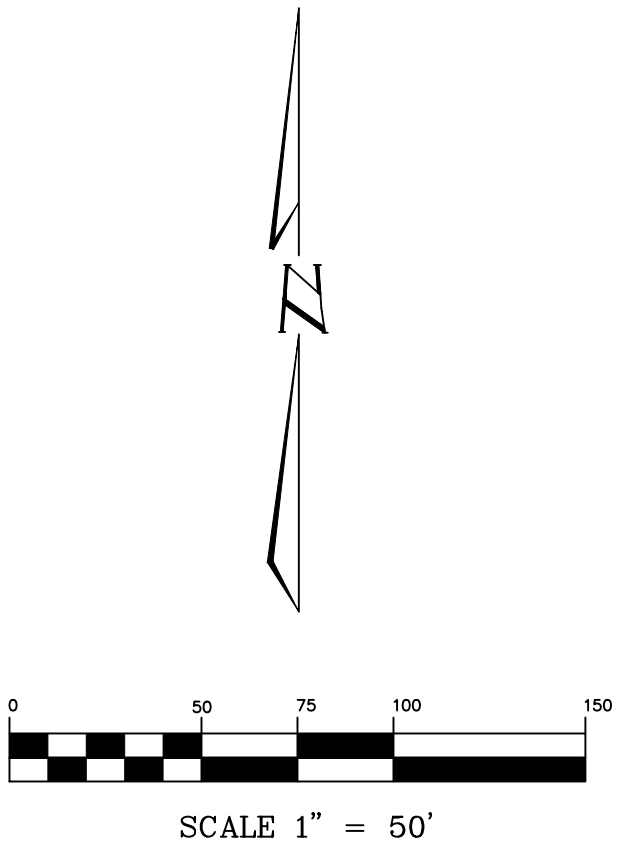
NSE **NORTH SHORE ENGINEERING, INC.**
Consulting Engineers & Land Surveyors
11433 N. Port Washington Rd., Mequon, Wisconsin, 53092
(262) 241-9400 • FAX: (262) 241-5337
www.NorthShoreEngineering.net

2	7/18/22	MINOR REVISIONS AND ADD SPECIMEN TREES	JGS	JWH
1	6/29/22	MINOR REVISIONS AS REQUESTED	JGS	JWH
MARK	DATE	REVISION	BY	APVD
"CONCEPTUAL LAYOUT"				
for Torrey Drive, LLC				
10766 N. Torrey Drive Mequon, WI				
DATE:	JUNE 17, 2022	DRAWN BY:	J.G.S.	
FIELD CREW:	N/A	Plot No.	LS-5310-22-CONCEPT	



LEGAL DESCRIPTION :
Parcel 1 of Certified Survey Map No. 841, being a part of the Northeast 1/4 of the Southwest 1/4 of Section 25, Township 9 North, Range 21 East, in the City of Mequon, Ozaukee County, Wisconsin.
Said Parcel containing 11.274 acres of land, more or less.

Property Statistics:
Total Property Area = 11.27 acres (100%)
Average Lot Area = 1.02 acres x 11 = 11.27 acres (100%)

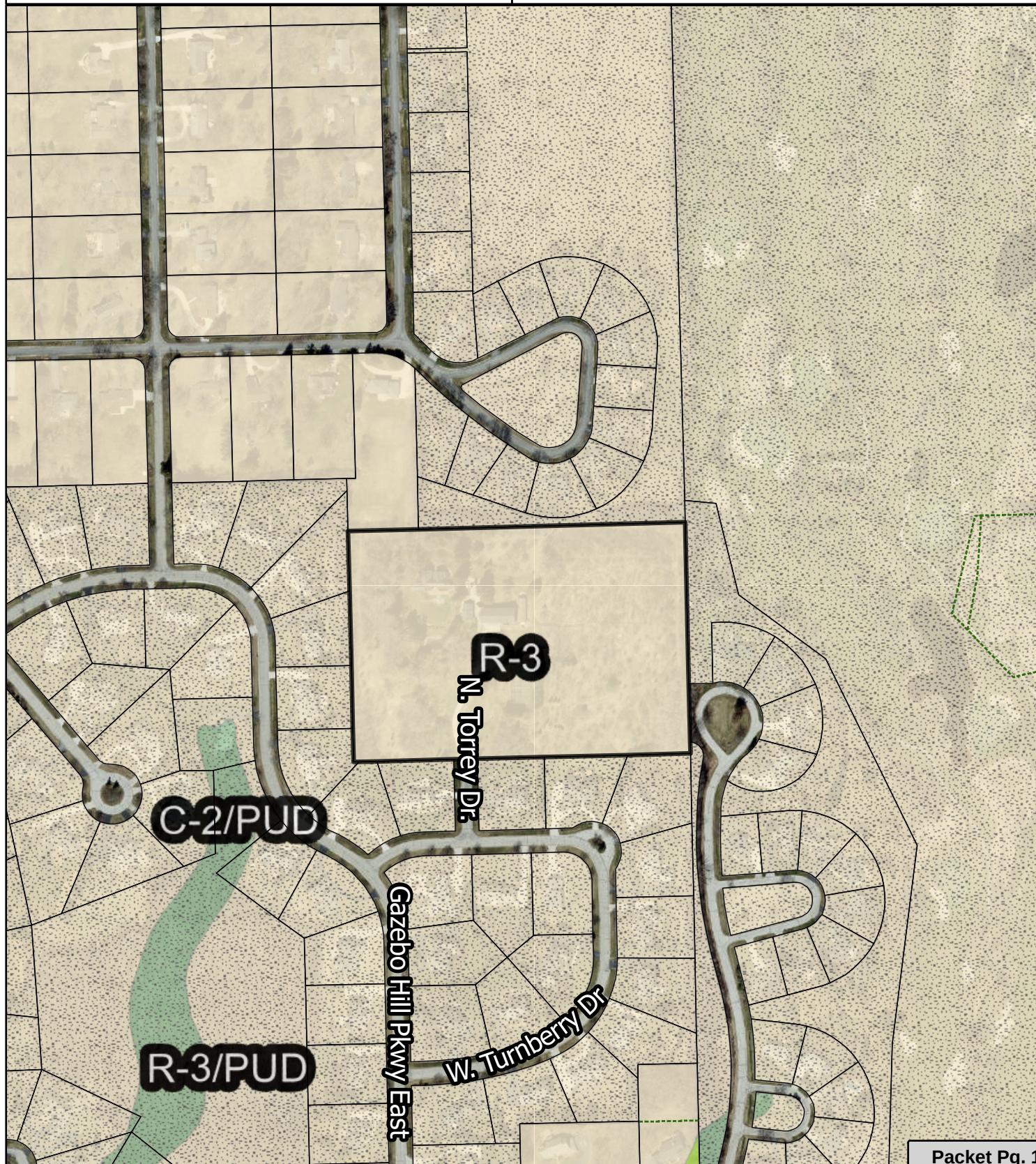


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MARK	DATE	REVISION	BY	APVD
"YIELD PLAN"				
for Torrey Drive, LLC				
10766 N. Torrey Drive Mequon, WI				
DATE:	JUNE 17, 2022	DRAWN BY:	J.G.S.	
FIELD CREW:	N/A	Plat No.	LS-5310-22-YIELD	

TORREY DRIVE, LLC REZONE AND CONCEPT PLAN APPROVAL

AC	Arrival Corridor	IPS	Institutional & Public Service
A-1	Agricultural Preserve	NC	Neighborhood Commercial
A-2	General Agricultural	OA	Agricultural Overlay
B-1	Neighborhood Business	PUD	Planned Unit Development Overlay
B-2	Community Business	P-1	Park & Recreation
B-3	Office & Service Business	R-1	Single-Family Residential (5 Ac. Min.)
B-4	Business Park	R-1B	Single-Family Residential (2.5 Ac. Min.)
B-5	Light Industrial	R-2	Single-Family Residential (2 Ac. Min.)
B-6	Rural Industrial	R-2B	Single-Family Residential (1.5 Ac. Min.)
B-7	Rural Business	R-3	Single-Family Residential (1 Ac. Min.)
C-1	Shoreland/Wetland Conservancy	R-4	Single-Family Residential (3/4 Ac. Min.)
C-2	General Conservancy	R-5	Single-Family Residential (1/2 Ac. Min.)
CGO	Central Growth Overlay	R-6	Single-Family Residential (4 DU/Ac.)
FFO	Flood Fringe Overlay	RM	Multi-Family Residential
FW	Floodway	TC	Town Center
IPS	Institutional & Public Service	TDR	Transfer of Development Rights



***City of Mequon, Wisconsin
Proclamation Honoring Vertz Marketing
as the Ozaukee Economic Development Council's
2022 Small Business of the Year***

The Ozaukee Economic Development Council recently named Vertz Marketing as its 2022 Small Business of the Year. Vertz Marketing, which is owned Tim Vertz, is a full service marketing and advertising agency focused on working with small and medium sized businesses since 2012.

Over the past five years, Vertz Marketing has continued its leadership in the digital marketing and advertising space. Vertz Marketing is always focused on maximizing marketing exposure for their clients with emerging new technologies. Their clients have been able to take advantage of new strategies in content creation, search engine optimization, and video marketing on multiple platforms. Since 2018, the company has added 7 full-time employees and continues to see significant growth in its profits year after year.

Vertz Marketing is not just a great marketing and advertising agency. Tim Vertz and his entire staff is deeply committed to the betterment of the community. Tim Vertz has served on numerous boards and committees including the Mequon-Thiensville Chamber of Commerce, the Mequon-Thiensville Community Foundation, Thiensville-Mequon Rotary, Gathering on the Green, and the Bay Lakes Council – Boy Scouts of America. Vertz Marketing also partnered with Concordia University of Wisconsin to create the Vertz Marketing Rotary Small Business Innovation Center to provide marketing assistance to local businesses.

ACCORDINGLY, the City of Mequon congratulates Vertz Marketing on receiving the Ozaukee Economic Development Council's 2022 Small Business of the Year Award, proclaims that it is proud that Vertz Marketing is located within Mequon and extends its best wishes to Tim Vertz for continued success.

Dated September 13, 2022.

*Andrew Nerbun, Mayor
City of Mequon*

***City of Mequon, Wisconsin
Proclamation Honoring Hayes Performance Systems
as the Ozaukee Economic Development Council's
2022 Large Business of the Year***

The Ozaukee Economic Development Council recently named Hayes Performance Systems as its 2022 Large Business of the Year. Hayes Performance Systems was founded in 1946 and is a global manufacturer of brakes, suspension systems, wheels and components. Their markets include mountain bicycles, power sports, agriculture, construction, government, and specialty categories.

Hayes Performance Systems employs over 500 employees globally and 224 at its headquarters here in Mequon. They have added 44 new jobs over the past two years as the result of revenue growth driven by new customers, 27 new product introductions and a direct-to-consumer channel addition. No matter how much Hayes Performance Systems grows internationally, its Midwestern roots make them value partnerships, being approachable and listening first. They strive to think through the eyes of their riders, dealers, distributors, and customers who appreciate their collaborative approach when exploring innovative ways to proactively solve changing needs for reliable systems and products.

Hayes Performance Systems is more than just a great manufacturer. The company supports several local chapters of national charitable organizations such as the Muscular Dystrophy Association's Milwaukee Black & Blue Ball and the Leukemia & Lymphoma Society's Scenic Shore 150 Bike Tour. They also sponsor a company-wide event for the Susan G. Komen's Pink Walk for a Cure.

ACCORDINGLY, the City of Mequon congratulates Hayes Performance Systems on receiving the Ozaukee Economic Development Council's 2022 Large Business of the Year Award, proclaims that it is proud that Hayes Performance Systems is located within Mequon and extends its best wishes for continued success.

Dated September 13, 2022.

*Andrew Nerbun, Mayor
City of Mequon*



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**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.**

Attachment: CC draft minutes_ 08-10-22 (7590 : Common Council meeting minutes of August 10 and August 29, 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

Attachment: CC draft minutes_ 08-10-22 (7590 : Common Council meeting minutes of August 10 and August 29, 2022)



draft

11333 N. Cedarburg Road
Mequon, WI 53092
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Office of the City Clerk
Taped and Televised

**COMMON COUNCIL
Special Meeting
Monday, August 29, 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 8:05 PM. The record reflected all members were present.

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

Also present: City Administrator Jones, City Clerk Fochs, Assistant City Administrator Schoenemann, Engineering and Public Works Director Lundeen, Deputy Director of Utilities Driscoll, press and interested public.

4) Public Hearing:

- a) **RESOLUTION 3974** - A Resolution to Adopt an Amended Water Quality Management Plan; Recommended by Sewer Utility District Commission August 10, 2022.

Motion to open the public hearing for **RESOLUTION 3974**.

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

Attachment: 08-29-22_Special CC_draft minutes (7590 : Common Council meeting minutes of August 10 and August 29, 2022)

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

Motion to close the public hearing for **RESOLUTION 3974**.

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

5) Resolutions:

- a) **RESOLUTION 3975** - A Resolution Approving Language to be Incorporated into a Development Agreement for Swan Ridge Farms for Private Sewer Service to Adjacent Properties.

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

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

- b) **RESOLUTION 3976** - A Resolution Approving Sanitary Sewer Service Area Agreements for Properties Adjacent to Proposed Site Development at Swan Ridge Farms Subdivision (10129 and 10133 North Swan Road).

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

- c) **RESOLUTION 3974** - A Resolution to Adopt an Amended Water Quality Management Plan.

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

6) Adjourn

Motion to adjourn at 8:08 PM.

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

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

Respectfully Submitted,
Kathy Andrykowski
Deputy Clerk



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INSPECTION DIVISION

ARCHITECTURAL BOARD MINUTES

Monday, July 11, 2022

6:00 PM

Lower-Level Conference Room

Minutes

1. Call to Order, Roll Call

Present: Chairman Scott Reed

Members at Large: Paul Apfelbach, Tom Irvin, Janet Ehn, Bluma Lotman,

Architectural Board Liaison: Karen Heil

2. Meeting Minutes

Minutes from the June 13, 2022, meeting were approved by Vice-Chairman Paul Apfelbach and seconded by District Six Representative Janet Ehn.
 Minutes were approved unanimously.

Attachment: Arch Brd minutes_07-11-22 (7589 : Architectural Board meeting minutes of July 11, 2022)

3. Application Submittals:

No.	Alder. District /Time	Type of App	Owner(s) / Project Address	Contractor
1)	Dist. 2 6:00 pm	Exterior Changes	Chad & Tanja Nitschke 11557 N. Parkview Drive Subd: Mequon Country Est.	Cont: Joseph Douglas Homes Arch: Dave Hribar
Moved to Approve: <u>Apfelbach</u> Seconded by: <u>Ehn</u> Approved: <u>Yes</u> Vote: <u>Unanimously</u> Conditions: Plans approved as submitted.				
2)	Dist. 3 6:10 pm	New Single-Family Residence	Veridian Homes LLC 10620 N. Coneflower Court Subd: The Enclave	Cont: Veridian Homes LLC Arch: Veridian Homes LLC
Moved to Approve: <u>Reed</u> Seconded by: <u>Irvin</u> Approved: <u>Yes</u> Vote: <u>Unanimously</u> Conditions: Plans approved as submitted with the following conditions: 1. Add smaller-direct set horizontal window on left elevation above the sink in the laundry room. 2. Add one 24x42 single-hung window on left elevation in the mudroom.				

Attachment: Arch Brd minutes_07-11-22 (7589 : Architectural Board meeting minutes of July 11, 2022)

3)	Dist. 6 6:15 pm	New Single-Family Residence	Howard & Cheri Bubrick 10956 N. Oriole Lane Subd: N/A	Cont: Ware Design Build Arch: Ware Design Build
----	--------------------	------------------------------------	---	--

Moved to Table: Reed

Seconded by: Irvin

Approved: No

Vote: Unanimously

Conditions: Tabled for redesign to align with newer construction in the area.

Suggestions from the Board include but not limited to:

1. Add more windows.

2. Modify the roofline pitch (follow the guidelines).

3. Sunroom should have a foundation or crawlspace to look like part of the house, not an add-on.

4. Add a focal point to the front elevation.

Note: Jay Doyle with Kingfogl Construction appeared at the meeting to voice his concern as to the style of the home.

4)	Dist. 1 6:20 pm	Second Floor Addition	Omry Ben Yaich 10564 W. Sunset Woods Lane Subd: Sunset Woods	Cont: Premier Builders LLC Arch: Jim Lucas/Arc Central
----	--------------------	------------------------------	--	---

Moved to Approve: Irvin

Seconded by: Ehn

Approved: Yes

Vote: Unanimously

Conditions: Plans approved as submitted.

5)	Dist. 1 6:30 pm	Re-Submittal for New Single-Family Residence	Harvey Hammond 8670 W. Highland Road Subd: N/A	Cont: Demlang Builders, Inc. Arch: Demlang Builders, Inc.
----	--------------------	---	--	--

Moved to Approve: Irvin

Seconded by: Lotman

Approved: Yes

Vote: Unanimously

Conditions: Plans approved as submitted.

Attachment: Arch Brd minutes_07-11-22 (7589 : Architectural Board meeting minutes of July 11, 2022)

4. **Action:**

Vice-Chairman Paul Apfelbach made a motion to adjourn the meeting.
District Six Representative Janet Ehn seconded the motion.
A vote was taken; vote pass unanimously.

Meeting adjourned at 6:34 p.m.



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Office of the City Clerk

BOARD OF REVIEW
Tuesday, May 17, 2022
8:00 AM
Christine Nuernberg Hall

Minutes

1) Call to Order, Roll Call

Chairman Franklin called the meeting to order at 8:00 AM.

Present:

Chair Scott Franklin
Vice Chair Maureen Baumann
Board Member Steven Bersell
Board Member Carol Zolot
Board Member Daniel Lucht -- **Absent**
Board Member Donald Chudnow -- **Absent**

Also present: City Clerk Fochs, City Assessor Grota, Deputy Clerk Andrykowski,
Administrative Assistant Vogel, press and interested public.

2) Election of Chairman and Vice Chairman

Motion to nominate Scott Franklin as Chairman.

RESULT: **Approved by Roll Call Vote [Unanimous]**
MOVED BY: Board Member Baumann
SECONDED BY: Board Member Bersell

AYES: Franklin, Baumann, Bersell, Zolot

Motion to nominate Maureen Baumann as Vice Chairman.

RESULT: **Approved by Roll Call Vote [Unanimous]**
MOVED BY: Board Member Bersell
SECONDED BY: Chairman Franklin

AYES: Franklin, Baumann, Bersell, Zolot

Attachment: BOR_05-17-22 minutes (7604 : Board of Review meeting minutes of May 12 and August 24, 2022)

3) Status Report from Assessor Mike Grota

City Assessor Grota stated that the assessment ratio is 100.11% and he expects full compliance for 2022. The city has realized \$59 M in growth in 2022, of which \$11M is from the TID3 district.

4) Adjourn to August 24, 2022, 8:00 am

Motion to adjourn at 8:10 AM.

RESULT: **Approved by Voice Acclamation [Unanimous]**
MOVED BY: Board Member Bersell
SECONDED BY: Board Member Baumann

AYES: Franklin, Baumann, Bersell, Zolot
--

Respectfully Submitted,
Kathy Andrykowski
Deputy Clerk
Approved 08-24-22



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Office of the City Clerk

BOARD OF REVIEW
Wednesday, August 24, 2022
8:00 AM
Christine Nuernberg Hall

Minutes

1) Call to Order, Roll Call

Chairman Franklin called the meeting to order at 8:00 AM.

Present:

Chair Scott Franklin
Vice Chair Maureen Baumann (8:01 am)
Board Member Steven Bersell
Board Member Daniel Lucht
Board Member Donald Chudnow

Also present: City Clerk Fochs, City Assessor Grota, Administrative Assistant Vogel, Deputy Clerk Andrykowski, and Jennifer Seastrom of U.S. Legal Support.

2) Approve meeting minutes of May 17, 2022

RESULT: **Approved by Voice Acclamation [Unanimous]**
MOVED BY: Board Member Lucht
SECONDED BY: Board Member Bersell

AYES: Franklin, Baumann, Bersell, Lucht, Chudnow

3) Report of Board Member Certification/Training

City Clerk Fochs reported that all Members completed the Board of Review certification training in 2022 and meet the requirements set by State Statute. This was reported to the State as required.

4) Assessor's Year in Review Report

Assessor Grota provided a summary of the Mequon assessments, i.e., decreases/increases due to revaluation, new construction, new non-exempts properties.

Attachment: BOR_08-24-21_Final minutes (7604 : Board of Review meeting minutes of May 12 and August 24, 2022)

5) Accept Assessor Affidavit

Assessor Grota stated that 818 notices were sent to property owners and 24 contacts were made through Open Book. Five changes were made, primarily office space, due to lack of occupancy.

Mr. Grota placed the affidavit into the record and it was accepted by the City Clerk.

Motion to accept the assessor's affidavit.

RESULT: Approved by Voice Acclamation [Unanimous]

MOVED BY: Board Member Baumann

SECONDED BY: Board Member Chudnow

AYES: Franklin, Baumann, Bersell, Lucht, Chudnow

6) Hear and receive personal property assessment adjustments/corrections, if needed.

There were no adjustments/changes made to the 2022 assessment roll.

7) Approve 2022 assessment roll corrections

There were no corrections to the 2022 assessment roll.

8) Members verify review of and acceptance of 2022 assessment roll

Members reviewed the 2022 assessment rolls on-line.

Motion to accept the 2022 assessment roll.

RESULT: Approved by Roll Call Vote [Unanimous]

MOVED BY: Board Member Chudnow

SECONDED BY: Board Member Baumann

AYES: Franklin, Baumann, Bersell, Lucht, Chudnow

9) Hear/Take action on any requests for telephone/written testimony

There were no requests for telephone/written testimony.

10) Hear/Take action on any requests for waivers to Circuit Court

There were no requests for waivers to Circuit Court.

11) Hear/Take action on any requests for waiver of 48-hour requirement

There were no requests for waiver of 48-hour requirement.

12) Hear and/or schedule property assessment objections

Chairman Franklin stated that there is no one in the audience and no one has notified the Clerk's Office of an intent to object.

Mr. Grotta discussed trends for the next few years. He expects a 7-8% drop in the assessment ratio. A revaluation could be required sooner rather than later. He further explained the TIF performance in the city.

The Board recessed at 8:30 a.m.

The Board reconvened at 10:00 a.m.

13) Schedule any further hearings

No one appeared before the Board, and therefore there are no further hearings to be scheduled.

14) Approve minutes of August 24, 2022 (if ready)

Chairman Franklin asked that "interested public" be struck from those present, in the draft minutes.

Motion to approve the August 24, 2022 meeting minutes as amended.

RESULT: **Approved by Voice Acclamation as Amended [Unanimous]**
MOVED BY: Board Member Bersell
SECONDED BY: Board Member Baumann

AYES: Franklin, Baumann, Bersell, Lucht, Chudnow

15) Adjourn, *may be final adjournment unless additional dates are needed for additional cases*

Motion to adjourn at 10:02 A.M.

RESULT: **Approved by Voice Acclamation [Unanimous]**
MOVED BY: Board Member Chudnow
SECONDED BY: Board Member Baumann

AYES: Franklin, Baumann, Bersell, Lucht, Chudnow

Respectfully Submitted,

Kathy Andrykowski
Deputy Clerk
Approved 08-24-22



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FESTIVALS COMMITTEE
Wednesday, July 20, 2022
6:30 PM
North Conference Room

Minutes

1) Call to Order, Roll Call

Present:

Chair Vanessa Nerbun
Committee Member Deanna Conaty
Committee Member Jenne Hohn
Committee Member Tracy Johnson
Committee Member Lisa Liljegren
Committee Member Christine McLean
Committee Member Miranda White
Committee Member Moshe Luchins -- **Absent**

Also Present: Executive Assistant Enea

2) Approval of Meeting Minutes

a. June Festival Meeting Minutes

RESULT: **Approved by Voice Acclamation [Unanimous]**

MOVED BY: Committee Member Liljegren

SECONDED BY: Committee Member Hohn

AYES:	Nerbun, Conaty, Hohn, Johnson, Liljegren, McLean, White
ABSENT:	Luchins

3) Vendor Updates

Every Committee Member reported out on the vendors they had been assigned to contact. Little B's cannot participate this year, Committee Member Conaty had not heard back from T. Kettle Corn or Smokin' C's. Immy's is a yes. Julie's Cookies, Dr. Dawg, Pete's Pops, Blue Cow Creperie, and Foxtown Brewing are a maybe. Knowledge Studio One has not responded, C-Squared, the Stilt House and the Henna artist cannot do it this year. Good City Brewing can't sell beer, but can do food.

4) Electrical Estimate

a. Electrical Agreement

RESULT: Approved by Voice Acclamation [Unanimous]**MOVED BY:** Committee Member Hohn**SECONDED BY:** Committee Member McLean**AYES:** Nerbun, Conaty, Hohn, Johnson, Liljegren, McLean**ABSENT:** Luchins**RECUSED:** White

5) Board & Brush

a. Board & Brush

The Committee decided to offer 150 boards max.

RESULT: Approved by Voice Acclamation [Unanimous]**MOVED BY:** Committee Member Liljegren**SECONDED BY:** Committee Member Hohn**AYES:** Nerbun, Conaty, Hohn, Johnson, Liljegren, McLean, White**ABSENT:** Luchins

6) Other Updates

Committee Member Johnson found a caricature artist to work 4-6pm for \$175/hour. Executive Assistant will follow-up with him to get an agreement. The Committee discussed the recruitment of volunteers. Early education students at Concordia, Shorewest, and Christ Alone were mentioned as possibilities. The Committee also discussed taking a picture of the Committee to post, drone pictures of the festival, Facebook ads, handing out Taste of Mequon stickers, getting a golf cart, a stage banner with the bands listed, and the Instagram account. Winter Wonderland was then discussed and Executive Assistant Enea will look into booking the horses, wagon, and Santa. Committee Member White volunteered to go through the decorations and to get a new tree from Walmart.

7) Next Meeting Date and Time

A. Aug. 17 at 6:30 P.M.

B. Sept. 7 at 6:30 P.M.

8) Adjourn

The meeting was adjourned at 7:10 P.M. by voice acclamation.

Respectfully Submitted,
Carrie Enea
 Executive Assistant



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Office of the City Administrator

FINANCE-PERSONNEL COMMITTEE

Tuesday, July 12, 2022

6:00 PM

North Conference Room

Minutes

1) Call to Order, Roll Call

Present:

Mayor Andrew Nerbun
Alderman Glenn Bushee
Alderman Brian Parrish
Alderman Robert Strzelczyk

Also present: William Jones, City Administrator, Justin Schoenemann (via telephone), Assistant City Administrator, Jennifer Engroff, Finance Director, Marie Keyser, Assistant to the Finance Director, Caroline Fochs, City Clerk and Karen Schlereth, Administrative Assistant.

2) Approve Meeting Minutes

a. June 14, 2022 Finance-Personnel Meeting Minutes

RESULT: **Approved by Voice Acclamation [Unanimous]**

MOVED BY: Alderman Strzelczyk

SECONDED BY: Alderman Parrish

AYES: Bushee, Parrish, Strzelczyk

3) License applications

a. July, 2022 Licenses

RESULT: **Approved by Voice Acclamation [Unanimous]**

MOVED BY: Alderman Strzelczyk

SECONDED BY: Alderman Parrish

AYES: Bushee, Parrish, Strzelczyk

b. 2023 Waste Hauler Permit - Compost Crusader LLC

RESULT: **Approved by Voice Acclamation [Unanimous]**

MOVED BY: Alderman Strzelczyk

SECONDED BY: Alderman Parrish

AYES: Bushee, Parrish, Strzelczyk

4) Vouchers Paid

a. June 2022 Vouchers Paid List

RESULT: **Approved by Voice Acclamation [Unanimous]**

MOVED BY: Alderman Bushee

SECONDED BY: Alderman Strzelczyk

AYES: Bushee, Parrish, Strzelczyk

5) Resolutions

- a. **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

Alderman Parrish commended staff on a thorough memorandum.

RESULT: **Approved by Voice Acclamation [Unanimous]**

MOVED BY: Alderman Bushee

SECONDED BY: Alderman Parrish

AYES: Bushee, Parrish, Strzelczyk

6) Information Items

a. Finance & Personnel Work Plan

Alderman Bushee inquired about where the City is in terms of accepting credit cards. Director Engroff stated the City will discuss this issue from a policy standard in the coming months. Also, the City's Enterprise Resource Planning (ERP) software will be upgraded in the next three months and staff is hopeful this upgrade will allow the City to start accepting credit cards. Finally, the Finance Department had two tenured employees retire within the last two months and are currently working to fill vacancies and train new hires.

Administrator Jones stated staff will bring back an update on GASB 87 (leasing standard) to this Committee later this year.

Alderman Parrish asked if budget development is ever discussed at this Committee. Administrator Jones said that historically, this Committee has not been involved in budget development.

7) Adjourn

A motion was made to adjourn at 6:08 PM by Alderman Bushee, seconded by Alderman Strzelczyk. All voted in favor "aye."

Respectfully Submitted,

Marie Keyser

Assistant to the Finance Director



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Public Works Department

Joint Mequon-Thiensville Bike and Pedestrian Way Commission

Thursday, July 14, 2022

9:00 AM

North Conference Room

Minutes

1. Call to Order, Roll Call

Chair Azinger called the meeting to order at 9:04 a.m.

Present:

Commissioner Ron Heinritz
Commissioner Rob Holyoke
Chair T. Azinger
Commissioner Jim Doornek
Commissioner Kenneth Maciolek
Commissioner Kristin Wade

Absent:

Commissioner John Liegeois

Also present were Director of Public Works/City Engineer Lundeen and Assistant City Engineer McCraw.

2. Approval of Meeting Minutes

May 12, 2022 Minutes

RESULT: Approved [Unanimous]

MOVED BY: Commissioner Holyoke

SECONDED BY: Commissioner Heinritz

AYES: Heinritz, Holyoke, Azinger, Doornek, Maciolek, Wade

NOT PRESENT: Liegeois

3. Resident Communications

Chair Azinger stated there were no residents in attendance.

