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Office of the City Clerk
Taped and Televised

**COMMON COUNCIL
Regular Meeting
Tuesday, September 14, 2021 - 7:30 PM
Christine Nuernberg Hall**

Amended Agenda

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

2) 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.**

3) Public Hearings: None.

4) Public Officials' Reports:

- a) Mayor
- b) City Administrator

5) Consent Agenda:

- a) Common Council meeting minutes of August 10, 2021
- b) Festivals Committee meeting minutes of July 8, 2021
- c) Finance-Personnel Committee meeting minutes of July 13, 2021
- d) Fire Department Report for June 2021
- e) Joint Mequon-Thiensville Bike and Pedestrian Way Commission minutes of June 3, 2021
- f) Mequon Municipal Water Utility Commission meeting minutes of June 8, 2021
- g) Public Safety Committee meeting minutes of August 10, 2021
- h) Public Welfare Committee meeting minutes of July 13, 2021
- i) Public Works Committee meeting minutes of July 13, 2021
- j) Sewer Utility District Commission meeting minutes of June 8, 2021

6) Committee of the Whole:

- a) Presentation of Community Development Operational Analysis
- b) Reconvene as the Common Council

7) Ordinances:

- a) **ORDINANCE 2021-1595** - An Ordinance Repealing and Recreating Section 62-8(b) (4) of the Mequon Municipal Code Relating to the Regulation of Political Messages; **Recommended by Public Welfare Committee June 8, 2021; First Reading at Common Council July 13, 2021.**
- b) **ORDINANCE 2021-1596** - A Charter Ordinance Amending Provisions of the Mequon Municipal Code, Establishing Terms of Office for Elected Officials; **Recommended by Public Welfare Committee, July 13, 2021; First Reading at Common Council August 10, 2021.**
- c) **ORDINANCE 2021-1597** - An Ordinance Amending Article II of Chapter 2 Within the Mequon Municipal Code, in Connection with the Roles, Duties and Functions of the Mayor and Common Council; **Recommended by Public Welfare Committee July 13, 2021; First Reading at Common Council August 10, 2021.**

8) Resolutions:

- a) **RESOLUTION 3866** - A Resolution Increasing Compensation for the Position of Mayor; **Recommended by Finance-Personnel Committee July 13, 2021; Approved by Common Council August 10, 2021.**
 - (i) Request to reconsider the action of August 10, 2021 in which the Common Council approved **RESOLUTION 3866.**
 - (ii) In the event that the Common Council votes to reconsider the actions, the Common Council will then proceed to take such action on the matter as it deems appropriate.
- b) **RESOLUTION 3876** - A Resolution Approving a State/Municipal Maintenance Agreement (SMMA) and a State/Municipal Financial Agreement (SMFA) for the Installation of a Traffic Signal at County Line Road and Port Washington Road; **Recommendation Forthcoming by Committee of the Whole September 9, 2021.**
- c) **RESOLUTION 3877** - A Resolution Authorizing an Amendment to the 2021 Employee Compensation Plan, in Connection with Converting the Part-Time Human Resources Assistant Position to a Full-Time Human Resources Coordinator Position at Pay Grade 6 (\$40,658 - \$55,009); **Recommendation Forthcoming by Finance-Personnel Committee September 14, 2021.**
- d) **RESOLUTION 3878** - A Resolution Authorizing Jennifer L. Engroff, Finance Director/City Treasurer, to be a Signatory on all City of Mequon Depository Accounts at Port Washington State Bank; **Recommendation Forthcoming by Finance-Personnel Committee September 14, 2021.**

e) **RESOLUTION 3879** - A Resolution Authorizing Staff to Exceed \$25,000 for the Purchase of Culverts from Western Culvert, Oconomowoc, Wisconsin, to Complete Projects as Needed During the Remainder of Fiscal Year 2021; **Recommendation Forthcoming by Public Works Committee September 14th, 2021.**

f) **RESOLUTION 3880** - A Resolution Adopting an Updated Mid-Moraine Municipal Court Bond Schedule for City Ordinance Citations; **Recommendation Forthcoming by Public Safety Committee September 14, 2021.**

9) **Specified Unfinished Business:** None.

10) **Specified Miscellaneous New Business:**

Mayoral Appointment: Frank L. Weyenberg Library Board of Trustees, Tedd Lookatch, Trustee, At Large

11) **Potential Closed Session:**

Goal Setting for City Administrator and City Attorney: The Common Council may convene into closed session pursuant to Wis. Stat. § 19.85(1)(c), considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility and then may reconvene into open session to take such action as deemed appropriate.

12) **Adjourn**

Dated: September 9, 2021

/s/ John Wirth, Mayor

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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



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

Minutes

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

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

Present:

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

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

2) Personal Appearances and Public Comment:

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

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

Attachment: Common Council draft 08-10-21 minutes (6534 : Common Council meeting minutes of August 10, 2021)

3) Committee of the Whole:

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

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

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

- b) Reconvene as the Common Council

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

4) Public Hearings:

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

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

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

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

AYES:	Strzelczyk, Bushee, Mayr, Hansher, Gierl, Parrish, Schneider, Nerbun
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Motion to close the public hearing for **ORDINANCE 2021-1593**.

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

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

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

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

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

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

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

- b) **ORDINANCE 2021 – 1594** - An Ordinance Amending Chapter 58 of the Mequon Municipal Code, Related to the Minimum Lot Size and Setback of Producing Animals, Specifically Chickens; Recommended by Public Welfare Committee June 8, 2021; Recommendation to Deny by Planning Commission June 28, 2021; First Reading at Common Council July 13, 2021.

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

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

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

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

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

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

MOVED BY: Alderman Hansher

SECONDED BY: Alderman Schneider

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

NOT PRESENT: Parrish

5) Ordinances:

- a) **ORDINANCE 2021-1593** was moved to after its public hearing.
- b) **ORDINANCE 2021-1594** - An Ordinance Amending Chapter 58 of the Mequon Municipal Code, Related to the Minimum Lot Size and Setback of Producing Animals, Specifically Chickens.

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

RESULT: **Approved by Roll Call Vote [7 to 1]**

MOVED BY: Alderman Hansher

SECONDED BY: Alderman Gierl

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

NAYS: Mayr

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

RESULT: **No Vote**

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

6) Potential Closed Session:

- a) Potential Claim of Amber Schroeder Relating to Political Signage on Public Property: The Common Council may convene into closed session pursuant to Wis. Stat. § 19.85(1)(g) for the purpose of conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved and then will reconvene into open session.

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

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

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

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

7) Public Officials' Reports:

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

8) Consent Agenda:

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

Motion to approve the Consent Agenda Items A-N.

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

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

o) Ordinance First Readings:

NOTE: First readings of Ordinances will not be acted upon unless a suspension of the rules is approved by a recorded vote of two-thirds majority of all aldermen.

- 1) **ORDINANCE 2021-1596** - A Charter Ordinance Amending Provisions of the Mequon Municipal Code, Establishing Terms of Office for Elected Officials.

RESULT: First Reading

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

RESULT: First Reading

9) Resolutions:

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

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

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

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

MOVED BY: Alderman Parrish

SECONDED BY: Alderman Strzelczyk

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10) Specified Unfinished Business: None.

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

12) Specified Miscellaneous New Business: None.

13) Potential Closed Session:

- a) Acquisition of a Stormwater Drainage Easement Across the Property at 9731 N. Courtland Drive: The Common Council may convene into closed session pursuant to Wis. Stat. §19.85(1)(e), deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session, and then may reconvene into open session to take such action as deemed appropriate.

Motion to go into Closed Session to discuss the acquisition of a stormwater drainage easement across the property at 9731 N. Courtland Drive.

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

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

14) Adjourn

Motion to adjourn at 10:43 PM.

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

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

Respectfully Submitted,
Kathy Andrykowski



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FESTIVALS COMMITTEE
Thursday, July 8, 2021
6:30 PM
South Conference Room

Minutes

1) Call to Order, Roll Call

Present:

Vice Chair Kirsten Hildebrand
Committee Member Janet Fussell
Committee Member Jenne Hohn
Committee Member Moshe Luchins
Committee Member Christine McLean
Committee Member Miranda White
Chair Vanessa Nerbun -- **Absent**
Committee Member Dynami Al-Anjeri -- **Absent**
Committee Member Tracy Johnson -- **Absent**
Committee Member Lisa Liljegren -- **Absent**

Also Present: Executive Assistant Enea

2) Approval of Meeting Minutes

a. June Minutes

RESULT: **Approved by Voice Acclamation [Unanimous]**
MOVED BY: Committee Member Fussell
SECONDED BY: Committee Member Hohn

AYES:	Hildebrand, Fussell, Hohn, Luchins, McLean, White
ABSENT:	Nerbun, Al-Anjeri, Johnson, Liljegren

3) Approval of Festival Contracts

a. Gypsy Geoff

RESULT: **Approved by Voice Acclamation [Unanimous]**
MOVED BY: Committee Member Hildebrand
SECONDED BY: Committee Member Hohn

AYES:	Hildebrand, Fussell, Hohn, Luchins, McLean, White
ABSENT:	Nerbun, Al-Anjeri, Johnson, Liljegren

b. Johnson School Bus

RESULT: Approved by Voice Acclamation [Unanimous]
MOVED BY: Committee Member Hildebrand
SECONDED BY: Committee Member Hohn

AYES: Hildebrand, Fussell, Hohn, Luchins, McLean, White
ABSENT: Nerbun, Al-Anjeri, Johnson, Liljegren

c. LO/ST Band

RESULT: Approved by Voice Acclamation [Unanimous]
MOVED BY: Committee Member Hildebrand
SECONDED BY: Committee Member Hohn

AYES: Hildebrand, Fussell, Hohn, Luchins, McLean, White
ABSENT: Nerbun, Al-Anjeri, Johnson, Liljegren

d. Stray Voltage Band

RESULT: Approved by Voice Acclamation [Unanimous]
MOVED BY: Committee Member Hildebrand
SECONDED BY: Committee Member Hohn

AYES: Hildebrand, Fussell, Hohn, Luchins, McLean, White
ABSENT: Nerbun, Al-Anjeri, Johnson, Liljegren

4) 9/11 Recognition

The Committee discussed having flags at every booth, having a tribute at the start of the Festival and another one between 5:30-6:00 P.M., and giving out stickers. Committee Member White will look into pricing for stickers. Committee Member Hohn will contact the high school about the band performing and a student to sing the anthem. Committee member Fussell will speak with the Mayor about his availability and possibly the American Legion's participation. The Boy Scouts' participation was also an idea. Executive Assistant Enea will check the Police and Fire Departments' availability. For the crafts area, there will be a red, white, and blue option available.

5) Logistics Update

a. Logistics Update

Committee member Fussell will look into ATM options and present at the next meeting.

6) Vendor Update Since Last Meeting

1. Vendor List

We currently have 14 vendors. This is the main focus because the deadline is July 16. Committee members will follow-up with their contacts, Milwaukee food trucks and the vendors at the Thiensville Market that takes place on Tuesdays.

7) Sponsor Update Since Last Meeting

1. Sponsor List

The Sponsor deadline is also on 7/16. We will wait to see who returns their Sponsorship forms by then.

8) Children's Area Updates- Mascots

Still waiting on quote from KC Inflatables. The Fire Department's Sparky the Dog is available. Lakeshore Chinooks' Gil is available. Committee Member Luchins will check with Piggly Wiggly.

9) Marketing/Communications

a. Signs- Yard and Banners

Need to confirm sponsors before getting posters printed. Will use current yard signs and banners, just need to order stickers to update with current year.

b. Website/Social Media

Committee member White has been working on the website and Facebook page. Requested all members to share her posts on their Facebook pages to get the word out. Executive Assistant will send her 2019 pictures to use.

c. News Graphic

Will reach out to Lisa Curtis with the NewsGraphic to check on normal timeline for posting.

d. Event Photographer

Committee member Fussell said her husband might be a possibility. The Committee agreed that everyone would take pictures with their cell phones and send to Executive Assistant Enea to save for future use.

e. Community Calendars

10) Volunteer Management

The Committee will hone volunteer details in August.

a. Recruitment

b. Job Descriptions

1. Volunteer Descriptions

c. Shifts

1. Volunteer Schedule

11) Future Agenda Items

Review vendor and sponsor submissions.

Approve 3rd band (Sawdust Symphony) contract.

Approve KC Inflatables Contract.

Review volunteer needs.

Review ATM details.

Review sticker proposal.

12) Next Meeting Date and Time

July 22, 2021 at 6:30 P.M.

13) Adjourn

Motion to adjourn the meeting at 7:36 P.M.
MOVED BY: Vice Chair Hildebrand
SECONDED BY: Committee Member Hohn
RESULT: Approved by Voice Acclamation [Unanimous]

Respectfully Submitted,

Carrie Enea



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Office of the City Administrator

FINANCE-PERSONNEL COMMITTEE

Tuesday, July 13, 2021

6:30 PM

Virtual Meeting

Minutes

1) Call to Order, Roll Call

Present:

Alderman Jeffrey Hansher
Alderman Glenn Bushee
Alderman Robert Strzelczyk
Mayor John Wirth

Also Present: Will Jones, City Administrator, Marie Keyser, Acting Finance Director, Kim Tollefson, Director of Community Development, Caroline Fochs, City Clerk, Brian Sajdak, City Attorney, Julia Klimkovich, Aleksa Learning Center, Kathleen Schilling, Ozaukee County, Jennifer Engroff, and other interested persons.

2) Approve Meeting Minutes

a. June 8, 2021 Finance & Personnel Meeting Minutes

RESULT: **Approved [Unanimous]**

MOVED BY: Alderman Strzelczyk

SECONDED BY: Alderman Hansher

AYES: Hansher, Strzelczyk

NOT PRESENT:

Bushee

3) License Applications

a. July 2021 Licenses

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

MOVED BY: Alderman Hansher

SECONDED BY: Alderman Strzelczyk

AYES: Hansher, Strzelczyk
NOT PRESENT:

Bushee

4) Vouchers for Payment

a. June 2021 Voucher Approval List

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

AYES: Hansher, Strzelczyk
NOT PRESENT:

Bushee

5) Resolutions

a. **RESOLUTION 3857** A Resolution Approving a Revolving Loan Fund Application for Aleksa Learning Center, Located at 1415 Donges Bay Road, in the Amount of \$100,000

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

AYES: Hansher, Bushee, Strzelczyk

b. **RESOLUTION 3858** A Resolution Appointing Jennifer Engroff to the Position of Director of Finance/City Treasurer

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

AYES: Hansher, Bushee, Strzelczyk

c. **RESOLUTION 3859** A Resolution Approving the Award of a Contract for Development of an Organizational Strategic Plan with Better Dash Faster Consulting of Madison, Wisconsin in the Amount of \$8,500

City Administrator Jones explained the process taken to reach a decision on which firm was awarded the contract. Mayor Wirth shared how he spoke with a few other communities that had worked with Better Dash Faster Consulting and they were pleased with the final results.

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

AYES: Hansher, Bushee, Strzelczyk

- d. **RESOLUTION 3860** A Resolution Approving a Waiver of Repurchase and Right of First Refusal Under the Mequon Business Park Covenants and Restrictions for Copps Industries, Inc.

RESULT: Approved by Voice Acclamation [Unanimous]

MOVED BY: Alderman Hansher

SECONDED BY: Alderman Strzelczyk

AYES: Hansher, Bushee, Strzelczyk

- e. **RESOLUTION 3866** A Resolution Increasing Compensation for the Position of Mayor
Mayor Wirth provided background for why he is proposing a salary increase for Mayor position. If the increase does pass, it will not go in effect until the next Mayor takes office. There has not been an increase to the Mayor's salary in 30 years. Within that time frame, the City has grown significantly, and the job requires more time to complete responsibilities. In researching other like-size cities with part-time Mayors, Mequon's Mayor is paid the least. A discussion then pursued of the pros and cons of increasing the salary.

RESULT: Approved by Roll Call Vote [2 to 1]

- 6) Discussion Items
a. Finance & Personnel Work Plan

- 7) Adjourn

Motion to Adjourn at 6:52 PM.

RESULT: Approved by Voice Acclamation [Unanimous]

MOVED BY: Alderman Strzelczyk

SECONDED BY: Alderman Hansher

AYES: Hansher, Bushee, Strzelczyk.

Respectfully Submitted,

Carrie Enea

Mequon Fire Department Monthly Report – June 2021



Calls for Service

Call Type	June 2021	2021	YTD 2020
EMS	140	782	800
Fire	43	205	211
Interfacility Transports	24	178	41
Total	207	1165	1052

Response Times

Call Type	Average Response Time
First Responder	4:37
Ambulance	9:42
Fire	12:08

Fire Calls

Type/Cause	Number
Fire (structure, car or vegetation)	2
Rescue/EMS (water/ice rescue or search for lost person)	11
Hazardous Condition (no fire, chemical/electrical problem, gas leak)	1
Service Call (smoke removal, mutual aid standby)	4
Good Intent Call (cancelled enroute to alarm or smoke mistaken for fire)	5
False Alarm/False Call (fire alarm, co alarm, or malfunction of system)	20
Severe Weather	0
Monthly Total	43

EMS Calls – By Dispatch Reason/Most Common

Type/Cause	Number
Fall Victim	26
Breathing Problem	18
Unconscious Person	13
Lift Assist	13
Stroke/CVA	11
Sick	8
Traffic Accident	8
Altered Mental Status	7
Chest Pain	6
Seizures	6

Monthly Training

Type	Average Attendance
Fire/EMS	32
Dive/Tech Rescue	10

Community Education

Activity	Number
Department Tours/Fire Prevention Presentations* (Tour groups, birthday parties, community events)	NA
Fire Prevention Talk (Offsite - school, facility, business, etc.)	NA

Administrative

Activity	Number
False Alarm Charges	NA
Burn Permits Issued	28
Fire Inspections	NA



See Agenda Packet for
Mequon, WI 53092
Phone: 262-236-2934
Fax: 262-242-9655



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Public Works Department

Joint Mequon-Thiensville Bike and Pedestrian Way Commission
Thursday, June 3, 2021
9:00 AM
Virtual Meeting

Minutes

1. Call to Order, Roll Call

Chair Azinger called the meeting to order at 9:05 AM.

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

Present:

Chair T. Azinger
Commissioner Kathryn Beiser
Commissioner Jim Doornek
Commissioner Ron Heinritz
Commissioner John Liegeois
Commissioner Kristin Wade

Absent:

Commissioner Rob Holyoke

2. Approval of Meeting Minutes

a. March 4, 2021 Minutes

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

MOVED BY: Commissioner Heinritz

SECONDED BY: Commissioner Liegeois

AYES: Azinger, Beiser, Doornek, Heinritz, Liegeois, Wade

b. April

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

MOVED BY: Commissioner Wade

SECONDED BY: Commissioner Heinritz

AYES: Azinger, Beiser, Doornek, Heinritz, Liegeois, Wade

c. May 5, 2021 Minutes

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

MOVED BY: Commissioner Wade
SECONDED BY: Commissioner Heinritz

AYES: Azinger, Beiser, Doornek, Heinritz, Liegeois, Wade

3. Resident Communications

Chair Azinger noted no one present for this item.

4. Discussion/Action Items

a. Annual Review of 2010-2030 Bike and Pedestrian Way Commission Recommendations

Chair Azinger noted that priority list item number 1, grade separation at Mequon Rd & the OIT, is currently being addressed by the City. The commission agreed to leave it at the top of the priority list until completion.

The commission addressed priority list item number 2, OIT- flattening curve at substation, and discussed possible recommendations to make to the OIT advisory board.

Chair Azinger asked the commission if any additional items on the 16 item prioritization list should be addressed at this time. Commissioner Liegeois opened up conversation regarding priority item list number 16, Connection 400-500 block Main St to OIT. Chair Azinger stated that the Village of Thiensville has previously had conversations with business owners to connect the OIT via parking lot access. Commissioner Liegeois stated that a new connection at/or near Prime Minister would shorten what is nearly a half mile to the current nearest connection.

b. Move priority item #16, Connection 400-500 block Main St to OIT, to priority item #3.

