



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
Christine Nuernberg Hall

Minutes

1) Call to Order

Mayor Nerbun called the meeting to order at 7:44 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, Community Development Director Tollefson, Assistant Community Development Director Zader, Engineering and Public Works Director Lundeen, Fire Chief Bialk, Police Chief Pryor, Deputy Fire Chief Zellmann, press and interested public.

4) Public Hearings:

- 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 July 12, 2022.**

1) Public hearing

Motion to open the public hearing for **ORDINANCE 2022-1628**.

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

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

Motion to close the public hearing for **ORDINANCE 2022-1628**.

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

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

2) Consideration of ordinance

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.

Assistant Community Development Director Zader provided an update stating that the bike path will now go from the outlot to North Fairway Circle and he reiterated that all buildings shall maintain a minimum building setback of 30' from the public road right-of-way.

A friendly amendment was made to amend Section I (1)(M) to read "There shall be an asphalt bike path that connects to North Fairway Circle. The path shall be located in an outlot and be a minimum of 10 feet in width."

RESULT: Approved as Amended by Voice Acclamation [7-1]
MOVED BY: Alderman Strzelczyk
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 the Taste of Mequon was a huge success and thanked the Committee and staff for their hard work.

- 1) Proclamation Honoring Vertz Marketing as Ozaukee Economic Development Council's 2022 Small Business of the Year

Mayor Nerbun read the proclamation honoring Vertz Marketing as the Ozaukee Development Council's 2022 Small Business of the Year. Congratulations to Vertz Marketing!

- 2) Proclamation Honoring Hayes Performance Systems as Ozaukee Economic Development Council's 2022 Large Business of the Year

Mayor Nerbun read the proclamation honoring Hayes Performance Systems as the Ozaukee Development Council's 2022 Large Business of the Year. Congratulations to Hayes Performance Systems!

b) City Administrator

City Administrator Jones announced that the City's budget will be distributed to the Council on Monday, September 26, 2022. Additionally, there will be an Appropriations Committee meeting on Thursday, October 6, 2022. Lastly, WisDot will be at the October 11, 2022 Common Council meeting to provide an update on the I-43 construction project.

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.

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

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

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

8) Ordinance:

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

Motion to remove **ORDINANCE 2022-1618** from the table.

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

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

Brian Miller spoke in support of **ORDINANCE 2022-1618** which allows pool safety covers in lieu of fencing only around pools.

City Attorney Sajdak summarized the changes that were made since the ordinance was before the Common Council last. They are: 1) Responsible supervisor should be someone who is at least 15 years old, 2) responsible supervisor must be outdoors within 10 feet of the pool area, 3) power safety covers are only allowed in single-family residences in single-family zoning districts, 4) safety cover has to be 30 feet from the lot line, 5) repeated violations of the code constitutes a public nuisance with potential abatement mechanisms, and 6) all standards referenced within the code are the current standards in place at the installation of the safety feature. A friendly amendment was made to increase the carrying capacity to 2000 lbs.

Council discussion ensued on enforcement ability and enforcement options, staff support, no history of drowning, safety of retention ponds and lakes, consequences of pool cover malfunction, and policies in other municipalities.

RESULT: **Approved as Amended by Roll Call Vote [5 to 3]**
MOVED BY: Alderman Bushee
SECONDED BY: Alderman Gierl

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

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.

The Committee of the Whole amended the contract amount from \$50,240 to \$61,540.

Bob Walerstein spoke in favor of **RESOLUTION 3977**.

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

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

- b) **RESOLUTION 3978** - A Resolution Approving Amendments to the City's FY2022 Fee Schedule, in Connection with Ambulance and Emergency Medical Transport Fees.

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

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

- 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.

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

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

- 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.

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

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

- 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.

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

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

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.

Motion to go into Closed Session to discuss Legal Services.

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

- 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 Parrish
SECONDED BY: Alderman Bushee

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 Schneider
SECONDED BY: Alderman Bushee

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

The Common Council convened into Closed Session at 8:43 PM.

13) Adjourn

Motion to adjourn at 9:18 PM.

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

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

Respectfully Submitted,
Kathy Andrykowski
Deputy Clerk
Approved 10/11/22