4. Discussion/Action Items

- a. Master Plan Scope of Services: Task 7 – Evaluate the Finished Plan Against Pre-established Planning Criteria and Goals and Objectives and Task 8 – Operation and Maintenance Cost/Benefit Analysis

Remove the review meeting from Task 7 per Chair Azinger's request. A working meeting is preferred. Member Holyoke is recommending to the county level, the possibility of municipalities receiving funding using ARPA money.

- b. Review 2010-2030 Recommendations: Specific Recommendations

Member Doornek commented that there should be involvement from adjacent communities on OIT. Doornek commented that people passing through the community will use the new facilities, indicating a need to focus on connectivity. Chair Azinger agreed that connectivity is an important focus, specifically how the trail connectivity will benefit the citizens of our community. Director of Public Works/City Engineer Lundeen recommended bringing an agenda item for OIT maintenance items and resolutions from Mequon-Thiensville. She also mentioned that the plan is intended to be a 20-year plan, but it should really be reviewed every five years. Lundeen suggested that the tasks will ask to evaluate new areas of development in their report. She used Wauwatosa Road as an example of sidewalk implementation along development.

5. Other Business

Resident Letter from Helen Ward Regarding Maintenance Responsibility of OIT Kiosk

Director of Public Works/City Engineer Lundeen mentioned the trailhead is being contemplated for replacement with Mequon OIT crossing. Chair Azinger suggests someone reach out to the resident, Helen Ward. He mentioned that they have some brochures to provide and may have some maps as well. Member Heinritz suggested that whoever maintains the trail should maintain the trailhead. Lundeen stated she does not think the Parks division does any maintenance of the trailhead. Azinger will bring up maintenance at Rotary Club to see if it's something they want to maintain. Heinritz mentioned that Ozaukee County Director of Planning & Parks Department, Andrew Struck, said the kiosks are not the County's responsibility. Lundeen will follow up with Parks Superintendent, Mike Gies, on maintenance responsibility.

6. Adjourn

Motion to Adjourn at 10:10 AM

RESULT: Approved by Voice Acclamation [Unanimous]

MOVED BY: Commissioner Heinritz

SECONDED BY: Commissioner Wade

AYES: Heinritz, Holyoke, Azinger, Doornek, Maciolek, Wade

NOT PRESENT: Liegeois

Respectfully Submitted,
Kris Leach



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Water Utility

MEQUON MUNICIPAL WATER UTILITY COMMISSION

Regular Meeting

Tuesday, June 14, 2022

7:15 PM

Christine Nuernberg Hall

Minutes

1) Call to Order, Roll Call

Present:

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

Also present were City Administrator Jones, City Attorney Sajdak, Director of Public Works/City Engineer Lundeen, Deputy Director of Utilities Driscoll, Water Utility/City Water LLC Director or Operations Voigt.

2) Approval of Meeting Minutes

a. May 10, 2022 Minutes

RESULT: **Approved [Unanimous]**

MOVED BY: Commissioner Schneider

SECONDED BY: Commissioner Hansher

AYES:	Nerbun, Bushee, Gierl, Hansher, Mayr, Parrish, Schneider, Strzelczyk
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3) Discussion and Possible Action

- a. Exemption Request from Water Connection Policy for 5000 West Mequon Road (Homestead High School)

Motion to Approve the Exemption Request from Water Connection Policy for 5000 West Mequon Road (Homestead High School)

RESULT: **Approved by Voice Acclamation [Unanimous]**
MOVED BY: Commissioner Schneider
SECONDED BY: Commissioner Strzelczyk

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

- c. Request from the Village of River Hills for Municipal Water Service

Director of Public Works/City Engineer Lundeen summarized that Commissioners previously asked questions regarding the terms for potential water service extending into River Hills. Those previous questions were addressed and answered in the meeting packet. It included an analysis of alternatives for connection options, a financial projection of the rate of return for River Hills planned residential development, and with the connection to University School of Milwaukee. A letter of interest from the University School of Milwaukee was received and was included, in addition to staff recommendations. Staff requested that the Commissioners indicate whether they would like to continue discussing this potential water service extension and connection with River Hills, and if so, identify additional information or terms and conditions required for that connection.

Commissioner Nerbun commented that based on the preliminary estimates, the connection without University School of Milwaukee does not make sense because of long-term maintenance costs. He also stated that if the Commissioners do not want to approve this connection, then that should be made clear now. In addition, he stated that if the Commissioners would like to move forward, then that should be made clear and request additional information consistent with staff's recommendations.

Commissioner Parrish asked for additional information on the actual cost for replacement of system and to provide updated life cycle charts. He also requested longer warranties and for an additional summary memo.

Commissioner Strzelczyk inquired about potential water restrictions.

After discussion and feedback, the Commission spoke in support to move forward with a vote at a future Commission meeting once this additional information is provided.

4) Adjourn

- a. Motion to Adjourn at 7:34 PM.

RESULT: **Approved by Voice Acclamation [Unanimous]**
MOVED BY: Commissioner Schneider
SECONDED BY: Commissioner Bushee

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

Respectfully Submitted,

Karen Schlereth
Administrative Assistant



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Office of Parks and Operations

PARK AND OPEN SPACE BOARD

Wednesday, June 22, 2022

6:30 PM

South Conference Room

Minutes

1) Call to Order, Roll Call

Chair Cain called the meeting to order at 6:35 PM.

Present:

Chair Jason Cain
Vice Chair Breanne Plier
Alderman Brian Parrish
Board Member Joseph Branch
Board Member Peter Bratt
Board Member James Lysaught
Board Member Anton Usowski
Board Member Gerald Vite
Board Member David Wolfson
Alternative Alderman Jeffrey Hansher -- **Excused**

Also present were Parks and Forestry Superintendent Gies, and Administrative Assistant Deuster.

2) Approval of Meeting Minutes

a. April 20, 2022 Minutes

RESULT: **Approved [Unanimous]**

MOVED BY: Board Member Lysaught

SECONDED BY: Board Member Vite

AYES: Cain, Plier, Parrish, Branch, Bratt, Lysaught, Usowski, Vite, Wolfson

3) Action Item

Discussion and Action

a. Kueny Architects Lemke Park Renderings

Parks and Forestry Superintendent Gies provided the Board with the updated Lemke Park Pavilion renderings from Kueny Architects.

The board discussed the renderings and with feedback on possible ARPA funds, a detailed list of costs from Kueny, questions on connecting the existing pavilion to the new pavilion via the roof, if there is ARPA funding how does that affect the Parks getting more operation and maintenance money. The board also discussed making it energy efficient, and potential for greenseams money toward pavers or rain gardens in the park.

4) Discussion Item

a. Budget 101 Discussion

Parks and Forestry Superintendent Gies provided the board with the previous 2021 budget letter along with a new budget letter for 2022.

The board discussed shortening the letter to more of a single page with information documenting this is what we can do with the money we have and what falls off the list without more money. They also discussed having a subcommittee meet to update the letter prior to submittal in the budget documents. The board agreed to have more attendees at the budget meetings to answer questions from Common Council.

b. Conditional Use Permit Review

Parks and Forestry Superintendent included a draft of the City of Mequon's conditional use permit for review. This document needed to be updated to allow for more specifications of what is considered a conditional use or not within the City.

The board discussed the permit and provided feedback. Parks and Forestry Superintendent stated he'd like the board to further review and submit any feedback prior to the next meeting.

c. 2022 Work Plan

Parks and Forestry Superintendent Gies provided the 2022 Work Plan for review.

5) Parks and Forestry Superintendent Report

a. Parks and Forestry Superintendent Report

Parks and Forestry Superintendent Gies updated the Board on the 1840 Brewing Events and the moving of the July 20th meeting to either July 27th or August 3rd.

6) Adjourn

a. Motion to Adjourn at 8:22 PM.

RESULT: **Approved by Voice Acclamation [Unanimous]****MOVED BY:** Board Member Vite**SECONDED BY:** Board Member Branch**AYES:** Cain, Plier, Parrish, Branch, Bratt, Lysaught, Usowski, Vite, Wolfson

Respectfully Submitted,

*Casey Deuster**Administrative Assistant*



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Police and Fire Departments

PUBLIC SAFETY COMMITTEE

Tuesday, July 12, 2022

5:15 PM

Lower Conference Room

Minutes

1) Call to Order and Roll Call

Present:

Chair Kathleen Schneider

Alderman Glenn Bushee

Alderman Mark Gierl

Also Present: Police Chief Pryor, Fire Chief Bialk, City Attorney Sajdak, Administrative Coordinator Melina Bowen

2) Approve Meeting Minutes

- a. Public Safety Committee - Regular Meeting - May 10, 2022 5:15 PM

RESULT: Approved by Voice Acclamation [Unanimous]

MOVED BY: Alderman Bushee

SECONDED BY: Alderman Gierl

AYES: Schneider, Bushee, Gierl

3) Resolutions

Action requested: review and recommend approval

- a. **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 Voice Acclamation [Unanimous]

MOVED BY: Alderman Bushee

SECONDED BY: Alderman Gierl

AYES: Schneider, Bushee, Gierl

- b. **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 Voice Acclamation [Unanimous]

Attachment: Public Safety minutes_07-12-22 (7600 : Public Safety Committee meeting minutes of July 12, 2022)

MOVED BY: Alderman Schneider

SECONDED BY: Alderman Bushee

AYES: Schneider, Bushee, Gierl

4) Discussion

a. Speed Limit Discussion on Bonniwell between Martin Way and Port Washington Road
The area of Bonniwell Road monitored between Martin Way and Port Washington Road regarding the speed limit. Observations showed that this portion of Bonniwell Road is used mainly by residents. The discussion concluded that there was no need for further follow-up at this time.

5) Adjourn

a. Motion to adjourn the meeting at 5:26 PM.

RESULT: **Approved by Voice Acclamation [Unanimous]**

MOVED BY: Alderman Bushee

SECONDED BY: Alderman Schneider

AYES: Schneider, Bushee, Gierl

Respectfully Submitted,

Melina Bowen



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Office of the City Administrator

PUBLIC WELFARE COMMITTEE

Tuesday, July 12, 2022

5:30 PM

Lower Conference Room

Minutes

1) Call to Order, Roll Call

Present:

Chair Dale Mayr
Alderman Mark Gierl
Alderman Kathleen Schneider

Also Present: Alderman Bushee, City Attorney Sajdak, Assistant City Administrator Schoenemann, and Executive Assistant Enea

2) Approval of Meeting Minutes

a. Public Welfare Committee meeting minutes of June 14, 2022

RESULT: **Approved by Voice Acclamation [Unanimous]**

MOVED BY: Alderman Schneider

SECONDED BY: Alderman Gierl

AYES: Mayr, Gierl, Schneider

3) Discussion Items

a. Composting Plan

Assistant Director Schoenemann shared his discussion with Mike Gies, the Forestry and Parks Superintendent, of what is currently being done at the Brush Site. A contractor pays the City around \$2,500/year to take the grass and leaf waste from the site. It is DNR regulated and the City needed to outsource because the site did not meet the regulations. The Committee asked Assistant Director Schoenemann to see if this same company would take compost as well, if Superintendent Gies could come to the next meeting, and to see if any of the other disposal companies pick-up compost.

4) Ordinances

Action requested: review and recommend approval

Attachment: Public Welfare minutes_07-12-22 (7605 : Public Welfare Committee meeting minutes of July 12, 2022)

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

The Committee requested City Attorney Sajdak to add a reference to the succession ordinance in case a mayoral appointment needed to be made.

RESULT: **Approved with Amendments [Unanimous]**

MOVED BY: Alderman Schneider

SECONDED BY: Alderman Gierl

AYES: Mayr, Gierl, Schneider

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

City Attorney Sajdak presented the Committee with a few PowerPoint slides to discuss the issues raised regarding the swimming pool covers. The issues discussed were four sided fencing, pool alarms, door alarms, lot issues (Zoning district specific and lot size requirements), setbacks/offsets (match Zoning district?), and enforcement concerns (supervision, inspections, and repeat offenders). Alderman Parrish sent an email to the Committee asking them to consider the following items:

- ½ acre minimum requirement
- 30 ft side yard and rear setback requirement
- Inspection check by third-party licensed contractor every three years or upon the sale of the property (whichever is sooner) certifying compliance.
- Increase the fines significantly
- 2 C1- rephrase: waterline after normal setback, wall/fence/structure to be 4 ft
- For someone who breaks the code repeatedly, what mechanism do we have to force a pool fence to be installed?

Alderman Mayr asked the Committee to send any pool ideas/concerns to City Attorney Sajdak before the next meeting.

5) Work Calendar

Alderman Mayr requested the Nuisance Ordinance to be added to the Work Calendar.

- a. Work Calendar

6) Adjourn

Alderman Gierl moved to adjourn at 6:20 P.M. and Alderwoman Schneider seconded.

Respectfully Submitted,

Carrie Enea
Executive Assistant



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Public Works/Engineering
Taped and Televised

SEWER UTILITY DISTRICT COMMISSION

Tuesday, June 14, 2022

7:15 PM

Christine Nuernberg Hall

Minutes

1) Call to Order, Roll Call

Commissioner Nerbun called the meeting to order at 7:34 PM.

Present:

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

2) Approval of Meeting Minutes

a. May 10, 2022 Minutes

RESULT: **Approved [Unanimous]**

MOVED BY: Commissioner Mayr

SECONDED BY: Commissioner Bushee

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

3) Resolutions

Action requested: review and recommend approval

a. **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

RESULT: **Approved [Unanimous]**

MOVED BY: Commissioner Schneider
SECONDED BY: Commissioner Bushee

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

- b. **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

Deputy Director of Utilities Driscoll stated that staff followed the procurement policy and requested multiple proposals. However only one contractor responded to the request for proposal, and three firms declined due to a backlog of work. In addition, the City has successfully worked with S.E.H of Sheboygan previously.

RESULT: **Approved [Unanimous]**
MOVED BY: Commissioner Schneider
SECONDED BY: Commissioner Parrish

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

4) Information Items

- a. Update on Sewer Lateral Project

Deputy Director of Utilities Driscoll provided the Commission with an update on the Sewer Lateral Project that started in 2017, and provided details on the number of participants, the completed work and outstanding warranty work to be completed by MBI before November 1, 2022.

5) Adjourn

- a. Motion to Adjourn at 7:41 PM.

RESULT: **Approved by Voice Acclamation [Unanimous]**
MOVED BY: Commissioner Mayr
SECONDED BY: Commissioner Hansher

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

Respectfully Submitted,

Karen Schlereth
 Administrative Assistant

	A	B	C	D	E	F	G	I	J	K	L
1					CODE ENFORCEMENT SUMMARY SEPTEMBER 1, 2022						
2											
3	0					OTC	REQUIREMENT	COURT DATE	COMMENTS	ACTIVE	KEY
4	DIST.	PARCEL #	ADDRESS	OWNER	VIOLATION TYPE/COMPLAINT	ISSUED	DATE		(See Key Column)	YES/NO	
5	8	151050504000	10843 N PEBBLE LANE	ABBAS OR FATIMA ALI	YARD WASTE LEAVES AND BRANCHES	1/21/2022	6/1/2022		1	NO	1 COMPLIANCE ACHIEVED
6		140341500100	6110-6112 W COUNTY LINE ROAD	JEFFERY KRETZ	PARKING	12/1/2021	12/15/2021		#5 CITATION 1	NO	2 COMPLIANCE DATE NOT MET
7	1	140300600500	12323 W MEQUON ROAD	JONATHON SCHOTTE	PARKING	10/21/2021	11/4/2021		1	NO	3 WAITING ON REPLY
8	3	140221000600	11512 N WAUWATOSA ROAD	RICK OR PATRICIA FREYMUTH	TEMPORARY STRUCTURE	10/22/2021	11/5/2021		1	NO	4 EXTENSION GRANTED
9	4	EXEMPT	110010 N BUNTROCK AVENUE	WILSON SCHOOL	ELECTRONIC MESSAGE SIGN ILLUMINATION	12/8/2021	12/17/2021		1	NO	5 ISSUED TO CITY ATTORNEY OFFICE
10	1	141550010000	13760 N BONNIWELL COURT	GALINA OR MISHA SHEPSHELEVICH	PARKING	ONGOING	ONGOING	NOT SET	#5, CIRCUIT COURT	YES	6 SCHEDULED COURT DATE
11	3	RENTAL	6200 W MEQUON ROAD	ST PAULS FISH	BANNER/SIGNS	11/17/2021	11/20/2021		1	NO	7 COURT RULING
12	2	140820648000	2916 W SHOLES DRIVE	DAVID OR ELIZABETH SANDE	HOME BUSINESS	11/22/2021	12/5/2021		1	NO	8 PRETRIAL DATE
13	1	141550011000	13702 N BONNIWELL COURT	MICHAEL OR SHELLEY OLSON	PARKING	11/22/2021	11/5/2021		1	NO	9 TRIAL DATE
14	4	140270101200	10910 INDUSTRIAL DRIVE	SUPER STEEL LLC	BANNER/SIGNS	11/17/2021	11/20/2021		1	NO	10 FINAL RULING
15	8	RENTAL	10042 N PORT WASHINGTON ROAD	NEARLY NEW CONSIGNMENT SHOP	BANNER	11/17/2021	11/20/2021		1	NO	11 ALTERNATE PROCEDURE
16	4	RENTAL	11035 INDUSTRIAL DRIVE	CENTRAL BARK	BANNER/SIGNS	11/17/2021	11/20/2021		1	NO	
17	5	EXEMPT	13460 N PORT WASHINGTON ROAD	CHRIST CHURCH	BANNER	11/17/2021	11/20/2021		1	NO	
18	4	140340500100	6809 W DONGES BAY ROAD	MEQUON LAWN AND GARDEN	BANNER	11/17/2021	11/20/2021		1	NO	
19	6	150191301600	11357 N PORT WASHINGTON ROAD	KOHLER CREDIT UNION	FLAG	11/17/2021	11/20/2021		1	NO	
20	8	RENTAL	11018 N PORT WASHINGTON ROAD	MATHNASIUM	BANNER	11/17/2021	11/20/2021		1	NO	
21	5	150201001800	11522 N PORT WASHINGTON ROAD	SHELL GAS STATION	BANNER	11/17/2021	11/20/2021		1	NO	
22	6	RENTAL	10945 N PORT WASHINGTON ROAD	SPINE PAIN DIAGNOSTICS ASSOCIATES SUITE 101	BANNER	11/17/2021	11/20/2021		1	NO	
23	8	RENTAL	10930 N PORT WASHINGTON ROAD	SENDIK'S	BANNER	11/17/2021	11/20/2021		1	NO	
24	6	RENTAL	10945 N PORT WASHINGTON ROAD	WISCONSIN RADIOLOGY SPECIALISTS	BANNER	11/17/2021	11/20/2021		1	NO	
25	8	RENTAL	10984 N PORT WASHINGTON ROAD	MARSHALLS	BANNER/SIGNS	11/17/2021	11/20/2021		1	NO	
26	8	RENTAL	10526 N PORT WASHINGTON ROAD	DERIAH BOUTIQUE	BANNER	11/17/2021	11/20/2021		1	NO	
27	6	RENTAL	10501 N PORT WASHINGTON ROAD	ALLSTATE INSURANCE	FLAG	11/17/2021	11/20/2021		1	NO	
28	8	RENTAL	10916 N PORT WASHINGTON ROAD	ELITE NUTRITION	BANNER	11/17/2021	11/20/2021		1	NO	
29	6	RENTAL	11649 N PORT WASHINGTON ROAD	MEQUON SMILE DESIGN	BANNER	11/17/2021	11/20/2021		1	NO	
30	6	RENTAL	11042 N PORT WASHINGTON ROAD	X GOLF MEQUON	FLAG	11/17/2021	11/20/2021		1	NO	
31	8	150290600200	11150 N PORT WASHINGTON ROAD	CULVER'S	BANNER/SIGN	11/17/2021	11/20/2021		1	NO	
32	4	140270201000	11130 N BUNTROCK AVENUE	ARTESA APARTMENTS	BANNER/SIGN	11/17/2021	11/20/2021		1	NO	
33	8	RENTAL	10992 N PORT WASHINGTON ROAD	GREAT CLIPS	BANNER	11/17/2021	11/20/2021		1	NO	
34	3	RENTAL	6330 W SPUR ROAD	SPUR 16	FLAG	11/17/2021	11/20/2021		1	NO	
35	4	RENTAL	10503 N CEDARBURG ROAD	THE COLOUR BOWL SALON AND WELLNESS	FLAG	11/17/2021	11/20/2021		1	NO	
36	4	140500612000	5616 W DONGES BAY ROAD	LIBBY MONTANA	BANNER	11/17/2021	11/20/2021		1	NO	
37	6	150300600500	2635 W MEQUON ROAD	THE RANGE LINE INN	BANNER/SIGN	11/17/2021	11/20/2021		1	NO	
38	6	151530001000	1505 W MEQUON ROAD	EAST TOWNE SQUARE MALL	FLAG	11/17/2021	11/20/2021		1	NO	
39	6	RENTAL	1339 W MEQUON ROAD	SOVEREIGN SELECT LLC	BANNER	11/17/2021	11/20/2021		1	NO	
40	3	RENTAL	7602 W MEQUON ROAD	IN BALANCE YOGA	BANNER	11/17/2021	11/20/2021		1	NO	
41	6	RENTAL	1340 W MEQUON ROAD	AC ZUKERMAN JEWELERS	BANNER	11/17/2021	11/20/2021		1	NO	
42	6	RENTAL	1300 W MEQUON ROAD	PANERA BREAD	BANNER/SIGNS	11/17/2021	11/20/2021		1	NO	
43	6	RENTAL	1424 W MEQUON ROAD	NORTH SHORE COMPUTER	BANNER	11/17/2021	11/20/2021		1	NO	
44	6	RENTAL	1402 W MEQUON ROAD	KUMON MATH AND READING	BANNER	11/17/2021	11/20/2021		1	NO	
45	8	RENTAL	10530 N PORT WASHINGTON ROAD	FIDDLEHEADS COFFEE	BANNER/SIGNS	11/17/2021	11/20/2021	4/6/2022	#5, CITATION	NO	
46	6	RENTAL	11525 N PORT WASHINGTON ROAD	JIMMY JOHNS	BANNER/FLAGS	11/17/2021	11/20/2021	3/2/2022	#5, CITATION	NO	
47	6	RENTAL	11511 N PORT WASHINGTON ROAD	TACO BELL	BANNER	11/17/2021	11/20/2021	4/6/2022	#5, CITATION 1,2	NO	
48	4	140500903002	10360 N CEDARBURG ROAD	KWIK TRIP	TRASH/LITTER	12/23/2021	12/27/2021	4/6/2022	#5, CITATIONS 1,2,3	NO	
49	4	140500903002	10360 N CEDARBURG ROAD	KWIK TRIP	BANNER/FLAGS	11/17/2021	11/20/2021	3/2/2022	#5, CITATION 1,2,	NO	
50	8	150291100500	10500 N PORT WASHINGTON ROAD	HOLD HOLDINGS	PUBLIC NUISANCE	4/14/2021	4/23/2021	4/6/2022	#5, CITATIONS 1,2,3	NO	
51	4	140840107000	9712 N MEQUON PLACE	TOUA YANG	PARKING	10/25/2021	11/5/2021	4/6/2022	#5 CITATIONS 1, 2,3,4	YES	
52	7	140250600600	11050 N RIVER ROAD	ROBERT STERN	OUTSIDE STORAGE	11/17/2021	11/24/2021		#5 CITATION	NO	
53	4	140501204000	10056 N CEDARBURG ROAD	WILLIAM WISTH	OUTSIDE STORAGE	ONGOING	ONGOING	NOT SET	#5 CIRCUIT COURT	YES	
54	3	140870805000	11715 N SILVER AVENUE	LUJESS	PARKING	ONGOING	ONGOING	NOT SET	#5 CIRCUIT COURT	YES	
55	6	151000203000	12539 N ISLAND DRIVE	WILLIAM WISTH	OUTSIDE STORAGE	ONGOING	ONGOING	NOT SET	#5 CIRCUIT COURT	YES	
56	8	151070412000	819 W SIERRA LANE	VANN FAMILY TRUST	OUTSIDE STORAGE	2/25/2022	3/11/2022		1	NO	
57	8	151070412000	819 W SIERRA LANE	VANN FAMILY TRUST	PARKING	2/25/2022	3/11/2022		1	NO	
58	2	140241201000	11249 N RIVERLAND ROAD	PAUL FREDERICK	OUTSIDE STORAGE	2/25/2022	3/11/2022		1	NO	
59	2	140241201000	11249 N RIVERLAND ROAD	PAUL FREDERICK	PARKING	2/25/2022	3/11/2022		#5 CITATION	YES	
60	1	140121200300	3500 W HIGHLAND ROAD	THOMAS LEMENS	OUTSIDE STORAGE	2/25/2022	3/11/2022		1	NO	
61	1	140121200300	3500 W HIGHLAND ROAD	THOMAS LEMENS	PARKING	2/25/2022	3/11/2022		1	NO	

	A	B	C	D	E	F	G	I	J	K	L
123	1	XXXXXXXXXX	HIGHLANDS LOT 8	KINGS WAY HOMES	OUTSIDE MAINTENANCE	7/22/2022	7/29/2022		#5 CITATION 1	YES	
124	4	140270201500	6835 W MEQUON ROAD	RESERVE FRONT LOT	LANDSCAPING	7/22/2022	8/15/2022		4	YES	
125	4	140270200200	6729 W MEQUON ROAD	STORYPOINT SENIOR LIVING	SIGNS	7/22/2022	8/19/2022		1	NO	
126	7	150850000002	3100 W COUNTRY CLUB DRIVE	NORTH SHORE COUNTRY CLUB	LANDSCAPING	7/22/2022	10/5/2022		EXTENSION	YES	
127	8	XXXXXXXXXX	10930 N PORT WASHINGTON ROAD	MEQUON PAVILIONS	FLAGS	7/22/2022	7/29/2022		1	NO	
128	2	140820210001	3015 W SHOES DRIVE	THOMAS OR CAPTOLA BACHER	2 SHEDS	8/11/2022	9/11/2022			YES	
129	5	151120203000	13837 N LAKE SHORE DRIVE	GREGORY OR NICOLE PATERSON	OUTDOOR STORAGE	8/11/2022	8/26/2022		EXTENSION	YES	
130	6	150300802300	2212 W SUNNYDALE LANE	AARON OR PETER KINNEY	POOL FENCE	8/11/2022	8/26/2022		4	YES	
131	8	RENTAL	10806 N PORT WASHINGTON ROAD	NORTH SHORE BANK	BANNER	8/19/2022	8/25/2022		1	NO	
132	6	RENTAL	1505 W MEQUON ROAD	EAST TOWNE SQUARE MALL	FLAGS	8/19/2022	8/25/2022		1	NO	
133	6	RENTAL	1505 W MEQUON ROAD	FAYE'S MEQUON	FLAGS	8/19/2022	8/25/2022		1	NO	
134	6	RENTAL	1505 W MEQUON ROAD	THE LEMON TREE	FLAGS	8/19/2022	8/25/2022		1	NO	
135	6	RENTAL	1515 W MEQUON ROAD	ZARLETTI MEQUON	FLAGS	8/19/2022	8/25/2022		1	NO	
136	6	RENTAL	1330 W MEQUON ROAD	COCOA TREE CONFECTIONARY	BANNER	8/19/2022	8/25/2022		1	NO	
137	6	RENTAL	1402 W MEQUON ROAD	KUMON MATH AND READING	BANNER	8/19/2022	8/25/2022		1	NO	
138	6	RENTAL	1550 W MEQUON ROAD	FIFTH MAIN	A FRAME	8/19/2022	8/25/2022		1	NO	
139	6	RENTAL	11035 N PORT WASHINGTON ROAD	PICARDY SHOE PARLOUR	BANNER	8/19/2022	8/25/2022		1	NO	
140		140271601200	10433 N BAEHR ROAD	NORTH SHORE DANCE	SIGNS	7/7/2022	7/29/2022		#5 CITATION 1	YES	
141		141440022001	7421 RIDGEVIEW DRIVE	YOUSSEF BERRADA	PLUMBING PERMIT	8/24/2022	9/7/2022			YES	
142		141440022001	7421 RIDGEVIEW DRIVE	YOUSSEF BERRADA	ELECTRIC PERMIT	8/24/2022	9/7/2022			YES	
143		141440022001	7421 RIDGEVIEW DRIVE	YOUSSEF BERRADA	BUILDING PERMIT	8/24/2022	9/7/2022			YES	
144		141440022001	7421 RIDGEVIEW DRIVE	YOUSSEF BERRADA	FILL PERMIT	8/24/2022	9/7/2022			YES	
145		141440022001	7421 RIDGEVIEW DRIVE	YOUSSEF BERRADA	SURVEY	8/24/2022	9/7/2022			YES	
146		150500116000	1828 W FIESTA LANE	CHARLES MAYER	GRASS	8/31/2022	9/8/2022			YES	
147											
148											
149											
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Office of Community Development

TO: Common Council
FROM: Kim Tollefson, Director of Community Development
DATE: June 9, 2022
SUBJECT: ORDINANCE 2022-1618 An Ordinance Creating Section 10-26 of the Mequon Municipal Code, Related to Residential Swimming Pools

Please see attached memo by City Attorney Sajdak.