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

MOVED BY: Commissioner Liegeois

SECONDED BY: Commissioner Wade

AYES: Azinger, Beiser, Doornek, Heinritz, Liegeois, Wade

c. Bike Safety Brochure

The commission is awaiting approval by City Attorney before publishing and distribution.

d. 2021 Road Program

The commission reviewed the roads included in the annual road program as they relate to the commission's priority list.

5. Other Business

Commissioner Liegeois discussed the bike lane in Donges Bay Rd from the trail to Green Bay Rd. He stated that the 5 ft wide lane may benefit from a painted stencil of a bicycle to inform drivers of it's intended use.

a. Meeting Schedule

Chair Azinger informed the commission that Rob Holyoke, a member of the OIT advisory board, has been appointed by the Village of Thiensville to serve on the Joint Mequon-

Thiensville Bike and Pedestrian Way Commission. To accommodate scheduling conflicts for Commissioner Holyoke, moving the commission meetings from the first Thursday of each month to the second Thursday of each month was discussed.

b. Move meetings from 9:00 AM on the first Thursday of each month to 9:00 AM on the second Thursday of each month.

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

MOVED BY: Commissioner Wade

SECONDED BY: Commissioner Heinritz

AYES: Azinger, Beiser, Doornek, Heinritz, Liegeois, Wade

6. Adjourn

Respectfully Submitted,

Casey Deuster



11333 N Cedarburg Road
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Water Utility
Taped and Televised

MEQUON MUNICIPAL WATER UTILITY COMMISSION

Tuesday, June 8, 2021

7:30 PM

Virtual and In-person

Minutes

1) Call to Order, Roll Call

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

Present:

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

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

2) Approval of Meeting Minutes

a. March 9, 2021 Minutes

RESULT: **Approved [Unanimous]**

3) Action Items

Discussion and Action

a. Authorization of an Agreement with the Wisconsin Department of Transportation to Purchase a Temporary Limited Easement at 9661 North Port Washington Road for the I-43 North South Freeway Project

RESULT: **Approved [Unanimous]**

- b. Authorizing Execution of an Agreement with the Wisconsin Department of Transportation for Payment to Relocate Water Main at the Highland Road Interchange and County Line Road Interchange
- c. Motion to Approve the Agreement with the Wisconsin Department of Transportation for Payment to Relocate Water Main at the Highland Road Interchange and County Line Road Interchange.

City Attorney Sajdak informed the commission of some questions that was raised on whether the payment for the Highland Road portion of this project would be a part of the existing state municipal agreement. Where there is a cap on our total expenditure amounts, it appears from the document that it is but staff is recommending approval of this item with contingent upon staff confirming with WisDOT that it is in fact covered as a part of that caped amount. If it was not approved, it would be brought back to the Commission.

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

- d. Approving Contract Task Orders for City Water, LLC to Design Water Main Relocations for the Interstate Highway 43 Expansion Project (1229-04-02)
- e. Motion to Approve Contract Task Orders for City Water, LLC to Design Water Main Relocations for the Interstate Highway 43 Expansion Project (1229-04-02).

City Attorney Sajdak informed the commission the same agreements previously referenced, appears to be WisDOT insulate themselves from liability if construction or design would go wrong, this is something in the agreement that is our responsibility above and beyond the existing cap.

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

MOVED BY: Commissioner Parrish

SECONDED BY: Commissioner Schneider

AYES:	Wirth, Strzelczyk, Bushee, Mayr, Hansher, Gierl, Parrish, Schneider, Nerbun
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- f. Approving the Purchase of a Replacement for Truck 802 from Ewald Automotive Group of Oconomowoc, WI for a Total Cost of \$51,690.50

RESULT: **Approved [Unanimous]**

4) Adjourn

a. Motion to Adjourn at 7:42 PM.

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

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

Respectfully Submitted,

Casey Deuster
Administrative Assistant



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Police and Fire Departments

PUBLIC SAFETY COMMITTEE

Tuesday, August 10, 2021

5:30 PM

Lower Conference Room

Minutes

1) Call to Order and Roll Call

Present:

Chair Andrew Nerbun
Alderman Mark Gierl
Alderman Dale Mayr

Also Present: Police Chief Pryor, Administrative Coordinator Melina Bowen, Helen Rempel and guest

2) Approve Meeting Minutes

- a. Public Safety Committee meeting minutes of June 8 and July 13, 2021

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

MOVED BY: Alderman Mayr

SECONDED BY: Alderman Gierl

AYES: Nerbun, Gierl, Mayr

3) Resolutions

Action requested: review and recommend approval

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

Chief Pryor discussed funds donated by the Mequon Community Foundation which were raised at Gathering on the Green to fund two pedal assisted police bicycles. The acceptance of the funds will allow for the Police Department to revitalize the Bicycle Patrol Program.

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

MOVED BY: Alderman Mayr

SECONDED BY: Alderman Gierl

Attachment: 2021, 8-10 (6551 : Public Safety August 10, 2021 Minutes)

AYES: Nerbun, Gierl, Mayr

4) Discussion

Helen Rempel requested a review by the Public Safety Committee of two false alarm charges incurred. Helen Rempel requested that the committee waive the fees as she felt the alarms were not false. Alderman Nerbun moved to waive the third false alarm fee and Rempel to pay only the fee for the second false alarm.

a. False Alarm Waiver Request

RESULT: **Approved as Amended [Unanimous]**
MOVED BY: Alderman Nerbun

5) Information Items

The Committee discussed topics to be addressed at future meetings.

- Chief Pryor advised there would be a bond amount increase coming from Mid-Moraine Municipal Court hopefully within the next month.
- Alderman Mayr wished to address the possibility of updating the intersection of Freistadt and Wasaukee Roads. As the intersection is controlled by Washington County and an update would be requested.

5) Adjourn

a. Adjourn

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

AYES: Nerbun, Gierl, Mayr

Respectfully Submitted,

Melina Bowen



See Agenda Packet for
Login and Complete Packet Details
Mequon, WI 53092
Phone: 262-236-2941
Fax: 262-242-9655

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Office of the City Administrator

PUBLIC WELFARE COMMITTEE

Tuesday, July 13, 2021

6:00 PM

Virtual Meeting

Minutes

1) Call to Order, Roll Call

Present:

Chair Mark Gierl

Alderman Glenn Bushee

Alderman Kathleen Schneider

2) Approval of Meeting Minutes

a. June Meeting Minutes

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

MOVED BY: Alderman Bushee

SECONDED BY: Alderman Schneider

AYES: Gierl, Bushee, Schneider

b. June Meeting Minutes

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

MOVED BY: Alderman Bushee

SECONDED BY: Alderman Schneider

AYES: Gierl, Bushee, Schneider

3) Ordinances

Action requested: review and recommend approval

1. An Ordinance Amending Chapter II Article II – Administration

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

MOVED BY: Alderman Schneider

SECONDED BY: Alderman Bushee

AYES: Gierl, Bushee, Schneider

2. A Charter Ordinance Amending the Provisions of the Mequon Code of Ordinances,
Establish Terms of Office for Elected Officials

Attachment: Public Welfare Meeting Minutes 07 13 21 (6525 : Public Welfare Minutes 07-13-21)

After discussion, the committee voted to approve after amending the language to not include a mid-term appointment as part of the term limits by adding “full terms” to the ordinance.

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

MOVED BY: Alderman Schneider

SECONDED BY: Alderman Bushee

AYES:	Gierl, Bushee, Schneider
--------------	--------------------------

4) Discussion Items

a. Tree Trimming & Wood Retention

A resident was upset that the City cut down a tree on his property and did not leave the wood for him. City Forester Gies explained that the tree was on the City's property and all wood is available for residents to pick up at the brush site. This is a blanket policy to avoid custom cutting logwood for people and it would create liability if wood was left in the right away.

b. Composting Plan

Alderman Gierl suggested that residents be offered a third bin for composting in addition to the 2 bins they already get for trash and recycling. What other communities do and the added cost were brought up as areas to explore. Alderman Gierl encouraged everyone to watch the Netflix "Kiss The Ground" Documentary before the next meeting to further discuss this topic.

c. Home Irrigation Systems

Alderman Gierl was concerned that homes with wells would run dry if their irrigation systems are not regulated. It was questioned how that would be enforced. Assistant City Administrator Schoenemann would ask Community Development to research and discuss at the next meeting.

5) Information Items

a. Work Calendar

1. Chapter II Article IV
2. Composting Plan
3. Home Irrigation Systems
4. Architectural Board Structure

6) Adjourn

A motion to adjourn was made at 6:39 PM by Alderwoman Schneider and seconded by Alderman Gierl. All voted in favor by a voice vote.

Respectfully Submitted,

Carrie Enea



See Agenda Packet for
Login and Complete Packet Details
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Public Works Department

PUBLIC WORKS COMMITTEE

Tuesday, July 13, 2021

6:30 PM

Virtual Meeting

Minutes

1) Call to Order, Roll Call

Chair Mayr called the meeting to order at 6:30 PM.

Present:

Chair Dale Mayr

Alderman Andrew Nerbun

Alderman Brian Parrish

Also present were Deputy Director of Public Works Weyker, Deputy Director of Utilities Driscoll, and Administrative Assistant Deuster.

2) Approval of Minutes

a. June 8, 2021 Minutes

RESULT: **Approved [Unanimous]**

MOVED BY: Alderman Parrish

SECONDED BY: Alderman Nerbun

AYES: Mayr, Nerbun, Parrish

3) Resolutions

Action requested: review and recommend approval

a. **RESOLUTION 3861** A Resolution Rejecting All Bids for the City of Mequon's 2021 Road Improvements Irrigation Removal Contract

RESULT: **Approved [Unanimous]**

MOVED BY: Alderman Nerbun

SECONDED BY: Alderman Parrish

AYES: Mayr, Nerbun, Parrish

- b. **RESOLUTION 3862** A Resolution Awarding the Mequon Business Park Street Light Removal Contract to J Miller Electric of Port Washington, Wisconsin in the Amount of \$42,000

Deputy Director of Public Works Weyker stated this is preparation for the business park project that is in next year's road program. These will make them We-Energies lights for future maintenance.

RESULT: **Approved [Unanimous]**

MOVED BY: Alderman Parrish

SECONDED BY: Alderman Nerbun

AYES: Mayr, Nerbun, Parrish

- c. **RESOLUTION 3863** A Resolution Authorizing an Agreement with the Wisconsin Department of Transportation for a Temporary Limited Easement at 9961 North Port Washington Road, in Connection with the I-43 Freeway Expansion Project

Alderman Nerbun inquired if the City was ok with the landscaping costs.

Deputy Director of Public Works Weyker stated the Water Utility Commission previously approved the compensation amount.

Alderman Parrish stated his understanding was the total dollar amount included the landscaping to gross it all up as a total cost.

Deputy Director of Public Works Weyker confirmed the TLE is for a driveway in conjunction with the I-43 project. The landscape is not great now and this will bring a more favorable improvement.

RESULT: **Approved [Unanimous]**

MOVED BY: Alderman Nerbun

SECONDED BY: Alderman Parrish

AYES: Mayr, Nerbun, Parrish

- d. **RESOLUTION 3864** A Resolution Awarding a Contract for 2021 Cleaning Services at the Public Safety Building to Vanguard Cleaning Systems, Greenfield, Wisconsin for a Total Not-to-Exceed Cost of \$23,310

Alderman Mayr inquired on how discussions with the Future of the Fire Department Committee had come across a problem where there was no cleaning service on the east side and how it was not included in this even if not on a five day schedule but 1-2 times a week. Is there any chance to getting that added or can we approve it with the intention to add services over there.

Deputy Director of Public Works Weyker stated this was not included in the resolution before the Committee but staff can inquire with Vanguard on the costs for the East Side Station separately.

RESULT: **Approved [Unanimous]**

MOVED BY: Alderman Parrish

SECONDED BY: Alderman Nerbun

AYES:	Mayr, Nerbun, Parrish
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4) Discussion Items

a. 2020 Work Plan (7.13.21)

Deputy Director of Public Works Weyker stated in the August meeting the purchase of a loader will be brought forward for approval.

Alderman Mayr stated a future agenda item would be the discussion of getting reflectors on the bump outs on Cedarburg Road similar to what the Village of Thiensville has. This will help improve the visibility there and the cost to install them.

Alderman Parrish inquired on a WisDOT safety measures at Mequon Road along the bridge. Along with a quarterly update on the Tidd 3 project especially along the OIT.

Alderman Nerbun stated he'd like to have a future discussion on the noise along Mequon Road by Semi's as they engine break along the road.

5) Adjourn

a. Motion to Adjourn at 6:52 PM.

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

MOVED BY: Alderman Parrish

SECONDED BY: Alderman Nerbun

AYES:	Mayr, Nerbun, Parrish
--------------	-----------------------

Respectfully Submitted,

Casey Deuster
Administrative Assistant



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Public Works/Engineering
Taped and Televised

SEWER UTILITY DISTRICT COMMISSION

Tuesday, June 8, 2021

7:30 PM

Virtual and In-person

Minutes

1) Call to Order, Roll Call

Commissioner Wirth called the meeting to order at 7:43 PM.

Present:

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

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

2) Approval of Meeting Minutes

a. May 11, 2021 Minutes

RESULT: **Approved [Unanimous]**

MOVED BY: Commissioner Strzelczyk

SECONDED BY: Commissioner Mayr

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

3) Resolutions

Action requested: review and recommend approval

- a. **RESOLUTION 3847** A Resolution Authorizing City Staff to File the City of Mequon's Compliance Maintenance Annual Report (CMAR) for Calendar Year 2020, in Accordance with Requirements Under Wisconsin Administrative Code NR208

RESULT: **Approved [Unanimous]**

MOVED BY: Commissioner Nerbun

SECONDED BY: Commissioner Schneider

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

- b. **RESOLUTION 3854** A Resolution Authorizing Execution of a State-Municipal Agreement Between the City of Mequon and the Wisconsin Department of Transportation (WisDOT) for the Completion of Sanitary Sewer Manhole Work in Connection with the Interstate Highway 43 Expansion Project

4) Adjourn

- a. Motion to Adjourn at 7:45 PM.

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

MOVED BY: Commissioner Hansher

SECONDED BY: Commissioner Mayr

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

Respectfully Submitted,

Casey Deuster
Administrative Assistant



TO: Common Council
FROM: William Jones, City Administrator
DATE: September 9, 2021
SUBJECT: Presentation of Community Development Operational Analysis

Background

In January, the Common Council adopted a resolution approving a professional services agreement with Management Partners of Cincinnati, Ohio, to conduct an operational analysis of the City's Community Development function. Management Partners was selected to perform this evaluation from a group of ten (10) firms that originally submitted proposals to the City, at a not-to-exceed cost of \$53,990.

Since award of the contract, a consulting team from Management Partners has been working with members of the City's project team (Mayor, City Administrator, Director of Community Development, Assistant Director of Community Development) as well as representatives from each City department to complete this analysis. The City's primary contacts throughout the engagement have included Amy Paul, the firm's Corporate Vice-President who has more than 30 years of experience assisting local governments with performance measurement and strategic planning, and Senior Manager Jacquelyn McCray, who holds the designation of Certified Planner (AICP) from the American Planning Association (APA) and who formerly served as a member (and vice-chair) of the Cincinnati City Planning Commission for 9 years.

Analysis

Originally, this assessment was to have been completed during calendar year 2020 but was delayed due to the onset of the COVID-19 pandemic. Subsequently, a consulting agreement was awarded in early 2021, with anticipated project completion by August 31. In late July, a draft report was completed by the project team and subsequently reviewed by City staff. Thereafter, a final draft of the report was received and distributed to members of the Common Council late last week.

As previously indicated, time has been set aside during the Committee of the Whole portion of the September 14 Common Council meeting for a presentation of the study's findings. Project principal Amy Paul will be in attendance, with the following format proposed to guide the Council's review and discussion:

7:40 - 8:00 p.m.	Presentation of Analysis by Amy Paul
8:00 - 8:30 p.m.	Questions/Discussion

Recommendation

The entirety of the Committee of the Whole portion of the Common Council's Regular Meeting on September 14 will be devoted to presenting the results of the operational analysis recently completed by Management Partners. Time has also been allotted during the meeting to allow for questions from members of the Committee. Thereafter, and granting an allowance of additional time for members of the Common Council to review and analyze the report and its associated findings, any comments or requests for additional information received by staff will be forwarded to Management Partners and incorporated into a final version of the report and

accompanying Action Plan that are to be delivered to the City in the coming weeks.

Subsequently, the Common Council, in its role as the City's Appropriations Committee, may decide to continue discussion of the report's findings at upcoming budget meetings on September 21 and in early October, or alternatively, the Committee may wish to refer the report to the Public Welfare Committee for additional review, evaluation and report back to the Common Council.

Attachments:

COMMUNITY DEVELOPMENT OPERATIONAL ANALYSIS - FINAL DRAFT - 9.2.21
(PDF)

City of Mequon

Community Development Operational Analysis

Final Draft: September 3, 2021

Management
Partners





September 3, 2021

Mr. William Jones
City Administrator
City of Mequon
11333 North Cedarburg Road
Mequon, WI 53092

Dear Mr. Jones:

Management Partners is pleased to transmit this final draft report on Mequon's Community Development Department organizational analysis. It contains our analysis and recommendations based on the following:

- Assessment of processes, workflow and staffing for the Department and its interactions with staff in Engineering and Fire for the processing of land development applications.
- Feedback from external stakeholders about customer service.
- Feedback from members of boards and commissions.
- Use of technology to manage workflow for processing land development applications and requests.
- Analysis of the physical layout of Community Development offices, customer service and storage areas.

We appreciate the cooperation of the Community Development Department staff and other individuals involved in this assessment. They were all professional and cooperative and expressed a commitment to improving customer service and internal processes for land use and development.

Following our presentation to the Common Council, we will finalize this report and provide an Implementation Action Plan. The Implementation Action Plan will include steps to bring each of the recommendations to fruition, suggest the position that should have responsibility for implementing the recommendations and suggest a priority (short-, medium- or long-term).

Sincerely,

A handwritten signature in blue ink, appearing to read 'Amy Cohen Paul', is written over a light blue circular background.

Amy Cohen Paul
Corporate Vice President

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Executive Summary

The City of Mequon's Community Development Department engaged Management Partners to conduct an operational analysis of planning and community development functions. The purpose of the analysis and the resulting recommendations is to ensure the Department is well positioned to meet current and future requests for development in this highly desirable City. A summary of recommendations is provided in Attachment A.

The pace of growth in Mequon has been consistent since 2017 and the opportunity for development pressures continue due to the new Town Center mixed-use development and other economic development initiatives. To address the current and potential demand for development in the future, City leaders initiated an analysis of development operations and processes carried out primarily by staff in Community Development, with assistance and support by Engineering and Fire staff.

The analysis was initiated to determine if processes, procedures, and the use of technology are optimal and effective. There was also a desire to align City procedures with best practices for communicating expectations and requirements to developers, owners, contractors, and applicants.

Management Partners reviewed background information and pertinent documents from 2017 to 2021 and conducted interviews with the Mayor and six Common Council members who were interested in being interviewed, as well as staff, applicants and stakeholders identified by the City's project team.

To expand upon the comments, issues and ideas for improvement that resulted from interviews, we administered an online survey to past and current Community Development applicants. To complement that information, Management Partners also conducted focus groups with Mequon board and commission members.

The interviews with staff and customers provided Management Partners with excellent background information and, more importantly, gave interviewees an opportunity to explain their concerns and ideas for addressing them. This approach provided us with a balanced perspective

and understanding of the areas and opportunities for improvement. During our analysis we heard a wide range of customer and applicant perspectives. Applicants included both infrequent customers, as well as highly experienced developers who were knowledgeable about community development in Mequon and surrounding communities. While the resulting interview and survey themes are not statistically significant, they served to inform our understanding of customer and applicant needs and areas for improvement. Attachment B includes the customer survey results and Attachment C includes a summary of applicant interview themes.

Customers, stakeholders, and Mequon staff indicated that many things are working well. For example, we heard that Community Development Department employees are skilled and knowledgeable about requirements, codes, and regulations. Additionally, Community Development staff were complimented on their responsiveness to applicants, and that building inspections are conducted within a reasonable amount of time. Community Development customer service and intake counter staff were complimented for their helpfulness and knowledge.

While there are many things that are working well, the purpose of this analysis was to identify areas for improvement related to operations and workflow, customer services and communication and the use of technology. Importantly, the lack of an integrated land management system means that all staff involved with Community Development applications and reviews are consumed by manual processes.