Attachments:

Memo re Swimming Pool Ordinance (PDF)

Pool Ord A - How Regulations Are Changing For Pool Automatic Safety Covers - Latham Pool (PDF)

Pool Ord B - Fw Additional Pool cover information (PDF)

Pool Ord C - Fw pool covers (PDF)

Pool Ord D - Fw Great article on changing the by laws (PDF)

Pool Ord E - Kansas father and son honored for saving 4-year-old boy with autism from drowning (PDF)

ISPSC Adoption Status Report (PDF)

PW Meeting Minutes 04 12 22 Draft (DOC)

WI Uniform Building Code & Information (PDF)

ASTM Performance Specifications (PDF)

November 2021 Staff Memo (PDF)

Auto Pool Cover Information from Amber Schroeder (PDF)

Safety Pool Cover PHTA Information (PDF)

Swimming Pool Ordinance - version 7 blacklined (PDF)

COMMON COUNCIL
OF THE
CITY OF MEQUON

ORDINANCE 2022-1618

An Ordinance Creating Section 10-26 of the Mequon Municipal Code, Related to Residential
Swimming Pools

RECITALS

A. The Common Council previously adopted the Wisconsin Uniform Building Code which, among other things, regulates the installation of swimming pools.

B. According to the Centers for Disease Control and Prevention (CDC), drowning is the leading cause of unintentional death for 1- to 4-year-old children - each year, nearly 300 children under age 5 drown in swimming pools.

C. The Common Council, having reviewed the regulations related to such installations, has determined that the City should adopt specific standards related to the installation of residential swimming pools to allow for the use of automatic safety covers in lieu of fences.

D. The regulation of the installation of residential swimming pools furthers the health, safety and welfare of the community.

BASED UPON THE FOREGOING RECITALS, the Common Council of the City of Mequon, Wisconsin, do ordain as follows:

SECTION I

Section 10-26 of the Mequon Municipal Code is created to read as follows:

10-26 - Residential Swimming Pools.

No person shall construct, install or enlarge a residential swimming pool not enclosed in a permanent building within the city except in accordance with the following regulations.

(a) Definitions.

(1) "Swimming pool" means any depression in the ground, either temporary or permanent, or a container of water, either temporary or permanent and either above or below the ground, in which water more than 18 inches deep is contained and which is used primarily for the purpose of bathing or swimming. "Swimming pool" includes a spa, hot

tub, and temporary pool unless otherwise specifically excluded within this section.

(2) "Temporary pool" means any swimming pool that has a surface area of less than 314.159 square feet (20-foot diameter) which is installed for any length of time less than four (4) months and which is installed after May 1 and removed by September 30 in the same year.

(3) "Power safety cover" means a barrier which can be placed over the water area of a pool that provides a high level of safety for children under the age of five by inhibiting their access to the water which meets all of the following minimum qualifications:

- a. Static Load - the power safety cover shall hold a minimum weight of 485 pounds, irrespective of the width or diameter of the pool.
- b. Operating switch - the switching device shall be:
 - i. located a minimum of five (5) feet above the ground or surface below such switching device; and
 - ii. locked in a secure enclosure, or operated by a key or touchpad.
- c. Except as provided above, the power safety cover shall be certified to meet the minimum qualification criteria for a Power Safety Cover as specified in American Society for Testing and Materials (ASTM) specification 1346-91.

(4) "Decorative" as applied to fences means that a fence is made of PVC, wrought iron, or aluminum pickets, or is a painted or stained shadow-box or board-on-board type fence, or similar design as approved by the Department of Community Development. Decorative shall not include chain link, snow or other temporary fencing.

(b) Permit.

(1) Required. No person shall construct, install, enlarge or alter any private swimming pool, including changing any fence or safety device, unless a permit therefor has first been obtained from the Building Inspector. A temporary pool shall be exempt from this permit requirement.

(2) Application. The following information shall be required:

- a. Survey or accurate drawing of the property, in duplicate,

showing all existing structures, proposed swimming pool or spa location, fencing if required, and overhead or underground electrical wiring.

- b. Type of pool installation, above ground or in-ground.
- c. Pool height above highest point of grade if above ground installations.
- d. Type and height of fence, if proposed.
- e. Type and support of decking, if proposed.
- f. Type and location of safety features to be installed, if proposed.
- g. Overall size and locations of the above in regard to existing buildings and lot lines for property survey reference.
- h. Any change in finished grade near pool.
- i. County Health Department approval for properties using a private septic system, where applicable.
- j. Site inspection letter from a local wiring utility.
- k. Two (2) copies of brochure which shows the type, style, etc. of the swimming pool and safety features to be installed.

(c) Construction Requirements.

- (1) No swimming pool shall be located, erected, constructed or maintained within any front yard or closer to any side or rear lot line than allowed by Chapter 58 for permitted accessory structures, and the waterline of any swimming pool shall not be less than 4 feet from any lot line, wall, fence, structure or building, unless a more stringent requirement is provided for elsewhere in this code.
- (2) No connection shall be made to the sanitary sewer or septic system.
- (3) Gaseous chlorination systems shall not be used for disinfecting swimming pool waters.
- (4) Swimming pools shall be located from well and septic systems in accordance with the Wisconsin State Plumbing Code, Wis. Admin. Code §

SPS 383.

(d) Fences or Other Safety Measures.

(1) All non-temporary swimming pools not enclosed within a permanent building shall be completely enclosed by a decorative fence of sufficient strength to prevent access to the swimming pool, not less than four (4) feet in height and so constructed as not to have voids, holes or openings larger than four (4) inches in one dimension. No fence shall be located, erected, constructed or maintained closer than four (4) feet to a swimming pool. Gates or doors shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when not in actual use. Latches shall be located at least three (3) feet above the ground, accessible deck or stairs. Temporary non-decorative fencing may be approved by the Department of Community Development for a period not to exceed 30 days where necessitated by construction and or safety concerns.

(2) The wall of the house or building facing a swimming pool may be incorporated as a portion of the fence required under paragraph (1) above provided that the swimming pool is equipped with at least one of the following:

- a. Removable mesh fencing that meets the standards of ASTM Specification F2286 in conjunction with a gate that is self-closing and self-latching and can accommodate a key lockable device.
- b. Exit alarms on all doors within a residence that provide direct access to the swimming pool or spa. The exit alarm may cause either an alarm noise or a verbal warning, such as a repeating notification that “the door to the pool is open.”
- c. A self-closing, self-latching device with a release mechanism placed no lower than 54 inches above the floor on all doors of a residence providing direct access to the swimming pool or spa.

(3) In lieu of a fence under paragraph (1) above, a swimming pool may utilize a power safety cover provided that:

- a. The pool is located on a single-family residential parcel within a single-family residential zoning district;
- b. The power safety cover is in working order;

c. The power safety cover is closed and secured at all times where the pool is not in use by a person of at least 15 years of age or under supervision of a person who is outdoors, within 10 feet of the pool, and is at least 15 years of age;

d. The water line of the pool is not closer than 30 feet from any lot line; and

e. The pool is also equipped with:

i. An alarm that, when placed in a swimming pool or spa, will sound upon detection of accidental or unauthorized entrance into the water. The alarm shall meet and be independently certified to the ASTM Standard F2208 "Standard Safety Specification for Residential Pool Alarms," which includes surface motion, pressure, sonar, laser, and infrared type alarms. A swimming protection alarm feature designed for individual use, including an alarm attached to a child that sounds when the child exceeds a certain distance or becomes submerged in water, is not a qualifying drowning prevention safety feature.

ii. And at least one of the following:

1. Removable mesh fencing that meets the standards of ASTM Specification F2286 in conjunction with a gate that is self-closing and self-latching and can accommodate a key lockable device.

2. Exit alarms on all doors within a residence that provide direct access to the swimming pool or spa. The exit alarm may cause either an alarm noise or a verbal warning, such as a repeating notification that "the door to the pool is open."

3. A self-closing, self-latching device with a release mechanism placed no lower than 54 inches above the floor on all doors of a residence providing direct access to the swimming pool or spa.

(4) Above ground swimming pools with platforms and railings that are four (4) feet or more in height above ground and temporary pools are not required to be enclosed as provided in paragraph (1) above; however, all ladders and stairways providing access to such swimming pools shall be removed from the swimming pool or shall be adequately fenced and fitted

with gates or folded up and locked to prevent entry when the swimming pool is not in use.

(5) Spas and hot tubs are exempt from the fence requirement under paragraph (1) above provided that such spa or hot tub has a locking safety cover which is certified to meet ASTM specification 1346-91 and which shall be in place and locked when the hot tub or spa is not in use.

(e) Electrical Requirements. All electrical installations shall require separate permits and shall be governed by the City or State Electrical Code.

(f) Pool Lights. If overhead flood or other artificial lights are used to illuminate the swimming pool at night, such lights shall be shielded to direct light only on the swimming pool.

(g) Swimming Pool Decks. All decks shall be constructed in accordance with the Uniform Building Code. Decking shall be considered an integral part of the swimming pool and shall comply with the applicable setback dimensions per the local zoning code.

(h) Drainage. In no case shall any swimming pool be drained onto lands of property owners other than the owner of the swimming pool. Drainage shall be in accordance with city code.

(i) Use of Swimming Pool. No swimming pool shall be so operated as to create a nuisance, a hazard or an eyesore or otherwise to result in a substantial adverse effect on neighboring properties. Repeated violations of this code shall constitute a public nuisance, abatement of which may include removal of the pool in addition to all other remedies available by law.

(j) Applicability of codes and standards. Where this section adopts or references a specific code, standard, specification or the like, such adoption or reference shall include all amendments and revisions thereto, and the most recent version in effect at the time a pool (or any of its safety features) is constructed, installed, changed, remodeled, or enlarged shall apply.

SECTION II

The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

SECTION III

All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.

SECTION IV

This Ordinance shall become effective the day after its publication as provided by law.

Approved by: Andrew Nerbun, Mayor

Date Approved: September 13, 2022

I certify that the foregoing Ordinance was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on September 13, 2022.

Caroline Fochs, City Clerk

Published: _____



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Private Office:
Wesolowski, Reidenbach & Sajdak, S.C.
11402 W. Church Street
Franklin, WI 53132

Office of the City Attorney

TO: Common Council
FROM: Brian C. Sajdak, City Attorney
DATE: September 6, 2022
RE: Swimming Pool Regulations

September Update

At its August meeting, the Public Welfare Committee forwarded the proposed ordinance for the Council's consideration. As noted below under the August Update heading, the proposed ordinance attempted to address the concerns that had been raised by the Council. The only change made by the Committee was to raise the age of the responsible supervising person to 15 (from 14) and to require outdoor supervision to mean someone who is within 10 feet of the pool.

August Update

Following a reconsideration by the Common Council, and discussion last month with committee, the proposed ordinance has been revised to address some of the concerns raised by the Council in discussion of the proposed ordinance. The changes are highlighted with underlining in the attached draft. Specifically, the major changes that have been made are:

- Specify that power safety covers are only allowed for single family residences in single family zoning districts.
- Specify that a pool with a power safety cover must be at least 30 feet from any property line. Note that building offsets in residential zoning districts range from 20 feet to 30 feet. The proposed ordinance sets a consistent standard for all pools without regard to their location.
- Provides that repeated violations constitutes a public nuisance and sets removal of the pool as a potential method of abating that nuisance.
- Clarifies that all references to standards are to the current standard in place at the time of installation of the pool/safety feature.

Community Development Staff has provided the following general comments with respect to any proposed ordinance:

- We are attempting to fix a problem that does not exist.
- We are addressing a public policy issue that has not been of great public interest. Very little public input has been provided on the proposal. Further, the original proponent of the ordinance has pulled a fence permit for a permanent fence based on needs other than the pool.

- The suggestions to date make enforcement very challenging, one likely that cannot be best served by Inspections. The peak operations and duration of use of pool when be during times that inspection staff is NOT scheduled to work.
- The enforcement is challenging in that verifying persons of authority, residency, age, etc is not best served by inspections, staff that has little such authority.
- Any regulations established for a cover, without a fence, should be tangible technical standards that came be verified by typical permit and manufacturer standards and technical standards that can be measured in the field.

I would generally agree with the first two bullet points. With respect to enforcement, it is likely that meaningful enforcement could only be completed by the Police Department – although the priority they would assign to this type of enforcement would likely result in decreased effectiveness as they focus on “bigger” issues first. The final bullet point has been achieved in my opinion.

Background

The City presently adopts the Wisconsin Uniform Building Code with respect to the installation of swimming pools. The Code requires fences for all non-temporary pool installations. A resident has approached the Public Welfare Committee to request that the City consider amending its code to allow for power safety covers in lieu of fences for residential pools. Following discussion at its December meeting, the Committee requested that I prepare a proposed ordinance to allow for a power safety cover to be used as an alternative to a fence. Further, the Committee also discussed that there are not many standards for pools with fences and that the regulations should be more consistent.

At the April Public Welfare Committee, it was clarified that the regulations would apply only to newly installed pools, or existing pools where safety measures were going to be changed (e.g., a fence removed in favor of an automatic safety cover). Further, at the Committee’s recommendation, if this ordinance is adopted, staff will circulate the new rules in the weekly bulletin and social media to make owners of existing pools aware of the requirements – not because they are required to comply, but so that people are aware and choose to update their pools if they desire. The Committee unanimously recommended the ordinance as presented for approval.

Discussion

According to the Centers for Disease Control and Prevention (CDC), drowning is the leading cause of unintentional death for 1- to 4-year-old children. Each year, nearly 300 children under age 5 drown in swimming pools. Many of these young victims could be saved if homeowners fenced in their pools completely and installed gates with self-closing and self-latching devices. For childproofing pools, the CDC follows the guidelines of the U.S. Consumer and Product Safety Commission (CPSC).¹

¹ <https://www.cdc.gov/nceh/publications/books/housing/cha14.htm>

The CPSC published Safety Barrier Guidelines for Residential Pools, a set of guidelines written to prevent injuries and deaths around pools.² These guidelines center on keeping children from entering the pool area when unaccompanied by a supervising adult. The CPSC concludes that fences provide the best level of protection. When it considered power safety covers, the CPSC notes that they would be beneficial for adding an additional layer of protection.

Notwithstanding the CPSC's recommendation, the International Code Council (ICC) and the Association of Pool & Spa Professionals (APSP) developed a set of swimming pool-related building codes called the International Swimming Pool and Spa Code (ISPSC). The 2015 version of the ISPSC allows for an automatic power safety cover in lieu of a fence for all inground pools and spas.³ As of February 2022, 14 states have adopted the ISPSC for use state-wide and 19 states have adopted the ISPSC for use as determined by local authorities. Wisconsin has not adopted the ISPSC in any capacity for state-wide use. With that said, there are a handful of municipalities across the state of Wisconsin that have allowed for automatic power safety covers.

To be clear, staff's recommendation is that power safety covers alone should not be allowed. The available data shows that fences provide the best level of safety in all circumstances. Further, enforcement becomes a challenge. With a fence, it is easy to determine whether the fence is solid and without gaps, whether the gate has closed and/or whether the latch is working. With power safety covers, there is significant grey area. Certainly, it can be determined whether the cover is operation or not, just as you can determine whether the latch works. However, the latch is required to be self-locking – it works automatically. A power safety cover does not close automatically. It needs to be operated by the physical controls. Accordingly, staff cannot ensure that the cover is actually used. An owner could install a power safety cover and then proceed to leave it open 24-7, which provides zero protection from drownings. The proposed ordinance includes the requirement of additional safety measures when using a power safety cover, but these safety measures are designed to be secondary to physical access restrictions like a fence.

Based upon discussion at the Committee, an operation requirement was also added. And following last month's discussion at Council that requirement was amended slightly in the draft presented for your consideration. The proposed ordinance requires that a power safety cover be "closed at all times where the pool is not in use by, or under the outdoor supervision of, a responsible individual of at least 14 years of age." This would address situations raised by the Committee where either (a) there are teenage children using the pool without adult supervision or (b) the pool is being "used" for aesthetic or other purposes (e.g., where a party is being held on the property, but nobody is actively swimming because they are eating, sunbathing, relaxing, etc.) but is still supervised. However, as discussed at Committee, these operational requirements are difficult to enforce. If a neighbor calls and says there is no responsible individual present, staff would need to physically observe the lack of a responsible individual before a citation could be issued. Identifying whether a "responsible individual" is present at any specific point in time is virtually impossible, which makes the requirement effectively aspirational as opposed to something that can be enforced. Staff continues to believe that fencing is the best alternative.

² <https://www.poolsafely.gov/wp-content/uploads/2017/08/Safety-Barrier-Guidelines-Pub-2017.pdf>

³ <https://codes.iccsafe.org/content/ISPSC2015/chapter-3-general-compliance>

One part of the discussion from December's meeting addressed the situations where a pool has a fence on three sides but uses the wall of the residence for the fourth enclosing side. One of the purposes of regulating pool safety is to prevent neighboring children from drowning by being drawn to an unattended pool (the so-called attractive nuisance). However, recognize that one CSPC study found that some 75% of incidents involve pools owned by the victim's family. Accordingly, the proposed ordinance also includes language addressing this circumstance and requires additional safety features to address the risk posed in these circumstances.

At last month's Council meeting, the need to better define the standards for power safety covers was discussed. To address this request, the proposed code still requires certified compliance with ASTM specification 1346-91 except in two areas. First, The ASTM specification has two different standards for static load depending on the width of the pool. For clarity, and to provide a level of safety for emergency response personnel, the proposed code adopts a singular load requirement of 485 pounds for all pools no matter their width. This will help ensure, for example, that firefighters who are walking through the rear yard in the winter do not fall through a cover by ensuring the power safety cover supports the weight of two adults with gear. Second, the ASTM standard has a wide range of standards for the control switch for a power safety cover. Again, to ensure clarity and improve safety, the proposed code sets a single standard that the switch be located at least 5 feet above ground and also that it be locked with a key or touchpad/code.

The CPSC acknowledges that "[b]arriers are not childproof, but barriers do provide layers of protection for a child when there is a lapse in adult supervision." Therefore, the City's code should ensure that there are appropriate levels of protection surrounding a pool for children. Because fences appear to provide the best protection, the proposed ordinance defaults to requiring a fence. However, it also provides the opportunity to utilize a powered safety cover provided that the pool is also equipped with an alarm and one additional safety measure.

Lastly, two questions from the Council discussion last month should be addressed. First, as I indicated at the meeting, this code does not trump any subdivision covenants and homeowner's/liability insurance requirements may dictate more stringent protection than any code requirements. Owners would be wise to confirm both prior to installing a pool. Second, the proposed code does require a pool permit for installation or for changing the safety features of the pool. Thus, if an owner of an existing pool with a fence wanted to replace the fence with an automatic safety cover, a permit would be required. The Council should establish a fee for that permit if the ordinance is adopted.

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ENJOY COVERS • POOL SAFETY

How Regulations Are Changing For Pool Automatic Safety Covers

July 5th, 2019 by [Mark Smith](#)

Pool Automatic Safety Covers: Helping You Achieve Your Top Priority

While [swimming pool](#) ownership is about family, friends, and fun, there are a number of responsibilities that come with it as well. You're responsible for [opening and closing](#) your pool properly and for keeping it well-maintained throughout pool season if you want to avoid costly repairs.

But perhaps the most important responsibility you have is ensuring that children — especially young children — don't get access to the pool unless they are with an adult. According to the U.S. [Consumer Product Safety Commission](#) (CPSC), the majority of deaths and injuries in pools and spas involve young children ages 1 to 3 and occur in residential settings. Not only do you have a moral obligation to prevent these tragedies, you have a legal one as well.

A New Respect for Automatic Safety Covers

When pool [automatic safety covers](#) first came on the market a while back, government entities were understandably unsure what to make of them. They were welcomed as another form of barrier and clearly held the potential for improving pool safety. However, it would take some time for municipalities to become familiar with — and comfortable with — just how good a deterrent automatic safety covers are.

Until then, the existing swimming pool barrier guidelines would remain in place. For example (consult your local government for regulations in your area), things like:

- Fences four feet high (and ideally higher)
- No handholds or footholds in the barrier construction
- Spacing between vertical slats of no more than 1.75 inches
- Mesh size of no greater than 1.25 inches on chain link fences
- Etc.

However, in recent years, some jurisdictions have begun including [automatic safety covers](#) in their regulations. In fact, they are deemed as effective as fencing and can be used instead of it in some scenarios. (See more information below, and also please get specifics from your local government.)

What are the Regulations Where You Live?

The regulations regarding pool barriers differ by municipality and are subject to change. However, a partnership between the [International Code Council \(ICC\)](#) and the [Association of Pool & Spa Professionals \(APSP\)](#) developed a set of swimming pool-related building codes called the [International Swimming Pool and Spa Code \(ISPSC\)](#) that many municipalities, and entire states in some cases, are adopting.

There are two versions of the code. The 2012 version allows an automatic pool cover in lieu of a fence for inground spas only. The 2015 version allows for an auto cover in lieu of a fence for all inground pools and spas. As an example of how the code is being adopted, here are the states that have put it into effect as of April 2019 (always check with your state or municipality for the latest information):

Mandatory Adoptions

- Georgia
- Louisiana
- Massachusetts
- Michigan
- Montana
- New Jersey
- Virginia
- Washington
- Washington, D.C.
- West Virginia

Optional Adoptions

- Alabama
- Arizona
- California
- Colorado
- Illinois
- Oklahoma
- South Carolina

- Tennessee
- Texas
- Wyoming

Source: [ISPSC Adoption Status Report 04-01-2019](#)

While we can't advise you on the laws affecting your swimming pool, we can tell you all about [pool automatic safety covers](#). The independent [Latham Independent Builder in your area](#) would be happy to talk with you about your needs and how our covers and other products can help you meet them.



MEET OUR EXPERT

Written by Mark Smith

With more than 15 years of experience at Coverstar, Mark is the autocover expert and Product Manager for Automatic Safety Covers at Latham. In his free time he enjoys camping, hiking and exploring the nation's beautiful national parks with his family.

Join the discussion

Leave a Reply

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From: Mark Gierl mgierl@ci.mequon.wi.us
Subject: Fw: Additional Pool cover information
Date: June 3, 2022 at 7:43 AM
To: Brian Sajdak brian@wrslegal.net, mgierl@sbcglobal.net

From: Amber Schroeder <pt.amber@gmail.com>
Sent: Thursday, June 2, 2022 7:09 PM
To: Mark Gierl <mgierl@ci.mequon.wi.us>
Subject: Additional Pool cover information

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Are automatic pool covers safe??

The answer is yes! A Pool Cover Specialists® automatic swimming pool cover is certified to meet or exceed the following Safety Certifications & Codes:

1. ASTM (American Society for Testing and Materials) pool cover safety standard ASTM F1346-91 (2010)
2. ICC (International Code Council) Safety Code ISPSC 305.1 (International Swimming Pool & Spa Code)
3. IAPMO (International Association of Plumbing & Mechanical Officials) Safety Code IAPMO 415.1.3
4. ASHRAE (American Society of Heating, Refrigerating, and Air-Conditioning Engineers), ANSI (American National Standards Institute) Safety Code ANSI/ASHRAE/IES 90.1
5. CPSC (Consumer Product Safety Commission) Approved Safety Barrier



What makes a Pool Cover Specialists® automatic swimming pool cover so safe?

Besides meeting all the safety certifications and being code compliant, automatic swimming pool covers are an “Isolation” Barrier, which unlike other barriers such as fences...an automatic swimming pool cover actually isolates the pool water from

the pool deck and its surroundings. This “Isolation” of the water removes all the temptation for children who, with other safety devices can still see and be enticed by the pool water. Also, ASTM certified automatic swimming pool covers are sealed on all 4 sides of the pool making it almost impossible for a young child to climb over or under the cover to get to the water.



Several Major States (Florida, California, Indiana) now recognize ASTM compliant “Automatic” or “Powered” swimming pool covers as “Stand Alone Barriers” due to their ability to be an isolation barrier...not to mention...pool covers also save energy and water. Safety and Savings all in one barrier...a Pool Cover Specialists® automatic swimming pool cover provides unparalleled safety, savings and convenience!



As per the CPSC: Barriers are not childproof, and nothing takes the place of adult supervision...but certain types of barriers provide layers of protection for a child who strays from supervision. Barriers give parents additional time to locate a child before the unexpected becomes a reality. Automatic Swimming Pool Covers actually seal the pool, not just add a deterrent to go around, they “isolate” the water from the pool deck.

The CPSC and Pool Cover Specialists® both recommend multiple layers of protection for your pool, with an automatic swimming pool cover being at the top of our list as one of the best safety Barriers. We feel that it is very important for you to know that all safety devices are not equal! So, if you are considering one or more of the CPSC's recommended safety options, here are some facts you should know:

ALL Pool Cover Specialists® automatic swimming pool covers, sometimes referred to as “Isolation barriers” provide the best level of protection in that they:

a. isolate the water itself,



b. support the weight of several adults (Pool Cover Specialists® Infinity 4000™ has had over 4200 pounds on a pool cover),





c. can be closed or opened in seconds (when running into the house for a moment or before moving to another part of the yard for continued festivities.

d. In addition, unlike a partially-closed gate, from a considerable distance, it is possible to observe whether or not an automatic cover has been fully extended over a pool. And since an automatic cover isolates (hides) the water from view, the natural attraction that water poses to most children is eliminated.

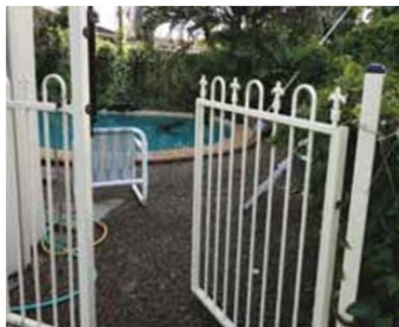


How effective is an automatic swimming pool cover in helping to prevent children from

drowning?

1. To our knowledge, although hundreds of thousands of ASTM certified automatic swimming pool covers have been installed worldwide over the past 60 years...there have only been a handful of accidents, drowning's or near drowning's recorded with an automatic swimming pool cover that is closed and functional. Compare that to ALL other safety devices and you will find there is simply NO comparison!

2. A perimeter safety fence or wall. Fences provide a degree of protection in that they, at least, slow down an inquisitive child who has made up their mind to access the pool by stacking furniture, using a device to "flip" a gate latch, or finding some other creative way to get to a pool. The main issue associated with pool fences is that a fence isolates the "Pool Deck" not the "Pool Water" itself and, from a distance, it may be impossible to tell whether a partially closed gate is actually latched.



In addition, if your house is the fourth side of your pool fence, the fence may not help at all. There have been several studies on Fences and their effectiveness in helping to prevent drowning, in all the studies we found, they show that fences are a good deterrent but if the gate is open, latch is broken, or the child simply climbed over...fences provided little help. Here are several studies: Drowning Interventions, Pool Fencing ... Official Journal of the American Academy of Pediatrics show fences may only give a 19% better rate of protection than not having a fence

3. Door alarms for the house and a sophisticated pool-alarm system. Sophisticated Pool Alarms that utilize infra-red technology and sound a warning when an object disturbs the surface of the water, certainly help, but false alarms are common and drowning statistics reveal a couple of frightening facts:

- a. it only takes seconds for a child to drown and
- b. in the majority of instances, the time in which drowning victims five years of age and under were away from adult supervision was less than five minutes.

Based on all of the above...automatic swimming pool covers are one of the safest items you can add to your swimming pool.

From: Mark T Gierl mgierl@sbcglobal.net
Subject: Fw: pool covers
Date: June 3, 2022 at 7:45 AM
To: brian@wrslegal.net, g mgierl@sbcglobal.net

----- Forwarded Message -----

From: Amber Schroeder <pt.amber@gmail.com>
To: Mark T Gierl <mgierl@sbcglobal.net>
Sent: Thursday, June 2, 2022, 07:21:37 PM CDT
Subject: pool covers

Cottage Grove (dane county) recently amended their ordinance:

ORDINANCE 05-2021 AMENDING CHAPTERS 325 VILLAGE OF COTTAGE GROVE MUNICIPAL CODE The Village Board for the Village of Cottage Grove, Dane County Wisconsin, does hereby ordain as follows: SECTION I. – BACKGROUND RATIONALE The Village of Cottage Grove's Ordinance Review Committee has reviewed the Village's ordinances related to swimming pool safety devices in response to a resident inquiry about new safety technology that were not addressed in the current ordinance.

1. As currently written all pool require fences as described by 325-88.
2. The current ordinance does not address automated pool covers that can make a pool inaccessible when not in use.
3. An automated pool cover can help protect children who live on the same property as the pool, who may be able to enter the pool area from the home and already within a fence.
4. The direction from the Ordinance Committee is give the homeowner discretion to determine the best safety device for their needs. SECTION II. – CURRENT AND AMENDED LANGUAGE Section 325-88(J) currently reads: "J. Pool fences. (1) In-ground pools. All outdoor, in-ground swimming pools shall have a fence or other solid structure not less than five feet in height completely enclosing the pool with no opening therein (other than doors or gates) larger than four inches in a horizontal dimension. Fences with horizontal openings larger than four inches will be permitted if the vertical openings in the fence are not greater than one inch and the fence is considered by the Building Inspector to be nonclimbable. All gates or doors opening through the enclosure shall be kept securely closed and locked at all times when the pool is not in actual use. Gates shall be equipped with self-closing hinges and a latch that is intended to discourage unauthorized entry by small children. (2) Aboveground pools. (a) An approved barrier shall consist of a solid wall of durable material of which the pool itself is constructed and shall extend directly above the vertical water-enclosing wall of the pool. Such walls shall extend not less than three feet above the level of the ground immediately adjacent to the pool. Such solid pool wall barrier shall not be located within six feet of any other wall or fence or other structure which can be readily climbed by children. Every entrance to a pool, such as a ladder, must be secured or adequately safeguarded to prevent unauthorized entry into the pool. (b) The pool enclosure may be omitted where portable pools are installed above ground and have a raised deck around the entire pool perimeter with an attached enclosed railing a minimum of 48 inches high on the top." Section 325-88(J) shall be amended to read as follows: "J. Pool fences. (1) See 325-93." Section 325-93 shall be created to read as follows: (1) In-ground pools. All outdoor, in-ground swimming pools shall have one or more of the following safety features: (a) Fence or other solid structure not less than five feet in height completely enclosing the pool with no opening therein (other than doors or gates) larger than four inches in a horizontal dimension. Fences with horizontal openings larger than four inches will be permitted if the vertical openings in the fence are not greater than one inch and the fence is considered by the Building Inspector to be non-climbable. All gates or doors opening through the enclosure shall be kept securely closed and locked at all times when the pool is not in actual use. Gates shall be outward opening and equipped with self-closing hinges and a latch placed at least 54" from the bottom of the gate that is intended to discourage unauthorized entry by small children. All fences shall comply with the requirements in Chapter 325-88. (b) Power safety cover and a subsurface disturbance sensor alarm. Pool safety covers shall conform to the specifications in ASTM F 1346-91 that specifies safety performance requirements for pool covers.