If City leaders decide to invest in technology, staff can redirect time spent on consolidating multiple reviews, tracking the location of plans that have been accepted for review, and responding to applicants' calls and emails about the status of an application. Manual processes, combined with a small staff size (3.5 full-time equivalent employees [FTE] in the Planning Division and 5 FTE in Building Inspection), result in delays to higher priority work.

In contrast with customer and stakeholder satisfaction with Community Development staffs' responsiveness and customer service at the intake counter, the ease of access to information about the status of plans after an application is accepted was also a concern. Applicants frequently have two overriding questions about their applications: "What is the status of my application/set of plans?" and "How long will the process take?"

Many cities set internal review time standards and service delivery cycle times on workflow reports generated from a land management system.

Without a land management system, many of the conveniences afforded by other cities (i.e., customer portals that allow application submittals, credit card payments, hyperlinks to consolidated resources needed to prepare a complete application, the ability to obtain or update contractor licensing, etc.) is not available to Mequon applicants. In addition to the absence of a land management system, Management Partners also observed that the City lacks effective analytic and tracking tools for managing development applications. According to a recent assessment by the *Milwaukee Business Journal*, this level of transparency is provided in the nearby cities of Menomonee Falls, Oak Creek, and West Allis (<https://www.bizjournals.com/milwaukee/news/2019/10/04/consistency-please-the-best-and-worst-communities.html>).

This report provides 32 strategic recommendations that address customer service, operations and workflow, application intake, customer communication, use of technology, and potential improvements to Community Development office and storage facilities. Several recommendations focus on improving internal operations related to plan review, Architectural Review Board and Planning Commission functions and customer service, application intake and routing, inspections, and facilities. Implementation of these recommendations will significantly improve operations. However, we believe acquiring and using a land management system is fundamental to making substantive headway toward improving customer service.

The Common Council should seriously consider providing policy direction to fund the acquisition of a land management system, which should include a plan for moving forward. Without a clear commitment from the Common Council, including policies and budget support, many of the recommendations in this report cannot be achieved.

In summary, the Community Development Department is successful in ensuring that land use policy analysis, long-range planning, current development, zoning, code administration and enforcement, landmarks administration and economic development functions are carried out. However, customers have indicated there is room for improvement in the form of process clarity, predictability and streamlined timeframes.

When implemented, the recommendations in this report will facilitate better coordination of the review process, greater process transparency for applicants, and the ability to work more efficiently and effectively within the Department and with the other City departments.

This report is organized into the following sections.

- Background
- Approach and Methodology
- Operations and Workflow
- Customer Service and Communication
- Use of Technology and Software
- Conclusion

Background

Community Development Organization and Staffing

The Mequon Community Development Department consists of the Planning Division and the Building Inspection Division. The Planning Division is responsible for long-range planning, current development review, zoning code administration and enforcement, economic development, floodplain administration, and the geographic information systems (GIS), among others. The Building Inspection Division provides inspection services for all construction and alteration projects to ensure compliance with applicable codes, ordinances, and requirements, as well as landmarks administration.

In addition, Community Development staff support business retention and marketing efforts of the nine-member Economic Development Board through the creation and maintenance of tax increment financing (TIF) districts. Business retention and marketing efforts also include maintaining the viability of Town Center and other business districts through the application of quality development and design standards. The Economic Development Board is advisory to the Planning Commission and the Common Council. Staff's support of the Common Council and various boards and commissions is discussed later in this report.

Table 1 details the current staffing in the Community Development Department, which includes two part-time contract staff.

Table 1. Mequon Community Development Department Staffing

Community Development ¹	Total FTE
Planning Division	
Community Development Director	1.0
Assistant Community Development Director	1.0
Planner I	1.0
Administrative Assistant	0.5
Building Inspection Division	
Building Inspection Supervisor	1.0

Community Development ¹	Total FTE
Building Inspector	2.0
Permit Coordinator	1.0
Administrative Secretary	1.0
TOTAL	8.50

¹ Community Development staffing is supplemented by a part-time contract code enforcement inspector (20 hour/week) and a contract plans reviewer who works based on demand.

Figure 1 shows the current organization chart for the Community Development Department.

Figure 1. Mequon Community Development Department Organization Chart

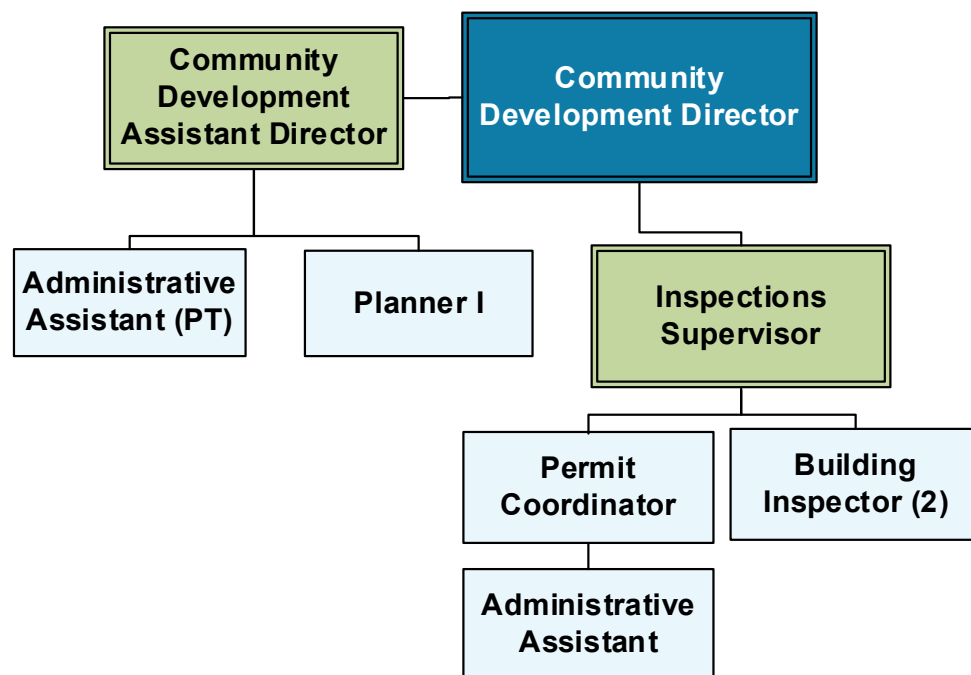


Table 2 shows historic staffing for the Community Development Department from 2017 to 2021.

Table 2. Mequon Community Development Department Staffing FY 2017 to FY 2021

Community Development	2017 Actual	2018 Actual	2019 Actual	2020 Actual	2021 Budgeted
Planning Division					
Community Development Director	1.0	1.0	1.0	1.0	1.0
Assistant Community Development Director	1.0	1.0	1.0	1.0	1.0
Planner I	1.0	1.0	1.0	1.0	1.0

Community Development	2017 Actual	2018 Actual	2019 Actual	2020 Actual	2021 Budgeted
Administrative Assistant	.5	.5	.5	.5	.5
Building Inspection Division					
Building Inspection Supervisor	1.0	1.0	1.0	1.0	1.0
Building Inspector	2.0	2.0	3.5	3.5	2.0
Permit Coordinator	N/A	N/A	1.0	1.0	1.0
Administrative Secretary	1.0	1.0	1.0	1.0	1.0
TOTAL	7.5	7.5	10.0	10.0	8.5

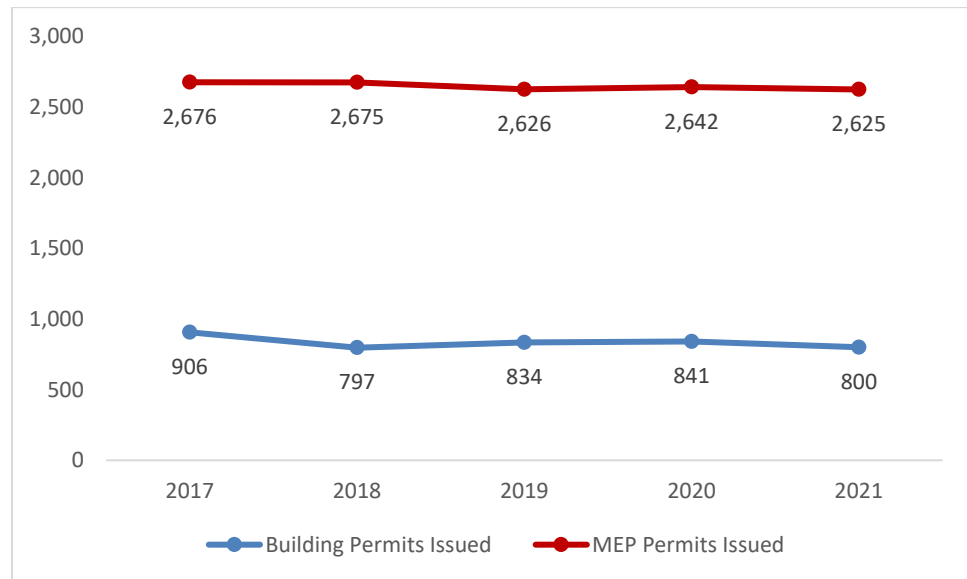
Over the past five years Community Development full-time equivalent staffing has increased from 7.5 to 10.0 and is currently at 8.5. In addition, the City uses contract staff to support Department staff in managing workload demands. This is a best practice and an approach used by many community development and planning organizations to address fluctuating workload demands. In 2021, the number of Building Inspector full-time equivalent staff was reduced from three to two FTE positions, and the work associated with this position has been assumed by the two remaining inspectors. Overall, workload for the Building Division (per Figures 2 and 3) show a continuing decline between FY 2020 and FY2021.

The budgets for planning and building inspections from FY 2018 through FY 2021 are shown in Table 3 below. The Department has had a 9% increase in its budget since FY 2018, although the FY 2021 budget is slightly less than the FY 2020 budget. This was caused by reinstatement of a building inspector supervisor position that was left vacant after the incumbent retired.

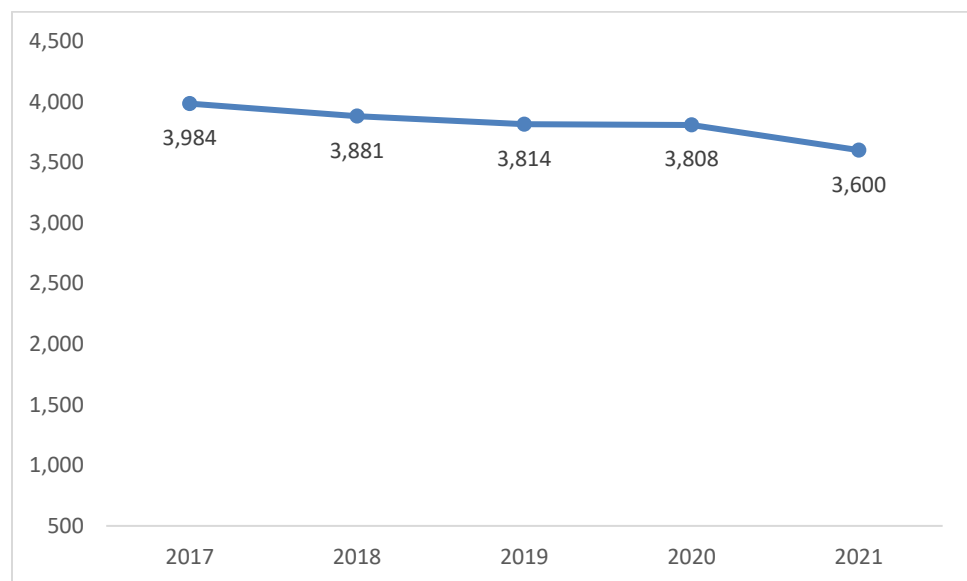
Table 3. Mequon Community Development Department Budget FY 2017 to FY 2021

Division	FY 2017 Actual	FY 2018 Actual	FY 2019 Actual	FY 2020 Amended	FY 2021 Budget	Percent Change from 2017
Planning	\$411,292	\$431,031	\$434,051	\$517,049	\$474,150	15%
Building Inspection	\$461,652	\$487,610	\$564,630	\$510,804	\$525,650	14%
Total Community Development	\$872,944	\$918,641	\$998,681	\$1,027,853	\$999,800	15%

Figure 2 shows the number of building, mechanical, electrical, and plumbing (BMEP) permits issued between 2017 and 2020, and the number of permits projected to be issued in 2021. The number of permits issued since 2017 has remained relatively flat with a slight decrease in 2020, likely due to the COVID-19 pandemic. The 2021 projection for BMEP permits reflects a continuation of the trend that began in 2019.

Figure 2. Building, Mechanical, Electrical, and Plumbing Permits Issued from 2017 to 2021

Similarly, there was an 11% decrease in the total number of permits processed between 2017 and 2021, as shown in Figure 3. However, between 2017 and 2019 the decrease is only 4%. Therefore, a similar assumption about the impacts of COVID-19 likely accounts for the larger decrease when calendar year 2020 is also considered. The 2021 projection indicates a continued decrease in permits processed, as has been the case since 2017.

Figure 3. Permits Processed from 2017 through 2021

While the City of Mequon's population is growing and development pressures continue, the data trend indicates that future service demands will at least remain consistent with the level of past service demand.

Table 4 shows workload for the Planning Division from 2017 to 2021 (as contained in the FY 2021 budget). The workload fluctuates from year to year, but overall has remained fairly constant with no signs of rapid growth or decline in activities.

Table 4. Planning Division Workload

Activity	2017 Actual	2018 Actual	2019 Actual	2020 Actual	2021 Budgeted
Certified Survey Maps/Land Splits	10	13	7	8	10
Conditional Use/Special Exceptions	9	13	7	9	8
Land Use Applications	4	6	7	6	5
Plats	4	6	5	5	6
Plan Commission Meetings	12	12	10	22	22
Special Sessions	0	0	0	2	2
Development Agreements	3	4	5	6	5
Landscape Plans	3	3	2	4	3
Rezoning Recommendations	16	22	7	7	8
Consultations with Potential Applicants	4	4	1	4	4
Minor Requests	17	20	9	15	14
Concept Plans	3	4	5	4	5
Building/Site Plan Reviews	15	19	16	16	18
Open Space Plans	1	1	0	0	2
Specimen Tree Removal Requests	0	4	2	3	2
Master Sign Plan Approvals	6	6	1	3	4
Sign Permits	50	44	42	17	30

Table 5 shows workload for permits issued by the Building Division from 2017 to 2020 (as contained in the FY 2021 budget).

Table 5. Building Division Workload

Permits and Application Activity	2017 Actual	2018 Actual	2019 Actual	2020 Actual	2021 Budgeted
Building Permits	906	797	834	841	800
Electrical Permits	1,029	1,093	1,046	1,008	1,000
Plumbing Permits	1,012	908	930	1,008	1,000
HVAC Permits	635	674	650	626	625

Permits and Application Activity	2017 Actual	2018 Actual	2019 Actual	2020 Actual	2021 Budgeted
Well Permits	5	7	12	9	6
Architectural Board Applications	160	147	115	92	120
Occupancy Permits (Final/Temporary)	185	230	204	152	120
Permit Applications Processed ¹	3,984	3,881	3,814	3,808	3,600
Total Permit Fees Collected	\$918,434	\$951,791	\$911,378	\$674,177	\$758,250

¹Not all permits processed are issued in the same year that the application is accepted.

Based on our review of the past and current workload data, we believe that current staffing, supplemented with contract employees as needed, with the recommended addition of a planning analyst/project manager position (see Recommendation 23) will be sufficient to meet the current workload. As mentioned previously, use of as-needed contract staff is a best practice and one that helps ensure fluctuations in workload demand can be accommodated. Staffing should be monitored closely since it is likely that once COVID-19 development resumes, the number of development and permit applications could increase.

Without workload projections beyond 2021, we were unable to assess the need for additional full-time staff. Based on our experience with other jurisdictions, once a land management system is fully implemented (at some point in the future and discussed later in the report) some staffing efficiencies will occur.

Training and Professional Development

Community Development staff are responsible for compliance with planning, land use and building codes and regulations to ensure public health and safety of the built environment. As such, planning and building staff should meet annual training and professional development standards for licensure according to job and position requirements.

Based on a review of job descriptions for the Department, the Inspection Supervisor and Building Inspectors must maintain state-required certifications for construction and commercial inspections, and the trades (heating, ventilation, and air conditioning, electrical and plumbing) associated with plans review and site inspections. Absent these state requirements, Community Development planning, building and intake staff are not subject to specialized training (i.e., floodplain management, GIS, etc.) and professional development goals, nor are training/professional development goals tied to annual employee performance evaluations.

During FY 2020 the Department's training/conferences budget was eliminated to address constraints caused by the COVID-19 pandemic. However, in FY 2017 the adopted budget for staff development and conferences was \$1,290. In the adopted FY 2021 budget this line item is funded at \$825, which is a 48.4% decrease from FY 2019. There is a need for annual employee development plans outlining training to support greater knowledge and application of planning and development best industry practices. Funding this type of professional development is a key element to retention and job satisfaction.

Recommendation 1. Develop employee-specific training and development plans and review them annually.

Development Review Coordination

The Community Development Department is not the only department in the organization that plays a role in the development review process. The Engineering Division of the Public Works Department manage the various engineering aspects of private development through plan reviews to ensure they comply with mandated programs. Similarly, the Fire Department conducts plan reviews and inspections for those structures that must comply with applicable fire codes.

Development review in Mequon requires communication and coordination across multiple departments and divisions to successfully see a project to completion. Based on interviews, we know that some elements of this coordination are working well and some need improvement. Specifically, Community Development, the Public Works divisions of Engineering, Forestry and Utilities, and Fire are all involved in reviewing, inspecting and approving development permits. Ideally the three departments would employ an integrated process to accomplish the review and determination (approval or disapproval) of developer proposals.

Although staff in the Community Development, Public Works, and Fire Departments work primarily in silos, the weekly development update meeting that includes the Mayor, City Administrator, the Community Development Director and Assistant Director and the Public Works Director/City Engineer provides a forum for collaboration about application status among these key individuals. In addition to the complexity of development review functions that are spread across various City departments and divisions, Community Development Department staff also are responsible for preparing reports, conducting analysis, and administering loan programs for approved by the Common Council and/or advisory boards. Additionally, Community Development

staff work with committees of the Common Council and the Planning Commission to develop policies, conduct application reviews, and assist with applications, staff reports and recommendations, agendas and minutes for the Planning Commission, Architectural Board, Economic Development Board, and the Landmarks Commission.

Things that Are Working Well

Throughout our work and the wide range of perspectives we have heard, our team heard many good things about Community Development Department staff and various aspects of the development review process occurring in other departments.

- The staff of Community Development are skilled and knowledgeable about planning codes, regulations, and requirements. In general, staff are responsive to applicants and provided necessary information. Communication with applicants is clear and straight forward, thereby allowing contractors and developers to assemble complete applications.
- In addition to improvements to staffs' responsiveness and customer service over the years, Community Development staff have made modifications to standardize review procedures, resulting in increased predictability of timeframes. Inspections are generally completed within 24-hours after an inspection is requested and plan review staff does a good job of responding to questions about comments and required revisions.
- Community Development in Mequon is characterized by high standards which are exemplified in a built environment of quality design. This is appealing to stakeholders and can be attributed to an adherence to local and state codes and regulations.
- Until recently, the City Engineer was responsible for reviewing plans when the Assistant City Engineer position was vacant. As a result, she began developing checklists that can be used by both City employees and applicants to ensure applications meet submittal requirements.
- The Assistant City Engineer position was recently filled. Responsibilities include managing development applications that require an engineering, utility and forestry review. This position is critical to the efficient flow of Public Works reviews and inspections.
- Similarly, a vacant building inspector position has recently been filled.
- As mentioned previously, contract staff are used to support the review and processing associated with development applications

by Community Development and Engineering staff, which is a best practice.

The following analysis and recommendations address areas for continuous improvement that will further Mequon's position as a highly desirable place for development that adheres to the character of the City. When implemented, the recommendations will position Community Development and other departments with a role in review and approvals to process applications faster through improved internal communication and workflow predictability.