Such covers shall be well-maintained, fully operational at all times, and shall be securely fastened in place at all times when the swimming pool is not in actual use for swimming or bathing purposes. Power safety cover control devices shall use a key/code switch and be installed minimum 54" from the ground to be kept out of the reach of small children. The subsurface disturbance sensor alarm shall be kept in working order, equipped with a loud and distinct exterior alarm and a remote alarm feature that will sound inside the residence. Such alarm shall be activated at all times when the swimming pool is not in actual use for swimming or bathing purposes.

From: Mark T Gierl mgierl@sbcglobal.net
Subject: Fw: Great article on changing the by laws
Date: June 3, 2022 at 7:46 AM
To: brian@wrslegal.net, g mgierl@sbcglobal.net

----- Forwarded Message -----

From: Amber Schroeder <pt.amber@gmail.com>
To: Mark T Gierl <mgierl@sbcglobal.net>
Sent: Thursday, June 2, 2022, 07:34:40 PM CDT
Subject: Great article on changing the by laws

This is a long article written to convince a municipality in Australia to adapt new bylaws regarding auto covers-(60 pages) but contains some great information, I included some screen shots from it below:

<https://northsaanich.civicweb.net/document/7674/>

Research has shown that four-sided isolation fencing is far from the cure-all that some have proclaimed. The fence is only as effective as its gate, and gates are too frequently left ajar. The false sense of security that often results with its exclusive use is a dangerous option that we cannot endorse. Therefore, we strongly advocate that four-sided fencing should not be made compulsory. Other equally effective alternatives should be allowed and additionally promoted. The layered approach is clearly the "best practice" approach moving forward.

I would also like to add that there are differing views even with Municipal Staff. One building inspector who works for the Municipality helped draft Langford's bylaw. This gentleman agrees with my position that the perimeter fencing and three sided fencing is ineffective in reducing residential drowning. He also agrees that the pool safety cover should be allowed as an alternative.

Summary

- This issue revolves solely around the need to protect children resident in the home or visiting the home.
- Studies clearly show that perimeter and three-sided fencing is ineffective in reducing residential drownings. Less than three percent of drownings are trespass drownings. Three sided fencing is also ineffective, that is why the CPSC and ASTM insist on pool alarms or pool covers as the effective safety barrier. The BC Coroners report supports the view that three sided fencing is ineffective.
- Studies clearly show that isolation fencing, with self latching gates, are not as effective as once thought due to self latching gates being defective or being left open. It would also require vigorous bylaw enforcement.
- The CPSC and ASTM recommend only three types of barriers isolation fencing, alarms or powered safety covers meeting the ASTM standards. Canada is a member of ASTM, we use the standard extensively. Health Canada has praised CPSC for setting standards for public safety.
- Other Municipalities are accepting pool covers as an alternate to fencing.
- I have clearly shown that the CPSC and ASTM position is that powered safety covers can be used as an alternative to fencing.

- The issue of the cover being left open, and the risk associated, is no different that the self latching gate being left open or not repaired, numerous studies have confirmed this.

Research has shown that four-sided isolation fencing is far from the cure-all that some have proclaimed. The fence is only as effective as its gate, and gates are too frequently left ajar. The false sense of security that often results with its exclusive use is a dangerous option that we cannot endorse. Therefore, we strongly advocate that four-sided fencing should not be made compulsory. Other equally effective alternatives should be allowed and additionally promoted. The layered approach is clearly the “best practice” approach moving forward.

I would also like to add that there are differing views even with Municipal Staff. One building inspector who works for the Municipality helped draft Langford’s bylaw. This gentleman agrees with my position that the perimeter fencing and three sided fencing is ineffective in reducing residential drowning. He also agrees that the pool safety cover should be allowed as an alternative.

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- This issue revolves solely around the need to protect children resident in the home or visiting the home.
- Studies clearly show that perimeter and three-sided fencing is ineffective in reducing residential drownings. Less than three percent of drownings are trespass drownings. Three sided fencing is also ineffective, that is why the CPSC and ASTM insist on pool alarms or pool covers as the effective safety barrier. The BC Coroners report supports the view that three sided fencing is ineffective.
- Studies clearly show that isolation fencing, with self latching gates, are not as effective as once thought due to self latching gates being defective or being left open. It would also require vigorous bylaw enforcement.
- The CPSC and ASTM recommend only three types of barriers isolation fencing, alarms or powered safety covers meeting the ASTM standards. Canada is a member of ASTM, we use the standard extensively. Health Canada has praised CPSC for setting standards for public safety.
- Other Municipalities are accepting pool covers as an alternate to fencing.
- I have clearly shown that the CPSC and ASTM position is that powered safety covers can be used as an alternative to fencing.

- The issue of the cover being left open, and the risk associated, is no different that the self latching gate being left open or not repaired, numerous studies have confirmed this.


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Kansas father and son honored for saving 4-year-old boy with autism from drowning

By Paul Best

Published May 30, 2022

Fox News

The City of Lawrence, Kansas, honored a heroic father-and-son duo who saved a 4-year-old boy with autism from drowning in an apartment complex's pool earlier this month.

The little boy, Xavier Rigney, briefly got out of his mother's sight and somehow made his way through a locked fence before jumping into the pool.

"His head goes completely under the water. His mouth and nose never come up above the water, and that's why we say they don't have the ability to scream," Lawrence-Douglas County Fire Medical Lt. Jeff Krall, a paramedic who lost a child of his own in 2008, explained at a press conference. "What you see with his arms, you see just a little bit of movement, we call it climbing, they're trying to climb out of the water."



Tom Westerhouse jumped a 6-foot fence, pulled the 4-year-old boy out of the water, then started performing CPR. (City of Lawrence, Kansas)

Maddox Westerhouse, 12, saw Xavier drowning and ran to get his dad, Tom, from their nearby apartment.

"My friends were yelling at me to go get help and I just went like, 'Oh no,' and ran," Maddox said.

UTAH HIKER RESCUED AFTER SLIPPING ON ICE, 'CLIFFING OUT,': 'LUCKY TO BE ALIVE'

Tom sprang into action, jumping the 6-foot fence then into the pool to pull Xavier out and start performing CPR.

"When he started to cough up water and everything, I knew that was a good sign," Tom said, noting that he took a CPR course over 15 years ago but the training came back to him in the moment. "It definitely hits home a lot harder having a son myself."



next

Image 1 of 2

Tom and Maddox Westerhouse were honored by the City of Lawrence on Thursday. (City of Lawrence, Kansas)



prev

Image 2 of 2

Xavier and his mother thanked first responders and the father-and-son duo who saved the 4-year-old boy. (City of Lawrence, Kansas)

[CLICK HERE TO GET THE FOX NEWS APP](#)

Xavier's mother, Alexis, reunited with Tom and Maddox for the first time on Thursday and thanked them for their heroic actions.

"He's my best friend so I don't know what I would do without him," Alexis said through tears.

Paul Best is a reporter for Fox News Digital. Story tips can be sent to Paul.best@fox.com and on Twitter: [@KincaidBest](https://twitter.com/KincaidBest).

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URL

<https://www.foxnews.com/us/kansas-father-son-honored-saving-4-year-old-boy-autism-drowning>

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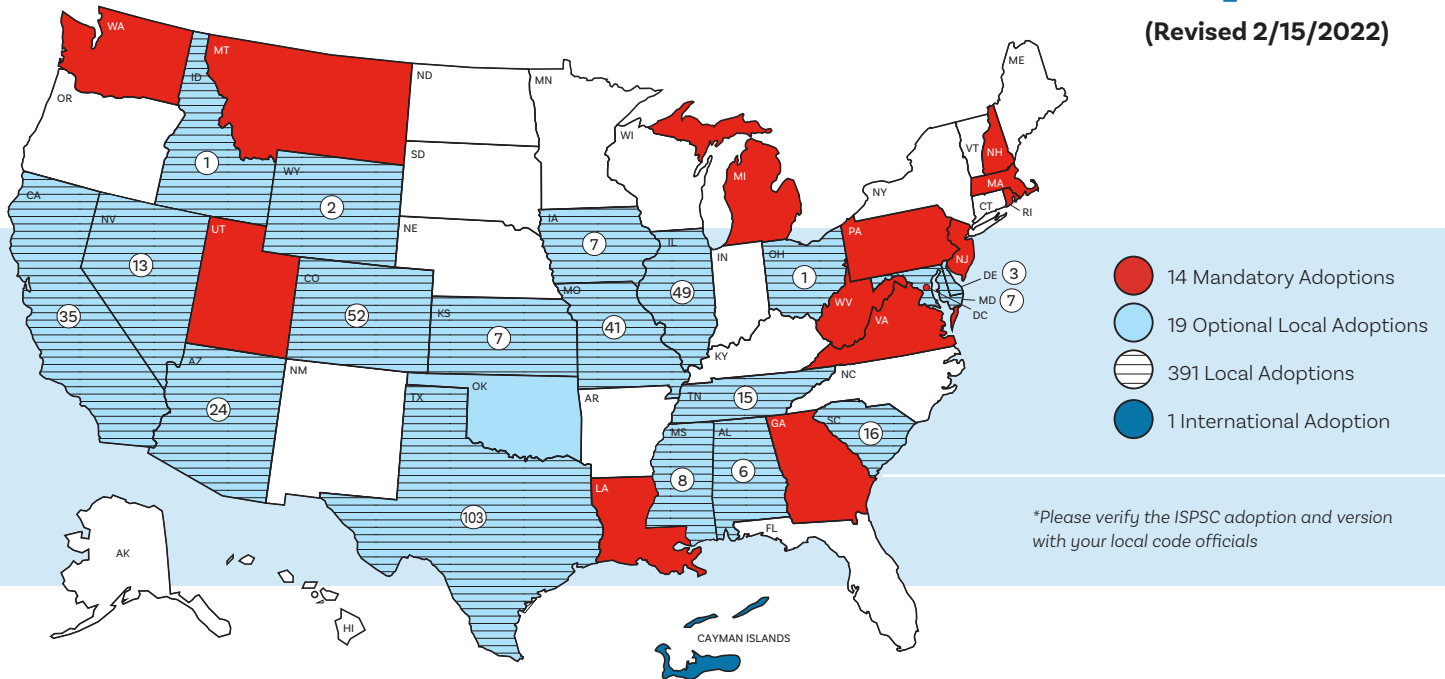
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ISPSC Adoption Status Report*

(Revised 2/15/2022)



14 Mandatory State Adoptions (Statewide)

Georgia ('15) | Louisiana ('15) | Massachusetts ('15) | Michigan ('15) | Montana ('18) | New Hampshire ('15) | New Jersey ('18) | Pennsylvania ('18) | Rhode Island ('18) | Utah ('18) | Virginia ('18) | Washington ('15) | Washington, D.C. ('12) | West Virginia ('15)

19 States with Optional Adoption

Alabama | Arizona | California | Colorado | Delaware | Idaho | Illinois | Iowa | Kansas | Maryland | Mississippi | Missouri | Nevada | Ohio | Oklahoma | South Carolina | Tennessee | Texas | Wyoming

391 Local Adoptions

Alabama

County of Mobile ('18)
Gulf Shores ('18)
Montgomery ('18)
Orange Beach ('18)
Tuscaloosa ('12)
Vestavia Hills ('21)

Arizona

Apache County ('15)
Apache Junction ('18)
Benson ('15)
Camp Verde ('12)
Casa Grande ('18)
Chandler ('18)
Clarkdale ('18)
Florence ('18)
Fountain Hills ('12)
Goodyear ('12)
Marana ('18)
Mesa ('18)
Oro Valley ('18)
Pima County ('18)
Phoenix ('18)
Sahuarita ('12)
San Luis ('18)
Sedona ('18)
Sierra Vista ('12)

Snowflake ('15)
Somerton ('18)
Tempe ('15)
Tucson ('18)
Yavapai County ('12)

California

Alhambra ('18)
Asuza ('18)
Atascadero ('18)
Brea ('15)
Cathedral City ('18)
Cotati ('15)
El Segundo ('18)
Fremont ('18)
Garden Grove ('18)
Grass Valley ('15)
Hanford City ('15)
Huntington Park ('12)
Laguna Niguel ('18)
La Palma ('18)
Los Alamitos ('12)
Milpitas ('18)
Mission Viejo ('18)
Monterey Park ('15)
Nevada City ('15)
Nevada County ('12)
Newport Beach ('18)

Palo Alto ('15)
Pleasanton ('18)
Rancho Cordova ('18)
Rancho Cucamonga ('18)
Rancho Santa Margarita ('18)
Sacramento County ('15)
San Bernardino County ('18)
San Luis Obispo County ('18)
San Manuel Indian Reservation (in San Bernardino County) ('12)
Seal Beach ('18)
Sebastopol ('15)
Temple City ('18)
Ventura County ('18)
Whittier ('15)

Colorado

Adams County ('18)
Arapahoe County ('15)
Archuleta County ('18)
Arvada ('18)

Aspen ('15)
Berthoud ('18)
Black Hawk ('15)
Blue River ('12)
Boulder ('12)
Boulder County ('15)
Broomfield ('18)
Buena Vista ('15)
Castle Pines ('15)
Castle Rock ('12)
Centennial ('15)
Chaffee County ('15)
Commerce ('18)
Dacono ('18)
Delta County ('18)
Denver ('18)
Denver County ('15)
Douglas County ('18)
Eagle County ('15)
Erie ('15)
Evans ('18)
Federal Heights ('15)
Fort Collins ('18)
Fort Lupton ('18)
Frisco ('18)
Garfield County ('15)
Greenwood Village ('12)
Hudson ('18)

Johnstown ('18)
Longmont ('18)
Lyon County ('15)
Pagosa Springs ('15)
Parker ('15)
Pitkin County ('15)
Pueblo ('15)
Salida ('15)
Severance ('18)
Sheridan ('15)
Silverthorne ('18)
Summit County ('18)
Thornton ('15)
Timnath ('18)
Town of Buena Vista ('15)
Wellington ('18)
Westminster ('15)
Wheat Ridge ('18)
Windsor ('18)
Yuma ('15)

Delaware

Middletown ('18)
New Castle County ('15)
Rehoboth Beach ('18)

Idaho

Lewiston ('15)

(*): indicates update to ISPSC year

Illinois

Addison ('12)
Arlington Heights ('18)
Bartlett ('12)
Bloomingdale ('18)
Buffalo Grove ('18)
Champaign ('15)
Darien City ('15)
DeKalb ('15)
DuPage County ('15)
Elk Grove Village ('18)
Elmhurst ('12)
Elwood ('18)
Evanston ('12)
Geneva ('15)
Hainesville ('12)
Hanover Park ('12)
Highland Park ('18)
Hoffman Estates ('15)
Inverness ('15)
Kankakee ('18)
Lake Bluff ('12)
Lake County ('12)
Libertyville ('18)
Lincoln ('12)
Lincolnshire ('18)
Lisle ('15)
Long Grove ('12)
Loves Park ('15)
Milan ('12)
Mount Prospect ('15)
Naperville ('18)
Northbrook ('12)
Palatine ('15)
Pecatonica ('12)
Saint Clair County ('12)
Shorewood ('18)
St. Charles ('15)
Streamwood ('12)
Sycamore ('15)
Tinley Park ('12)
Tuscola ('15)
Warrenville ('15)
Westchester ('12)
Westmont ('12)
Wheeling ('18)
Willowbrook ('18)
Winfield ('15)
Winnetka ('15)
Yorkville ('18)

Iowa

Ankeny ('18)
Cedar Rapids ('18)
Coralville ('18)
Des Moines ('18)*
Johnston ('15)
Ottumwa ('15)
Sioux Center ('15)

Kansas

DeSoto ('18)
Gardner ('12)
Lawrence ('15)
Lenexa ('18)
Manhattan ('15)
Olathe ('12)
Wichita ('12)

Maryland

Annapolis ('15)
Anne Arundel County ('12)
Baltimore City ('18)
Cecil County ('18)
Gaithersburg ('18)
Montgomery County ('15)
Wicomico County ('15)

Mississippi

Biloxi ('18)
Diamondhead ('12)
D'Iberville ('18)
Federal Heights ('12)
Garfield County ('12)
Gulfport ('18)
Pearl River Valley Water Supply District ('15)
Senatobia ('18)

Missouri

Branson ('18)
Cape Girardeau ('15)
Chesterfield ('18)
Clayton ('15)
Creve Coeur ('15)
Eureka ('18)
Excelsior Springs ('12)
Farmington ('15)
Frontenac ('15)
Gladstone ('15)
Higginsville ('15)
Hollister ('18)
Jackson ('15)
Jefferson ('15)
Jefferson County ('15)
Kearney ('12)
Kirkwood ('15)
Joplin ('18)
Ladue ('15)
Lake St. Louis ('15)
Liberty ('12)
Missouri City ('15)
North Kansas City ('12)
O'Fallon ('15)
Parkville ('18)
Platte City ('18)
Raymore ('18)
Richmond Heights ('18)

Rolla ('18)
Sedalia ('15)
Sikeston ('12)
Springfield ('18)
St. Charles ('15)
St. Charles County ('15)
St. Louis ('18)
St. Louis County ('18)
St. Peters ('15)
Troy ('15)
University City ('12)
Webster Groves ('15)
Wright City ('15)

Nevada

Boulder City ('12)
Carson City ('18)
Clark County ('18)
Fernley ('18)
Henderson ('12)
Humboldt County ('18*)
Las Vegas ('18)
North Las Vegas ('18)
Sparks ('18)
Storey County ('18)
Washoe County ('12)
West Wendover ('12)
Winnemucca ('12)

Ohio

Grove City ('18)

South Carolina

Aiken ('18)
Charleston ('18)
Clemson ('18)
Edisto Beach ('15)
Fort Mill ('18)
Georgetown County ('12)
Goose Creek ('18)
Greenville County ('15)
Lancaster County ('18)
Moncks Corner ('18)
Myrtle Beach ('15)
Oconee County ('15)
Seneca ('18)
Summerville ('18)
Surfside Beach ('18)
Westminster ('12)

Tennessee

Alcoa ('18)
Brentwood ('12)
Farragut ('18)
Gallatin ('15)
Hendersonville ('18)
Knox County ('18)
Lincoln County ('18)
Mount Juliet ('12)

Murfreesboro ('18)
Piperton ('18)
Roane County ('12)
Rossville ('18)
Rutherford County ('18)
Smyrna ('18)
White House ('12)

Texas

Addison ('18)
Alvin ('18)
Amarillo ('15)
Andrews ('15)
Angleton ('12)
Arlington ('18)
Austin ('18)
Bangs ('18)
Bastrop ('18)
Bedford ('18)
Bellaire ('18)
Bells ('15)
Belton ('15)
Benbrook ('18)
Brenham ('15)
Bunker Hill ('18)
Canton ('15)
Canyon ('15)
Carrollton ('18)
Cedar Park ('15)
Celina ('18)
Cibola ('12)
Cleveland ('15)
Clute ('15)
Corinth ('18)
Corpus Christi ('18)
Del Rio ('15)
DeSoto ('18)
Euless ('15)
Ferris ('15)
Freeport ('15)
Frisco ('18)
Ft. Worth ('18)
Fulshear ('15)
Galveston ('12)
Grand Prairie ('15)
Groesbeck ('18)
Gun Barrel City ('15)
Haslet ('15)
Helotes ('18)
Huntsville ('15)
Hurst ('15)
Jersey Village ('18)
Katy ('15)
Kerrville ('18)
Kilgore ('12)
Killeen ('15)
Kyle ('15)
La Grange ('18)
La Porte ('18)
LaMarque ('18)

Lancaster ('15)
Live Oak ('18)
Lucas ('15)
Mansfield ('18)
Manvel ('12)
McAllen ('12)
McKinney ('18)
Meadows Place ('12)
Missouri City ('15)
Mont Belvieu ('15)
Montgomery ('15)
New Braunfels ('18)
Nolanville ('15)
North Richland Hills ('18)
Oak Leaf ('12)
Palacios ('12)
Pattison ('18)
Pearland ('18)
Pecos ('15)
Pharr ('12)
Plainview ('15)
Plano ('18)
Pleasanton ('15)
Portland ('15)
Princeton ('15)
Prosper ('21)
Red Oak ('12)
Richmond ('15)
Roanoke ('18)
Rosenberg ('18)
Round Rock ('15)
Saginaw ('18)
San Antonio ('18)
San Saba ('15)
Santa Fe ('12)
Schertz ('12)
Seagoville ('18)
Seguin ('15)
Shoreacres ('15)
South Lake ('18)
Southside Place ('18)
Spring Valley ('18)
Taylor Lake Village ('18)
Tool ('15)
Universal City ('15)
Uvalde ('15)
Waco ('15)
Watauga ('18)
Webster ('15)
West University Place ('12)
Wharton ('12)
Wylie ('12)

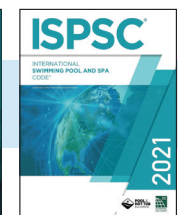
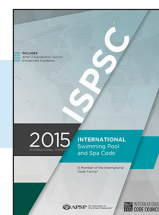
Wyoming

Rawlins ('15)
Thermopolis ('18)

Cayman Islands ('15)

(*): indicates update to ISPSC year

<https://www.phta.org/standards-and-codes/ispsc/>





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Mequon, WI 53092
Phone: 262-236-2941
Fax: 262-242-9655

www.ci.mequon.wi.us

Office of the City Administrator

PUBLIC WELFARE COMMITTEE

Tuesday, April 12, 2022

5:00 PM

Lower Conference Room

Minutes

1) Call to Order, Roll Call

Present:

Chair Mark Gierl
Alderman Glenn Bushee
Alderman Kathleen Schneider

Also Present: Assistant City Administrator Schoenemann, City Attorney Sajdak, Inspections Supervisor Hadley, Deputy Fire Chief Zellmann, and Executive Assistant Enea.

2) Approval of Meeting Minutes

a. March Meeting Minutes

RESULT: **Approved by Voice Acclamation [Unanimous]**

MOVED BY: Alderman Bushee

SECONDED BY: Alderman Gierl

AYES: Gierl, Bushee

NOT PRESENT: Schneider

3) Ordinances

Action requested: review and recommend approval

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

City Attorney Sajdak presented the modified version of the ordinance based on the comments received from the Common Council Meeting. Some definitions were added in regards to the power safety cover, such as the static load being 485 lbs - enough to hold 2 firemen and their supplies. Also, the operating switch needed to be locked and located 5 feet above ground. In addition, a permit would be required. The age of a chaperone would be 14 years of age, the age one can be a lifeguard. Alderman Bushee shared how 14 states and 19 localities in additional states have adapted new laws to allow pool covers instead of fences. Alderwoman Schneider inquired about existing pool owners needing to know that a second safety feature

is now required for pools. The new ordinance will only apply to new pools, but the Committee agreed that would be beneficial to share in the Weekly Bulletin.

RESULT: **Approved as Amended by Voice Acclamation [Unanimous]**

MOVED BY: Alderman Bushee

SECONDED BY: Alderman Gierl

AYES: Gierl, Bushee, Schneider

b. **ORDINANCE 2022-1619** An Ordinance Amending Chapter 30, Article V of the Mequon Municipal Code Related to Outdoor Burning

Deputy Fire Chief Zellmann presented the changes that were made to the Ordinance. What a structure was, i.e. deck, was included. Also, 4a was added to discuss manufacturer guidelines and what to do in the absence of guidelines. Alderman Bushee inquired if the nuisance language could be eliminated. Deputy Chief Zellmann explained when the nuisance delegation comes to play and City Attorney Sajdak shared how using that language gives the Ordinance more teeth when it comes to enforcement. If something amounts to a private nuisance, then the City would not get involved.

RESULT: **Approved by Voice Acclamation [Unanimous]**

MOVED BY: Alderman Bushee

SECONDED BY: Alderman Schneider

AYES: Gierl, Bushee, Schneider

- 4) Work Calendar
 - a. Work Calendar

- 5) Adjourn

Alderman Bushee moved to adjourn at 5:29 P.M. and Alderwoman Schneider seconded.

Respectfully Submitted,

Carrie Enea
Executive Assistant

Wisconsin Uniform Building Code

Exhibit 1

CHAPTER V. "SWIMMING POOL/SPA REQUIREMENTS

SECTION 30.40 - GENERAL REQUIREMENTS

- (1.) Type of Pools Requiring Permits
 - (a.) Above ground pools (except wading pools having a depth of less than two (2) feet and which are readily movable).
 - (b.) Temporary or permanent air inflatable pools with a sidewall height greater than two (2) feet above grade.
 - (c.) In-ground Pools.
 - (d.) Public Pools -- All public pools constructed shall be built and maintained in accordance with the rules of the SPS 390.
 - (e.) Spas (outdoor).
- (2.) General Pool Regulations
 - (a.) Location
 1. No person, firm or corporation shall have a swimming pool or spa located in the front yard or side yard setback unless specifically allowed in the local zoning code.
 2. Side and rear yard setbacks shall be a minimum of ten (10) feet from the property line or as regulated by the local zoning code.
 3. Swimming pools shall not be located closer than four (4) feet to any wall, fence, or structure.
 4. Swimming pools shall be located from well and septic systems in accordance with the Wisconsin State Plumbing Code, Chapter 'SPS 383.
 - (b.) Access
 1. A fence or other solid structure of not less than forty-two (42) inches in height shall completely enclose said premises and/or swimming pool. There shall be no opening in said fence or wall larger than six (6) inches square. All gates or doors opening through such enclosure shall be kept securely closed at all times while unattended and shall be equipped with a self-closing and self-latching device designed capable of keeping such door or gate securely closed. Latches shall be located at least three (3) feet above the ground, accessible deck, or stairs.
 2. A fence is not required around an above ground pool where the pool wall is at least forty-two (42) inches above grade for the full pool perimeter. The finished grade shall be maintained for a minimum of four (4) feet beyond the outside perimeter of the pool.

3. When not completely fenced, all ladders, steps, pool pump/filter equipment or other means of access to an above ground pool shall be removed and/or designed to prevent access when the pool is unattended.
4. Spas shall be made inaccessible by a locking safety cover or other approved safety barrier when not in use.
- (c.) Swimming Pool Decks -- All decks shall be constructed in accordance with the Uniform Building Code. Decking shall be considered an integral part of the swimming pool and shall comply with the applicable setback dimensions per the local zoning code.
- (d.) Drainage -- In no case shall any swimming pool be drained onto lands of property owners other than the owner of the swimming pool. Drainage from said lot shall be in accordance with any local zoning ordinance.
- (e.) Lighting -- Lights shall be erected so as to eliminate direct rays and minimize reflected rays of light onto adjoining properties and roadways. Lighting installation shall be done in accordance with the State of Wisconsin Electrical Code.
- (f.) Electrical -- All wiring for pools and spas shall be done in accordance with the Wisconsin Electrical Code and/or local code.
- (g.) Pools and spas shall be separated from overhead and underground electrical wiring shall be in accordance with the State of Wisconsin Electrical code and/or local code.
- (3.) Application for Permit. The following information is required:
 - (a.) Survey or accurate drawing of the property, IN DUPLICATE, showing all existing structures, proposed swimming pool or spa location, fencing if required, and overhead or underground electrical wiring.
 1. Type of pool installation, above ground or in-ground.
 2. Pool height above highest point of grade if above ground installations.
 3. Type and height of fence, if proposed.
 4. Type and support of decking, if proposed.
 5. Overall size and locations of the above in regard to existing buildings and lot lines for property survey reference.
 6. Any change in finished grade near pool.
 7. County Health Department approval for properties using a private septic system, where applicable.
 8. Site inspection letter from a local wiring utility.
 - (b.) Two (2) copies of brochure which shows the type, style, etc. of the pool or spa to be installed.

Mike Hadley

From: Becky Stein <speech927@yahoo.com>
Sent: Tuesday, November 2, 2021 11:15 AM
To: Mike Hadley
Subject: Pool Fencing

Hi Mike,

I reached out to you this morning as a very concerned parent and resident of Mequon. A group of neighborhood parents were together over the weekend, questioning why someone did not have fencing up around her pool in the Highlander Estates neighborhood (Wildcat Way). This is a very busy neighborhood, especially around that house. Our neighborhood park is nearby so many children are around. My own children are not independent swimmers yet. The mere thought of them or any of these other children easily wandering into someone's pool area is beyond frightening. An automatic pool cover does not ease my fears in the slightest. That is counting on the homeowner to utilize it properly every single time. I do not count on this. Not even a little bit. All it takes is ONE child to become a victim of this selfishness and absurdity before maybe the homeowner wishes they had put up a fence. Please don't let anyone's child become that victim. Please continue to require lawful, proper, permanent fencing around pools in the Highlander Estates and surrounding neighborhoods.

Thank you,

Becky Stein

Mike Hadley

From: Mark Mittenthal <mmittenthal@wi.rr.com>
Sent: Tuesday, November 2, 2021 12:29 PM
To: Mike Hadley
Subject: Mequon swimming pools

My young grandchildren live in the Highlander Subdivision. I have been advised that a resident has installed an in ground swimming pool but does not want to surround the pool with a fence. I always thought it was a law to erect a fence for the safety of the neighborhood.

Thank you for listening to my concerns.

Mark Mittenthal
(414) 218-1469

Sent from my iPhone

We make it strong. We make it easy.™
COVERSTAR®

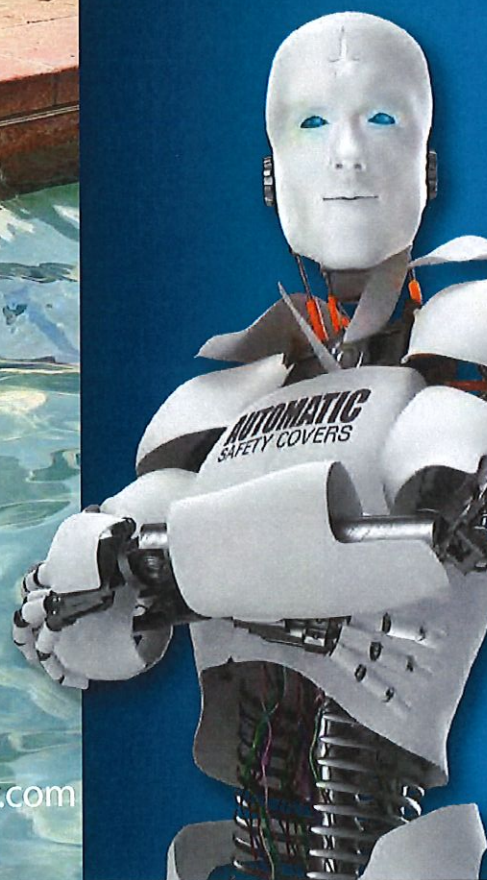
Automatic Safety Swimming Pool Covers



LATHAM®
 behind every pool

coverstar.com

*Everyday
 protection for
 your family...
 at the touch
 of a button!*





The automatic choice for safety, savings and convenience!

A backyard swimming pool is the ultimate source of family fun! But when it comes to children and pets, it is also the source of safety concerns. No parent can be watching over the pool every minute. No fence or alarm can prevent a child from getting access to an unsupervised pool. A Coverstar automatic safety pool cover can!

Strong protection – at the touch of a button!

Simply flip a switch, and your Coverstar automatic safety cover will create a barrier over your pool that no child or pet can penetrate. Custom-built to fit your pool perfectly and manufactured from best-in-class materials, Coverstar is the best protection available for your family and your pool investment!

Save on heat, water, electricity, and chemicals.

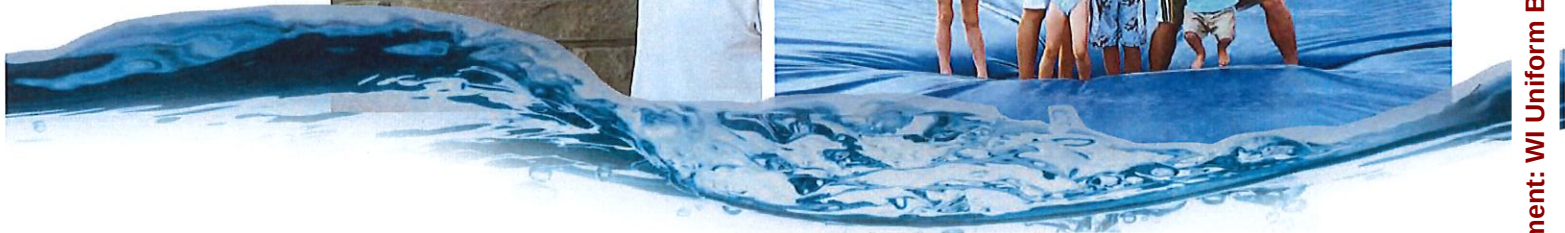
A Coverstar cover acts as a passive solar heater, increasing the temperature of your water by eight to 10 degrees. It also reduces evaporation of water as well as consumption of chemicals.

Less time cleaning...more time enjoying!

A Coverstar cover keeps dirt and debris out of your pool. Time spent cleaning out dirt and leaves and putting in new chemicals is almost eliminated!



The weather-proof toggle switch opens or closes your pool in less than a minute. And it locks for secure access!





**Coverstar delivers
big savings . . .
automatically!**

90% reduction
in evaporation

70% reduction
in pool heating costs

50% reduction
in electricity costs

70% reduction
in chemical use

An optional keypad control
with programmable security
code is also available.



We make it strong. We make it easy.™
COVERSTAR®

The strongest name in
automatic safety pool covers.



The stronger the cover, the safer the cover. No company builds in more exclusive design and manufacturing features to ensure the strength and performance of its automatic covers than Coverstar!

Heat-sealed webbing for double the strength!

Most automatic cover manufacturers sew webbing material wrapped around rope to the cover. With this method, the webbing often fails before the fabric does. Coverstar uses

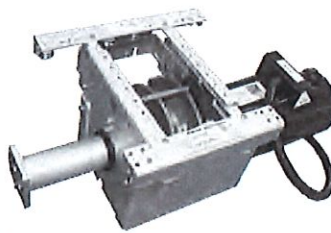
an exclusive, patented process to heat seal webbing around a polymer bead and weld it to the cover in one step. *Independent lab tests show Coverstar's webbing is over twice as strong as competitive webbing sewn to a cover!*



Mechanism engineered for unmatched reliability.

Our unique mechanism is engineered with heavy-duty components and with ropes and pulleys that are stronger than any others used in the industry. The extreme precision of the machined and laser-cut parts allows for smooth operation and many, many years of hassle-free use.

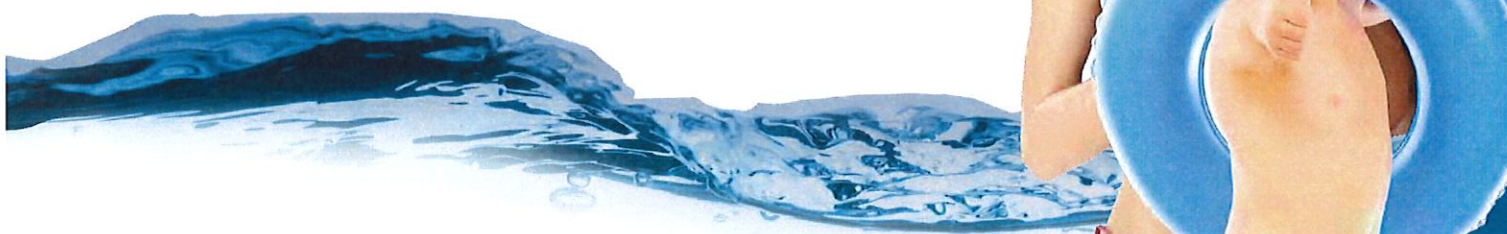
- **Coverstar motors** are completely sealed, using a proprietary method, to prevent water damage. Other less reliable means of water protection could mean an expensive motor repair.
- **PowerFlex™ Ropes** act like a shock absorber and self-adjust during operation for more reliable performance. And they're the only ropes that come with a two-year no-break guarantee!
- **Incredibly strong and durable fabric** – advanced vinyl formulation and superior fabrication methods make it top of the line.
- **Mechanical torque limiter** is adjustable to protect the motorized mechanism from too much stress.
- **Custom designed rope pulleys** provide maximum reliability in the pool environment.



Quality you can rely on!

**BUILT
COVERSTAR
STRONG**

Coverstar automatic safety covers are independently certified by the Underwriters Laboratories to exceed the powered safety cover requirements set by the American Society of Testing and Materials (ASTM F1346-91), and are UL listed to meet all electrical and safety standards.



Automatic safety cover options for every need and every pool!

Coverstar automatic safety covers can be applied to a broad range of pool designs and types. Options include:

Choice of eleven standard fabric colors: Many other custom colors and fabric weights available.



Guide Options

Underguide systems are embedded in the pool wall or mounted to the bottom side of rectangular pools' coping, allowing guides to remain virtually unnoticed. For a more integrated look, guides can be built directly into the pool wall using guide encapsulation.

Topguide systems can be used with most freeform pools. The cover's drive system is installed under an aluminum lid or mounted to the surface of the deck.

Recessed guide systems feature aluminum guides that are recessed in the pool deck during the construction of the pool. The recessed guide is flush with the top of the deck.



Lid Options

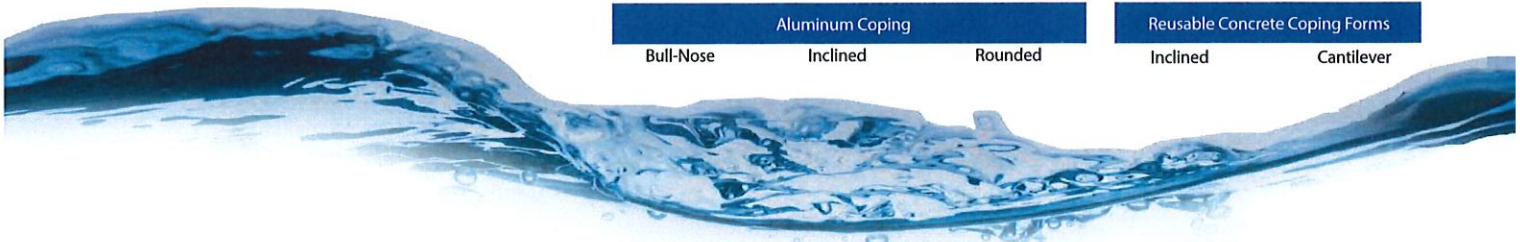
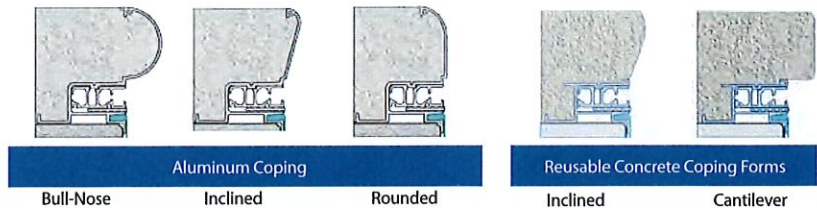
Classic Aluminum Lid, Flat Lid, Flush Deck Lid, and Walk-On Lid

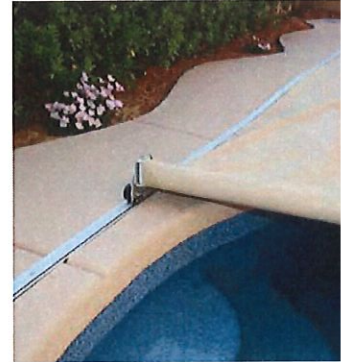


Coping Options

Aluminum: Bull-Nose, Inclined, and Rounded

Concrete (also compatible for gunite and fiberglass pools): Inclined and Cantilever





Auto and SAM – the Coverstar team! Protecting your family with the best-built Solid, Mesh and Automatic Safety Covers!

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L9967.15 1/15 cf



Standard Performance Specification for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas and Hot Tubs¹

This standard is issued under the fixed designation F1346; the number immediately following the designation indicates the year of original adoption or, in the case of revision, the year of last revision. A number in parentheses indicates the year of last reapproval. A superscript epsilon (ϵ) indicates an editorial change since the last revision or reapproval.

1. Scope

1.1 This specification establishes requirements for safety covers for swimming pools, spas, hot tubs, and wading pools (hereinafter referred to as pools, unless otherwise specified). When correctly installed and used in accordance with the manufacturer's instructions, this specification is intended to reduce the risk of drowning by inhibiting the access of children under five years of age to the water.

1.2 This specification includes performance tests to demonstrate the compliance or noncompliance to requirements herein stated for safety covers. It also includes marking requirements for all covers.

1.3 The values stated in inch-pound units are to be regarded as the standard. The values in parentheses are given for information only.

1.4 The following safety hazards caveat pertains only to the test methods section, Section 9, of this specification: *This standard does not purport to address all of the safety concerns, if any, associated with its use. It is the responsibility of the user of this standard to establish appropriate safety and health practices and determine the applicability of regulatory limitations prior to use.*

2. Referenced Documents

- 2.1 *NFPA Document:*
National Electrical Code, Article 680-26²

3. Terminology

3.1 Definitions of Terms Specific to This Standard:

3.1.1 *appurtenances*—subordinate parts or adjunct accessory components to the cover such as hardware including buckles, straps, ties, springs, anchors, tracks, rollers, lifting arms, and the like.

3.1.2 *automatic cover*—a cover which can be placed over the water area and removed with a motorized mechanism actuated by a suitable control mechanism. See also *power safety cover (PSC)*, *other cover (OC)*.

3.1.3 *barrier*—something that restrains or obstructs access to the body of water.

3.1.4 *blanket*—a material used for thermal insulation. See also *solar energy blanket*.

3.1.5 *cover*—something that covers, protects or shelters, or a combination thereof, a swimming pool, spa, or hot tub.

3.1.6 *debris cover*—a cover with attendant appurtenances positioned over the pool area which permits the cover to prevent debris, such as foliage, dirt, windblown trash, and the like from entering the pool. It is intended to be completely removed before the entry of bathers. See also *other covers (OC)*.

3.1.7 *decks*—those areas abutting a pool, spa, or hot tub that are specifically constructed or installed (for example, of wood, concrete, brick, stone, and the like) for use by bathers for sitting, standing or walking and may also act as a base for supports for covers.

3.1.8 *dome*—a semipermanent enclosure supported by trusses, or positive air pressure erected over the pool area to provide temperature and atmospheric control over the pool environment.

3.1.9 *energy conservation*—the reduction of heat loss from pool water through air convection or evaporative cooling, or both.

3.1.10 *hot tub*—a spa constructed of wood with sides and bottoms formed separately; and the whole shape joined together by pressure from surrounding hoops, bands or rods; as distinct from spa units formed of plastic, concrete, metal, or other materials.

3.1.11 *inaccessible locations*—a location at least 5 ft (1.5 m) above the ground with no other access such as hand or footholds which would permit a child to reach the location.

3.1.12 *manual cover*—a cover which requires it to be placed over the water area by hand. See also *manual safety cover (MSC)*, and *other covers (OC)*.

¹ This specification is under the jurisdiction of ASTM Committee F15 on Consumer Products and is the direct responsibility of Subcommittee F15.28 on Covers for Pools, Spas and Hot Tubs.

Current edition approved Sept. 1, 2010. Published December 2010. Originally approved in 1991. Last previous edition approved in 2003 as F1346 – 91 (Reapproved 2003). DOI: 10.1520/F1346-91R10.

² Available from National Fire Protection Assoc., Batterymarch Park, Quincy, MA 02269.

3.1.13 *markings*—the application of numbers, letters, labels, tags, symbols or colors to provide identification and safety information and to expedite handling during shipment and storage.

3.1.14 *manual safety cover (MSC)*—a barrier which requires it to be placed over the water manually. Provides a high level of safety for children under the age of five by inhibiting their access to the water.

3.1.15 *other covers (OC)*—includes any cover type not incorporated in the other two classifications; PSC, MSC. They are not intended to serve as a barrier for children under the age of five.

3.1.16 *power safety cover (PSC)*—a barrier which can be placed over the water area and removed with a motorized mechanism actuated by a suitable control mechanism. Provides a high level of safety for children under the age of five by inhibiting their access to the water.

3.1.17 *safety cover*—a barrier (intended to be completely removed before entry of bathers), for swimming pools, spas, hot tubs or wading pools, attendant appurtenances and/or anchoring mechanisms which reduces—when properly labeled, installed, used and maintained in accordance with the manufacturers' published instructions—the risk of drowning of children under five years of age, by inhibiting their access to the contained body of water, and by providing for the removal of any substantially hazardous level of collected surface water. See also *power safety cover (PSC)*, and *manual safety cover (MSC)*.

3.1.18 *solar energy blankets*—a cover which is a floating translucent (not transparent) heat insulating sheet incorporating, for example, encapsulated air bubbles or similar low heat transfer (floating) sheet material whose purpose is to inhibit heat dissipation from the pool water surface through air convection or evaporative cooling. The sheet material, customarily translucent (not transparent) to permit the transfer of solar radiation energy directly to the pool water at all depths and intended for day and night use, is cut to the shape of the pool and is not affixed to the pool structure. It is intended to be completely removed before the entry of bathers.

3.1.19 *energy conservation blanket*—a cover which is a floating heat insulating sheet material incorporating, for example, a cellular foam or similar low-heat transfer material whose purpose is to inhibit heat loss from the covered water, through air convection or evaporative cooling, or both. Such materials are customarily cut to the shape of the pool and are intended for a night covering. The blanket is not affixed to the pool structure. It is intended to be completely removed before the entry of bathers.

3.1.20 *wading pool*—a shallow pool intended for wading, not swimming.

3.1.21 *waterline*—the waterline shall be defined in one of the following ways:

3.1.22 *skimmer system*—the water line shall be at the mid-point of the operating range of the skimmers.

3.1.23 *overflow system*—the waterline shall be at the top of the overflow outlet.

4. Cover Classifications and Minimum Qualification Criteria

4.1 *Power Safety Cover (PSC)*—Provides a high level of safety for children under the age of five by inhibiting their access to the water.

4.1.1 Must satisfy 5.1-5.3, 6.1-6.5, 7.1-7.4, 8.1, 8.2, 8.4-8.12, 9.1-9.4, 10.1-10.4, and all subsections.

4.2 *Manual Safety Cover (MSC)*—Provides a high level of safety for children under the age of five by inhibiting their access to the water. May require a longer period of time to be fully secured.

4.2.1 Must satisfy 5.1-5.3, 6.1-6.5, 7.1-7.4, 8.1, 8.2, 8.4-8.12, 9.1-9.4, and all subsections.

4.3 *Other Covers (OC)*—Includes any cover type not incorporated in the other two categories MSC, PSC. They are not intended to serve as a barrier for children under the age of five. Design characteristics may be hazardous when used in the presence of children under the age of five.

4.3.1 Shall satisfy 5.1-5.3, 8.1-8.3, 8.5-8.12, and all subsections.

5. Materials and Manufacture

5.1 Only materials not known to be harmful to health, within the intended application, shall be used.

5.2 All materials and components shall be durable and satisfactory for the intended purpose under the conditions normally prevailing at the site.

5.3 The cover shall be manufactured or fabricated, or both, in accordance with generally accepted, good manufacturing practices.

6. General Requirements for Safety Covers

6.1 *Installation/Use of safety covers*—Unless installed by the manufacturer, or responsible parties, or both, detailed instructions for installation shall be given in a form included in the packaging or a label, or both, attached to the cover.

6.2 Labels attached to the cover shall meet the general requirements described in 8.5.1 and 8.8-8.8.2.

6.3 *Markings for safety covers shall include:*

6.3.1 the manufacturer's name,

6.3.2 date manufactured or installed, and

6.3.3 instructions to consumers to inspect the cover for premature wear or deterioration.

6.3.4 Labels attached to covers shall meet the general requirements described in 8.4.1, 8.7-8.8.1, and 8.9.

6.4 *Fastening mechanisms or devices*—Ties, attachment points, anchors, anchorage, and controls for automatic covers or other means of fastening a cover shall include provisions such as keys, combination locks, special tools, devices, or inaccessible locations, and the like, to inhibit children under five years of age from removing or operating the cover. When subjected to the load and perimeter deflection tests described in 9.1 and 9.2, all fastening devices shall remain in their intended, secured or closed, or both, position. After the test, the intended performance of the device should not be impaired.

6.5 *Openings*—The cover shall be designed in such a way that, when it is tested by the test method described in 9.4, any opening in the major component or between the edge of the cover and the deck surface or coping wall, or both, and the top surface of the spa or pool does not allow the test object to pass through. The test object shall not gain access to the water, or be subject to entrapment.

6.6 Seams, ties or welds in the cover shall show no signs of damage, which will impair intended performance of the device when the cover is tested by the methods described in 9.1-9.4.

7. Performance Requirements for Safety Covers

7.1 *Static Load*—In the case of a pool with a width or diameter greater than 8 ft (2.4 m) from the periphery, the cover shall be able to hold a weight of 485 lb (220.0 kg) (2 adults and 1 child) to permit a rescue operation.

7.1.1 In the case of a pool with a width or diameter not greater than 8 ft (2.4 m) the cover shall withstand the weight of 275 lb (125 kg) (weight of a child and an adult). Compliance shall be determined by the test method described in 9.1.

7.2 *Perimeter Deflection*—The cover shall be designed in such a way that, when it is tested by the test method described in 9.2, deflection of the cover does not allow the test object to pass between the cover and the side of the pool, or to gain access to the water.

7.3 *Surface Drainage*—The cover shall be so constructed, or incorporate a system, or have an auxiliary system provided, that when used in accordance with the manufacturer's instructions, shall drain substantially all standing water from the cover within a period of 30 min after cessation of normal rainfall. Compliance shall be determined by the test in 9.3.

7.4 *Opening Tests*—The tests shall be conducted by the test method described in 9.4 to demonstrate that any opening in the major component or between the edge of the cover and the deck surface or coping wall, or both, and the top surface of the pool or the top surface of the spa is sufficiently small and strong to prevent the opening from being forced to a size that will allow the test object to pass through.

8. Minimum Label Requirements for All Covers for Swimming Pools, Spas, and Hot Tubs

8.1 *Product Label*—All covers shall be labeled/marked to identify manufacturers or other responsible parties (such as private label distributors), or both. Labels attached to covers shall meet the general requirements described in 8.5.1 and 8.8-8.8.2.

8.2 *Warning Labels*—All covers shall be required to have attached the following warning label:

8.2.1 *Signal Word*—**WARNING.**

8.2.2 *Safety Alert Symbol*—Preceding the signal word there shall be triangle with an exclamation point inside the triangle.

8.2.2.1 *Word Message*—The standard word message shall be **AVOID DROWNING RISK** which shall be the first message to appear directly under the signal word.

8.2.2.2 *Additional Word Message Statement*—Covers with any of the outlined hazards in Fig. 1 shall list all applicable warning statements on the label.

8.3 *Color*—Non-safety cover warning label.

8.3.1 *Signal Word*—Black letters with orange background.

8.3.2 *Safety Alert Symbol*—Black triangle with orange exclamation point.

8.3.3 *Word Message*—Black lettering on white background or white letters on black background.

8.4 *Color*—Safety cover warning label.

8.4.1 Colors assigned to the signal word panel may also be used for the message word panel provided the panel colors contrast with the lettering of the label. This is applicable to covers conforming with the PSC and MSC classifications only.

8.5 *Warning Label*—Letter size.

8.5.1 Lettering shall be of a size that enables a person with normal vision, including corrected vision, to read the safety sign or label at a safe viewing distance from the hazard. Considerations should be given to environmental variables that will affect readability.

8.5.2 *Signal Word*—Letter height shall be at least 50 % greater than the selected height of the message panel wording.

"HAZARD/WARNING STATEMENT CHART"	
If This Hazard Exists:	Add This Warning Statement:
*Will not support weight (as defined in this specification) Nonsecured or improperly secured covers	*Stay off cover—will not support weight.
*Concealment by slipping under cover	*Keep children away. Children or objects cannot be seen under cover.
*Drowning on top of cover in accumulated surface water (as defined in this specification)	*Remove Standing Water—child can drown on top of cover.
*Concealment, Entrapment—Drowning under cover	*Remove cover(s) completely before entry of bathers—entrapment possible.
*General requirement for all covers	*Non-secured or improperly secured covers are a hazard.
*Option to above for Safety Covers	*Failure to follow all instructions may result in injury or drowning.
*Cover does not meet all requirements of this specification for PSC, MSC.	*This is not a Safety Cover.

FIG. 1 Hazard/Warning Statement Chart

8.5.3 Safety Alert Symbol—Safety alert symbol, when used with the signal word shall precede the signal word. The base of the safety alert symbol shall be on the same horizontal line as the base of the letters of the signal word. The height of the safety alert symbol shall equal or exceed the signal word letter height.

8.5.4 Word message letter height shall be as defined in **Table 1**.

8.6 Letter style:

8.6.1 Signal Word shall be in sans serif letters in upper case only.

8.6.2 Message Panel shall be in sans serif letters. Letters may be in upper case only.

8.6.3 Examples of acceptable lettering styles are: medium or bold helvetica, or news gothic bold.

8.7 Placement—Location shall be such that the message will:

8.7.1 Be readily visible to the intended viewer, taking into consideration all possible viewing angles, and

8.7.2 Alert the viewer to the potential hazard in time to take appropriate action.

8.7.3 Label must be located so as not to be removed in the fitting process.

8.8 Life Expectancy—The label shall have a reasonable expected life with good color stability and word message legibility when viewed as stated in **8.5.1**. Reasonable expectancy shall be taken into consideration in accordance with the expected life of the product.

8.8.1 Protection—When possible, placement of label should provide protection from foreseeable damage, fading, or visual obstruction caused by abrasion, ultraviolet light or substances such as chemicals or dirt.

8.8.2 Attachment—The label shall be attached permanently to the product or so that it cannot be easily removed.

8.9 Replacement—Product/Warning labels should be replaced by the product user when they no longer meet legibility requirements for safe viewing distance described in **8.5.1** and **8.7.1**. In cases where products have an extensive expected life or where exposed to extreme conditions, the product user should be able to obtain replacement labels from the manufacturer or responsible party.

8.10 Instruction/Use Label—Any product instructions or use label not attached to the product, intended to be viewed by the consumer/user shall contain in its contents the same applicable warning label as set forth in **8.2-8.6.3**.

8.10.1 When special circumstances limit use of label colors to two colors, the colors assigned to the message word panel may also be used for the signal word panel provided that the panel colors contrast with background color of instruction/use label.

8.11 Packaging Label—If packaging is intended for product display to the consumer/user, applicable warning label as described in **8.2-8.6.3** shall be placed on the printed side of the package intended for display and/or consumer information. The label shall be printed on or affixed to the package and not easily removable.

8.11.1 When special circumstances limit use of label colors to two colors, the colors assigned to the signal word panel may also be used for the message word panel provided that the panel colors contrast with background color of packaging.

8.12 Compliance Labeling—All labels shall note the specific cover classification.

9. Test Methods For Safety Covers

9.1 Static Load Test:

9.1.1 This test shall be conducted to demonstrate that the cover is capable of supporting a weight of (a) 485 lbs (composed of one 210-lb, one 225-lb or one 50-lb weight) for pools or spas within a width or diameter greater than 8 ft or (b) 275 lbs (composed of one 225-lb and one 50-lb weight) for a pool or a spa with a width or diameter equal to or less than 8 ft distributed over 1 ft² each, all of which are within a 3-ft radius without the test objects causing damage which would allow any of the test objects to pass through the cover. During this test there shall be no requirement for the absence of water appearing on the surface of the cover.

9.1.2 Procedure—The pool shall be filled to its waterline and the cover fitted in accordance with the cover manufacturer's instructions. The test objects shall be placed on the surface of the cover at the following critical points:

9.1.2.1 The center point of the cover.

9.1.2.2 Between attachment points and a distance of at least 4 ft (1.2 m) but not to exceed 6 ft from the side of the pool.

9.1.2.3 The test objects shall remain in each test position for a period of 5 min.

9.2 Perimeter Deflection Test:

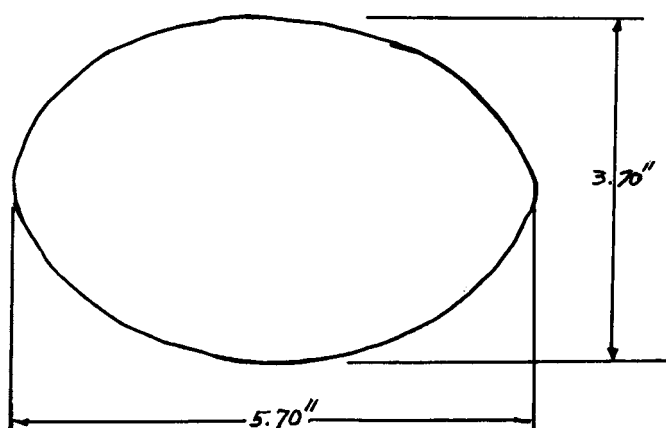
9.2.1 This test shall be conducted to demonstrate the following: if a child under the age of five were to fall onto the cover neither that child nor another child could slip through any openings that may occur between the cover and the side of the pool.

9.2.2 Perimeter Deflection Test Object—Test object shall be 3.7 in. (0.09 m) by 5.7 in. (0.14 m) by a minimum 12 in. length and a weight of 36.6 lbs in an ellipsoidal shape. See **Fig. 2**.

9.2.3 Procedure—With 50 lbs (22.7 kg) on the cover at a distance of at least 4 ft, but not exceeding 6 ft from the side of the pool, the same cover shall not deflect to allow a perimeter

TABLE 1 Word Message Letter Height Sizes

Safe Viewing Distance	Minimum Letter Height for FAVORABLE Reading Conditions	Minimum Letter Height for UNFAVORABLE Reading Conditions
less than 24 in.	Height (in.) = $\frac{\text{View Distance}}{150}$	Height (in.) = $\frac{\text{View Dist.}}{75}$
24 to 96 in.	Height (in.) = $\frac{\text{View Distance}}{300}$	Height (in.) = $\frac{\text{View Dist.}}{150}$
greater than 96 in.	Height (in.) = $\frac{\text{View Distance}}{400}$	Height (in.) = $\frac{\text{View Dist.}}{300}$



NOTE 1—Area = 16.6 in.²

NOTE 2—Perimeter = 15.0 in.

FIG. 2 Template for Swimming Pool Cover Standard

test object to pass through, gain access to the water or be subject to entrapment between the cover and the side of the pool.

9.3 Surface Drainage Test:

9.3.1 *Surface Drainage Test Object*—Timmy³ or equivalent (32 in. length by 9 in. width by 5 in. deep by 36.6 lbs torso-shaped object) shall be placed on the pool cover in a supine position, faceup, within two to three feet of and parallel with the pool's edge. Three minutes later there shall not be an unsafe amount of water. An unsafe amount of water is defined as any quantity of water which completely covers the torso of the surface drainage test object.

9.3.2 *Procedure*—Test the cover by spraying water evenly over the area at an application rate of 10 gal/min per 1000 ft² (9.29 m²) of pool area for a period of 30 min. During this test, all equipment shall operate in accordance with cover manufacturer's instructions. Thirty minutes after completion of this

³ "Timmy" is a CPR mannequin, three year old boy; available from Simulaids Inc., P.O. Box 807, Dixon Avenue, Woodstock, NY 12489.

procedure, the cover shall pass the test method in 9.3. At all times during the procedure, maintain the pool level at the waterline.

9.4 Openings Test:

9.4.1 These tests shall be conducted to demonstrate that any openings remain small enough to prevent a small child's head from gaining access to the water.