Approach and Methodology

Management Partners initiated an analysis of the operations and processes used by the Community Development Department in January 2021. The project began with a review of the work plan and confirmation of dates for project activities and deliverables by the Mayor, City Administrator, and other Mequon staff

After the initial meeting, Management Partners interviewed 22 members of the Mequon City staff in individual interviews or in groups to learn about development review intake and customer service, plans review operations, and functions carried out in City departments. Specifically, interviews were conducted with the Director of Community Development and Planning and Building Division staff to understand how they do their work, interact with each other and staff in other City departments and their ideas about what is working well and potential areas for improvement. Interviews were also conducted with Public Works and Engineering staff and the Chief and Assistant Chief of the Fire Department.

And, as mentioned previously, Management Partners interviewed Mayor Wirth and six members of the Mequon Common Council. The purpose of these interviews was to understand their issues of concern related to land use and development and to hear their expectations about this project.

Because it was important to understand customers' perspectives about the Mequon land development process, Management Partners developed and deployed a confidential customer survey that was sent to past development applicants and members of City boards and commissions. City staff supplied email addresses for 857 applicants from the past three years.

A total of 114 individuals responded to the survey. The survey was used to gather information about their experiences with key aspects of the development review process such as application submittal and intake, plan review, inspections, customer service, online tools for application processing and payment, and ideas for improvement. In general, much of the feedback received was positive. Survey respondents indicated that Planning, Building, and Engineering intake staff members are helpful,

knowledgeable, and responsible. Respondents were not as positive about timely review of plans, and consistency of comments was also less positive.

Members of the Architectural Review Board, the Board of Appeals, the Economic Development Board, the Landmarks Commission, the Park & Open Space Board, Planning Commission, and the Tree Board were also asked to respond to questions about staffs' support and materials provided by Community Development staff, along with agenda development and decision making and their ideas for improvement. A total of 31 individuals responded to the survey.

To understand Mequon's development review process from the stakeholders' perspective, Management Partners conducted interviews with a cross-section of development professionals who had worked in Mequon during the past several years. We spoke with 10 stakeholders who were knowledgeable about the processes used in Mequon and other jurisdictions. We also held group interviews with the Chamber of Commerce (with nine members participating), the Economic Development Board (with three members providing comments), and the Planning Commission (with four participants). Ideas from these interviews have been incorporated into the recommendations in this report.

Management Partners also reviewed a variety of data and information to analyze the operations of the Community Development Department. At the start of the project, we requested quantitative data that was used to assess how it is used to manage workflow. Although we received budget and workload data (shown in Tables 4 and 5), we learned that the Department does not collect data to manage cycle times for the completion of work. In addition to the data shown in this report, we also reviewed the Department's web pages and informational materials, policies and procedures, and position descriptions and organization charts.

Operations and Workflow

Introduction

Management Partners' analysis of Community Development operations and workflow considered the following key functions: land use and plan review, the roles of the Architectural Review Board, the Planning Commission and the Economic Development Board and staffs' support to these advisory groups. In this section we also report the results of our analysis of application intake, routing, review and inspections for land development applications, along with the physical office space and areas available to serve customers who visit the Community Development service counter located on the first floor of Mequon City Hall.

Land Use and Development Plan Review

Community Development staff lead intake and review of applications for land use and development applications, which are processed according to application type for review by either the Planning Commission (commercial development applications) or the Architectural Review Board (single-family residential development/redevelopment applications, with exception of decks, fences, pools and gazebos and sheds under 150 square feet).

As previously stated, Community Development staff also work closely with and attend meetings of the Economic Development Board for the development and management of TIF districts and revolving loan funds, which requires staff reports and meeting materials. They also support the Common Council and the Planning Commission with policy development and the processing of land use and development applications in addition to the day-to-day work of meeting with developers, processing signage plans, conditional use requests, reviewing building and site plans, processing rezoning requests and many other activities.

Community Development staff work follows a tightly scheduled set of application deadlines for monthly Planning Commission meetings related to commercial development applications, as well as the Architectural Review Board application calendar for residential development/

redevelopment applications. The Planning Commission hears requests for re-zonings, conditional uses building and site plans, consultations for new residential and commercial projects, master plans, subdivision plats, development agreements, sign and setback waivers and survey maps. The Planning Commission Policy Subcommittee meets the second Monday of the month to consider and discuss updates and changes to land use policy and amendments to the comprehensive plan. The application deadline for Planning Commission items is the third Monday of the month, and Planning Commission meets the fourth Monday of the month. Additionally, Community Development staff also prepare the agenda and staff reports for the Architectural Review Board according to a separate cycle and process, which is described below.

Some recommendations and decisions of the Planning Commission are advanced to the monthly Common Council meeting. These meetings are held the second Tuesday of the month, and a day after the Planning Commission Policy Subcommittee meeting. Additionally, Community Development staff support the Economic Development Board and the Landmarks Commission.

Figure 4 provides an illustration of Community Development staff members' work to support monthly Common Council and board and commission meetings. The key dates and activities are from April 2021. These duties are in addition to the daily Planning and Building functions previously detailed in Tables 4 and 5.

Figure 4. Community Development Calendar of Meetings and Due Dates from April 2021

April 2021				
Mon	Tue	Wed	Thu	Fri
			1	2 Architectural Board Packet Posted Economic Development Board Monthly Applications Deadline
5 Common Council Reports Due Planning Commission/Policy Subcommittee Minutes Due Architectural Board Meeting Courtesy Cards Mailed Out	6 Management Team Meeting Planning & Development Meeting	7 Department Head Meeting Sign Case Management Meeting Enforcement Case Management Meeting	8 Planning Commission Conditional Use Grant Notices Due to the Newspaper Planning Commission/Policy Subcommittee Meeting Packet Distributed Common Council Packet Distributed	9 Planning Commission Conditional Use Grant Notices Mailed Out
12 Planning Commission Public Notice Signs Posted <u>PUBLIC MEETING: Planning Commission/Policy Subcommittee</u> <u>Architectural Board Meeting</u>	13 Planning & Development Meeting Mayor Review Meeting of Planning Commission Agenda <u>PUBLIC MEETING: Common Council Meeting</u>	14 Department Head Meeting Sign Case Management Meeting Enforcement Case Management Meeting Draft Planning Commission Agenda sent to Commissioners	15 Common Council Final Ordinances and Resolutions Due	16 Planning Commission Courtesy Card Notices Mailed Out
19 Planning Commission Minutes Due Planning Commission Monthly Applications Deadline Architectural Review Board Monthly Applications Deadline	20 Management Team Meeting Planning & Development Meeting Economic Development Board Minutes Due	21 Department Head Meeting Sign Case Management Meeting Enforcement Case Management Meeting	22 Planning Commission Packet Distributed Economic Development Board Packet Distributed	23
26 <u>PUBLIC MEETING: Planning Commission Meeting</u>	27 <u>PUBLIC MEETING: Economic Development Board Meeting</u> Planning & Development Meeting Multi-Department Review of Planning Commission Agenda Meeting	28 Department Head Meeting Sign Case Management Meeting Enforcement Case Management Meeting Monthly DCD Staff meeting	29	30

*Landmarks Commission meeting 1x/month as needed

*Board of Appeals meeting 1x/month as needed

As Community Development staff are preparing staff reports to advance development applications, they are also working with staff in other departments to advance plans that have received land use approvals so they can apply for building permits in advance of beginning construction.

The plan review process is such that an applicant or agent may work with multiple Mequon City staff to make reviews and corrections to plans prior to receiving one or more approvals required for building permit issuance. Depending on the type of development, plan sets may be routed to Engineering, the City Forester, and/or Utilities in addition to the building plans reviewer. It is the norm for an applicant to work with two or more City staff to address plan set corrections and modifications.

The offices of Planning, Building, Engineering are in City Hall. Public Works (including Forestry and Utilities), Fire and Police are located at separate satellite locations and the use of email to communicate about changes and modifications is a benefit. However, the applicant is largely left to navigate the review process alone and work with reviewers individually.

We have found that this process is not always the most efficient or effective for complex development applications where close coordination between the applicant and staff is necessary to meet timelines or when a project is high profile and needs extra sensitivity and care. Conversely, a project may need an extra level of care because the applicant is an infrequent or first-time user of the process (i.e., a developer who has never worked in Mequon). For example, complex development initiatives with high-dollar values, public improvements, involvement by other County and/or State agencies, will result in substantial benefits to the City.

There are many reasons to have a Community Development staff person serve as a dedicated single point of contact to help applicants and agents manage movement through the plans review and inspection processes. Initially, the Community Development Director may want to assign a current staff member to this role after developing criteria for the projects that would qualify for this level of assistance.

Criteria for the types of projects assigned to a single point of contact vary widely. In most instances the intent is to provide a level of assistance that ensures continuity of movement from project initiation to project completion. The single point of contact would be responsible for managing the progress of application and plan reviews across departments, with regular status reports to the Community Development Director about milestones and any delays that are encountered (regardless of whether the delay is the result of the applicant or City staff). Based on the workload of current staff, the single point of contact should be a new position.

In the City of Sacramento, the single point of contact is a project manager for projects based on valuation (\$1 million or more). Lee's Summit, Missouri, assigns a project manager for projects that require review/involvement by more than one discipline. The City of Boise, Idaho, may assign a project manager for projects requiring multiple permits and detailed review by multiple departments and outside agencies within key project categories (i.e., downtown housing, workforce housing, LEED Silver or higher, larger projects with phased permits, etc.). The potential responsibilities of this position could result in a compensation range starting at the maximum range of a planner position or higher depending on the requisite skills and experience.

Recommendation 2. Identify criteria for assigning a single point of contact to assist with complex development applications. Criteria should define the

types of developments based on scale and complexity and the responsibilities of the position.

Recommendation 3. Create a single point of contact position in Community Development to assist with coordinating development review applications with staff in various City departments.

Architectural Review Board and Planning Commission Approvals

Community Development staff support the work of the Architectural Review Board and the Planning Commission. The mission of the Architectural Board is to promote and ensure the physical development of the City is of an aesthetically pleasing manner, as related to residential properties. Members of this board are responsible for the review and final approval of all single-family and plex residential housing plans unless the residential development is contained in a mixed-use development. Mixed-use developments are reviewed and approved by the Planning Commission.

Meetings of the five-member Architectural Review Board (plus two reserve panel members) are held the second Monday of the month and the deadline for agenda items occurs on the alternating third and fourth Mondays. Reserve panel members only vote on proposals located in their designated aldermanic district.

In addition to considering changes to existing residential properties and new development, the Board is responsible for the review and approval of storage sheds and other detached accessory structures.

Members of the Board apply guidelines that address zoning, exterior design, the location of the building on the lot, elements of design quality and appearance, roof geometry, scale, consistency of elevation, building façade elements and materials. Adjacent property owners are notified about new residential development and additions to existing homes.

Notably, the time spent by staff preparing for Planning Commission and the Architectural Review Board is essential to advancing commercial and residential development requests. The Architectural Review Board reviews all applications for exterior building changes, including new construction and additions, with limit to scale, including additions/changes to siding, windows, doors, decks, and gazebos over 150 square feet and other accessory uses. It is a best practice to review exterior design features for residential uses in adherence with local and neighborhood design standards.

Many communities use a combination of staff and board reviews for approvals. During stakeholder interviews, several commented about the delays caused by Architectural Review Board approvals for residential construction that had been approved within a larger subdivision or master plan and delays caused by the once-a-month meeting schedule and agenda deadline.

The work of the Architectural Review Board is essential to preserving quality residential development in Mequon. As such, we recommend a modification to the current policy that would allow limited administrative approvals by the Director and Assistant Director for some of the current reviews by this board. In large developments where materials have already been approved it is customary to allow administrative review for separate phases of an approved master development. In the case of Mequon, this type of administrative review could be assigned to a Planner or the Permit Coordinator.

Implementation of a land management system will support this new staff function through an online portal that will aid in streamlining workflow. Over time, the reduction and elimination of manual processes will allow Community Development staff to assume administrative review responsibilities, if granted by the Architectural Board.

Stakeholder interviews and the stakeholder survey included negative comments about the length of time (and therefore the cost) associated with the Architectural Review Board. Some of the issues include a lack of consistency (both in the decisions made as well as the fact that Board members' presence is not always consistent). During interviews, stakeholders commented about the need for clarity and transparency about how the Board uses guidelines in their decision-making process. Additionally, they indicated they would benefit from samples of materials and treatments that meet various design guidelines so there is clarity about what is expected and the types of design elements that meet Mequon standards.

Our analysis indicates that there are elements of the review, including sheds, accessory structures, and roofs, at a minimum, that could be designed for administrative review and approval, with specified exceptions that would trigger a full Board assessment. This is especially true for areas where developers are building multiple homes in an area. Allowing an administrative review and approval process would save significant time for developers and staff.

Recommendation 4. Identify current Architectural Review Board applications that can be transferred to the

Community Development Planner or Permit Coordinator for administrative review.

Recommendation 5. Clarify application requirements to ensure completeness and certainty to the process by adding examples and samples to the application packet.

Planning Commission

The mission of the Mequon Planning Commission is to assist with the adoption of the Master Plan for the City, recommend zoning text and map changes and administratively act on development proposals. The seven-member Commission is responsible for carrying out planning and oversight of the orderly physical layout of the City and areas of extra-territorial jurisdiction.

After Planning Commission action on a development application, a final action letter is prepared by Community Development staff. The final action letter documents the decision of the Planning Commission. In addition to conditions of approval, it may include approvals from other City departments such as Public Works/Engineering. Both the Planning Commission conditions and other City requirements, as included in the final action letter, must be completed by the applicant prior to issuance of a building permit.

Applicants are given 60 days to prepare final site plans for review and approval by Community Development staff. There may also be other conditions of approval in the action letter that have independent timelines, such as Engineering reviews (grading, drainage, erosion control plans and stormwater management) needed prior to issuance of the building permit. Although the additional reviews are described in a written communication to the applicant, there is still confusion by many who think Planning Commission approval of a final site plan triggers a building permit application.

Recommendation 6. Clarify the Planning Commission Action letter to inform the applicant about the estimated timeframes for review of civil plans and stormwater management plan and provide an estimate of the time needed for approval by the Milwaukee Metropolitan Sewer District (MMSD).

Building Permit Application Intake, Routing and Storage

After land use and development plan approvals are secured, applicants can submit the building permit application. The Community

Development customer service/intake counter area is located on the first floor of Mequon City Hall. The Community Development counter is within close proximity to the Engineering counter and the Finance/Treasurer's Office.

Contractors and agents either drop off applications and plan sets in person at the Community Development customer service/intake counter, mail them, or deliver them to a drop box located outside of City Hall.

The Administrative Assistant and Permit Coordinator accept the plan sets and application in paper form and review them for completeness. Land use and development applications are received by Building Division staff at a central intake counter. Intake staff, either a Permit Technician or Permit Coordinator, take the lead in checking applications to ensure completeness. For incomplete applications, they will note missing items and follow up via email with the applicant. To complete the intake process, staff assigns a routing number and manually logs information about the applicant and project details and assign plans for review.

Accepted plan sets are logged in using an array of manual lists, cards, notebooks, etc. to manage routing and storage. Parcel and property data going back to the 1960s are stored in metal card files at the intake area on top of metal file drawers. There are several storage locations at the customer service/intake counter, including metal file drawers, the area under the intake counter and other areas along the walls where paper plan sets are stacked. Plan sets for Fire review are sent via inter-departmental mail to the Fire Department.

Manual intake and logging of applications and plans is not an effective use of staff time. As discussed in the report section titled Use of Technology and Software, manual application management and plan routing is a best practice used by many cities to receive applications and plans electronically, manage workflow, and communicate with internal reviewers and applicants. Moving from accepting paper plans to electronic submittals should be addressed as part of the implementation of a land management system.

Recommendation 7. Identify a system to accommodate electronic plans submittal and routing as part of the land management system design and scoping.

Plans submitted for review are assigned a number for tracking purposes. The tracking number and application information are recorded in a notebook kept at the intake counter. City storage areas for filing paper plans, applications and property cards are limited. Plans are stored in

several locations, including under the intake counter and in several storage rooms in City Hall.

Approved plans are rolled for storage and accompanying application materials are placed in cardboard storage boxes. However, this method of storage is unprotected from loss and damage. While some filing and scanning of this archive exists as time permits, dedicated scanning efforts are not part of the Community Development work plan.

Manual retrieval of approved plans is time consuming and based on an approximate location and an honor system for returning borrowed plans and related information. Without a system for tracking the location of plan sets, other than checking with various plan reviewers in either the Planning or Building Inspection Divisions, there is no way to preserve the integrity of the information contained in the various City Hall storage areas.

Scanning is used by many jurisdictions to eliminate the need for additional storage space as plans are received with applications. Scanning is also a useful archiving tool. However, the City will need to devise a plan for scanning approved and as-built plans and property cards in accordance with archiving policies and procedures. While scanning of plans and application materials submitted at the Building counter could be handled by the Administrative Assistant and the Permit Coordinator, it is likely that the scanning of stored applications and plans will require temporary part-time or contract assistance.

Recommendation 8. Ensure plans, applications and supporting materials are scanned and digitized as they are received. A format should be developed for scanning and digitizing to achieve consistency. This should be coordinated with Recommendation 7 using a phased approach.

Recommendation 9. Develop a schedule and funding mechanism for scanning and digitizing archived plans and parcel data.

Recommendation 10. Acquire a dedicated location for the secure storage of approved plan sets until they can be digitized and subsequently disposed. The size and location requirements will be dependent upon archiving requirements and plans to digitize the current inventory of stored plans and supporting materials.

There is limited space in the intake area for viewing large plan sets. Space that was previously used for a receptionist area and a large countertop in the intake lobby could potentially be repurposed to provide additional space for viewing plan sets. Many local governments provide collaborative spaces for meeting with applicants to review preliminary plans. The current lobby area in Mequon could be repurposed to accommodate this need.

Recommendation 11. Redesign unused or under-used spaces in the lobby area to provide collaborative space to meet with clients.

In general, the office space housing Community Development Department staff is crowded and space that could potentially be used as extra office space is being used for storage of plans and equipment. When plans are provided digitally (as recommended later in this report), office space that is currently used for storing plans can be converted to counter space.

Permits and Inspections

Permit holders can request inspections by either sending an email request or by calling a central Building Inspection phone line. The inspection line is checked at least twice each day by the Permit Coordinator and/or the Administrative Assistant.

The Administrative Assistant and Permit Coordinator spend up to two hours each day retrieving the inspection requests and entering them into a legacy software program, Black Bear, that is no longer supported by the vendor. The current method for inspection scheduling is unnecessarily time consuming for the Building and Inspection customer service/intake staff.

The Permit Coordinator and the Administrative Assistant work closely with planners and plans examiners. With the implementation of a software system for land management that allows for online inspection requests, the Permit Coordinator and Administrative Assistant will have time available to assist with issuing additional small over-the-counter permits and assume greater responsibility for checking applications for completeness. These two staff positions should receive training in archiving and scanning protocols. Additionally, the City should contract with a scanning vendor to reduce the backlog of existing documents stored at City Hall.

Recommendation 12. Identify a web-based online system for inspection requests as part of an integrated land

management system. Criteria and costs will be determined as the IT Strategic Plan is implemented.

Recommendation 13. Train the Administrative Assistant and Permit Coordinator to scan paper applications and plans received at the Building Division counter.

Customer satisfaction with inspector responsiveness from the survey data showed greater satisfaction than was indicated during stakeholder interviews. Slightly over three-fourths of survey respondents (77%) strongly agreed or agreed that inspectors were responsive. However, during stakeholder interviews we heard that it is not uncommon for an inspector to find new issues on items that were previously passed during an initial inspection. So, while inspectors are responsive to requests, there was concern expressed about new citations and directives for items that were previously issued, inspected and passed.

Recommendation 14. Monitor second and subsequent inspection outcomes for quality and consistency and determine the need for additional training.

Customer Service and Communication

Customer Service and Application Intake

Land use and development applications are received by Planning Division staff at counter staffed by the Administrative Assistant and the Permit Coordinator. Intake staff take the lead in checking applications to ensure completeness. If an application is incomplete, they will note missing items and follow up via email with the applicant. To complete the intake process, staff manually log information about the applicant and project details and assign plans for review.