9.4.2 *Openings test object*—A solid faced sphere test object with a maximum breadth of 4.5 in.

9.4.3 *Procedure*—The cover shall be fitted in accordance with the cover manufacturer's instructions. The test object shall be placed at or into any existing opening and apply a force of 40 lbs (plus or minus 1 pound) steadily to ensure the test object cannot pass through at the following critical openings:

9.4.3.1 Any opening between the edge of the cover and the deck surface and coping wall, or both, or the top surface of the spa or pool.

9.4.3.2 Any opening in the major component of the cover.

10. Operating Controls, Safety Covers

10.1 The open-close switch shall be spring-loaded or of the momentary contact type, so that when released, the cover stops operation immediately at any point in the open or closed cycle period.

10.2 The cover shall be reversible in direction from a full stop at any point in its travel without having to complete the full open or closed cycle.

10.3 Electrically operated control switches and motors shall be installed in accordance with the National Electrical Code Article 680-26.

10.4 The type of pool covering operating controls shall be such that:

10.4.1 Its fixed location is in the line of sight of the complete pool cover, or by its operating process. This ensures that the operator shall be in complete view of the cover at all times during the closing or pool covering process.

10.4.2 Switching devices shall be key-operated or locked away or able to be de-activated or otherwise located in an inaccessible location. An inaccessible location shall be at a height of at least five feet above the deck.

ANNEX

(Mandatory Information)

A1. RATIONALE

A1.1 Scope

A1.1.1 Although the majority of child-drowning and near-drowning which were reported did not involve safety covers, those who purport to provide a level of safety should be held

to a higher level of reliability. Injury reports made available from CPSC indicate that male children, one and two years of

age, living in a home with an in-ground pool are at the highest risk of being involved in a submersion incident that requires medical care.

A1.2 Referenced Documents

A1.2.1 Allows document reviewers the necessary information to validate the text of the standard.

A1.3 Terminology

A1.3.1 Consumers and new manufacturers may not be familiar with the technological language used within the text. This section also provides definitions for new terms created for this standard.

A1.4 Cover Classifications and Minimum Qualification Criteria

A1.4.1 By defining both the level of safety afforded and standard requirements to be satisfied, manufacturer and consumer will be able to define their needs and properly interpret the standard. This section also allows manufacturers to research and develop new technology which when applied could change their designation.

A1.5 Materials and Manufacture

A1.5.1 Varying lead times for material availability restrict or delay immediate compliance with this standard.

A1.6 Performance Requirements For Safety Covers

A1.6.1 Specified load factors represent the 95th percentile for a child under the age of five as well as one male adult and one female adult.

A1.6.2 If one child should gain access to the surface of the cover, another child in the area of the pool should not face increased risk.

A1.6.3 Recognizing that some residual water will remain after the surface water is removed, the test has been devised to ensure that the level can be maintained below that deemed substantially hazardous to a child of three based on data received from the Consumer Product Safety Commission.

A1.6.4 Openings in the major component or horizontal openings between the cover and solid structure of the pool area should remain small enough to prevent the head of a small child from gaining entrance. The head breadth for a 5th percentile of a 7 month old is about 4.5 in. The smallest mobile child would be about 7 months old since at this age 50 % of children can creep on hands and knees.

A1.7 Minimum Label Requirements For All Covers For Swimming Pools, Spas, and Hot Tubs

A1.7.1 Labeling on the product allows for transfer of the information to second owners and temporary users.

A1.7.2 The combination of Signal Word, Safety Alert Symbol and Word Message provides a higher level of warning than any single effort.

A1.7.3 An effort is being made nationally to make consistent the colors used to alert consumers to potential hazards.

A1.7.4 Contrast of colors between letter colors and labels are necessary in order to attract users' attention to label and enable readability.

A1.7.5 Letter size is an important factor in warning legibility so the consumer can recognize and avoid the hazard.

A1.7.6 Style of lettering affects the readability of the warning message.

A1.7.7 Warning labels can be more effective if they allow for reaction time on the part of the consumer.

A1.7.8 Damaged labels would not provide as strong a message as necessary.

A1.7.9 Due to extended life expectancy of cover products, labels cannot be expected to maintain their original appearance.

A1.7.10 Labeling messages and format should be consistent from point of purchase to use and/or application of cover.

A1.7.11 Packaging is, at times, the consumers first exposure to product information. Information contained on the warning label is necessary for making informed choices.

A1.7.12 All labels shall note that the product meets the requirements described in Specification F1346.

A1.8 General Requirements For Safety Covers

A1.8.1 Installation can be a key factor in the effectiveness of a safety cover whether it is manually or power installed.

A1.8.2 Manufacturer's markings are necessary to allow a continuity for second owners and consumer/manufacturer contact.

A1.8.3 The mechanisms which secure the cover are an integral component that help to defeat a child's entry to the water.

A1.8.4 Openings shall not be so large that the purpose of the cover is defeated.

A1.8.5 Structural integrity is necessary to provide safety.

A1.9 Test Methods For Safety Covers

A1.9.1 The rescue operation may require two adults and the cover shall support the total combined weight to avoid possible injury to those in the rescue attempt. The 95th percentile is represented by the 225-lb male, 210-lb female and 50-lb child.

A1.9.2 This test was devised to avoid an opening large enough for one child or another child to fall between the edge of the cover and the edge of the pool when one child of 50 lb is already on the cover.

A1.9.3 Recognizing that some residual water remains after the surface water is removed, this test is devised to ensure that the level is maintained below a level deemed substantially hazardous to a child under three years of age.

A1.9.4 No opening shall exist in the cover or at any point that the cover joins the surface of the pool structure or deck area (which would allow a small child's head to gain access to the water or become entrapped). The head breadth for a 5th percentile 7 month old is about 4.5 in.



A1.10 Operating Control, Safety Covers

A1.10.1 Operator controlled momentary contact type switches afford greater control in the event of an emergency.

A1.10.2 Should a child enter the water during the closure process, the cover shall be able to reverse without total closure.

A1.10.3 It is important in the case of an electrical installation to protect children and all swimmers from the possibility

of electrocution, which is the purpose of Article 680-26 of the National Electrical Code.

A1.10.4 Operator observation of the pool during the closing process is necessary to ensure that another person does not enter the water during the process. Additionally, the location of the activating device or the ability to render it inactive is necessary to avoid unauthorized opening of the cover.

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This standard is subject to revision at any time by the responsible technical committee and must be reviewed every five years and if not revised, either reapproved or withdrawn. Your comments are invited either for revision of this standard or for additional standards and should be addressed to ASTM International Headquarters. Your comments will receive careful consideration at a meeting of the responsible technical committee, which you may attend. If you feel that your comments have not received a fair hearing you should make your views known to the ASTM Committee on Standards, at the address shown below.

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TO: Public Welfare Committee
FROM: Mike Hadley,
DATE: November 9, 2021
SUBJECT: Pool Fence and Cover Requirements

Background:

The topic was presented to Public Welfare Committee to consider changing the code to not require fencing around pools that meet certain automatic cover requirements. Complaints regarding the installation of fences have included not having options to protect a pool, the expense, availability to install fencing, and aesthetics for the neighborhood. The issue has come up on occasion by homeowners and there was an appeal to such requirement in July 2015, the appeal was denied. Staff did receive resident correspondence related to pool fencing (See Attached).

Analysis:

Mequon adopts the Uniform Building Code which gives us guidance for regulating pool and spa installations. (See Exhibit) The standard has been in place since 1967. The intent of the standard is to promote public safety.

Staff posed this question to the Building Inspectors Association of Southeastern Wisconsin (BIASEW) and the collective opinion was to not allow for a deviation. Staff made inquiries to surrounding communities and the only communities that allow an exception include Town of Cedarburg, City of Menasha. There may be more, but we did not get 100% response to our inquiry.

Considerations:

A pool is an attractive nuisance and safety measures should be taken

- 1.** Fencing provides a first line defense. Without, risks include
 - a) Potential threat to public safety
 - b) Being able to reach the hazard more easily.
- 2.** Regulation of covers for pools present a few issues:
 - a) Difficult to enforce
 - b) Hard to determine when the pool cover is not in use
 - c) Inspection and enforcement for proper use of a cover

Staff Summary:

The Public Welfare Committee should consider the risks of eliminating fences surrounding pools. Staff does not support the alternate use of covers due to the impact of public safety and remaining consistent with other surrounding communities' regulations. Depending on the Committee's direction, additional input and discussion may be necessary for drafting changes.

Attachments:

Pool Cover Information (PDF)

Justin Schoenemann

From: Amber Schroeder <pt.amber@gmail.com>
Sent: Tuesday, April 5, 2022 4:44 PM
To: Justin Schoenemann
Subject: Auto pool cover

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Good Afternoon Justin,

I wanted to forward you some information to include in the packet that the alderman will receive before the next common council meeting. Attached please find the ASTM standards as well as the specifications for the motor, as well as the website and some other information that I thought would be helpful for the group while making a decision on the automatic pool covers. Please reach out if you have any questions,

Thank you,
Amber

<https://www.automaticpoolcovers.com/>

Motor Specification:
3/4 horse power motor
110volt
Only
Pulls 11volts max





4:39

 5G  astm.org**ASTM F1346-91(2018)** ⓘ

Standard Performance Specification for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas and Hot Tubs

1. Scope

1.1 This specification establishes requirements for safety covers for swimming pools, spas, hot tubs, and wading pools (hereinafter referred to as pools, unless otherwise specified). When correctly installed and used in accordance with the manufacturer's instructions, this specification is intended to reduce the risk of drowning by inhibiting the access of children under five years of age to the water.

1.2 This specification includes performance tests to demonstrate the compliance or noncompliance to requirements herein stated for safety covers. It also includes marking requirements for all covers.

1.3 The values stated in inch-pound units are to be regarded as the standard. The values in parentheses are given for information only.



Justin Schoenemann

From: Glenn Bushee
Sent: Monday, June 13, 2022 2:33 PM
To: Justin Schoenemann; Brian Sajdak
Subject: Fw: Electronic Pool Cover Ordinance - Mequon WI
Attachments: Mequon_Electronic_Pool_Cover_Ordinance.pdf

Brian, I've included you here because of the reply from Justin at the PHTA with regard to specifically including language referencing the ISPSC document within the ordinance). If you think it adds information, I can make a motion to add.

Justin, is it possible to get this information distributed to the council either via email, print, or both? While I took too long to actually pick up the phone and call the PHTA office, I think that this is very valuable information for people to be aware of. I will obviously plan on mentioning during the meeting as well.

Thank you both on what I assume is a rather busy (and rainy) Monday.

- Glenn

From: Justin Wiley <jwiley@phta.org>
Sent: Monday, June 13, 2022 12:35 PM
To: Glenn Bushee <gbushee@ci.mequon.wi.us>; Nicholas Capezza <NCapezza@phta.org>
Subject: Re: Electronic Pool Cover Ordinance - Mequon WI

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Good afternoon Alderman,

Below, you accurately captured our conversation. The International Swimming Pool and Spa Code is updated every three years and I am not aware of a jurisdiction un-adopting the ISPSC. Further, I am not aware of any drownings associated with a closed power safety cover that complies with ASTM F1346. It should also be mentioned that the ASTM standard is referenced in the International Swimming Pool and Spa Code (ISPSC) which enjoys the support from organizations such as the [National Drowning Prevention Association](#).

Regarding adding in the ISPSC: you could state something like: Swimming pools shall comply with [Section 305 Barrier Requirements of the 2021 International Swimming Pool and Spa Code](#). If there is a need to regulate swimming pool design and construction, you may want to consider adopting the entire document. It's in the same family of building and construction codes as the International Building Code and International Residential Codes. In fact, both the IBC and IRC point to the ISPSC.

I'm looping in our technical point, [@Nicholas Capezza](#) who might have additional information.

Let me know how I can help.

 Justin Wiley

[Pool & Hot Tub Alliance](#)

M: 202.361.8119

From: Glenn Bushee <gbushee@ci.mequon.wi.us>
Sent: Monday, June 13, 2022 1:13 PM
To: Justin Wiley <jwiley@phta.org>
Subject: Re: Electronic Pool Cover Ordinance - Mequon WI

Justin, a quick follow-up. You mentioned that many places make reference to the ISPSC code in their ordinance adoptions. If I suggest a modification, is the usual language effectively "At the time of electronic pool cover application, the resident should ensure that the current ISPSC code is followed" (or very similar after legal-speak added)? Thank you again.

- Glenn

From: Glenn Bushee
Sent: Monday, June 13, 2022 11:22 AM
To: jwiley@phta.org <jwiley@phta.org>
Subject: Electronic Pool Cover Ordinance - Mequon WI

Justin, thank you for taking the time to answer my questions on the phone today. The attached PDF contains the document and main discussion material for the key points in developing the ordinance language. To reiterate the questions and your responses (though not exact quotes, please correct me if I'm wrong):

1. In the ISPSC Adoption Status Report, all of the dates appear to be '12, '15, '18, '21. Is that the version that was adopted and not year of adoption?
 Response: Correct, we update the codes every three years.
2. Have any states or local adoptions been reversed?
 Response: Not to our knowledge.
3. Have there been any drownings unfortunately associated with automatic pool covers that you are aware of?
 Response: There have not been any reported to the PHTA.

Thank you again for discussion If you have any additional comments, please feel free to send them.

- Glenn Bushee
 Alderman, Mequon District 2
 Cell: 414-412-3857

10-26 – Residential Swimming Pools.

No person shall construct, install or enlarge a residential swimming pool not enclosed in a permanent building within the city except in accordance with the following regulations.

(a) Definitions.

- (1) "Swimming pool" means any depression in the ground, either temporary or permanent, or a container of water, either temporary or permanent and either above or below the ground, in which water more than 18 inches deep is contained and which is used primarily for the purpose of bathing or swimming. "Swimming pool" includes a spa, hot tub, and temporary pool unless otherwise specifically excluded within this section.
- (2) "Temporary pool" means any swimming pool that has a surface area of less than 314.159 square feet (20-foot diameter) which is installed for any length of time less than four (4) months and which is installed after May 1 and removed by September 30 in the same year.
- (3) "Power safety cover" means a barrier which can be placed over the water area of a pool that provides a high level of safety for children under the age of five by inhibiting their access to the water which meets all of the following minimum qualifications:
 - a. Static Load – the power safety cover shall hold a minimum weight of 485 pounds, irrespective of the width or diameter of the pool.
 - b. Operating switch – the switching device shall be:
 - i. located a minimum of five (5) feet above the ground or surface below such switching device; and
 - ii. locked in a secure enclosure, or operated by a key or touchpad.
 - c. Except as provided above, the power safety cover shall be certified to meet the minimum qualification criteria for a Power Safety Cover as specified in American Society for Testing and Materials (ASTM) specification 1346-91.
- (4) "Decorative" as applied to fences means that a fence is made of PVC, wrought iron, or aluminum pickets, or is a painted or stained shadow-box or board-on-board type fence, or similar design as approved by the Department of Community Development. Decorative shall not include chain link, snow or other temporary fencing.

(b) Permit.

- (1) Required. No person shall construct, install, enlarge or alter any private swimming pool, including changing any fence or safety device, unless a permit therefor has first been obtained from the Building Inspector. A temporary pool shall be exempt from this permit requirement.
- (2) Application. The following information shall be required:
 - a. Survey or accurate drawing of the property, in duplicate, showing all existing structures, proposed swimming pool or spa location, fencing if required, and overhead or underground electrical wiring.
 - b. Type of pool installation, above ground or in-ground.
 - c. Pool height above highest point of grade if above ground installations.
 - d. Type and height of fence, if proposed.
 - e. Type and support of decking, if proposed.
 - f. Type and location of safety features to be installed, if proposed.
 - g. Overall size and locations of the above in regard to existing buildings and lot lines for property survey reference.
 - h. Any change in finished grade near pool.
 - i. County Health Department approval for properties using a private septic system, where applicable.
 - j. Site inspection letter from a local wiring utility.
 - k. Two (2) copies of brochure which shows the type, style, etc. of the swimming pool and safety features to be installed.
- (c) Construction Requirements.
 - (1) No swimming pool shall be located, erected, constructed or maintained within any front yard or closer to any side or rear lot line than allowed by Chapter 58 for permitted accessory structures, and the waterline of any swimming pool shall not be less than 4 feet from any lot line, wall, fence, structure or building, unless a more stringent requirement is provided for elsewhere in this code.
 - (2) No connection shall be made to the sanitary sewer or septic system.
 - (3) Gaseous chlorination systems shall not be used for disinfecting swimming pool waters.

- (4) Swimming pools shall be located from well and septic systems in accordance with the Wisconsin State Plumbing Code, Wis. Admin. Code § SPS 383.
- (d) Fences or Other Safety Measures.
- (1) All non-temporary swimming pools not enclosed within a permanent building shall be completely enclosed by a decorative fence of sufficient strength to prevent access to the swimming pool, not less than four (4) feet in height and so constructed as not to have voids, holes or openings larger than four (4) inches in one dimension. No fence shall be located, erected, constructed or maintained closer than four (4) feet to a swimming pool. Gates or doors shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when not in actual use. Latches shall be located at least three (3) feet above the ground, accessible deck or stairs. Temporary non-decorative fencing may be approved by the Department of Community Development for a period not to exceed 30 days where necessitated by construction and or safety concerns.
- (2) The wall of the house or building facing a swimming pool may be incorporated as a portion of the fence required under paragraph (1) above provided that the swimming pool is equipped with at least one of the following:
- a. Removable mesh fencing that meets the standards of ASTM Specification F2286 in conjunction with a gate that is self-closing and self-latching and can accommodate a key lockable device.
 - b. Exit alarms on all doors within a residence that provide direct access to the swimming pool or spa. The exit alarm may cause either an alarm noise or a verbal warning, such as a repeating notification that “the door to the pool is open.”
 - c. A self-closing, self-latching device with a release mechanism placed no lower than 54 inches above the floor on all doors of a residence providing direct access to the swimming pool or spa.
- (3) In lieu of a fence under paragraph (1) above, a swimming pool may utilize a power safety cover provided that:
- a. The pool is located on a single-family residential parcel within a single-family residential zoning district;
 - b. The power safety cover is in working order;
 - c. The power safety cover is closed and secured at all times where the pool is not in use by a person of at least 15 years of age or under supervision of a

person who is outdoors, within 10 feet of the pool, and is at least 15 years of age;

d. The water line of the pool is not closer than 30 feet from any lot line; and

e. The pool is also equipped with:

i. An alarm that, when placed in a swimming pool or spa, will sound upon detection of accidental or unauthorized entrance into the water. The alarm shall meet and be independently certified to the ASTM Standard F2208 "Standard Safety Specification for Residential Pool Alarms," which includes surface motion, pressure, sonar, laser, and infrared type alarms. A swimming protection alarm feature designed for individual use, including an alarm attached to a child that sounds when the child exceeds a certain distance or becomes submerged in water, is not a qualifying drowning prevention safety feature.

ii. And at least one of the following:

1. Removable mesh fencing that meets the standards of ASTM Specification F2286 in conjunction with a gate that is self-closing and self-latching and can accommodate a key lockable device.

2. Exit alarms on all doors within a residence that provide direct access to the swimming pool or spa. The exit alarm may cause either an alarm noise or a verbal warning, such as a repeating notification that "the door to the pool is open."

3. A self-closing, self-latching device with a release mechanism placed no lower than 54 inches above the floor on all doors of a residence providing direct access to the swimming pool or spa.

- (4) Above ground swimming pools with platforms and railings that are four (4) feet or more in height above ground and temporary pools are not required to be enclosed as provided in paragraph (1) above; however, all ladders and stairways providing access to such swimming pools shall be removed from the swimming pool or shall be adequately fenced and fitted with gates or folded up and locked to prevent entry when the swimming pool is not in use.
- (5) Spas and hot tubs are exempt from the fence requirement under paragraph (1) above provided that such spa or hot tub has a locking safety cover which is

certified to meet ASTM specification 1346-91 and which shall be in place and locked when the hot tub or spa is not in use.

- (e) Electrical Requirements. All electrical installations shall require separate permits and shall be governed by the City or State Electrical Code.
- (f) Pool Lights. If overhead flood or other artificial lights are used to illuminate the swimming pool at night, such lights shall be shielded to direct light only on the swimming pool.
- (g) Swimming Pool Decks. All decks shall be constructed in accordance with the Uniform Building Code. Decking shall be considered an integral part of the swimming pool and shall comply with the applicable setback dimensions per the local zoning code.
- (h) Drainage. In no case shall any swimming pool be drained onto lands of property owners other than the owner of the swimming pool. Drainage shall be in accordance with city code.
- (i) Use of Swimming Pool. No swimming pool shall be so operated as to create a nuisance, a hazard or an eyesore or otherwise to result in a substantial adverse effect on neighboring properties. Repeated violations of this code shall constitute a public nuisance, abatement of which may include removal of the pool in addition to all other remedies available by law.
- (j) Applicability of codes and standards. Where this section adopts or references a specific code, standard, specification or the like, such adoption or reference shall include all amendments and revisions thereto, and the most recent version in effect at the time a pool (or any of its safety features) is constructed, installed, changed, remodeled, or enlarged shall apply.



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 Fax: 262-242-9655

www.ci.mequon.wi.us

Office of Engineering

TO: Common Council
FROM: Kristen Lundeen, Director of Public Works/City Engineer
DATE: August 10, 2022
SUBJECT: RESOLUTION 3977 A Resolution Authorizing an Amendment to the Contract for the Design of Proposed Pedestrian and Traffic Safety Improvements Along Mequon Road from Buntrock Avenue East Towards Cedarburg Road, to R.H. Batterman & Co, Inc. of Beloit, Wisconsin, in an Amount Not-to-Exceed \$50,240

Background

A contract for the construction drawing design for the Mequon Road corridor and Ozaukee Interurban Trail (OIT) crossing was approved in November 2020. From November 2020 to January 2022, City staff has worked with the Wisconsin Department of Transportation to secure the approval of the Common Council-directed improvements. R.H. Batterman, the City's contracted construction design consultant, is now requesting an amendment to its original contract for additional tasks.

Please note that City staff has communicated at length with Batterman regarding the proposed contract amendment, from June 30, 2022, until the date of this memo.

Analysis

The contract amendment request is for the following listed tasks:

- WisDOT Traffic Impact Analysis (TIA) Review
- Concepts for WisDOT Coordination, Sidewalk Review, Survey and Design
- Corridor Lighting, Gateway Signage, Cemetery and Retaining Wall Fencing Coordination
- Cultural Resource Investigation (if necessary)

WisDOT TIA Review Memo Fee

On July 1, 2021, City staff executed an amendment to the original contract for a technical memo with additional analysis and information required for WisDOT approval. When the original design contract RFP was issued, negotiations with WisDOT were ongoing. WisDOT initially denied the City's requests for reduced turn lane lengths, additional signage at the OIT and other exceptions to WisDOT standards. City staff requested a supplemental memo with technical information so that City staff could leverage its position negotiating with WisDOT. While critical to the success of WisDOT's approval, City staff made it clear that the cost associated with this amendment, \$7,420, would need fall within the original not to exceed contract amount. The signed amendment was submitted to Batterman with the following clarification:

Please find attached the authorized fee proposal, which in combination with any design efforts, may not exceed \$166,430. The \$166,430 was authorized by the Common Council at a not-to-exceed amount. The Batterman proposal indicated that there would be a fee reduction if multiple phases were designed together. Therefore, once the final design is selected, we can determine the final contract pricing and whether amendments to the authorized amount are warranted.

City staff made it clear that the requested \$7,420 would not increase the original contract amount. Given the amount of City staff time required to negotiate with WisDOT absent the assistance of the consultant, staff is not recommending an increase in the contract amount. In addition, the deliverable for this amendment was significantly delayed from the original request.

Concepts for WisDOT Coordination, Sidewalk Review, Survey, Design

- Concepts for WisDOT Coordination - Per the consultant: Provide updated corridor exhibits to City in mid-January 2022 which encompassed WisDOT conditional approvals to date. Address questions/comments from City to finalize exhibits for City use in preparing memo to WisDOT requesting additional exceptions from normal design standards.
- Sidewalk Review - City staff originally requested replacement of existing sidewalk to meet ADA compliance. Given the cost, City staff can complete this effort.
- Survey - Likewise, the consultant proposed to subsequently survey the locations of sidewalk replacement, which can be completed by City staff.
- Design - Per the consultant: sidewalk design and ADA compliance included in the base proposal was specific to the intersections that were proposed for new signals and geometric updates, and the OIT crossing, thus requiring new sidewalk ramps. A full corridor review of the existing sidewalk for ADA was not included, nor was replacement of the existing asphaltic sidewalk with concrete.

Staff does not recommend an amendment for the Concepts for WisDOT Coordination. The consultant did not indicate that this was outside of the scope of the project or that an additional fee would be requested or required at the time of the request. Similar to the TIA Review Memo, this exhibit was required for City staff to continue to negotiate with WisDOT in the absence of assistance from the consultants.

Staff concurs with the amendment to include the sidewalk design, as replacement of asphalt paths is critical to the design and construction of this project.

Corridor Lighting, Gateway Signage, Cemetery and Retaining Wall Fencing

- Corridor Lighting - This amendment includes the terrace street lighting and median street lighting. These elements were approved at the Town Center Workshop for implementation and including the design within this contract is critical to proper coordination of the electrical infrastructure.
- Gateway Signage - This was also approved at the Town Center Workshop.
- Cemetery and Retaining Wall Fencing - Due to potential permitting requirements, the cemetery fencing will be addressed outside of this project. Likewise, the retaining wall fencing will be addressed in combination with the same on the bridge over the

Milwaukee River and on Cedarburg Road. The Common Council will see approvals for these expenditures at a future meeting.

Cultural Resource Investigation

It is unknown at this time whether the Wisconsin Department of Natural Resources (WDNR) will require a Cultural Resource Investigation. As a portion of the project (the swap for the City Hall driveway and the OIT) is on cemetery property, the consultant advises that this may be required. City staff is requesting that the Common Council approve the proposed amendment, and that this change only be authorized after the WDNR indicates that such effort is required.

Fiscal Impact

The contract amendment from Batterman includes the following fees, with subsequent breakdowns extrapolated from email exchanges with the consultant:

WisDOT TIA Review Memo Fee (7/1/21)			\$ 7,420
Concepts for WisDOT Coordination, Sidewalk Review, Survey, Design			\$ 9,420
	Concepts for WisDOT Coordination	\$3,880	
	Sidewalk Review	\$1,400	
	Survey	\$1,300	
	Design	\$2,840	
Corridor Lighting, Gateway Signage, Cemetery and Retaining Wall Fencing			\$ 43,200
	Corridor Lighting	\$30,000	
	Gateway Signage	\$10,000	
	Cemetery and Retaining Wall Fencing	\$3,200	
Cultural Resource Investigations			\$ 7,400

Recommendation

Staff recommends Council approval of a total contract amendment in an amount not-to-exceed \$50,240, for the following items:

- Corridor Lighting: \$30,000
- Gateway Signage: \$10,000
- Sidewalk Design: \$2,840
- Cultural Resource Investigations: \$7,400 (if Necessary)

Attachments:

Batterman Contract Amendment Request (PDF)

COMMON COUNCIL
OF THE
CITY OF MEQUON

RESOLUTION 3977

A Resolution Authorizing an Amendment to the Contract for the Design of Proposed Pedestrian and Traffic Safety Improvements Along Mequon Road from Buntrock Avenue East Towards Cedarburg Road, to R.H. Batterman & Co, Inc. of Beloit, Wisconsin, in an Amount Not-to-Exceed \$50,240

RECITALS

A. In November 2020, the Common Council authorized a contract with R.H. Batterman & Co., Inc. in an amount not to exceed \$166,500.

B. R.H. Batterman & Co., Inc. has requested an amendment to the contract, resulting in additional financial obligations.

C. Corridor lighting is critical to the project and must be coordinated with other design elements including the traffic signals and electric infrastructure.

D. Gateway features were approved at a Town Center Workshop Meeting in May 2021 and should be seamlessly installed with the other streetscaping elements included in the original contract.

E. Design services are an eligible project cost of Tax Increment Districts and are therefore eligible to be funded through the Tax Increment District #3 (Town Center).

F. Staff recommends that a contract amendment for the coordination of Corridor Lighting, Gateway Signage and Sidewalk Design, and a Cultural Resource Investigation (if required) by the Wisconsin Department of Natural Resources (WDNR).

G. The Committee of the Whole at its meeting on September 13, 2022, approved staff's recommendation.

BASED ON THE FOREGOING, IT IS RESOLVED by the Common Council of the City of Mequon, Wisconsin, that:

1. Staff is authorized to award the contract amendment and execute the appropriate contract documents with R.H. Batterman & Co., Inc. of Beloit, Wisconsin in an amount of \$42,840 and an additional \$7,400 only if the WDNR requires a Cultural Resource Investigation with the amount being charged to TID #3 as a project cost, subject to any legal or technical changes deemed necessary and appropriate by the City Attorney.

2. The Mayor and City Clerk are authorized and directed to execute and deliver the same.

Approved by: Andrew Nerbun, Mayor

Date Approved: September 13, 2022

I certify that the foregoing Resolution was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on September 13, 2022.

Caroline Fochs, City Clerk

June 30, 2022
Updated August 25, 2022

Ms. Kristen Lundeen, PE
City of Mequon
11333 N. Cedarburg Road
Mequon, WI 53092

RE: Amendment Request #2 - **REVISED**
Mequon Road and OIT Improvement Project
Buntrock Avenue to Cedarburg Road

Dear Ms. Lundeen,

Please see below scope and fee for additional services for the Mequon Road and OIT Improvements Project. Based on recent meetings, the detailed work tasks as presented below have been requested by City Staff, but currently fall outside of our authorized contract. This amendment request will bring our contract in alignment with the current project scope.