Community Development staff accept applications and fees at a centrally located customer service/intake counter. Payment is accepted in the form of checks and cash only. Cash payments require that the Permit Coordinator or Administrative Assistant obtain a receipt from Finance. Acceptance of payments by credit card would eliminate the back and forth to Finance for a receipt by City staff or the applicant.

Inspection checks received through the mail are batched to the Finance Department throughout the day. The availability to pay by credit card, which is currently not available, would most likely reduce the number of checks received through the mail.

Recommendation 15. Adopt a process to accept debit and credit card payments at the Community Development intake counter.

Recommendation 16. Link debit and credit card payments to the Finance Department's payment processing system.

Communication

A key element of a successful development review process includes a focus and commitment to customer service and communication. Observations and recommendations in this section address the Community Development website and information resources.

Website and Informational Resources

The Mequon website does not have a consolidated development review page that integrates forms, checklists, regulations, fee schedules and other information for each of the City departments that a development applicant might need. Applicants must move between different web pages for Community Development, Engineering, Public Works, Utilities and Fire to piece together the information needed for a complete application submittal.

It is a best practice to have a consolidated development review portal that combines information from each of the departments in one location. Often these sites are organized by service category and application type, so a potential applicant can go to one location rather than several for applications, forms, checklists, guidance documents, handouts and links to outside agencies that have a role in review and approvals process.

Various features of contemporary websites use icons and buttons, fillable forms such as “I want to do this” as well as fillable questions such as “How can we help you?” and “Still need help?” These websites are organized along the lines of priority services provided, rather than department webpages. Many provide a direct one-click from the homepage to the development review and permitting process.

Virtual intake counter appointments are also provided by many jurisdictions. Application forms with associated checklists are readily accessed. An address fillable feature is also provided that takes the viewer to information regarding the zoning, allowable land uses, setbacks and other spatial limits, as well as environmental overlays on FEMA flood zones, wetlands, stormwater basins, tax districts, opportunity zones, etc. Mequon has some of these features on its current website.

The websites of the Village of Menomonee Falls (www.menomonee-falls.org/) and the City of Brookfield (www.ci.brookfield.wi.us) are illustrative of navigable ease, usefulness and public access that are becoming the new norm.

While 73% of survey respondents strongly agreed or agreed that information provided on the website about the development review process met their needs, improvements will help customers understand the full range of information they need to provide and will avoid misunderstandings. Additionally, survey responses from applicants indicate a need to improve the information provided about permit applications and forms. A total of 70% of respondents strongly agreed or agreed that permit application forms and materials informed them about requirements for preparing and submitting building plans for review,

which leaves room for improvement. Create a consolidated development review section on Mequon's website with links for applications, checklists, the development code and building code, contact information, and boards/commission calendars.

Recommendation 17. Create a consolidated development review section on Mequon's website with links for application checklists, the development code and building code, contact information, and boards/commission calendars.

Recommendation 18. Arrange the consolidated webpage according to key process steps and reviews, such as pre-application, intake, plan review and civil plans, utilities, inspections, etc.

The site should also include links to key meetings and agendas for the Planning Commission, Architectural Review Board and Common Council.

In addition to a well-organized website that provides information and resources that are easy to find and access, clear and simplified process guides are used by many local governments to orient applicants and the public. A step-by-step guide or flow chart of the process from beginning to completion is another tool to help customers understand the entire process. These types of tools assist visual learners who may be less inclined to read text. The process guides should be updated, as needed, so the information is kept current, thereby ensuring its value as a resource.

The Planning Commission application process diagram provides a good overview to assist with submitting a land use or development application for a Commission meeting. The general steps in the process from pre-application to the Commission meeting are outlined. Aside from the process steps no other information is provided.

Recommendation 19. Create a development process guide that includes detailed information for land entitlement, commercial and residential applications (intake plan review and inspections), board and commission meetings, contact information, and other useful resources. Ensure it is easily accessible to online users.

Timeliness of Plans Review and Inspections

The lack of transparency and online access to information exacerbates perceived delays. Customers do not have the tools to see where they are in the process. Setting cycle times and focusing on continuous improvement goals is reliant upon the integrity of the data entered into a permit tracking system. Many survey respondents agreed that plan review by Community Development, Utilities and Engineering staff is timely (76%, 75% and 70% of respondents strongly agreed or agreed respectively) which indicate there is still room for improvement. However, many of the stakeholders interviewed by Management Partners had negative comments about their experiences with plan review, including the following remarks:

- Review times take too long and there is no way to find out where in the process something is unless you call or email.
- Planning and engineering reviews sometimes conflict, Why don't they talk to each other before they send comments to us?
- It would be better to have consolidated comments at one time instead of getting them separately
- It would be helpful to have plan review and inspection comments online, along with information about the status of the review process (i.e., approximate number of days until a certificate of completion or occupancy is approved).

After new technology is implemented and processes are improved, the City should expect to see an increase in customer satisfaction with the timeliness of plans review.

Recommendation 20. Develop a mechanism to track the timeliness of plan review for Community Development, Engineering and Utilities.

Once data are tracked, cycle times can be determined, and targets can be set and reported. For example, the Colorado cities of Littleton <https://www.littletongov.org/building-development/planning-services/development-process/development-review-process> and Boulder, <https://bouldercolorado.gov/plan-develop/start-the-development-review-process> and <https://bouldercolorado.gov/plan-develop/plan-develop> provide customer time standards on their website. They also provide periodic updates using land management system data.

Recommendation 21. Determine cycle time targets for Planning, Engineering and Utilities review, monitor them, and provide them to applicants.

Use of Technology and Software

Introduction

Increasing expectations for a timely, navigable, and predictable development review process are evident, despite the ever changing, complex state policies and regulations that abound in this era. Local agencies are forced to seek ways to increase staff capacity with finite resources, while managing caseloads due to high market demand, as well as delivering top-quality development projects that reflect the needs, style, and scale of the community.

Into this mix, contemporary local agencies are finding technology solutions that increase staff capacity and help permit customers navigate in a timely way to their end goal. Land management business systems have been in existence for over 20 years and today's versions typically include components such as archival research and retention, paperless permit intake and processing, permit tracking, staff report production, meeting/hearing agenda management, final plan set approval stamps, electronic signatures, cashier management, and the production of workflow management reports.

The City of Mequon has engaged a consultant to assist with identifying information technology enhancements and improvements to the current Tyler-Munis system. We have provided considerations and recommendations to assist with decision making. But first a word of overarching advice:

- There needs to be a sustained focus and effective leadership that will instill in staff the thought processes and drive towards workflow management across those City departments with a role in processing development applications.
- Long-established regulatory and policy-oriented practices of staff need to be tempered with a customer-oriented perspective, so staff and customers are clear about their roles in moving an application from intake to successful completion.
- The tools to match the customer orientation need to be configured under a well-integrated single system that encompasses

Enterprise Resource Planning. A central dashboard with integrated technology components that are seamlessly accessed and similar in format will receive much greater use by staff throughout City Hall than diverse components linked together.

The draft Information Technology Strategic Plan recently developed by the City provides an assessment of the current state of technology used by the City to support department operations for Finance, Human Resources, Police, Fire, Community Development and other City departments. The plan also includes recommendations that address cybersecurity, establishment of a digital City Hall, enterprise sustainability, data optimization and reporting, and SaaS migration. Recommendations related to a Community Development Department land management system include:

- Recommendation 5. Conduct Needs Assessment for Citizen/City Engagement through Optimized Self-Service Portal
- Recommendation 6. Implement an E-Signature tool
- Recommendation 7. Establish a Centralized Single-Solution Payment Processing System
- Recommendation 14. Enterprise Land Management System Planning

A Changing Development World

Over time, land management business systems became high demand, as they filled the need for increased staff capacity, process efficiencies and better, faster avenues of communication with customers and interested public. Paperless, electronic permit tracking systems took the guesswork out of project status in terms of who was waiting on whom for data, information, plan set corrections, signatures, recordings, and fees. The systems tracked overall responsiveness and settled an age-old matter of whether staff were running behind schedule or whether a customer or agent was belaboring matters by slowly responding to corrections or “designing by process.”

Today, many local agencies are preparing for another wave of development/revitalization market demand in a post-pandemic era. Also, land management business systems, particularly those that are cloud-based, have become more affordable and scaled to the needs of small- to mid-sized agencies. There is a robust selection of systems and vendors to choose from, some with customizable formats and others with one-size-fits-all formats. Most of these systems can integrate development permitting (e.g., planning, engineering, building, utilities and fire

prevention) with GIS platforms and agenda management, records management and financial management systems.

Precursors to a Land Management Business System

The successful procurement and implementation of a land management business system is highly dependent on the time and attention paid to several precursors, including organization management, internal and external staffing, and enterprise resource planning. Each of these are examined below.

Internal Organizational Management

A frequent question arises regarding which department should manage the procurement, implementation, ongoing maintenance, and upgrade of a land management business system. The departments and/or divisions of Information Technology, Community Development, Finance and City Clerk readily play a role, as do Engineering, Utilities, and Fire. A best practice among contemporary agencies is to establish a small executive-level committee for final decision making that also oversees a multi-departmental working group. This group would assist with the design, testing, training, and integration of the system into current and new work of processing development requests.

Many interdepartmental considerations are going to arise during the configuration of the system. These include the pathways and formats for electronic intake and routing of applications and plan sets, the setting of cycle times for regulatory review, the use of electronic signoffs and signatures, the online payment of fees, public notifications, the electronic sharing of information to address public records requests, and even the management of electronic records retention. Decisions on who does what, when and how would benefit from an organized, multidisciplined structure of skills and ideas.

Recommendation 22. Establish an interdepartmental working group and executive committee for the procurement, implementation, maintenance, and operation of a land management business system.

Internal Staff Support

These systems track, record and provide a plethora of database information. They can be configured to seamlessly interact with regional and local GIS programs that identify property information down to the parcel configuration, size, and topography. They can also be configured to seamlessly interact with the City's financial collection and accounting system, agenda management system and records retention system. While

they provide multi-purpose functionality, they are also complex and, at times, prone to glitches.

A best practice is to create a specialized position that manages staffs' use of the system, serves as a liaison with information technology staff, assures the integrity of the data and information uploaded into the system, as well as produces and analyzes management reports derived from the database.

Other tasks generally conducted by this analyst position could include:

- Tracking workflow by project type, project size, permit type, zoning district, special tax assessment district, environmental overlay, and neighborhood location.
- Tracking workflow by assigned case planner, engineer, fire marshal, etc.
- Monitoring turnaround times (i.e., cycle times) for site plan review, design review, environmental review and building plan check review.
- Providing alerts to management and staff on overdue plan reviews.
- Providing status reports to customers and interested members of the public.
- Managing software subscriptions and licensing.
- Managing initial staff training and refresher training.
- Serving as the records management coordinator for the department.

We recommend that an analyst position be created in the Community Development Department to manage the use of a land management business system. The position could also provide performance management assistance to the Director and Assistant Director, as well as the Inspection Supervisor to help with weekly workload management. S/he could also undertake special projects to assess staffing levels, anticipated/seasonal workload and the used of contract staff. Additionally, the analyst could assist with the analysis of fees and cost recovery for services. Initially this position could be part-time or possibly combined with the previously recommended project manager position. Qualifications for the position should align with the responsibilities enumerated in the action steps for Recommendation 14 of the City's IT Strategic Plan.

Recommendation 23. Create a planning analyst/project manager position in the Community Development Department to guide and oversee implementation of a

land management business system. (Coordinate with Recommendation 3 and collaborate about the classification and salary level with Human Resources.)

External Third-Party Support

Leveraging permit tracking software to fit Mequon's unique needs now and in the future is an important goal. However, the software industry is moving towards a subscription-based model (i.e., Cloud SaaS) that favors one-size-fits-all over customizations. Like most other industries, software vendors offer products that are bounded by trademarks, patents and underlying technology platforms. They can only do so much to meet the configuration needs of a client and, in turn, the client can only bend so much to comport within the vendor's boundaries.

As such, we recommend that at the time the decision is made to procure a land management system, the City enter into a contract with a third-party implementation firm to assist in the selection of the software vendor, and to serve as a go-between with the vendor. A third-party implementor can help determine the amount of flexibility of the system and an experienced third-party implementor can provide workarounds drawn from other client's experiences with the vendor's software. They can also provide information about software glitches and limitations that may be widespread (or unique to Mequon).

Some cities have had success hiring a consultant to assist city staff with on-site expertise to assist with successful implementation of a land management system. For example, the California cities of Menlo Park (35,000 population), Larkspur (12,150 population) and Costa Mesa (112,400 population) each contracted with a third party to manage and oversee the implementation of their land management systems. Duties of the implementation consultant are dependent on the project scope but might include defining functional requirements and other project planning activities, holding regular meetings with the software vendor, scheduling and assessing testing during implementation, and post-implementation support. The fee for these services ranged from \$115,000 to \$160,000 for a one-year contract.

Recommendation 24. Contract with an experienced, third-part technology implementation firm to support the procurement, configuration, beta-testing, training, and public rollout of the land management business system.

Enterprise Resource Planning

Seamless integration of various functional components under a common user interface is the goal of enterprise resource planning (ERP). It is a technology platform analogous to a backbone with a central nervous system that transfers information to, from and between its various spines. Land management business systems can be ERP-based, allowing for cross-assimilation with files and plan sets that have been electronically retained, GIS data and map layers, fee and deposit accounting systems, as well as meeting/hearing agenda software systems.

Generally, the management of the ERP backbone is split between the information technology and financial management functions. Those functions are vital and complex. Overlaying the community development function onto that backbone adds to that complexity, considering the numerous types of entitlements and permits, the phasing of development projects and the management of various fees, deposits and warranties for offsite public improvements associated with private development.

Careful consideration should be given to the seamless connectivity and day-to-day management and use of a land management business system within Mequon's ERP backbone. Time and again, public agencies are having to devise unique workarounds to integrate these systems. A third-party implementor, as previously recommended, can assist Mequon in this regard.

Recommendation 25. Connect the land management business system to the ERP backbone of the City.

Process Mapping

To fully understand each step in the Mequon's development review and permitting process, Management Partners advises that detailed process maps be prepared. Ultimately, those process maps will need to be embedded into the land management business system, as they frame the steps to be monitored and accounted for in the permit tracking component.

The visualization of process pathways, connections and determination-points serves multiple objectives. The maps can help staff identify gaps, overlaps, necessities and inefficiencies in the current process. In turn, the maps can serve as a baseline for considering and implementing process improvements. They can also assist in the setting of cycle time goals, an important subject discussed earlier in this report. The maps can be useful in the onboarding and training of staff. Simple versions of the maps can also serve as a customer guide.

Mequon's broad structure of governance, with several commissions, boards and committees weighing in on development projects would benefit from detailed process mapping. Illustrating which body is doing what, why and when would provide an enhanced understanding of the role of those official bodies.

Recommendation 26. Prepare detailed process maps of key permit types, in advance of the procurement and configuration of the land management business system.

Land Management Business System Components

Going Paperless

Many local agencies have transitioned to paperless processes during the pandemic. It is the best practice wave of today and the future in public service. A local example is the Village of Bayside (<https://www.baysidewi.gov/paperless-permitting/>).

Implementing a paperless system requires a deliberate and programmed transition for both staff and customers. To be successful, the transition needs to break long-established behaviors of working with paper in exchange for the efficiencies derived from electronic tracking, communication and archiving.

Going paperless is relatively simple to do, affordable and practical, considering that most plan sets are drafted digitally to begin with. Going paperless requires a commitment and discipline by all staff assigned to the community development function, regardless of department. The reward is increased staff capacity and greatly improved efficiency.

Most paperless systems provide a feature that allows for plan set corrections and comments (i.e., electronic redline mark-ups). Staff can view corrections and recommendations from each department with the click of a mouse or touch of a smart screen. Staff can readily address information and data gaps and resolve regulatory conflicts. In some respects, going paperless encourages concurrent or group review by various departments.

Management Partners sees the move to a paperless system for development review and permitting as a "when" not "if" proposition. Implementing a paperless system will require staff training, the validation of electronic signatures, and the procurement of additional appropriate-sized desktop monitors. Some agencies provide electronic kiosks and scanners for use by customers.

Recommendation 27. Develop a program and schedule to procure and implement a paperless development review and permitting process as part of the land management system.

Permit Tracking System

Electronic permit tracking systems answer these questions:

- What is the status of my project?
- Why is it taking so long to process?
- Who are you waiting on for data, information and/or preparation of a corrections list?
- What comes next and how much time will that take?

Permit tracking systems provide direct customer access to workflow status. The system identifies responsiveness by staff and customer, thereby dispelling false narratives about which party is holding up the process. The system will identify whether staff are running behind schedule, or an applicant or agent is designing by process.

A permit tracking system can do much more. The system can produce data that will allow the Department to prepare management reports that measure cycle times and other metrics by project type (e.g., residential tract development, commercial or industrial development, infill or revitalization of highway corridor centers, etc.), by permit type (e.g., use permit, plat map, etc.), by geographic area of the City, as well as by staff position or department. The system can also provide workload data for purposes of strategic planning, budgeting, training, deploying staff resources, as well as supporting budget requests.

Using a permit tracking system to monitor workflow status and performance will require programming and formatting of standardized management reports. The type of metrics to monitor and report on should be identified early in the procurement process. Examples of typical metrics to consider follows.

- Volumetric data on the various types of workflow, including monthly, seasonal and annual comparisons and trendlines.
- The completion of application and plan set reviews relative to cycle time goals by department and staff member.
- Workflow performance of the various commissions, committees and boards.
- Volumetric data on inspection services (e.g., planning, building, engineering).

Management reports can help identify training needs relative to cycle time performance. The data can also support budget requests and recommendations for program elimination, addition, or modification, rather than on the basis of anecdotal evidence.

Recommendation 28. Establish a system of management reports that analyzes performance throughout the development review, permitting, and inspection processes.

Cycle Times and Benchmark Metrics

Measuring and managing the time it takes to circulate application materials and plan sets to various reviewing departments is a key measure in the development review and permitting process. So is monitoring the time it takes for each department to complete their respective policy and regulatory reviews. So too is limiting the number of review cycles.

Contemporary agencies establish a system of benchmark metrics for the conduct of each step in the development review and permitting process. (This step implies that process mapping has been conducted, as recommended in this report.) An agency begins by setting realistic cycle times for each step in the process. Over time, as process improvements are made and efficiencies result, the agency adjusts the times to match desired goals. Benchmark metrics are often derived through a comparative analysis of cycle time goals of peer agencies in the region.

The setting of cycle times and working towards benchmark goals are reliant on the integrity of the data entered into a permit tracking system. It is incumbent upon management to download and analyze performance reports from the system on a routine basis. Staff should be provided with the performance results at least monthly and resources (i.e., training) should be provided where deficiencies are identified and cannot be acceptably explained. A best practice is to summarize the data and trendlines in the annual budget report presented to the Common Council.

Recommendation 29. Establish cycle times for each step in the development review and permitting process and monitor them on a regular basis.

Records Management

Each City department keeps its own development project folders and plan sets. There is no uniformity and efficiency for staff and customers when it comes to development records other than department-by-department research.

Electronic records management systems pay for themselves over time, considering the savings of staff time, less consumption of space and supplies, and enhanced access and navigability for customers. A program of scanning older project files and plan sets will be necessary. There is an abundance of firms in the region that can provide those services. More recent project files include a scanned electronic copy of the application and plan set materials that can be readily uploaded into the system. Project scoping should detail system parameters, one-time costs and ongoing maintenance costs.

Recommendation 30. Continue to plan for the procurement and implementation of an electronic records management system.

Staff Training

The successful implementation of a land management business system will require a concerted management message and time for staff to train, learn, consistently use and honestly input data and information, particularly regarding cycle time performance. Professional training is essential. The lack thereof or insufficient attention to training in the procurement process has resulted in many agencies failing to optimize their systems, abandoning workflow management practices, and returning to a comfort zone of regulatory orientation over that of customer service orientation.

A best practice is to fund regular training on the land management business system, train the trainers amongst staff, and include participation in training as a staff performance measure in their annual evaluation. The City's IT consultants should be able to provide details about the training needs and standards.

Recommendation 31. Adequately fund initial and continuous training of staff on the land management business system and workflow management practices.

Technology Fee

A best practice is to collect a technology fee to cover the administration of a land management business system as well as future updates to ensure the system stays current. The principle of cost recovery through fees is that individuals or businesses that receive a benefit from a city in the form of entitlements and permits should bear the cost of those services. When development review and permitting fees do not recover costs, the burden is shifted elsewhere, typically to the general fund. The result is that other taxpayers are subsidizing the permittee. A common approach to

funding the initial investment and ongoing fees for implementing technology is to set a surcharge that is a percentage of a permit or plan check fee. While every jurisdiction is unique, our research on technology fees shows a range from 1% to 8% on a variety of application types.

The amount of fee recovery for a land management business system is a matter of cost recovery policy that begins with the Common Council's intent for full recovery or partial recovery to attract development deemed important for the community's needs, style, and scale.

Recommendation 32. Establish a cost recovery mechanism related to development activities in general and the procurement, implementation, and maintenance of a land management business system in particular. This fee could help offset the cost of system upgrades/updates in the future as well as the cost of an employee to assist with data input.

Conclusion

As previously noted, there are many positive practices being used by the Community Development Department and the other City staff who are involved with development review. They are to be commended for their good work and their spirit of continuous improvement.

The City of Mequon is known for high standards and is acknowledged by stakeholders to be a highly desirable place to develop residential and commercial properties. While building on the many positive practices, this report identifies ways to streamline services and assist applicants by providing greater predictability and timeliness. When implemented, the recommendations in this report will enable the Community Development Department and the other departments involved with the development process to provide even better service.

Attachment A – List of Recommendations

- Recommendation 1. Develop employee-specific training and development plans and review them annually.
- Recommendation 2. Identify criteria for assigning a single point of contact to assist with complex development applications.
- Recommendation 3. Create a single point of contact position in Community Development to assist with coordinating development review applications with staff in various City departments.
- Recommendation 4. Identify current Architectural Review Board applications that can be transferred to the Community Development Planner or Permit Coordinator for administrative review.
- Recommendation 5. Clarify application requirements to ensure completeness and certainty to the process by adding examples and samples to the application packet.
- Recommendation 6. Clarify the Planning Commission Action letter to inform the applicant about the estimated timeframes for review of civil plans and stormwater management plan and provide an estimate of the time needed for approval by the Milwaukee Metropolitan Sewer District (MMSD).
- Recommendation 7. Identify a system to accommodate electronic plans submittal and routing as part of the land management system design and scoping.
- Recommendation 8. Ensure plans, applications and supporting materials are scanned and digitized as they are received.
- Recommendation 9. Develop a schedule and funding mechanism for scanning and digitizing archived plans and parcel data.
- Recommendation 10. Acquire a dedicated location for the secure storage of approved plan sets until they can be digitized and subsequently disposed.
- Recommendation 11. Redesign unused or under-used spaces in the lobby area to provide collaborative space to meet with clients.
- Recommendation 12. Identify a web-based online system for inspection requests as part of an integrated land management system.
- Recommendation 13. Train the Administrative Assistant and Permit Coordinator to scan paper applications and plans received at the Building Division counter.
- Recommendation 14. Monitor second and subsequent inspection outcomes for quality and consistency and determine the need for additional training.
- Recommendation 15. Adopt a process to accept debit and credit card payments at the Community Development intake counter.
- Recommendation 16. Link debit and credit card payments to the Finance Department's payment processing system.

- Recommendation 17. Create a consolidated development review section on Mequon's website with links for application checklists, the development code and building code, contact information, and boards/ commission calendars.
- Recommendation 18. Arrange the consolidated webpage according to key process steps and reviews, such as pre-application, intake, plan review and civil plans, utilities, inspections, etc.
- Recommendation 19. Create a development process guide that includes detailed information for land entitlement, commercial and residential applications (intake plan review and inspections), board and commission meetings, contact information, and other useful resources.
- Recommendation 20. Develop a mechanism to track the timeliness of plan review for Community Development, Engineering and Utilities.
- Recommendation 21. Determine cycle time targets for Planning, Engineering and Utilities review, monitor them, and provide them to applicants.
- Recommendation 22. Establish an interdepartmental working group and executive committee for the procurement, implementation, maintenance, and operation of a land management business system.
- Recommendation 23. Create a planning analyst/project manager position in the Community Development Department to guide and oversee implementation of a land management business system.
- Recommendation 24. Contract with an experienced, third-part technology implementation firm to support the procurement, configuration, beta-testing, training, and public rollout of the land management business system.
- Recommendation 25. Connect the land management business system to the ERP backbone of the City.
- Recommendation 26. Prepare detailed process maps of key permit types, in advance of the procurement and configuration of the land management business system.
- Recommendation 27. Develop a program and schedule to procure and implement a paperless development review and permitting process as part of the land management system.
- Recommendation 28. Establish a system of management reports that analyzes performance throughout the development review, permitting, and inspection processes.
- Recommendation 29. Establish cycle times for each step in the development review and permitting process and monitor them on a regular basis.
- Recommendation 30. Continue to plan for the procurement and implementation of an electronic records management system.
- Recommendation 31. Adequately fund initial and continuous training of staff on the land management business system and workflow management practices.
- Recommendation 32. Establish a cost recovery mechanism related to development activities in general and the procurement, implementation, and maintenance of a land management business system in particular.

Attachment B – Customer Survey Results

Results of Applicant Survey about Mequon’s Community Development Department

Management Partners developed for individuals who submitted applications to the Community Development Department in Mequon during the past three years to solicit input about the development review process. On March 24, 2021, Management Partners sent a survey link to 857 City of Mequon Community Development Department applicants from the past three years. The survey was open from March 24 through April 12 and a reminder email was then sent on April 2. A total of 114 applicants responded, which represents 13% of the individuals that were contacted to take the survey. Management Partners was pleased with this response rate given how issues related to COVID-19 have diverted the national focus. The results are presented below and include themes from the responses gathered.

Table 6 shows the distribution of respondents’ roles. Of the 114 respondents, 63% reported their role is as a property owner or landowner.

Table 6. Which best describes your role in the development process?

Answer Choices	Response
Property Owner/Landowner	61 (63%)
General Contractor	16 (16%)
Business Owner or Tenant	11 (11%)
Skilled Trades Subcontractor	5 (5%)
Consultant	3 (3%)
Developer	3 (3%)
Architect	1 (1%)
Engineer	1 (1%)
Other (please specify)	13 (13%)

Table 7 shows the components of the Mequon development process that respondents have used in the past three years. Respondents could select multiple processes if they have used more than one in the past three years. The most frequently used service was residential plan review, permitting and inspections, followed by sign review and permitting. Several respondents used multiple services, causing the total to exceed 100%.

Table 7. Components of the Mequon development process used in the past three years

Answer Choices	Response
Residential plan review, permitting and inspections	73 (77%)
Sign review and permit	23 (24%)
General zoning inquiry	20 (21%)

Answer Choices	Response
Planning Commission application (rezoning, conditional use, building site plan, fill permit, tree removal, subdivision, master sign plan, preliminary plat, final plat, development agreement)	28 (29%)
Commercial/industrial plan review, permitting and inspections	12 (13%)
Other	4 (4%)

Table 8 highlights how recently respondents completed a project in Mequon. Nearly 40% of respondents completed their most recent project one to six months prior to taking the survey.

Table 8. When did you conclude your most recent project in Mequon?

Answer Choices	Response
One to six months ago	36 (39%)
Seven to 12 months ago	19 (20%)
Twelve to 24 months ago	15 (16%)
Over 24 months ago	14 (15%)
Other (please specify)	9 (10%)

Table 9 shows the number of projects respondents have submitted in the past three years. Just over half of respondents (54%) were one-time customers.

Table 9. How many projects have you submitted to the Mequon Community Development Department in the past three years?

Answer Choices	Response
One	48 (54%)
Two to Five	32 (36%)
More than Five	9 (10%)

Table 10 on the following page shows responses from customers about the application submittal and intake process. More than 70% of respondents strongly agreed or agreed with each of the statements in this section. The statements with the most agreement indicate that customers believe that building and planning intake staff are knowledgeable and helpful. The questions with the least agreement, while still 70% positive or higher, indicate that application forms, informational materials, and the website could be improved for some respondents.

Table 10. Responses to Statements about the Application Submittal and Intake Processes

Answer Choices	Strongly Agree	Agree	Disagree	Strongly Disagree	Don't Know
	Strongly Agree / Agree		Strongly Disagree / Disagree		
a. Information on the City’s website about application and document requirements is informative.	7 (12%)	42 (70%)	9 (15%)	2 (3%)	15 (20%)
	49 (82%)		11 (18%)		
b. Information on the City’s website about application and development fees is informative.	7 (13%)	36 (64%)	11 (20%)	2 (3%)	18 (24%)
	43 (77%)		13 (23%)		
c. Planning intake staff were helpful.	25 (39%)	34 (52%)	6 (9%)	0 (0%)	9 (12%)
	59 (91%)		6 (9%)		
d. Planning intake staff were knowledgeable.	27 (43%)	31 (49%)	5 (8%)	0 (0%)	11 (15%)
	58 (92%)		5 (8%)		
e. Planning intake staff were responsive.	21 (33%)	32 (51%)	8 (13%)	2 (3%)	11 (15%)
	53 (84%)		10 (16%)		
f. Building intake staff were helpful.	15 (26%)	33 (58%)	8 (14%)	1 (2%)	16 (22%)
	48 (84%)		9 (16%)		
g. Building intake staff were knowledgeable.	18 (33%)	32 (58%)	3 (5%)	2 (4%)	18 (25%)
	50 (91%)		5 (9%)		
h. Building intake staff were responsive.	17 (29%)	33 (57%)	6 (11%)	2 (3%)	15 (21%)
	50 (86%)		8 (14%)		
i. Engineering intake staff were helpful.	9 (26%)	21 (60%)	3 (9%)	2 (5%)	38 (52%)
	30 (86%)		5 (14%)		
j. Engineering intake staff were knowledgeable.	11 (31%)	19 (54%)	3 (9%)	2 (6%)	38 (52%)
	30 (86%)		5 (14%)		
k. Engineering intake staff were responsive.	8 (24%)	16 (49%)	7 (21%)	2 (6%)	38 (54%)
	24 (73%)		9 (27%)		
l. Permit application forms and informational materials allowed me to be informed about the requirements for preparing and submitting building plans for review.	9 (13%)	38 (57%)	15 (22%)	5 (8%)	7 (9%)
	47 (70%)		20 (30%)		
m. Permit application forms and informational materials kept me informed about application and permitting fees.	8 (12%)	37 (59%)	15 (24%)	3 (5%)	10 (14%)
	45 (71%)		18 (29%)		
n. Information provided on the website about the development review process met my needs.	4 (8%)	34 (65%)	9 (17%)	5 (10%)	21 (29%)
	38 (73%)		14 (27%)		

Table 11 on the following page contains responses to statements about plan review processes and procedures. As with the previous question, at least 70% of respondents agreed or agreed with each of the statements. The statement with the fewest respondents who strongly agreed or agreed (70%) was that the engineering staff did not provide a timely review of their plans.

Table 11. Responses to Statements about the Plan Review Processes and Procedures

Answer Choices	Strongly Agree	Agree	Disagree	Strongly Disagree	Don't Know
	Strongly Agree / Agree		Strongly Disagree / Disagree		
a. Community Development staff were knowledgeable.	11 (29%)	21 (55%)	5 (13%)	1 (3%)	30 (44%)
	32 (84%)		6 (16%)		
b. Community Development staff provided a timely review of my plans.	11 (29%)	18 (47%)	7 (19%)	2 (5%)	30 (44%)
	29 (76%)		9 (24%)		
c. Engineering staff were knowledgeable.	8 (25%)	20 (63%)	3 (9%)	1 (3%)	35 (52%)
	28 (88%)		4 (13%)		
d. Engineering staff provided a timely review of my plans.	6 (20%)	15 (50%)	7 (23%)	2 (7%)	37 (55%)
	21 (70%)		9 (30%)		
e. Utilities staff were knowledgeable.	4 (17%)	16 (70%)	2 (9%)	1 (4%)	43 (65%)
	20 (87%)		3 (13%)		
f. Utilities staff provided a timely review of my plans.	4 (17%)	14 (58%)	5 (21%)	1 (4%)	43 (64%)
	18 (75%)		6 (25%)		
g. The City Forester was knowledgeable.	8 (44%)	10 (56%)	0 (0%)	0 (0%)	49 (73%)
	18 (100%)		0 (0%)		
h. The City Forester provided a timely review of my landscape plans.	7 (39%)	9 (50%)	1 (5.5%)	1 (5.5%)	48 (73%)
	16 (89%)		2 (11%)		
i. Overall, the development review process is well coordinated between departments.	6 (15%)	22 (57%)	9 (23%)	2 (5%)	28 (42%)
	28 (72%)		11 (28%)		
j. Overall, plans are reviewed according to an established timeframe.	11 (24%)	25 (54%)	10 (22%)	0 (0%)	19 (29%)
	36 (78%)		10 (22%)		

Responses to statements about building inspections processes and procedures are shown in Table 12, on the following page. More than 70% of respondents either strongly agreed or agreed with all statements. The statement with the highest level of agreement was “Inspections were conducted within a reasonable amount of time after requesting an inspection.” The statement with the lowest level of agreement, at 73%, was “Comments from inspections were consistent.”

Table 12. Responses to Statements about the Building Inspections Process and Procedures

Answer Choices	Strongly Agree	Agree	Disagree	Strongly Disagree	Don't Know
	Strongly Agree / Agree		Strongly Disagree / Disagree		
a. Inspectors treated me courteously.	19 (36%)	23 (44%)	5 (10%)	5 (10%)	13 (20%)
	42 (80%)		10 (20%)		
b. Inspectors were helpful.	14 (27%)	23 (45%)	7 (14%)	7 (14%)	14 (22%)
	37 (73%)		14 (27%)		
c. Inspectors were knowledgeable.	13 (25%)	30 (59%)	3 (6%)	5 (10%)	14 (22%)
	43 (84%)		8 (16%)		
d. Inspectors were responsive.	13 (25%)	28 (53%)	6 (11%)	6 (11%)	12 (18%)
	41 (77%)		12 (23%)		
e. Requesting an inspection was easy.	15 (29%)	30 (59%)	3 (6%)	3 (6%)	14 (22%)
	45 (88%)		6 (12%)		
f. Inspections were conducted within a reasonable amount of time after requesting an inspection.	15 (28%)	33 (61%)	2 (4%)	4 (7%)	11 (17%)
	48 (89%)		6 (11%)		
g. Comments from inspections were clear.	16 (30%)	27 (50%)	4 (7%)	7 (13%)	11 (17%)
	43 (80%)		11 (20%)		
h. Comments from inspections were consistent.	13 (25%)	24 (47%)	7 (14%)	7 (14%)	14 (22%)
	37 (73%)		14 (27%)		

Table 13 contains responses to statements about staffing in the Community Development Department. More than 85% of the respondents strongly agreed or agreed with each statement. The question with the highest level of agreement (92%) was, “Staffing at the counter was sufficient to ensure timely service.”

Table 13. Responses to Statements about Staffing in the Community Development Department

Answer Choices	Strongly Agree	Agree	Disagree	Strongly Disagree	Don't Know
	Strongly Agree / Agree		Strongly Disagree / Disagree		
a. Staffing at the counter was sufficient to ensure timely service.	19 (36%)	30 (56%)	4 (8%)	0 (0%)	12 (18%)
	49 (92%)		4 (8%)		
b. Staffing for plan review was sufficient to ensure good customer service.	16 (33%)	28 (57%)	4 (8%)	1 (2%)	16 (25%)
	44 (90%)		5 (10%)		
c. Staffing for building inspections was sufficient to ensure good customer service.	15 (28%)	31 (58%)	4 (8%)	3 (6%)	11 (17%)
	46 (87%)		7 (13%)		
d. Community Development employees provide quality services.	11 (26%)	25 (60%)	3 (7%)	3 (7%)	23 (35%)
	36 (86%)		6 (14%)		

Answer Choices	Strongly Agree	Agree	Disagree	Strongly Disagree	Don't Know
	Strongly Agree / Agree		Strongly Disagree / Disagree		
e. Community Development employees have the skills necessary to do a good job.	13 (35%)	21 (55%)	2 (5%)	2 (5%)	27 (42%)
	34 (90%)		4 (10%)		

Figure 5 shows the percent of survey respondents who would be interested in having the ability to see their application status online. A large majority of respondents (89%) indicated they would be interested in this feature.

Figure 5. If available, would you be interested in having the ability to see your application status online?

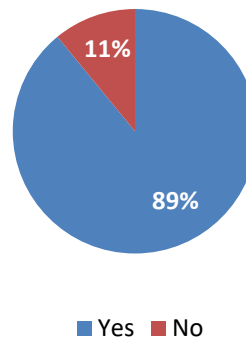


Figure 6 shows responses of those who would like to be able to pay application and permit fees online. Again, a large majority of respondents (91%) indicated they would like this ability.

Figure 6. If available, would you like to be able to pay application and permit fees online?

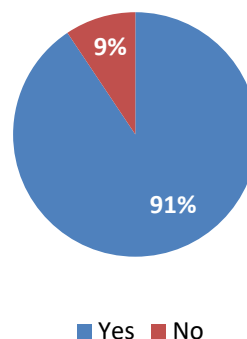


Table 14 on the following page shows responses to the question about whether customers would support an additional technology fee in Mequon if the fee were used to upgrade existing technology resources. A small number of customers responded that they would support this, while over half of respondents indicated that they might support a fee, depending on the service improvements. A total of 20 respondents (31%) indicated they would not support an additional fee.

Table 14. *Would you support an additional technology fee in Mequon if the fee was used to upgrade existing technology resources to improve development review services?*

Answer Choices	Response
Yes	11 (17%)
Depends on the service improvements	33 (52%)
No	20 (31%)

Themes from Open-Ended Responses

The following themes were gathered from the open-ended responses. While all survey questions about the Department and the development process received over 70% positive responses, customers provided both positive and constructive feedback in the open-ended comments section. Although themes are reported, direct quotes are provided in *italics*.

Development Review Process

- Some respondents felt the website has important information in an easy-to read format. Others commented that the website could be clearer, and that more detailed information is needed both online and in print.
- There is clear communication about the process and what elements are needed for the process.
- Staff are knowledgeable and friendly and communicate needed information early in the process. They are responsive and work hard to get customers the information they need.
- Customers would like the ability to submit forms and fees online.
- Many comments related to the need for shorter timeframes/better timeliness.
- There is a need for enhanced transparency about what is required and why, as well as transparency surrounding Commission and Board approval processes. Customers expressed confusion about the approval process and the need for more direction and facilitation in these processes.
- *“[Staff] was knowledgeable and helpful as to what I needed to do to obtain a permit. They made the process much easier than many other communities I have dealt with.”*
- *“The timing of the review process could use some improvement. It would also be good to know where the application is in the process so that the applicant can plan better with contractors.”*

Engineering Process

- In-person meetings are considered helpful and important.
- There are concerns surrounding a lack of consistency in the engineering process, particularly between different design phases. There is the perception that plans are not fully and thoroughly reviewed the first time, leading to additional reviews and rejections that could have been avoided. There are also issues with insufficient communication about the status and potential issues with a permit.
- *“Plans submitted for review sometimes do not seem to be reviewed completely the first time, leading to multiple reviews and rejections instead of one complete review highlighting all corrections needing to be made at once.”*

Attachment C – Board and Commission Members Survey Results

Survey Results from the Survey of Board and Commission Members in Mequon

Management Partners developed a survey to solicit input from Mequon’s board and commission members about the development review process. An invitation to the SurveyMonkey survey was sent on March 25 and the survey was open until April 13. A total of 31 individuals responded to the survey.

Table 15 shows on which board or commission the respondent is currently a member. No members of the Board of Appeals responded.

Table 15. On which board or commission are you currently a member?

Answer Choices	Response
Architectural Board	8 (26%)
Board of Appeals	0 (0%)
Economic Development Board	3 (10%)
Landmarks Commission	4 (13%)
Park & Open Space Board	9 (29%)
Planning Commission	5 (16%)
Tree Board	2 (6%)

Table 16 shows Planning Commission members’ responses to a question about whether the information they receive is sufficient. All five respondents indicated that the information provided to them is sufficient to understand what the project will look like when construction is completed.

Table 16. In general, is the information provided to Planning Commission members sufficient to understand what the project will look like when construction is completed?