We offer the following additional scope and fee for your consideration:

ADDITIONAL SERVICE SCOPE:

Concepts for WisDOT Coordination, Sidewalk Review, ~~OIT Trail/Drive Concepts/Design:~~

Provide updated corridor exhibits to City in mid-January 2022 which encompassed WisDOT conditional approvals to date. Address questions/comments from City to finalize exhibits for City use in preparing memo to WisDOT requesting additional exceptions from normal design standards. ~~This is additional work scope is related to, but over/above the originally authorized amendment dated 7/1/21.~~

Review corridor sidewalk for potential spot replacement as needed for ADA compliance, and include full replacement of existing asphaltic sidewalk with concrete adjacent to the cemetery. All new/replaced sidewalk will be detailed with spot grades in the final plans. Includes supplemental survey as required.

~~Provide updates to currently approved OIT Trail/driveway "swap" concept for review and finalization of path crossing location, impact to existing parking, and potential alterations/relocation of existing trail head. Gather supplemental survey to the existing path crossing at the parking lot/trail head. Provide final design/details as required for preferred alternative.~~

Corridor Lighting, Gateway Signage, Cemetery and Retaining Wall Fencing:

Lighting strategies and design will be incorporated into overall corridor streetscape/landscape design and will add to the corridor's overall unique streetscape experience. Work will be coordinated with the proposed traffic signals and lighting at the Buntrock and Weston Drive intersections. Multiple concept alternatives will be presented to the City for review and comment, and the approved validated concept will be used to develop 60% and 90% construction

documents, followed by bid documents (construction drawings + special provisions). Design and details will include light fixtures (poles, bollards, accent lighting), electrical conduit and wires, hand holes, and transformers as may be required. Review and implement pedestrian actuated system to trigger advanced pedestrian warning light crossing for OIT crossing

Up to three (3) gateway signage concepts will be developed and refined based on City input. The approved validated concept will be used to develop 60% and 90% construction documents, followed by bid documents (construction drawings + special provisions). Gateway signage will include internal or external lighting as directed by the City.

Coordinate with City for selection/placement of proposed fencing to be placed along Mequon Road adjacent to the cemetery. Coordinate with City/WisDOT for proposed railing upgrades to existing parapet wall on top of the retaining wall along north side of Mequon Road. Incorporate required plan sheets and details in final project plan set.

Cultural Resource Investigations:

The project requires DNR permitting and is subject to Wis. Stats. §157.70 and §44.40. Preliminary review identified the presence of an uncatalogued burial site, BOZ-0002 G. Opitz Cemetery (Mequon Cemetery) within the proposed project corridor. Regarding architectural history resources, there are two previously surveyed potentially eligible properties along the project corridor: AHI 13498, 6006 W. Mequon Rd and AHI 13501, 6411 W. Mequon Rd.

Cemetery Research

Cemetery research will be conducted to determine if project-related ground disturbing activities will occur within the boundaries of BOZ-0002 G. Opitz Cemetery and to assess the probability of graves within the project area. No archaeological field investigations will be conducted for the project. However, a site reconnaissance, for BOZ-0002 G. Opitz Cemetery, is included in the scope of work in order to assess the potential for burials within the project footprint. The results of the cemetery research will be submitted to the Wisconsin Historical Society as a Request for Permission to Disturb, along with a recommendation regarding archaeological monitoring.

Architecture History Investigations

The architecture/history investigation will consist of archives and literature research and effects documentation. The archival research will identify all previously surveyed structures/buildings within and near to the project area of potential effects. A field visit may be conducted to assess potential impacts. The architectural history survey will include an update of the Wisconsin Historic Preservation Database. Preliminary research indicates there are two previously surveyed potentially eligible properties along the project corridor: AHI 13498, 6006 W. Mequon Rd and AHI 3501, 6411 W. Mequon Rd.

Reporting

The results of the cemetery research will be submitted to the Wisconsin Historical Society as a Request for Permission to Disturb, along with a recommendation regarding archaeological monitoring. A memo documenting this information will be prepared for the Wisconsin DNR. The results of the architectural history investigations will be submitted to the Wisconsin DNR as a technical report.

This task/fee should be approved as "If Authorized by the City", which would only occur if WDNR requests this as part of the NOI review. If WDNR does not request this, the task would not be invoiced.

Please note: The scope and cost estimate does not include archaeological monitoring during construction, which may be required by the Wisconsin Historical Society, or the preparation of Determinations of Eligibility or effects documentation or consultation.

FEE SUMMARY:

Base Contract (12/10/20):	\$166,430.00
WisDOT TIA Review Memo Fee (7/1/21):	\$ 7,420.00
Concepts for WisDOT Coordination, Sidewalk Review, Survey, Design:	\$ 9,420.00
Corridor Lighting, Gateway Signage, Cemetery and Retaining Wall Fencing:	\$ 43,200.00
Cultural Resource Investigations (If authorized/triggered by WDNR review):	\$ 7,400.00
Total Updated Project Fee:	\$233,870.00

Note: When the WisDOT TIA Review Memo was authorized on 7/1/21, it did not include an increase to the overall NTE fee previously approved with the 12/10/20 contract. Our understanding of the “no increase” in fee at time of signing the amendment was that there was uncertainty if the entire project scope/fee would progress into full design. If WisDOT put up a roadblock that prevented the full base scope included with the original \$166,430 contract from being completed, a fee increase would not be required to cover the additional scope, as the entire fee had previously been authorized. Upon final approval from WisDOT and the City that the full scope as included with the base fee of \$166,430 was to proceed, the additional \$7,420 was then required to be added to the base contract as additional fees, to cover the additional scope of work completed outside of design, plans and permitting work as required in the original RFP.

~~In order to offset multiple staff wage increases since the original contract signing in 2020, we are requesting that the overall contract NTE be increased by the 7/1/21 fee, in addition to the proposed amendment fees as outlined above. The following statement included in the original proposal from 2020 “a fee reduction may be possible should multiple phases be awarded for a single project” is no longer being offered due higher staff costs associated with the delay in commencing design services.~~

The fee quoted is subject to reconsideration if not accepted within thirty (30) days of this date.

Any agency or client review that results in a substantial change in scope of services will result in additional compensation to Batterman. The additional compensation will be based on an hourly rate or by an agreed-upon lump sum price.

As required by the Wisconsin Construction Lien Law, R.H. Batterman & Co., Inc. hereby notifies owner that persons or companies furnishing labor or materials for the services on owner's land may have lien rights on owner's land and buildings if not paid. Those entitled to lien rights, in addition to the undersigned R.H. Batterman & Co., Inc. are those who contract directly with the owner or those who give the owner notice within sixty (60) days after they first furnish labor or materials for the services to the owner's land. Accordingly, owner probably will receive notices from those who furnish labor or materials for the services and should give a copy of each notice received to his mortgage lender, if any. R.H. Batterman & Co., Inc. agrees to cooperate with the owner and his lender, if any, to see that all potential lien claimants are duly paid.

Invoicing is to be as work outlined above is completed, with terms 30 days net. Interest at the rate of 1-1/2% per month will be charged from the date of acceptance for all payments not made within thirty (30) days of billing. If collection becomes necessary, the owner agrees that, in addition to the amount due, the owner shall pay all necessary collection costs including, without limitation, attorney's fees.

The preceding constitutes the basis of charges for our firm's professional services. Please review the above and, should you have further questions or require additional information, please contact me immediately.

Attachment: Batterman Contract Amendment Request (RESOLUTION 3977 : Batterman Contract Amendment)

We appreciate the opportunity to offer this proposal for professional services for your consideration and look forward to working with you on the development of this project. Kindly sign a copy of this proposal and return it to our office as soon as possible, so the project may continue.

Very truly yours,

R.H. BATTERMAN & CO., INC.
Engineers – Surveyors - Planners



Todd Needham, P.E.
Principal

ACCEPTED:

City of Mequon

By: _____

Title: _____

Date: _____

Attachment: Batterman Contract Amendment Request (RESOLUTION 3977 : Batterman Contract Amendment)



11333 N. Cedarburg Road
 Mequon, WI 53092
 Phone: 262-242-2530
 Fax: 262-242-5042

www.ci.mequon.wi.us

Office of Fire/Ambulance

TO: Common Council
FROM: David Bialk, Fire Chief
DATE: September 6, 2022
**SUBJECT: RESOLUTION 3978 A Resolution Approving Amendments to the City's
 FY2022 Fee Schedule, in Connection with Ambulance and Emergency
 Medical Transport Fees**

Background

The Finance-Personnel Committee last took up the matter of reviewing the City's EMS Fee schedule at its meeting on May 12, 2020. At that meeting the Committee approved EMS billing rate adjustments, as recommended by the City's EMS billing vendor. With the formation of the Southern Ozaukee Fire and Emergency Medical Services Department (SOFD) well under way, the oversight board and the management of the Mequon & Thiensville Fire Departments have engaged the EMS billing vendor, LifeQuest Services, to provide a current (2022) EMS billing rate analysis for the newly merged SOFD. As a result of this rate analysis project, the Village of Thiensville has both switched EMS billing vendors to LifeQuest and proactively adopted the LifeQuest suggested 2022 EMS billing rates. The LifeQuest suggested 2022 EMS rates will become effective October 1, 2022, for Thiensville residents.

The SOFD draft budget for 2023 in its current form relies significantly on non-tax revenue generated through EMS billing, fire related fees and inspections to support the new organization. The SOFD draft budget was crafted utilizing the LifeQuest suggested 2022 EMS billing rates as the basis for future revenue calculations.

Analysis

The current 2020 level EMS fee schedule and the proposed 2022 level EMS fee schedule are attached to this memo for reference. Adoption of the proposed 2022 EMS rates will place Mequon onto the centerline of current industry rates with respect to other regional departments. As a result of the SOFD merger, both Mequon and Thiensville will have the same EMS billing schedule, rates and EMS billing vendor. Adopting the 2022 EMS rates as proposed and implementing the new rates as of October 1, 2022, will be a significant step in preparing the SOFD for a smooth launch on January 1, 2023.

Below is a review of points for the Committee's consideration:

- The existing 2020 fee schedule is below industry averages for similar organizations.
- The fees billed, and the fees recovered are significantly different depending on the payer.
- Private insurance generally reimburses at a higher rate than government-sponsored programs (e.g., Medicare).

- There is a defined forgiveness & payment program for those with no insurance or self-pay.
- Payment for no transport is a common practice for both private and municipal EMS departments.
- There are no recommended adjustments in motor vehicle crash service fees.
- Adopting EMS billing rates at 2022 levels will create uniform rates for all served by the SOFD.

Fiscal Impact

As indicated, it is anticipated that the proposed billing rate adjustments will provide the revenue necessary to fund and staff the newly constituted Southern Ozaukee Fire & EMS Department, under a newly established budget commencing on January 1, 2023. Additionally, implementing the proposed 2022 EMS rates in October of 2022 will ease the 3-to-6-month lag in EMS revenue recovery from the time-of-service delivery until the receipt of final payment on accounts, thereby ensuring that SOFD's EMS revenue targets for 2023 are achievable.

Recommendation

A recommendation is forthcoming from the Finance-Personnel Committee on September 13, 2022.

Attachments:

SOFD 2022 EMS Rate Survey by LifeQuest (PDF)

COMMON COUNCIL
OF THE
CITY OF MEQUON

RESOLUTION 3978

A Resolution Approving Amendments to the City's FY2022 Fee Schedule, in Connection with
Ambulance and Emergency Medical Transport Fees

A. The City fee schedule is reviewed and recommended for implementation by the Finance-Personnel Committee on an annual basis.

B. The City fee schedule includes ambulance fees for transporting patients, and the evaluation of non-transported patients. The methodology used to determine the fees is consistent with industry standards as recommended by the Fire Department's billing company, to recover costs associated with providing the service.

C. City staff has reviewed the schedule and updated various fees and recommends the attached fee schedule for implementation during the remainder of 2022 and carry into 2023 for the Southern Ozaukee Fire and Emergency Medical Services Department.

BASED ON THE FOREGOING RECITALS, IT IS RESOLVED, by the Common Council of the City of Mequon, Wisconsin, that the attached 2022 Ambulance Rate Survey hereby stated, and as recommended by the Finance-Personnel Committee, be authorized and incorporated into the City of Mequon's FY2022 Fee Schedule for use as of October 1, 2022, until further amended.

Approved by: Andrew Nerbun, Mayor

Date Approved: September 13, 2022

I certify that the foregoing Resolution was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on September 13, 2022.

Caroline Fochs, City Clerk

Southern Ozaukee Fire and Emergency Medical Services Department 2022 Rate Survey

Service	City of Brookfield Fire Department	City of Jefferson Fire Department	City of Johnson Creek Fire Department	Hartland Fire Department	City of Waukesha Fire Department	City of Mequon Fire Department	Village of Thiensville Fire Department	Average	Recommended Rate
Description									
BLS - Resident	\$ 1,000	\$1,400	\$ 950	\$ 850	\$ 2,000	\$ 750	\$ 649	\$ 1,086	\$ 1,000
BLS - Non Resident	\$ 1,200	\$1,400	\$ 1,050	\$ 950	\$ 2,000	\$ 875	\$ 708	\$ 1,169	\$ 1,100
ALS - Resident	\$ 1,350	\$1,700	\$ 1,200	\$ 1,200	\$ 2,100	\$ 950	\$ 779	\$ 1,326	\$ 1,300
ALS - Non Resident	\$ 1,550	\$1,700	\$ 1,300	\$ 1,300	\$ 2,100	\$ 1,075	\$ 885	\$ 1,416	\$ 1,400
ALS2 - Resident	\$ 1,350	\$1,800	\$ 1,800	\$ 1,600	\$ 2,300	\$ 1,500	\$ 915	\$ 1,609	\$ 1,600
ALS2 - Non Resident	\$ 1,550	\$1,800	\$ 1,900	\$ 1,700	\$ 2,300	\$ 1,600	\$ 1,033	\$ 1,698	\$ 1,700
SCT - Resident	NA	\$2,100	NA	NA	NA	\$ 1,700	NA	\$ 1,900	\$ 1,900
SCT - Non Resident	NA	\$2,100	NA	NA	NA	\$ 1,800	NA	\$ 1,950	\$ 2,000
BLS On Scene Care - Resident	\$ 425	\$560	\$ 300	\$ 300	\$ 300	\$ 200	\$ 148	\$ 319	\$ 325
BLS On Scene Care - Non Resident	\$ 425	\$560	\$ 400	\$ 400	\$ 300	\$ 275	\$ 148	\$ 358	\$ 350
ALS On Scene Care - Resident	\$ 550	\$1,100	\$ 825	\$ 800	\$ 300	\$ 450	\$ 148	\$ 596	\$ 600
ALS On Scene Care - Non Resident	\$ 625	\$1,100	\$ 975	\$ 900	\$ 300	\$ 550	\$ 207	\$ 665	\$ 700
Mileage - Resident	\$ 25	\$27	\$ 20	\$ 20	\$ 25	\$ 20	\$ 21	\$ 23	\$ 23
Mileage - Non Resident	\$ 25	\$27	\$ 20	\$ 22	\$ 25	\$ 20	\$ 21	\$ 23	\$ 24

NC = Service does not have this charge

Recommendations include bundled prices



Authorization of Recommended Rates / Date

Printed Name / Title



11333 N. Cedarburg Road
 Mequon, WI 53092
 Phone: 262-236-2913
 Fax: 262-242-9655

www.ci.mequon.wi.us

Office of Public Works

TO: Common Council
FROM: Tim Weyker, Deputy Director of Public Works
DATE: September 13, 2022
SUBJECT: RESOLUTION 3979 A Resolution Authorizing the Purchase of Road Signs in the Amount of \$35,000 from the Right-of-Way Assets Capital Account to Replace Signage Along Streets Included in the City's Annual Road Program from 2015-2018

Background

The Department of Public Works Highway Division maintains the City's road signs (both regulatory signs and street name signs) for approximately 215 miles of city streets through its work supplies - signs & striping operating account currently budgeted at \$40,000 annually, of which \$12,700 is allocated for replacing signs. The remainder of the account is allocated for striping (road centerline & fog line painting) supplies. The operating account allocation would allow for a replacement cycle of approximately 25-30 years if replacement was required only due to aging. Based on industry standards, the expected service life of a road sign is 15 to 30 years depending on the environment. Recently, the trend of signs being vandalized and/or stolen has increased, and the cost of roads signs has gone up, meaning the funding for this account cannot keep up with the sign replacement needs. In addition, many of the City's street name signs do not meet current standards of the Manual on Uniform Traffic Control Devices (MUTCD) for format, and many regulatory signs do not meet the MUTCD reflectivity requirements.

In 2019, in recognition of the above, the City started replacing all signs associated with road projects in the Annual Road Program. The signs replaced in conjunction with the Annual Road Program have been paid for from the Right-of-Way Assets Capital Account. This policy shift has helped the City to address this backlog, but only on roads that have been re-paved since 2019.

On average, over the last four years, the Annual Road Program addressed 15.4 miles of roadwork, or 3.8 miles per year, and replacement signs for these projects have cost an average of \$5,300 per year. This equates to \$1,375 per mile to replace the signs on these projects.

Analysis

To further "catch up" with sign replacement, staff is recommending purchasing signs, signposts, and related hardware to retroactively replace signs for the prior four years' worth of Annual Road Program projects that were completed in the years 2015 through 2018. In these four years, the Annual Road Program addressed 25.5 miles of roads. Using the above calculation per mile sign costs, completing sign replacements for the roadwork done between 2015 and 2018 is estimated to be approximately \$35,000. Signs that have been previously replaced on these roadways and are good condition will be left in place or reused on other roads. Please see the attached map for the roads slated for sign replacement associated with this effort.

Fiscal Impact

On February 8, 2022, the Common Council approved a \$5 million bond issuance for a 3-year borrowing for the Annual Road and Parking Lot Program between 2022 and 2024. There is adequate funding in the Right-of-Way Assets capital account (410780-720017-10001) for the purchase of road signs and related hardware to complete this project.

Recommendation

It is staff's recommendation that the Public Works Committee favorably endorse, and the Common Council approve the attached resolution authorizing the purchase of \$35,000 worth of road signs and associated posts and hardware from the Right-of-Way Assets Capital Account with the intent to replace all of the road signs and street name signs for the road projects completed between 2015 and 2018.

Attachments:

2015_2018 Map (PDF)

COMMON COUNCIL
OF THE
CITY OF MEQUON

RESOLUTION 3979

A Resolution Authorizing the Purchase of Road Signs in the Amount of \$35,000 from the Right-of-Way Assets Capital Account to Replace Signage Along Streets Included in the City's Annual Road Program from 2015-2018

RECITALS

A. The Department of Public Works has the responsibility of replacing all road signs on all City streets to comply with the Manual on Uniform Traffic Control Devices (MUTCD) standards, including the proper format of street name signs, and reflectivity of regulatory signs.

B. Funding levels have not been adequate to replace the signs effectively within the current annual operating account due to such factors as the rising costs of traffic signs, increased incidents of vandalized and damaged or stolen signs, and a growing City road network.

C. The City policy since 2019 has been to replace signs on roads associated with the Annual Road Program and fund those sign replacements through the Right-of-Way Assets Capital Account.

D. Staff has proposed purchasing and replacing aging road signs on those streets that were completed in the Annual Road Program between 2015 and 2018 to bring more City road signs in compliance with the MUTCD at an estimated cost of \$35,000.

E. Adequate funds are available for the recommended road sign replacement in the Right-of-Way Assets account (41780-720017-10001).

F. The Committee on Public Works, at its meeting on September 13, 2022, approved staff's recommendation.

BASED UPON THE FOREGOING RECITALS IT IS RESOLVED by the Common Council of the City of Mequon, Wisconsin, that Staff is authorized to purchase replacement road signs in the amount of \$35,000 utilizing the Right-of-Way Assets account (41780-720017-10001) to replace signs on City roads associated with the Annual Road Program between the years 2015 to 2018.

Approved by: Andrew Nerbun, Mayor

Date Approved: September 13, 2022

I certify that the foregoing Resolution was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on September 13, 2022.

Caroline Fochs, City Clerk



11333 N. Cedarburg Road 60W
Mequon, Wisconsin 53092
(262) 242-3100

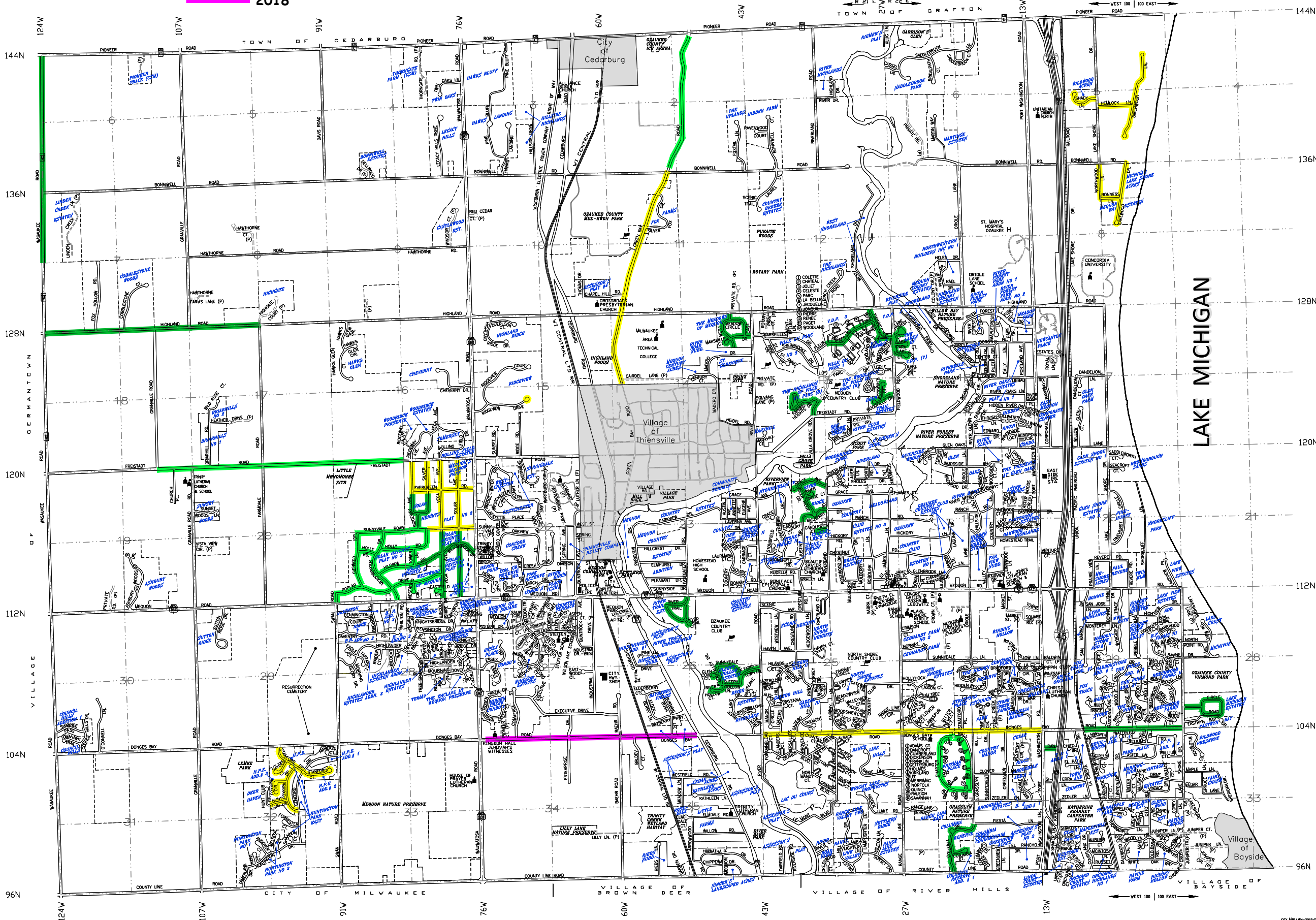
- 2015
- 2016
- 2017
- 2018

CITY OF MEQUON



0 600 1200 2400 5280 Feet
0 1/8 1/4 1/2 1 Mile

- H HOSPITAL
- S SCHOOL
- C CHURCH
- SY SYNGAGUE
- G GOLF COURSE
- CP PRIVATE ROAD
- INTERSTATE HIGHWAY
- STATE TRUNK HIGHWAY
- COUNTY TRUNK HIGHWAY
- MEQUON CITY HALL
- LATITUDE 42° 13' 24" N
- LONGITUDE 87° 59' 03" W



Attachment: 2015_2018 Map (RESOLUTION 3979 : Purchase of Road Signs from Right-of-Way Assets Capital Account)



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

www.ci.mequon.wi.us

Office of Sewer Utility District Commission

TO: Common Council
FROM: Kevin Driscoll, Deputy Director of Utilities
DATE: September 13, 2022
SUBJECT: RESOLUTION 3980 A Resolution Approving an Amendment to a Funding Agreement Between the City of Mequon and the Milwaukee Metropolitan Sewerage District, Increasing the Amount by \$726,343 for Sewer Lateral Work to Reduce Infiltration and Inflow from Private Property Sources

Background

The City of Mequon has the ability for the Milwaukee Metropolitan Sewerage District (MMSD) to reimburse eligible expenses that reduce infiltration and inflow from entering sanitary sewer building laterals. On August 26, 2021, the City of Mequon established a Funding Agreement in the amount of \$888,000 with the Milwaukee Metropolitan Sewerage District (MMSD) to implement sewer lateral work that reduces infiltration and inflow into building sewer laterals (see Exhibit A). This work includes consultant design and bid document preparation for (1) rehabilitation and grouting from mains, (2) locating laterals, (3) installation of external clean-outs, (4) rehabilitation and grouting from external clean-outs. Full-time inspection services are also required per the funding agreement.

The City has made progress and completed various stages of this work. The first three design contracts are completed. The contract to rehabilitate laterals from sewer mains was awarded to Visu-Sewer (#3566-22-G1) and is scheduled to begin once Visu Sewer's contract work on the mains is completed this fall (#2598-21). The contract to (sonde) locate laterals was completed by Northern Pipe this summer (#3566-22-S). To date, the Sewer Utility District Commission has awarded \$483,683.41, and is within the amount contained in the original funding agreement budget.

Additional contracts to install clean-outs on laterals by MJ Construction (#3566-22-C), and the contract to rehabilitate laterals from clean-outs are also anticipated for this fall (#3566-22-G2). For a summary of the contracts and fees, please see Exhibit B.

Analysis

MMSD has identified an additional \$726,343 that is available to the City of Mequon for eligible expenses (see Exhibit C). In 2022, the Mequon allocation from MMSD was \$229,351 and has not yet been assigned to a workplan or funding agreement (see Exhibit B). Eligible expenses include work outlined in the policy and current funding agreement. The next MMSD meeting to approve this allocation in the amount of \$726,343 as a change order to the original funding agreement is October 24, 2022.

Without an amendment to the funding agreement with MMSD, the City of Mequon Sewer Utility

District would be responsible for expenses not included in that funding agreement.

Fiscal Impact

The allocation of \$726,343 in addition to the funding agreement of \$888,000 results in a total allocation of \$1,616,343. This allocated amount ensures a fund balance available for the contract award to MJ Construction to complete contract work (#3566-22-C) that includes the installation of 117 clean-outs in the Riverdale Park Lift Station “F” Area in the amount of \$755,060. At this time, this does not include funding for the installations of 33 additional clean-outs in the Riverland Drive Lift Station “H” Area for an additional amount of \$300,815.

Recommendation

Staff recommends that the Sewer Utility District approve an amendment to the Funding Agreement with the Milwaukee Metropolitan Sewerage District to increase the amount by \$726,343, and to complete the associated sewer lateral work under a separate contract that is also recommended for approval on September 13, 2022.

Attachments:

Exhibit A - Funding Agreement (M10005-ME01) (PDF)

Exhibit B - Summary of Current Project Expenses (PDF)

Exhibit B1 - Summary of Projected Expenses (PDF)

Exhibit C - 2022 Statement of Intent (M10004) (PDF)

Exhibit D - Amendment (PDF)

COMMON COUNCIL
OF THE
CITY OF MEQUON

RESOLUTION 3980

A Resolution Approving an Amendment to a Funding Agreement Between the City of Mequon and the Milwaukee Metropolitan Sewerage District, Increasing the Amount by \$726,343 for Sewer Lateral Work to Reduce Infiltration and Inflow from Private Property Sources

RECITALS

A. The City of Mequon has the ability for the Milwaukee Metropolitan Sewerage District (MMSD) to reimburse eligible expenses that reduce infiltration and inflow from entering sanitary sewer building laterals.

B. On August 26, 2021, the City of Mequon established a Funding Agreement in the amount of \$888,000 with the Milwaukee Metropolitan Sewerage District (MMSD) to implement sewer lateral work that reduces infiltration and inflow into building sewer laterals in the Riverland Drive Lift Station “H” and Riverdale Park Lift Station “F” Areas.

C. A number of sewer projects were identified as part of the 2022 Sanitary Sewer Budget adopted by the Common Council.

D. On February 4, 2022, MMSD notified Mequon staff that \$726,343 is available for allocation for eligible expenses based on the MMSD Policy for Private Property Inflow and Infiltration reduction.

E. On September 1, 2022, the City of Mequon Department of Public Works Engineering Division staff received and reviewed various bids from qualified contractors to install clean-outs on laterals in the Riverdale Park Lift Station “F” and Riverland Drive Lift Station “H” Areas, however these bids and the projected expenses exceed the funding agreement.

F. Staff recommends that the City’s funding agreement with MMSD be amended by \$726,343, in order to complete necessary lateral rehabilitation work in the Riverdale Park Lift Station “F” Area.

G. The Sewer PPI/I Account 611669-740006 is a reimbursable account with a sufficient balance to fund this work.

H. The Sanitary Utility District Commission at its meeting on Sept 13, 2022, endorsed staff’s recommendation.

BASED UPON THE FOREGOING RECITALS, IT IS RESOLVED by the Common Council of the City of Mequon, Wisconsin that:

1. The attached amendment to the original Funding Agreement between the City of Mequon and the Milwaukee Metropolitan Sewerage District (MMSD) allocating \$726,343 to the

City for the completion of additional necessary lateral rehabilitation work in the Riverdale Park Lift Station “F” Area is approved, subject to any clerical, technical and/or legal changes deemed necessary and appropriate by the City Attorney.