Answer Choices	Response
Yes	5 (100%)
No	0 (0%)

Table 17 shows the distribution of responses to the question of whether the information provided by staff to board and commission members is sufficient to make informed decisions. Nearly all respondents (93%) indicated the information is sufficient. In the open-ended comments that follow the table, respondents who marked “no” indicated they would like more follow-up from staff.

Table 17. Thinking about the materials provided by staff to you for your responsibilities as a board/commission member, is the information sufficient to make informed decisions?

Answer Choices	Response
Yes	28 (93%)
No	2 (7%)

- Most often, yes, but sometimes, staff also needs to follow through with requests from the board separate from what staff wants to provide.
- I was only given a document that outlined the guidelines. No follow up on this.

Table 18 contains responses to a question about ongoing staff support. Again, most respondents (90%) indicated ongoing staff support is adequate to support their decision making. Three respondents who selected “no,” provided comments, which are shown below the table.

Table 18. Is the ongoing staff support that you receive for the work you do on your board/commission adequate to support your decision making?

Answer Choices	Response
Yes	26 (90%)
No	3 (10%)

- Not enough staff to work on multiple issue and problems
- Staff needs to better listen to the board's thoughts and direction.
- I don't believe there is any support.

Tables 19 through 24 contain responses to open-ended questions. They are separated by the different boards and commissions to highlight differences in responses. Table 5 contains themes from comments provided by board or commission members about suggestions for improving the timeliness or efficiency of board/commission review of applications.

Table 19. Thinking about how to improve the applicant experience, what suggestions do you have for improving the timeliness or efficiency of board/commission review of applications.

Board/Commission	Themes from Comments
Architectural Board	• Clarify standards and requirements for what is expected and required with respect to architectural drawings and plans • Ensure that applicants meet all requirements before their respective meetings • Give examples of the guidelines or a sample packet – it seems that the same issues come up repeatedly
Economic Development Board	• Staff does not necessarily encourage input from board members. • Ensure applicants have the information they need and that the Board/Commission sticks to the timelines provided
Park & Open Space Board	• Materials are thorough and timely
Planning Commission	• Consider having applicants with larger projects come before the Planning Commission for a preliminary consultation before they submit their final plans
Tree Board	• Consider a pre-application survey for applicants to see if their application is feasible

Table 20 on the following page includes themes from survey respondents with suggestions for improving how meetings are conducted to allow more informed decisions.

Table 20. Thinking about how your board/commission meetings are conducted, what suggestions do you have for improving them to allow you to make a more informed decision?

Board/Commission	Themes from Comments
Architectural Board	Return to in-person format, but keep providing the packet electronically in advance of the meeting
Economic Development Board	- Staff should encourage more board member input - Present action steps at each meeting so we make constant progress toward larger goals
Park & Open Space Board	Expand ways to notify affected parties of a development proposal
Planning Commission	- Packets are sometimes very large – it would be helpful if there is a way to simplify them - Provide a laser pointer to presenters when in-person to point at things on the screen

Table 21 contains themes from open-ended comments about how to improve the decision-making process for boards or commissions when they review applications.

Table 21. Thinking about the how your board/commission reviews applications, what suggestions do you have for how to improve the decision-making process?

Board/Commission	Themes from Comments
Architectural Board	Some decisions seem subjective
Economic Development Board	Staff should encourage more board member input
Planning Commission	Find a way to limit applicant presentation time to prevent meetings from dragging on
Tree Board	Make sure that site tree requirements are clear

Table 22 contains comments about what technology would increase the functionality and efficiency of board and commission meetings.

Table 22. What technology, if any, would increase the functionality and efficiency of your board/commission meetings (i.e., how board materials are delivered, the manner in which meetings are conducted, etc.)?

Board/Commission	Themes from Comments
Architectural Board	Electronic review packets sent in advance of the meetings to all Board members are useful and should continue post-COVID. It has improved efficiency with meetings
Economic Development Board	In-person meetings are preferred
Park & Open Space Board	It would be good for proposals to be more choreographed on screen
Planning Commission	It would be nice to have updated presentation technology at City Hall. Packets can be cumbersome and difficult to read on a laptop with the large number of drawings and graphics

Board/Commission	Themes from Comments
	Planning commission packets are large, and being able to access them electronically is a huge benefit

Table 23 shows the responses about whether board or commission members feel informed enough to advance policy initiatives to the Common Council.

Table 23. Do you feel informed enough to advance policy initiatives to the Common Council, and if not, what would help you do so?

Board/Commission	Themes from Comments
Architectural Board	- Yes: 1 - No: 3 - Unsure: 3 - Comments: It is unclear if there is an expectation that Architectural Board members will advance policy initiatives.
Economic Development Board	- No: 2 - Comments: It does not seem that this is a part of staff's agenda. It is unclear if the decisions and opinions voiced by the Economic Development Board have influence with the Common Council.
Park & Open Space Board	- Yes: 1 - No: 1 - Unsure: 1 - Comments: It is unclear how policy initiatives begin. There is no strategic planning at the board/commission level, so the process is guided by staff priorities.
Planning Commission	Yes: 3

Table 24 contains additional open-ended comments and suggestions provided by survey respondents.

Table 24. Do you have any other comments or suggestions for how the City can improve in this area?

Board/Commission	Comments
Architectural Board	- I think there could be ways to continue to conduct business electronically that reduce costs and time. Need to consider that not everyone has computers at home so city may need to provide access (leveraging the library or providing a laptop with a cellular modem and data plan). - We just seem to check boxes. If an applicant doesn't fit the box, it seems that denial is their only answer. Doesn't seem fair. - Examples of guidelines would help homeowners greatly for anything. Even for people who don't need to go to the architecture board as the shed is smaller than 150 square feet, but the city gets involved. - I think there needs to be more monitoring and enforcement. We get homeowners who bring pictures saying "look at these houses ... they don't meet the guidelines." It would be helpful to have a document that gives the history of the ARB guidelines so that we could either refer to inspections or state that the houses in question date from prior to when specific guidelines were enacted.

Board/Commission	Comments
Economic Development Board	The board needs to create its own agenda and provide direction to staff.
Park & Open Space Board	- More technology. - The City must define a short and medium length priority for our Parks & Open Space!
Planning Commission	We are fortunate to have a great planning team. I would just explore how we can be more efficient with time.
Tree Board	Stop developing the land and start creating more greenspace, and more bike trails. Don't let Mequon become Brookfield.



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Office of City Attorney

TO: Common Council
FROM: Brian Sajdak, City Attorney
DATE: September 8, 2021
SUBJECT: ORDINANCE 2021-1595 An Ordinance Repealing and Recreating Section 62-8(b) (4) of the Mequon Municipal Code Relating to the Regulation of Political Messages

UPDATE - SEPTEMBER 14, 2021:

At the Common Council meeting on August 10, 2021, the Council decided to refrain from the enforcement of the City's current political sign ordinance pending a review (and possible revision, as may be necessary) of the Sign Code to ensure compliance with the United States Constitution. As a result of that action, tabling of the proposed ordinance amendments outlined below was probably implied. However, no action on this ordinance was taken, as the item had been previously withdrawn from the agenda, prior to the Common Council meeting. Based on the Common Council's determination last month, it is my recommendation that this item be formally tabled by a vote of the Common Council, pending a comprehensive review of the City's Sign Code that is anticipated to commence later this fall. The original memorandum outlining this agenda item, as well as the accompanying ordinance that was presented previously for consideration in July (First Reading), follow below:

Background

Historically, First Amendment law has provided communities with reasonably broad authority to regulate speech, including campaign signs, provided that such regulations are content neutral. In other words, as long as a regulation did not regulate the content of the sign, the regulation would be upheld as long as it was aimed at a substantial governmental interest. If the regulation is not content neutral, then the government must show a compelling interest and that the regulation is the least restrictive means of addressing that compelling interest. Most regulations do not meet this standard of review.

Recent case law has significantly changed the analysis related to whether a regulation is truly content neutral. One such case from the U.S. District Court for the Eastern District of Wisconsin is attached for consideration. The bottom line in this case is that the simple classification of a sign as a "campaign sign" takes the regulation out of the realm of content neutral under First Amendment law - even if the regulation makes no other content determinations. With this shift, time-based regulations have been increasingly struck down by the Courts.

Based on this case law, City staff have generally not enforced the temporal aspects of the Municipal Code by utilizing education and voluntary compliance instead of threats of citations - an approach that has mostly worked. However, following the November 2020 presidential election, numerous complaints were received concerning signs for both candidates that remained

in place well beyond the election as the challenges to the results wore on. While most complainants understood the position of the City, it nonetheless became clear that the Mequon Municipal Code should be updated to remove time-based restrictions to eliminate confusion.

Discussion

Accordingly, the proposed ordinance does three primary things. First, it eliminates the time-based restrictions (e.g., limits signs to specified periods before and after elections) to address concerns raised by existing case law. Second, it reformats this section of the Municipal Code to make it consistent with other Code provisions and easier to read, although there are no material or substantive changes. Finally, in light of the broader applicability to all political message signs (campaign, social movements, referendums, etc.) during the year, the ordinance adopts the “political message” language of the state statute versus the “campaign sign” utilized previously.

At the Public Welfare Committee’s meeting in April, members asked that the City’s current ordinance (Section 62-8. Exemptions. - a copy of which is attached) be revised to include language that would limit the number of total signs allowed. In order to accomplish this, Sections c.7. and c.8. were added. Section c.7. limits signs in residential districts to not more than 4 feet in height and a total cumulative square footage of 12 sq. ft. This limitation would allow for four 18’ x 24” signs, which is the typical sign found on residential properties. Section c.8. would allow for signs in non-residential districts up to six feet in height and a total square footage of 32 sq. ft. per commercial tenant, which would thus enable multiple smaller signs or a single 4’ x 8’ sign, which is the largest typical roadside sign utilized.

Fiscal Impact

None.

Recommendation

On June 13, 2021, the Public Welfare Committee approved a recommendation in favor of adopting the proposed ordinance amendments by a vote of 3-0.

Attachments:

20210407_173710_643026-Sec._62_8.____Exemptions_ (DOCX)

Fiedorowicz v City of Pewaukee (PDF)

COMMON COUNCIL
OF THE
CITY OF MEQUON

ORDINANCE 2021-1595

An Ordinance Repealing and Recreating Section 62-8(b) (4) of the Mequon Municipal Code
Relating to the Regulation of Political Messages

RECITALS

A. The Common Council previously adopted section 62-8(b)(4) of the Mequon Municipal Code which regulates campaign signs within the City.

B. Recent case law, including a decision in Fiedorowicz v. City of Pewaukee by the U.S. District Court for the Eastern District of Wisconsin, substantially limits the City's ability to place time restrictions on campaign signs.

C. The Common Council finds that the regulation of the placement of signs so as to ensure the safety of pedestrians, traffic, and occupants of buildings remains a critical and necessary component of preserving the health, safety, and welfare of the community.

D. The Common Council wishes to update section 62-8(b)(4) to ensure that the regulation of political messages within the City extends only to preserving the safety of pedestrians, traffic, and occupants of buildings.

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

SECTION I

Section 62-8(b)(4) of the Mequon Municipal Code is repealed and recreated to read as follows:

(4) Communication of Political Messages.

a. The common council of the City of Mequon finds and declares the following legislative intent regarding the subject of political campaign signs:

1. Citizens possess important rights of free speech and association, the regulation of which may stem only from compelling governmental interests or significant governmental interests, as the case may be.

2. The public is possessed with the important right of safe and unobstructed travel over the public rights-of-way.

3. It is necessary as a matter of public policy that the buildings and grounds of public agencies maintain a strict appearance of political neutrality.

4. In the absence of regulation, there exists a substantial possibility of a proliferation of political messages in the city with the attendant traffic safety, litter, structural hazards, and loss of meaning of the message conveyed by said messages.

5. Section 12.04 of the Wisconsin Statutes authorizes the city to regulate political messages to ensure public safety.

6. A significant governmental interest therefor exists for a reasonable system of regulation of political messages in order to protect the rights and advance the concerns stated in this section, while being narrowly tailored, and affording ample alternative means to communicate the desired speech.

7. These narrowly tailored regulations are the least restrictive method of preserving the safety of the public.

b. Within this section, "political message" means a message intended for a political purpose or a message which pertains to an issue of public policy of possible concern to the electorate, but does not include a message intended solely for a commercial purpose.

c. No political message shall be placed or posted on any property within the City:

1. In any manner that adversely impacts pedestrian or traffic safety by blocking or obstructing any public right of way, private road, sidewalk, or trail, including the impairment of visibility or sightlines from or to.

2. In any manner that adversely impacts pedestrian or traffic safety by impairing the visibility or sightlines from or to any public right-of-way, private road, sidewalk, or trail.

3. In any manner that obstructs a window, door, fire escape, ventilation shaft or other area which is required by an applicable building or fire code to remain unobstructed.

4. On any public building, public structure, public right-of-way or grounds that are owned, operated or maintained by any public or governmental agency.

5. On private property without the consent of the owner or tenant of such property.

6. In any manner that may use or employ an electronic, mechanical or electro-mechanical message generator, or audio broadcast component.

7. On any property within a residential zoning district in a manner that exceeds four feet in height and/or a total of 12 square feet of cumulative size per property.

8. On any property in a non-residential zoning district in a manner that exceeds six feet in height and/or a total of 32 square feet of cumulative size per property, except that in the case of a multi-tenant commercial property the cumulative square feet limitation shall apply to each commercial tenant.

d. The Mequon Police Department and/or the Community Development Department shall be authorized to remove any political campaign signs that are found to be placed in the public right of way, or on other public property, in violation of the provisions of this section.

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: John Wirth, Mayor

Date Approved: September 14, 2021

I certify that the foregoing Ordinance was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on September 14, 2021.

Caroline Fochs, City Clerk

Published: _____

Sec. 62-8. Exemptions.

- (4) *Political campaign signs.* The common council of the City of Mequon declares the following legislative intent regarding the subject of political campaign signs:
- a. Citizens possess important rights of free speech and association, the regulation of which may stem only from compelling governmental interests or significant governmental interests, as the case may be.
 - b. The public is possessed with the important right of safe and unobstructed travel over the public rights-of-way.
 - c. It is necessary as a matter of public policy that the buildings and grounds of public agencies maintain a strict appearance of political neutrality.
 - d. The substantial possibility exists of a proliferation of political campaign signs in the city with the attendant traffic safety, litter, structural hazards, and loss of meaning of the message conveyed by said signs in the absence of any regulation of such signs.
 - e. A significant governmental interest therefor exists for a reasonable system of regulation of political campaign signs in order to protect the rights and advance the concerns stated in this section, while being narrowly tailored, and affording ample alternative means to communicate the desired speech.
1. The provisions of Wis. Stats. § 12.04 are hereby adopted and incorporated by reference herein.
 2. *Size, shape and placement.* The gross surface area of a political campaign sign shall not exceed 11 square feet where its proposed or actual placement will impair visibility or site lines from and to public rights of way and private roads, so as to adversely impact on pedestrian or traffic safety.
 3. *Location(s).*
 - A. Political campaign signs shall not be posted on any public building, public structure, public right-of-way or grounds that are owned, operated or maintained by any public or governmental agency.
 - B. Political campaign signs located on private property may be placed by an owner or lessee, or with the consent of either. No such sign may obstruct a window, door, fire escape, ventilation shaft or other area which is required by an applicable building or fire code to remain unobstructed.
 4. *Special conditions.* The Mequon Police Department shall be authorized to remove any political campaign signs that are found to be placed in the public right of way, or on other public property, in violation of the provisions of this section.
 5. *Time limit.* Political campaign signs may be posted during the election campaign period, as that term is defined in Wis. Stats. § 12.04(12)(a), namely from the first day for circulation of nomination papers through the day of the election, except that the city shall not enforce removal of such signs until ten days after the election campaign period.
 6. *Prohibition of electronic/mechanical/audible signs.* No political campaign sign may use or employ an electronic, mechanical or electro-mechanical message generator, or audio broadcast component.

2004 WL 6338545

Only the Westlaw citation is currently available.
United States District Court,
E.D. Wisconsin.

Walter **FIEDOROWICZ**, Plaintiff,
v.
The CITY OF PEWAUKEE, Defendant.

No. 02-C-0830.

|
April 9, 2004.

Attorneys and Law Firms

Brady C. Williamson, James A. Friedman, Godfrey & Kahn SC, Madison, WI, Laurence J. Dupuis, Legal Action of Wisconsin Inc, Milwaukee, WI, for Plaintiff.

Raymond J. Pollen, Crivello Carlson SC, Milwaukee, WI, for Defendant.

DECISION AND ORDER GRANTING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT, DENYING DEFENDANTS MOTION FOR SUMMARY JUDGMENT, DECLARING UNCONSTITUTIONAL THE ORDINANCES AT ISSUE, AND AWARDING PLAINTIFF ATTORNEY'S FEES

C.N. CLEVERT, JR., District Judge.

*1 Plaintiff, Walter **Fiedorowicz**, brought this action under 28 U.S.C. § 1983 asking the court to declare the City of Pewaukee, Wisconsin's Election Sign Ordinance § 17.702(c) and Temporary Sign Permit Process, §§ 17.703(b), 17.0713, and 17.0719 unconstitutional. **Fiedorowicz** and the City of Pewaukee (the City) have filed cross motions for summary judgment. For the reasons set forth below, the court will grant **Fiedorowicz's** summary judgment motion, deny the City of Pewaukee's summary judgment motion, declare the ordinances unconstitutional, and award **Fiedorowicz** his attorney's fees as the prevailing party pursuant to 42 U.S.C. § 1988.

Summary Judgment Standard

Summary judgment is proper when “there is no genuine issue as to any material fact and ... the moving party is entitled to judgment as a matter of law.” Fed.R.Civ.P. 56(c). That the parties have filed cross-motions for summary judgment does not affect this standard. See *I.A.E., inc. v. Shaver*, 74 F.3d 768, 774 (7th Cir.1996). Also, all inferences are construed in favor of the party against whom the motion is made in determining whether there is a genuine issue of material fact. *Id.* However, in this case the facts relevant to the pending motions are not in dispute.

Findings of Fact

Walter **Fiedorowicz** resides and votes in the City. (Aff.Fiedorowicz, ¶ 1) The City is a municipal entity organized and existing pursuant to Wisconsin Statutes. (Am. Complaint, ¶ 4; Answer and Affirmative Defenses to Am. Complaint, ¶ 4)

Chapter 17.0700 of the City's Municipal Code governs “SIGNS AND GRAPHICS.” (Aff.Peterson, Ex. E) Section 17.0701 states:

INTENT AND PURPOSE

The intent of this section is to provide for and regulate the location and safe construction of signs in the Town in a manner that will ensure that signs are compatible with surrounding land uses, and to express the identity of individual proprietors and the community as a whole. It shall be unlawful for any person, firm or corporation to locate, erect, move, reconstruct, extend, enlarge, convert, or structurally alter any sign without first complying with the requirements of this section.

(Aff.Peterson, Ex. E)

Section 17.0702 provides:

SIGNS PERMITTED IN INDIVIDUAL ZONING DISTRICTS WITHOUT A PERMIT

Certain signs are permitted as accessory uses in individual zoning districts *without a permit* as set forth in the individual district regulations. In addition, the following signs may also be *permitted without permit*:

...

c. *Election Campaign Signs* may be permitted in any district without a permit provided that permission shall

be obtained from the property owner, renter, or lessee, and provided that such sign shall not be erected more than 45 days prior to an election and shall be removed within seven (7) days following the election. Such signs in residential zoning districts shall not exceed four (4) square feet in sign area per sign nor more than a total of 20 square feet per individual property (ownership). Such signs in all other zoning districts shall not exceed four (4) square feet in sign area per sign nor more than a total of 32 square feet in sign area per individual property (ownership or lease).