2. The Mayor and the City Clerk are authorized and directed to execute and deliver the same.

Approved by: Andrew Nerbun, Mayor

Date Approved: September 13, 2022

I certify that the foregoing Resolution was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on September 13, 2022.

Caroline Fochs, City Clerk

Funding Agreement M10005ME01**Private Property Infiltration and Inflow Reduction Agreement**

This Agreement is made between the Milwaukee Metropolitan Sewerage District (District) with its principal place of business at 260 West Seeboth Street, Milwaukee, Wisconsin 53204-1446 and the City of Mequon (Municipality), with its municipal offices at 11333 N. Cedarburg Road, Mequon, Wisconsin 53092-1930.

WHEREAS, Wisconsin law, through Section 66.0301 Stats., authorizes any municipality to enter into an intergovernmental cooperation agreement with another municipality for the furnishing of services; and

WHEREAS, the District is responsible for collecting and treating wastewater from the Municipality's locally owned collection system; and

WHEREAS, the Municipality's sewers collect wastewater from lateral sewers located on private property and owned by private property owners; and

WHEREAS, during wet weather events stormwater enters lateral sewers through defective pipes and leaky joints and connections ("infiltration") and stormwater also enters lateral sewers from foundation drains, improper connections and other sources ("inflow"); and

WHEREAS, infiltration and inflow increase the amount of wastewater that the District must collect and treat; and

WHEREAS, during wet weather events infiltration and inflow ("I/I") into privately owned sewers contributes to the risk of sewer overflows; and

WHEREAS, the District has established the Private Property Infiltration and Inflow Reduction Program (Program) to provide guidelines, requirements, and a funding structure for municipalities to complete I/I reduction work on private property through the District Private Property Infiltration and Inflow Policy (Policy); and

WHEREAS, the Municipality wishes to participate in the Program;

NOW, THEREFORE, in consideration of the mutual promises made by the parties to this Agreement, the parties agree as follows:

1. Term of Agreement

This Agreement becomes effective immediately upon signature by both parties and shall remain in effect until the earliest of (1) the Municipality receiving final payment from the District, (2) March 31, 2023, or (3) termination of this Agreement as otherwise set forth herein.

2. District Funding

The District shall reimburse the Municipality in an amount not to exceed \$888,000 for approved private property I/I costs incurred through the work described in Attachment A ("the Work"). Provided the Municipality is in compliance with the terms of this Agreement, the District funding shall be provided on a reimbursement basis in accordance with Section 8 below. No reimbursement will be made for costs incurred prior to the effective date of this Agreement or for costs that are not supported by documentation as outlined by this Agreement.

3. Program Publicity and Outreach Requirements

- a. The Municipality shall identify the District as a funder in informational literature and signage relating to the Work. Samples of all public involvement/public education documents shall be provided to the District for review prior to being distributed to the public.
- b. A minimum of a one (1) week notice of any public meetings shall be provided to the District. In the event the District is unable to attend and participate, detailed meeting minutes shall be provided within five (5) days of the meeting.

4. Selection of Professional Service Providers by Municipality

The selection of professional service providers to perform Work funded by this Agreement shall be in accordance with the Municipality's ordinances and policies.

5. Selection of Non-Professional Service Providers by Municipality

Pursuant to a public Request for Qualifications process, the District has developed an Approved Contractors List, organized by work type to ensure all Work funded by the District maintains specific quality standards. Those Approved Contractors and their suppliers can submit products they intend to utilize for inclusion in the District's Approved Products List. The appropriate subset of the Approved Contractor List and the Approved Products List shall be utilized as part of Municipality's bidding process for contracts to perform Work funded by this Agreement.

In addition to the above, all non-professional service providers to perform Work funded by this Agreement shall be procured in accordance with both State of Wisconsin statutes and regulations and the Municipality's ordinances and policies. Whenever Work valued over \$25,000 is procured without the use of a public sealed bidding process, the District may request, and the Municipality must provide an opinion from a licensed attorney representing the Municipality stating that the procurement is in compliance with State of Wisconsin law and Municipal ordinances.

In addition:

- a. The Municipality shall provide the District with the opportunity to review and comment on the complete set of bidding documents prior to solicitation of bids, quotes or proposals as set forth in Attachment B;
- b. Municipality shall provide the District with all bids and proposals for review prior to the award of the contract, as set forth in Attachment B. The District reserves the right to revoke funding based on project award to contractors who are not on the District's list of Authorized Contractors.

6. Non-professional Service Contract Terms and Conditions

The Municipality agrees to include Attachment C in all non-professional service contracts relating the Work. Failure to include Attachment C in the non-professional service contracts will constitute a material breach of this Agreement.

7. Contractor Pay Applications

Prior to the Municipality paying contractors for Work funded by this Agreement, the District shall be provided an opportunity to review and endorse the contractor pay applications. The Municipality shall submit contractor pay applications for review through a Comment Form in the District's online application, eBuilder. Contractor pay applications that include a scope of work not funded by this Agreement shall have District reimbursable expenses clearly segregated and itemized. All contractor pay applications shall include supporting documentation certifying that the Municipality has received and reviewed a proportionate amount of contract deliverables for which the Contractor is responsible.

The District shall review pay applications within seven (7) calendar days of submission. If the Municipality does not receive a response from the District within seven (7) calendar days, the application shall be considered approved.

8. Procedure for Reimbursement

The Municipality shall submit reimbursement requests to the District a minimum of three (3) times throughout this Agreement.

Each reimbursement request shall include:

An invoice from the Municipality clearly stating the requested reimbursement amount;

All consultant invoices, approved contractor pay applications, and other expense invoices;

All time and pay documentation for Municipality's internal staff time that is being requested for reimbursement;

All deliverables listed in Attachment B, proportionate and applicable to the Work completed as related to the request.

Invoices from consultants shall provide the hourly billing rates, the hours worked by individuals, and a summary of the tasks completed.

Reimbursement requests should be submitted within a reasonable period of time of the costs being incurred. The initial reimbursement request shall be submitted prior to thirty percent (30%) of Work being completed. The second reimbursement request shall be submitted upon sixty percent (60%) of Work being completed. The final reimbursement request shall be submitted upon completion of all Work. All reimbursement requests must be received prior to expiration of this Agreement.

Reimbursement requests, the supporting documentation of costs shall be submitted through eBuilder. The corresponding deliverables shall be submitted as set forth in Attachment B. Questions should be directed to the District Senior Project Manager (SPM):

Jerome Flogel, P.E
Senior Project Manager
Milwaukee Metropolitan Sewerage District
260 West Seeboth Street
Milwaukee, WI 53204 – 1446

Final payment will not be provided until the Work is complete and all deliverables set forth in Attachment B have been received.

9. Changes in Work and Modifications to the Agreement

Any proposed changes to the Work must be submitted to the District, in writing, in advance of the Work being completed. The District will not reimburse for Work that is not included in Attachment A (including all professional services and non-professional services contracts procured through the Work outlined in Attachment A) unless prior written approval has been requested from the District and approval has been obtained through the eBuilder change process.

This Agreement may be modified only in writing signed by both parties or through the eBuilder change process.

10. Responsibility for Work

The Municipality is responsible for overseeing construction and shall provide full time construction inspection for all Work. Each inspector shall be experienced, qualified, and certified for the scope of the Work.

11. Post-Construction Verification

The Municipality and its contractor(s), if applicable, shall report to the District any problems that arise with or related to the completed Work, whether discovered through inspection or through complaints from homeowners, for a period of ten (10) years following substantial completion. The Municipality shall also report any actions taken to investigate the complaint, and if within the warranty period, to resolve the issue.

The Municipality shall be responsible for reporting post-workflow monitoring data and or other data related to identified measures of success for at least five (5) years post-work completion or as long as data is available, whichever period is longer.

All warranty inspection costs incurred by the District due to Municipality's failure to enforce the warranty inspection requirement in its construction contract(s) shall either be: (1) deducted from Municipality's Program account; or (2) invoiced to Municipality.

The terms of this Section 11 shall survive termination of this Agreement.

12. Permits, Certificates and Licenses

The Municipality is solely responsible for ensuring compliance with all federal, state and local laws requiring permits, certificates and licenses required to implement the Work.

13. Insurance

The District shall not provide any insurance coverage of any kind for the Work or for the Municipality. Municipality shall ensure that each contractor and subcontractor have adequate insurance to perform the Work and names the Municipality as an additional insured on its Commercial General Liability Insurance policies.

14. Terminating the Agreement

The District may terminate this Agreement at any time prior to commencement of the Work. After the Work has commenced, the District may terminate the Agreement only for good cause, such as, but not limited to, breach of agreement by the Municipality. The Municipality may terminate the Agreement at any time but will not receive any payment from the District if the Work is not completed.

15. Exclusive Agreement

This is the entire Agreement between the Municipality and the District regarding reimbursement for Work.

16. Severability

If any part of this Agreement is held unenforceable, the rest of the Agreement will continue in effect.

17. Applicable Law

This Agreement is governed by the laws of the State of Wisconsin.

18. Resolving Disputes

If a dispute arises under this Agreement, the parties agree to first try to resolve the dispute with the help of a mutually agreed-upon mediator in Milwaukee County. Any costs and fees other than attorney fees associated with the mediation shall be shared equally by the parties. If the dispute is not resolved within thirty (30) days after it is referred to the mediator, either party may take the matter to court.

19. Notices

Unless otherwise set forth herein, all notices and other communications in connection with this Agreement shall be in writing and shall be considered given as follows:

- when delivered personally to the recipient's address as stated on this Agreement; or
- three (3) days after being deposited in the United States mail, with postage prepaid to the recipient's address as stated on this Agreement.

20. No Partnership

This Agreement does not create a partnership relationship nor give the Municipality the apparent authority to make promises binding upon the District. The Municipality does not have authority to enter into contracts on the District's behalf.

21. Assignment

The Municipality may not assign any rights or obligations under this Agreement without the District's prior written approval.

22. Public Records

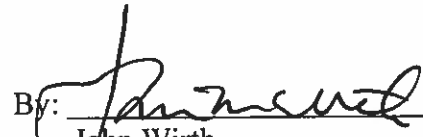
The Municipality agrees to cooperate and assist the District in the production of any records in the possession of the Municipality that are subject to disclosure by the District pursuant to the State of Wisconsin's Open Records Law, §§19.31-19.39, Wis. Stats. The Municipality agrees to indemnify the District against any and all claims, demands, and causes of action resulting from the Municipality's failure to comply with this requirement.

**MILWAUKEE METROPOLITAN
SEWERAGE DISTRICT**

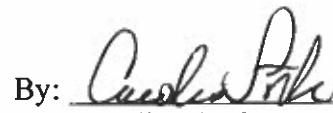
By: 
Kevin L. Shafer, P.E.
Executive Director

Date: 8/26/21

CITY/VILLAGE OF MUNICIPALITY

By: 
John Wirth
Mayor

Date: _____

By: 
Caroline Fochs
City Clerk

Date: 8.23.21

Approved as to form:


Attorney for the District

Approved as to form:

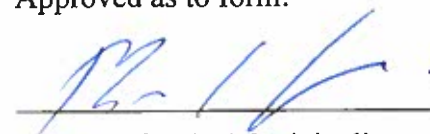

Attorney for the Municipality

Exhibit B - Summary of Current Expenses

Contract	Description	Company	Budget	Approved	Spent	Remaining
3566-22-D	Design/Project Manuals	raSmith	\$74,000.00	\$65,000.00	\$53,484.50	\$20,515.50
3566-22-S	Sonde 177 Laterals	Northern	\$108,273.41	\$108,273.41	\$81,384.60	\$26,888.81
3566-22-I (S)	Inspection #S	Bloom	\$21,500.00	\$21,500.00	\$19,189.51	\$2,310.49
3566-22-G1	Grout from Main (99)	Visu	\$279,910.00	\$279,910.00	\$0.00	\$279,910.00
3566-22-I(G1)	Inspection #G1					
3566-22-C	Install (117) Clean-outs					
3566-22-I(C)	Inspection #C					
3566-22-G2	Grout from (225) Clean-outs					
3566-22-I(G2)	Inspection #G2					
		Totals	\$483,683.41	\$474,683.41	\$154,058.61	\$329,624.80

Note: \$9,000 change order to increase scope from preparing 3 contracts to 4 contracts

Funding Agreement	\$888,000.00
FA Amendment	\$65,000.00
FA Budget	\$953,000.00
2022 Rollover	\$726,343.00

2022 SOI	\$1,252,850.00
2022 Allocation	\$229,351.00
Pending Work Plan	\$755,858.00
Available	\$726,343.00

My \$ rolled over from previous years:

My 2022 MMSD M-program \$ allocation is:

My \$ in pending work plans:

My total \$ available for new work plans:

\$	1,252,850	\$ Expire December 31, 2022
\$	229,351	\$ Expire December 31, 2023
\$	755,858	
\$	726,343	

Exhibit B1 - Summary of Projected Expenses

Contract#	Description	Company	Budget	Approved	Spent	Remaining	Adjustment	Balance
3566-22-D	Design/Project Manuals	raSmith	\$74,000.00	\$65,000.00	\$53,484.50	\$20,515.50		\$20,515.50
3566-22-S	Sonde Laterals (177)	Northern	\$108,273.41	\$108,273.41	\$81,384.60	\$26,888.81	-\$26,888.81	\$0.00
3566-22-I (S)	Inspection #S	Bloom	\$21,500.00	\$21,500.00	\$19,189.51	\$2,310.49	-\$2,310.49	\$0.00
3566-22-G1	Grout from Main (99)	Visu	\$279,910.00	\$279,910.00	\$0.00	\$279,910.00		\$279,910.00
3566-22-I(G1)	Inspection #G1	raSmith	\$15,000.00			\$15,000.00		\$15,000.00
3566-22-C	Install Clean-outs (117)	MJ	\$755,060.00			\$755,060.00		\$755,060.00
3566-22-I(C)	Inspection #C		\$15,000.00			\$15,000.00	\$2,310.49	\$17,310.49
3566-22-G2	Grout from Clean-outs (151)		\$330,600.00			\$330,600.00	\$26,888.81	\$357,488.81
3566-22-I(G2)	Inspection #G2		\$15,000.00			\$15,000.00		\$15,000.00
		Est.	\$1,614,343.41	\$474,683.41	\$154,058.61	\$1,445,284.80	\$0.00	\$1,445,284.80

Note: \$9,000 change order to increase scope from preparing 3 contracts to 4 contracts

\$6,453.50

\$2,189.40

Difference	-	\$0.41
Funding Agreement	\$888,000.00	FA# M10005-ME01 (LS H & F Areas)
FA Amendment	\$65,000.00	
FA Budget	\$953,000.00	
2022 Rollover	\$726,343.00	
2022 Proposed Budget Revision	\$1,614,343.00	

2022 SOI	\$1,252,850.00
2022 Allocation	\$229,351.00
Pending Work Plan	\$755,858.00
Available	\$726,343.00

My \$ rolled over from previous years:

My 2022 MMSD M-program \$ allocation is:

My \$ in pending work plans:

My total \$ available for new work plans:

\$	1,252,850	\$ Expire December 31, 2022
\$	229,351	\$ Expire December 31, 2023
\$	755,858	
\$	726,343	



Exhibit C

2022 PPII Municipality Statement of Intent

Per Statement of Policy, please complete this form by **June 1, 2022**.

Directions: Green boxes are data entry. All other values are calculated for you.

1

My Municipality

My PPII Project Manager Is:

PM email:

PM phone number:

198

Mequon

Jerome Fogel

jflogel@mmsd.com

(414) 225-2161

< Enter your 3 digit code from the
SOI email here

My \$ rolled over from previous years:

\$ 1,252,850

\$ Expire December 31, 2022

My 2022 MMSD M-program \$ allocation is:

\$ 229,351

\$ Expire December 31, 2023

My \$ in pending work plans:

\$ 755,858

My total \$ available for new work plans:**\$ 726,343**

2

Do you have any of the following (Yes or No)?

Yes

<Select from the drop down menu

- Metersheds NOT compliant with District Chapter 3 rules
- Administrative compliance orders from any regulatory agency such as the WDNR or the USEPA
- Sub-metersheds or local collection system legs that have wet-weather flows that create system operational challenges or have negative impacts to property owners
- Recurring sanitary sewer overflows or systemic basement backups
- Local sewers or pump stations that surcharge or require by-passing during wet weather
- Private properties with foundation drains that discharge to the sanitary sewer system
- Within reasonable methods of identification, private properties with substantial contributions of clear water to the sanitary system due to deterioration and/or inflow either individually or collectively
- Within reasonable methods of identification, any illegal connections of clear water flow to the sanitary system that have not been identified and remediated

You have the following choices for all or part of your available \$:

a.	Rollover to next year
b.	Commit to new work plans this year
c.	
d.	

If you answered yes to question #2 and you would like to request a transfer or decline option, you may submit a request to the Executive Director

Proceed to page 2

3 My municipality chooses to delegate our available PPII \$ as follows:

		Maximum \$	
a.	Rollover to next year:	\$ 226,343	\$ -
b.	Commit to new work plans for this year:	\$ 500,000	\$ -
c.		\$ -	\$ -
d.			
		\$ -	\$ -
		\$ -	\$ -
If you answered yes to question #2 and you would like to request a transfer or decline option, you may submit a request to the Executive Director			

Based on your responses, your municipality
will be surrendering this \$ value: \$ (0)

This value cannot be negative. You have delegated more \$ than you have available. Please check your math above or contact your PM.

☐ I confirm that we are surrendering the \$ value above

4 While not required to submit a work plan at this time, we intend to submit work plans for the following prior to October 1 of this year:

Planning and/or Design	☐
Investigation	☐
Construction	☒
Post Construction Evaluation	☒

5 What types of preparation work do you have completed or plan to have completed before the work plan(s) are submitted?

Metering or other quantitative data	☒
Public Outreach/Communication	☒
Right-of-Entry Agreements	☒
Planning and/or Design	☒
Investigation	☒

Completed by:

Date:

Kevin Driscoll

April 28, 2022

Kevin Driscoll

From: Flogel, Jerome <JFlogel@mmsd.com>
Sent: Friday, February 4, 2022 12:54 PM
To: Kevin Driscoll
Subject: 2022 PPII-M SOI Instructions and Balances

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Good morning Mr. Driscoll,

You should have received a previous email with the 2022 Statement of Intent (SOI) form attached in Excel format for the MMSD PPII Program. The completed form must be returned to the District by June 1, 2022. The form is a dynamic fillable form with interactive content depending on your answers. The instructions for filling out the form are as follows:

Open the Excel form on your desktop Excel application. The form will not work on the cloud app.

Question #1: Your unique three-digit code is **198**. Enter this code in Question #1.

- Your information should have automatically populated including your PPII-M \$ balances.
- For reference, your balances are as follows (rounded whole numbers):
 - \$ Rolled over from previous years = \$1,252,850
 - 2022 Allocation to Mequon = \$229,351
 - Mequon currently has pending work plans = \$755,858
 - Your total available for new work plans is \$726,343 (\$ rolled over + 2022 allocation – pending work plans)

Question #2: From the drop-down menu, choose “yes”, “no”, or “I am not sure” in response to questions a. through h. regarding wet-weather related issues.

- Your options for distributing your available \$ will be listed at the bottom of Page 1.
- **Proceed** to Page 2.

Question #3: Your options for distributing your available \$ are again listed with green fields to enter your values. The Max. \$ for each option are also provided and will adjust as you enter data.

- Any \$ unaccounted for will be shown as “Surrendered” with instructions on how to proceed if your intent is to Surrender \$ OR if this is NOT your intent.
- **If** you have entered \$ in 3.b indicating that you plan to submit a new work plan(s), Questions #4 and #5 will pop-up asking you for any background information that you may have.

Enter your name and date at the bottom of Page 2.

Submit the form to the District prior to June 1, 2022 preferably in pdf format.

Thank you!! for continued partnership with District’s PPII program. If you have any questions or need assistance, please contact your District project manager.



Exhibit D

11333 N. Cedarburg Road
Mequon, WI 53092
Phone: 262-236-2913
Fax: 262-242-9655

www.ci.mequon.wi.us

Office of Sewer Utility District Commission

Amendment to Funding Agreement

Project: Rehabilitation of Building Sewer Laterals

Date: 9/7/2022

City Project: Contract #3566-22

MMSD PO No. 11984

Contract for: Private Property I&I Reduction

MMSD FA No: M10005-ME01

Summary of Changes to the Funding Agreement and Documents:

Mequon Sewer Utility District Commission has awarded \$483,683.41 and is within the original funding agreement budget. See Exhibits for summary of completed work, and projected expenses.

Purpose of Amendment: Allocate \$726,343 that MMSD identified as available to Mequon for eligible expenses.

MMSD Document dated 8/31/2021, Reference Purchase Order No. 11984: Revise the amount for Funding Agreement M10005-ME01 from \$888,000 by \$726,343 to \$1,614,343,000 to include consultant design and bid document preparation for contractor work on (1) rehabilitation and grouting from mains, (2) locating laterals, (3) installation of external clean-outs, (4) rehabilitation and grouting from external clean-outs. Full time inspection services are also required per the funding agreement.

The City has made progress and completed various stages of this work. The first three design contracts are completed. The contract to rehabilitate laterals from sewer mains was awarded to Visu-Sewer (#3566-22-G1), and is scheduled to begin once Visu Sewer's contract work on the mains is completed this fall (#2598-21). The contract to (sonde) locate laterals was completed by Northern Pipe this summer (#3566-22-S). Contract (#3566-22-C) includes the installation of 117 clean-outs in the Riverdale Park Lift Station F area in the amount of \$755,060 by MJ Construction. Final contract to rehabilitate laterals from clean-outs (#3566-22-G2) anticipated award fall 2022.

1. Original Funding Agreement Amount:	\$ 888,000.00
2. Previous net Amendment(s):	\$ 0.00
3. Funding Agreement Amount prior to this Amendment:	\$ 888,000.00
4. Net increase/ decrease of this Amendment:	\$ 726,343.00
5. Contract price with all approved Change Orders:	\$ 1,614,343.00

Recommend and Approved:

Approved:

City of Mequon

MMSD

Date

Date

Attachment: Exhibit D - Amendment (RESOLUTION 3980 : Amendment to a Funding Agreement with the MMSD)



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

www.ci.mequon.wi.us

Office of Sewer Utility District Commission

TO: Common Council
FROM: Kevin Driscoll, Deputy Director of Utilities
DATE: September 13, 2022
SUBJECT: RESOLUTION 3981 A Resolution Approving Award of a Contract to Install Building Sewer Lateral Clean-outs in the Riverdale Park Lift Station "F" Area to MJ Construction, Inc. of Milwaukee, Wisconsin, in the Amount of \$755,060

Background

The 2022 Sanitary Sewer budget adopted on October 28, 2021, includes a continuation of previous years' improvements to the City's sanitary sewers as pipes age and deteriorate. The budget includes work in the Riverdale Park Lift Station "F" area to rehabilitate laterals and reduce leaks and infiltration. The sewer lateral work is part of the Private Property Inflow and Infiltration (PPI/I) reduction program, and that includes multiple facets. These include televising and cleaning laterals in addition to (1) rehabilitation and grouting from mains, (2) locating laterals, (3) installation of external clean-outs, (4) rehabilitation and grouting from external clean-outs.

Analysis

In August the contract documents were advertised to install clean-outs on building sewer laterals to complete necessary rehabilitation. Three bids were opened on Thursday, September 1, 2022, and are summarized below and in Exhibit A.

Contractor	Amount
MJ Construction	\$755,060
Globe Contractors	\$1,050,780
Mid-City	\$1,108,055

The includes work on 117 laterals in the Riverdale Park Lift Station "F" area. The bids also included additional work on 33 laterals in the Riverland Drive Lift Station "H" Area, for an additional amount totaling \$300,815. However, this would exceed the budgeted amount. That work averaged \$5,000 per clean-out installation, with additional costs for restoration. Accordingly, work in the Riverland Drive Lift Station "H" Area will be completed when additional funding is allocated.

MMSD allocates funds to Mequon each year. In 2022, the Mequon allocation from MMSD was \$229,351. Also, MMSD is scheduled to release a competitive funding application process beginning later this year, and staff anticipates applying for the work that exceeded the budget allocation. The work in the Riverland Drive Lift Station "H" Area is tentative for 2023,

contingent upon MMSD funding.

Fiscal Impact

Funding is available to install 117 clean-outs on laterals in the Riverdale Park Lift Station F area, based on reimbursable PPI/I Account 610669-740006. MMSD allocates funding each year to Mequon for eligible expenses to complete sewer lateral work that reduces leaks and infiltration.

Recommendation

A recommendation is forthcoming from the Sanitary Utility District Commission on September 13, 2022.

Attachments:

Exhibit A - Bid Opening Summary (3566-22-C) (PDF)

COMMON COUNCIL
OF THE
CITY OF MEQUON

RESOLUTION 3981

A Resolution Approving Award of a Contract to Install Building Sewer Lateral Clean-outs in the Riverdale Park Lift Station "F" Area to MJ Construction, Inc. of Milwaukee, Wisconsin, in the Amount of \$755,060

RECITALS

A. On August 26, 2021, the City of Mequon established a Funding Agreement with the Milwaukee Metropolitan Sewerage District (MMSD) in the amount of \$888,000 to implement sewer lateral work that reduces infiltration and inflow into building sewer laterals.

B. A number of sewer projects were identified as part of the FY2022 Sanitary Sewer Budget adopted by the Common Council on October 28, 2021.

C. On September 1, 2022, the City of Mequon Department of Public Works Engineering Division Staff received and reviewed various bids from qualified contractors to install clean-outs on laterals in the Riverdale Park Lift Station "F" and Riverland Drive Lift Station "H" areas.

D. The City of Mequon has the ability for the Milwaukee Metropolitan Sewerage District (MMSD) to reimburse eligible expenses that reduce infiltration and inflow from entering sanitary sewer building laterals.

E. Staff recommends that Sewer Lateral Rehabilitation work to install 117 clean-outs on existing sanitary building sewer laterals in the Riverdale Park Lift Station "F" area be awarded to MJ Construction, Inc. of Milwaukee, Wisconsin in the amount of \$755,060, contingent upon the City receiving an increase to the PPI/I funding from MMSD.

F. The Sewer PPI/I Account 611669-740006 is a reimbursable account with a sufficient balance to fund this project.

G. The Sanitary Utility District Commission at its meeting on Sept 13, 2022, endorsed staff's recommendation.

BASED UPON THE FOREGOING RECITALS, IT IS RESOLVED by the Common Council of the City of Mequon, Wisconsin that:

1. The Agreement for Sewer Lateral Rehabilitation work to install 117 clean-outs on existing sanitary building sewer laterals in the Riverdale Park Lift Station "F" Area in the amount of \$755,060 is approved and awarded to MJ Construction, Inc. of Milwaukee, Wisconsin, contingent upon the City receiving an increase to the PPI/I funding from MMSD, and

subject to any clerical, technical and/or legal changes deemed necessary and appropriate by the City Attorney.

2. The Mayor and the City Clerk are authorized and directed to execute and deliver the same.

Approved by: Andrew Nerbun, Mayor

Date Approved: September 13, 2022

I certify that the foregoing Resolution was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on September 13, 2022.

Caroline Fochs, City Clerk



CITY OF MEQUON

WISCONSIN

Sanitary Building Sewer Lateral Cleanout Installation in Riverdale Park Lift Station F Area and Riverland Drive Lift Station H Area (#3566-22-C)

BID OPENING: 9/1/2022 11:00 AM
DATE TIME

BIDDER	TOTAL BASE BID	ADDITIVE BID	CITY PRE-QUAL	BID BOND	ADDENDUM 1	ADDENDUM 2	MOU
MJ Construction, Inc	\$590,328.00	\$164,732.00	X	X	X	X	X
Globe Contractors, Inc	\$821,776.00	\$229,004.00	X	X	X	X	X
Mid City Corporation	\$871,280.00	\$236,775.00	X	X	X	X	X



11333 N. Cedarburg Road
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Phone: 262-242-3100
Fax: 262-242-9655

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Office of City Attorney

TO: Common Council
FROM: Brian Sajdak, City Attorney
DATE: September 8, 2022
SUBJECT: Closed Session for Legal Services

Background

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 then may reconvene into open session to take such action as deemed appropriate, 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.

These sections allow for the use of a closed session to discuss the review of City Legal Service Proposals because the City Attorney is a statutory officer over which with Council exercises responsibility and the proposals are ultimately contractual agreements for which negotiation or bargaining may play a role.

Recommendation

Should the Council decide that it wishes to enter closed session, a motion to enter closed session pursuant to Wis. Stat. §19.85(1)(c) and (e) 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 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.



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Office of City Attorney

TO: Common Council
FROM: Brian Sajdak, City Attorney
DATE: September 8, 2022
SUBJECT: Closed Session for Potential Claim Against the Police Department

Background

The Common Council may enter into closed session pursuant to Wis. Stat. § 19.85(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 or may be involved, and then may re-enter open session to take such action it deems appropriate. This section would allow the Council to enter into closed session for the purpose of obtaining advice from my office with respect to the strategy the Council desires to adopt in handling a potential claim that has been filed with respect to the Police Department.

Recommendation

Should the Council decide that it wishes to enter closed session, a motion to enter closed session pursuant to Wis. Stat. §19.85(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 or may be involved.



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Office of City Attorney

TO: Common Council
FROM: Brian Sajdak, City Attorney
DATE: September 8, 2022
SUBJECT: Closed Session for Communications Services Negotiations

Background

The Common Council may enter 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. As it relates to this item, the purpose of going into closed session would be to (a) ensure that the City's bargaining position is not harmed by public discussion of the topic and (b) to receive guidance from the Council on the strategy to be used in negotiations - each permissible purposes to go into closed session under the cited section.

Recommendation

Should the Council decide that it wishes to enter closed session, a motion to enter closed session pursuant to Wis. Stat. §19.85(1)(d) 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.