*2 (Aff.Peterson, Ex. E)

Section 17.0703 provides:

SIGNS PERMITTED IN INDIVIDUAL-ZONING DISTRICTS WITH A PERMIT

Certain signs may be permitted in any specific zoning district after application and permit by the Building Inspector as follows:

...

b. *Temporary Signs or Banners* when authorized by the Building Inspector. For purposes of this provision a temporary sign is one which will be used for no more than thirty (30) days in a six (6) month period. Such signs shall not exceed thirty-two (32) square feet in sign area. (Aff.Peterson, Ex. E)

Section 17.0713 provides:

ADMINISTRATION

Applicants [sic] for permits shall be filed with the Town Building Inspector, who shall review the application for its completeness and accuracy and approve or deny the application within 45 days of receipt unless the time is extended by written agreement with the applicant. A sign permit shall become null and void if work authorized under the permit has not been completed within six (6) months from the date of issuance. Applicants [sic] shall be made on forms provided by the Building Inspector and shall contain or have attached thereto at least the following information:

a. *Name, Address, and Telephone Number* of the applicant, and location of building, structure, lot or property to which or upon which the sign is to be attached or erected.

b. *Name of Person. Firm. Corporation, or Association* erecting the sign.

c. *Written Consent* of the owner or leasee of the building, structure, or land to which or upon which the sign is to be affixed or erected.

d. *A Scale Drawing* of such sign indicating the dimensions, the materials to be used, the type of illumination, if any, and the method of construction and attachment.

e. *A Scale Site Drawing* indicating the location and position of such sign in relation to nearby buildings, structures, property boundaries, or signs.

f. *Information for type of information or message* to be displayed on the face(s) of the sign.

g. *Copies* of any other permit required and issued for said sign, including the written approval by the Electrical Inspector in the case of illuminated signs. The Building Inspector shall examine the plans and specifications, inspecting all wiring and connections to determine if the same complies with the Town Codes and Ordinances.

h. *Additional Information* such as photographs as may be required by the Building Inspector.

i. *Payment* of a fee as set forth herein. The Building Inspector may, if necessity requires, direct that the applicant for a sign permit meet with the Plan Commission to review the request and provide guidance in the issuance of the permit.

(Aff.Peterson, Ex. E.)

Section 17.0717 provides:

PERMIT FEES

a. *Application and Sign Erection Permit Fee.* Each application for a permit shall be accompanied by a minimum fee of \$25.00 plus thirty-five cents (\$0.35) for each square foot over ten (10) square feet on one (1) side to a maximum of \$200.00.

*3 (Aff.Peterson, Ex. E)

Section 17.0210 provides:

PRINCIPLES AND STANDARDS FOR THE AESTHETIC EVALUATION OF SITE AND BUILDING PROJECTS

a. *Introduction and Intent*

The process of private building and development in a community may be simple or complex depending upon the size of the project, the number of participants, the ease of communication among the various private and public parties involved, and the content and clarity of the public rule and regulations. While the community representatives can not usually directly affect either the project size or the number of project participants, they can have a direct affect on the content and clarity of rules and regulations as well as the communication, and indeed, interpretation of any such rules and regulations.

Like inhabitants of most developing communities, Pewaukee Town officials and citizens have legitimate concerns about both the future character of the community and the integrity of existing (and even historic) development. One such concern is in regard to land uses or the mix of land uses, both existing and planned. Another concern is the financial capability of development (developers) to provide the required and promised improvements and, the financial capability of the community to provide the necessary and requested services. A third major concern, importantly, is in regard to the visual impact or image of the community by people both living within or only traveling through the Town. The intent or purpose of this sub-section is to provide principles and standards for use by both the potential developer and Town officials in the preparation and review of site and building plans proposed within the Town with emphasis on and the primary objective of heightening the visual character of the sites and buildings proposed and, thereby, the entire community. It is understood that such visual enhancement is also expected to be maintained overtime and not be only and initial accomplishment to be forgotten.

b. *Site Planning and Design Principles*

Following is a list of principles which should be utilized by everyone concerned in any *Site Planning and Design Projects* in the Town of Pewaukee:

...

- (3) All elements and aspects of the site, both natural and man-made, are important to the aesthetic character of the site.

...

- (7) Site grading, landscaping, paving, fencing, lighting, signage, and other site enhancement are an integral part of any building and development project.

c. *Building, Design, Layout and Construction Principles*

Following is a list of principles which should be utilized by everyone concerned in any *Building Design, Layout and Construction* project in the Town of Pewaukee.

- (1) No side or facade of a building or structure is exempt from public view and, consequently, all sides or facades should be visually pleasing and architecturally and aesthetically compatible.
- (2) The shape, size, dimension, architectural style, facade material, texture and color, building landscaping, building signage, and, the setting of the building within its immediate environment are all elements of the building structure design addressed by the designer, both individually and in concert.

*4 ...

- (8) Building signage, that is signage which is or appears to be an integral part of the building facade design, needs to be carefully planned and the appropriate sign materials, sign lighting and color used so as not to detract from the architecture of the building or be disruptive.

d. *Site Planning and Design Standards*

...

(7) *STANDARD NO. SD-7*

Signage of uses and buildings on the site shall be limited by the Plan Commission in number, size and type so as not to detract from the visual attractiveness of the site or architecture, or be a distraction to the traveling public or the neighborhood in general.

e. *Building Design Standards*

Standards must be related to the various Principles which, in turn, are related to the overall Objective which, in this case, is to "Heighten the visual character of sites and buildings in the Town of Pewaukee." It should be noted that the visual aspects of building design are difficult to relate to quantitative standards,

and, therefore, many of the building design standards must be qualitative. Following are both quantitative and qualitative *standards related to the visual aspects of building construction* which will be used by the Plan Commission in the review of every site plan or development.

...

(5) *STANDARD NO. BD-5*

...

(b) Building landscaping, lighting and signage shall be presented as an integral part of the building design and shall not be so large or distinct as to detract from the architecture of the building.

(Aff.Peterson, Ex. E)

As a resident and voter, **Fiedorowicz** supports a referendum addressing consolidation of the City of Pewaukee and the Village of Pewaukee. (Aff.Fiedorowicz, ¶ 2) In support of his position, **Fiedorowicz** and others prepared signs stating: "Let us vote; 1 Pewaukee Committee." (Aff.Fiedorowicz, ¶¶ 3, 4) **Fiedorowicz** obtained permission from property owners to place signs on their property within the City. (Aff.Fiedorowicz, ¶ 5) Moreover, he sought permission from the City of Pewaukee to place signs on private property within the City more than 45 days before the Fall 2002 election. (Aff.Fiedorowicz, ¶ 6)

The City's Common Council denied **Fiedorowicz** permission to erect signs by a vote of three to two, with one abstention, at a meeting on May 6, 2002. (Aff. Peterson, Ex. C; Aff. **Fiedorowicz**, ¶ 7) During that meeting, Common Council members and the City Attorney stated that the election campaign sign ordinance, § 17.0702(c), applied to **Fiedorowicz's** request. (Aff.Peterson, Ex. C) Consequently, **Fiedorowicz** was not given permission to place signs on private property more than 45 days before the Fall 2002 election. (*Id.*)

In a letter to the City's Mayor, Jeffrey Nowak, dated July 11, 2002, **Fiedorowicz**, by counsel, asked the City to reconsider its decision denying him permission to place signs on private property in the City. (Aff.Peterson, Ex. D) However, the City did not respond. (Aff.Fiedorowicz, ¶ 8) Regardless, the City maintains that **Fiedorowicz** could have posted signage pursuant to the temporary signs or banners ordinance, § 17.0703(b).

Conclusions of Law

*5 The First Amendment, which is applicable to the States under the Fourteenth Amendment, prohibits States from enforcing laws "abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances." U.S. Const amend. I. This Amendment "was fashioned to assure unfettered interchange of ideas for the bringing about of political and social changes desired by the people ." *Roth v. United States*, 354 U.S. 476, 484, 77 S.Ct. 1304, 1 L.Ed.2d 1498 (1957). Courts have held that communication by signs and posters is virtually pure speech. *Arlington County Republican Comm. v. Arlington County, Va.*, 983 F.2d 587, 593 (citing *Baldwin v. Redwood*, 540 F.2d 1360, 1366 (9th Cir.1976)).

Not all limitations on political speech are impermissible. For example, signs may be subject to municipal regulation because they pose distinctive problems that are subject to police powers. *City of Ladue v. Gilleo*, 512 U.S. 43, 48, 114 S.Ct. 2038, 129 L.Ed.2d 36 (1994). "Unlike oral speech, signs take up space and may obstruct view, distract motorists, displace alternative uses for land, and pose other problems that legitimately call for regulation." *Id.* "It is common ground that governments may regulate the physical characteristics of signs—just as they can, within reasonable bounds and absent censorial purpose, regulate audible expression in its capacity as noise." *Id.* (citing *Ward v. Rock Against Racism*, 491 U.S. 781, 109 S.Ct. 2746, 105 L.Ed.2d 661 (1989) and *Kovacs v. Cooper*, 336 U.S. 77, 69 S.Ct. 448, 93 L.Ed. 513 (1949)). **Fiedorowicz** does not challenge the City of Pewaukee's ability to regulate the physical characteristics of signs. Rather, he launches a facial attack on the time limits or duration that a sign may be posted. (Plaintiffs Brief, p. 9, n.2).

Traditionally, courts examining an ordinance under the First Amendment first determine whether the ordinance is content-based or content-neutral. A content-based regulation, which restricts speech because of the ideas or messages expressed, is presumptively invalid and subject to strict scrutiny. *R.A.V. v. City of St. Paul*, 505 U.S. 377, 382, 112 S.Ct. 2538, 120 L.Ed.2d 305 (1992). Consequently, the government must demonstrate a compelling state interest and that the regulation is the least restrictive alternative. *Sable Communications of Cal., Inc. v. FCC*, 492 U.S. 115, 126, 109 S.Ct. 2829, 106 L.Ed.2d 93 (1989). Most content-based regulations do not

survive this exacting standard of review. *See, e.g., City of Ladue*, 512 U.S. at 43 (prohibiting yard signs in order to minimize visual clutter may be a substantial interest but it is not a compelling interest); *Linmark Associates, Inc. v. Willingboro*, 431 U.S. 85, 97 S.Ct. 1614, 52 L.Ed.2d 155 (1977) (the city's interest in maintaining a stable, racially integrated neighborhood held insufficient to support a prohibition of residential “For Sale” signs); *New York Times v. Sullivan*, 376 U.S. 254, 84 S.Ct. 710, 11 L.Ed.2d 686 (1964) (potential for libel of public official held insufficient to prevent publication in newspaper); *Tinker v. Des Moines Independent Community School District*, 393 U.S. 503, 89 S.Ct. 733, 21 L.Ed.2d 731 (1969) (undifferentiated fear or apprehension of disturbance held insufficient to support regulation prohibiting anti-war armbands).

*6 On the other hand, a lesser standard is applied if the regulation on speech is deemed content-neutral. In such cases, the government need only show that it has a significant interest at stake, that the regulation is narrowly tailored to promote that interest, and that there are ample alternative means available to communicate the desired speech. *See Lee v. International Society for Krishna Consciousness, Inc.*, 505 U.S. 830, 112 S.Ct. 2709, 120 L.Ed.2d 669 (1992) (finding that flow of passengers into and out of the airport terminal was a substantial governmental interest); *Ward*, 491 U.S. at 781 (regulating noise levels at an outdoor concert was a substantial governmental interest); *Heffron v. International Society for Krishna Consciousness Inc.*, 452 U.S. 640, 101 S.Ct. 2559, 69 L.Ed.2d 298 (1981) (finding that a rule requiring solicitation at a state fair be done from a booth was narrowly tailored because it focused on the incidental effects of providing exemptions).

Section 17.0701 of the City ordinance makes it unlawful to “locate, erect, move, reconstruct, extend, enlarge, convert, or structurally alter any sign” without first complying with the requirements of the section. The section includes restrictions based on the type of sign at issue. For example, bulletin boards for public, charitable or religious institutions require a permit but may be displayed indefinitely. § 17.0703(a). Real estate signs require a permit but may be displayed six months, unless extended by action of the Town Plan Commission. § 17.0704(c). **Fiedorowicz's** “Let us vote” signs fall within the election campaign sign ordinance, § 17.0702(c) or the temporary sign ordinance, § 17.0703(b). The election campaign sign ordinance allows signs conveying “election” or “campaign” messages to be posted without a permit 45 days before an election and seven days after

§ 17.0702(c). The temporary signs or banners ordinance provides that residents must file an application with the Town Building Inspector on a form that includes the “*Information (or type of information or message)*” to be displayed on the face(s) of the sign. § 17.0713(f). In addition, the applicants must pay a minimum fee of \$25 plus thirty-five cents for each square foot over ten square feet on one side of the proposed sign to a maximum of \$200. § 17.0717(a). The Building Inspector may require the applicant to meet with the Plan Commission to review the request and to provide guidance in the issuance of the permit. § 17.0713(i). If approved, the sign may be used no more than 30 days in a six month period. § 17.0703(b).

Most courts addressing the constitutionality of durational limitations similar to those in the City have proceeded under the traditional framework and found the limitations to be content-based. *Curry v. Prince George's County, Maryland*, 33 F.Supp.2d 447, 452 (D.Md.1999) (collecting cases). In *Curry*, the court held unconstitutional an ordinance prohibiting campaign signs more than 45 days before an election and 10 days after the election. In *Whitton v. City of Gladstone, Missouri*, 54 F.3d 1400 (8th Cir.1995), the court held unconstitutional an ordinance prohibiting campaign signs more than 30 days before an election and seven days after the election. The ordinance was content-based because the words on the sign defined whether the sign was subject to the durational limitations. *Id.*, at 1404. Similarly, in *Painesville Bldg. Dept. v. Dworken & Bernstein Co., L.P.A.*, 89 Ohio St.3d 564, 733 N.E.2d 1152 (Ohio 2000), the Ohio Supreme Court held unconstitutional an ordinance prohibiting campaign signs more than 17 days prior to an election and 48 hours after the election.

*7 According to the City, these cases are inapposite because they do not address adequately the United States Supreme Court's approach in *City of Ladue*, 512 U.S. at 43. Ladue banned political signs displayed from a private residence, but carved out exceptions for what Ladue deemed to be indispensable signs. *Id.* at 45. Ladue justified its ban because signs create “ugliness, visual blight and clutter” which “tarnish the natural beauty of the landscape as well as the residential and commercial architecture, impair property values, substantially impinge upon the privacy and special ambience of the community, and may cause safety and traffic hazards to motorists, pedestrians, and children.” *Id.*, at 47 n. 6. In striking down the ordinance, the Supreme Court found it unnecessary to categorize a challenged political sign ordinance as content-based or content-neutral. This approach

troubled Justice O'Connor, who accused the Supreme Court of stepping away from its normal analytical structure and failing to determine whether the ordinance was content-based or content-neutral. *Id.* at 60.

This court is not persuaded by the City of Pewaukee's assertion that *City of Ladue* “heralds a new approach in First Amendment jurisprudence.” (Defendant's Brief in Opposition, p. 13). The Supreme Court acknowledged problems with the content discrimination rationale. For example, Ladue could remove theoretically the defects in its ordinance by repealing all exemptions to its ban. But in doing so, Ladue could still run afoul of the First Amendment by prohibiting too much speech. *Id.* at 51. Ultimately, the Ladue ordinance could not prevail under any level of scrutiny. Therefore, rather than engaging in the content discrimination question, the Supreme Court assumed, for the sake of deciding the case, the validity of Ladue's submission that the various exemptions were free of impermissible content or viewpoint discrimination. *Id.*

City of Ladue is instructive because of the similarities to the case at bar. Ladue argued, just as the City of Pewaukee argued in this case, that the ordinance was a mere regulation of the time, place, or manner of speech because residents remained free to convey their desired messages by other means, such as hand-held signs, letters, handbills, flyers, telephone calls, newspaper advertisements, bumper stickers, speeches and neighborhood or community meetings. *Id.*, at 56. Yet, the Supreme Court was not persuaded that there were adequate substitutes for the important medium of speech that Ladue closed off:

Displaying a sign from one's own residence often carries a message quite distinct from placing the same sign someplace else, or conveying the same text or picture by other means. Precisely because of their location, such signs provide information about the identity of the “speaker.” As an early and eminent student of rhetoric observed, the identity of the speaker is an important component of many attempts to persuade. A sign advocating “Peace in the Gulf in the front lawn of a retired general or decorated war veteran may provoke a different reaction than the same sign in a 10-year old child's bedroom window or the same message on a bumper sticker of a passing automobile. An espousal of the socialism may carry different implications when displayed on the ground of a stately mansion than when pasted on a factory wall or an ambulatory sandwich board.

*8 *Id.*, at 56. The Supreme Court noted that “Residential signs are an unusually cheap and convenient form of communication. Especially for persons of modest means or limited mobility, a yard or window sign may have no practical substitute.” *Id.* at 57.

Though careful to note that they were not confronted with “mere regulations short of a ban,” the Supreme Court mentioned that “individual residents themselves have strong incentives to keep their own property values up and to prevent ‘visual clutter’ in their own yards and neighborhoods—incentives markedly different from those of persons who erect signs on others' land, in others' neighborhoods, or on public property.” *Id.* at 58. “Residents' self-interest diminishes the danger of the ‘unlimited’ proliferation of residential signs that concerns the City of Ladue.” *Id.*

Admittedly, Ladue implemented a near total ban on signs. However, the same rationale applies even if the City of Pewaukee grants a short grace period in which political signs may be displayed. The vast majority of the year, the City of Pewaukee has completely foreclosed “a venerable means of communication that is both unique and important.” *Id.* at 54. Moreover, under the *City of Ladue* analysis, the City of Pewaukee is not providing ample alternative channels for communication. The City of Pewaukee submits that “[b]esides posting temporary signs, door-to-door distributions, mass mailing or telephone campaigns, peaceful face-to-face communication, leafleting and picketing, and print, radio, and television are all effective alternative avenues of communication for Plaintiff.” *Defendant's brief at p. 16.* However, the Supreme Court rejected this argument because the means of communication cited by Ladue were not adequate substitutes for a sign displayed at one's own residence. *Id.* at 56.

Even if this court does not proceed under the *City of Ladue* analysis, the City of Pewaukee's durational limitations on signs are content-based. To comply with the requirements, the content of the sign must be considered to determine what section applies. The various sections of the ordinance value certain speech over others. A commercial real estate sign, church bulletin board, and political speech receive different treatment. If the sign advocates a cause or issue and falls outside of the 45 days prior to the election, the resident must file an application, pay a fee, and hope for the approval of the Building Inspector. The Inspector considers, in part, the type of speech being conveyed on the sign. If approved, the resident can voice his or her opinion, but only for 30 days in

a six-month period. Quintessentially, this is a content-based restriction on speech.

Another case from this district, *Deida v. City of Milwaukee and Scott McCallum*, 176 F.Supp.2d 859 (E.D.Wis.2001), proceeds under this traditional framework while acknowledging the impact of *City of Ladue*. In *Deida*, the court struck down a city ordinance that prohibited the placement of pamphlets on vehicles except for those pamphlets containing “educational material ... approved by the council on physical disabilities ... relating to the parking privileges of physically disabled persons.” *Id.* at 866. In concluding that the ordinance was content-based, the court reasoned as follows:

*9 Under the ordinance, an officer who observes someone placing a leaflet on a vehicle must examine the content of the leaflet in order to determine if the leafleter violated the ordinance. If the content of the leaflet relates to parking privileges of the disabled and has been approved by the Council, then the leafleter acted lawfully. If the content of the leaflet relates to any subject other than the parking rights of the disabled or if it has not been approved by the Council, the leafleter has violated the ordinance. Like the ordinance in *Mosley*, the regulation's operative distinction between lawful and unlawful is the message in the leaflet. The ordinance, therefore, restricts speech based on its content and is presumptively subject to strict scrutiny.

Id. Under strict scrutiny, the court found that Milwaukee's proffered interests in protecting private property, reducing litter and visual clutter and improving driver and pedestrian safety were not compelling. Aesthetic interests and traffic safety have been found substantial, *see, e.g., City Council of Los Angeles v. Taxpayers for Vincent*, 466 U.S. 789, 805–87, 104 S.Ct. 2118, 80 L.Ed.2d 772 (1984), but not compelling, *see, e.g., Curry*, 33 F.Supp.2d at 452 (traffic safety and aesthetic interests not compelling); *Whitton*, 54 F.3d at 1409 (same); *City of Ladue*, 512 U.S. at 54 (reducing visual clutter not compelling).

In so holding, the *Deida* court rejected the “secondary effects” rationale that the City asserts in this case. The court noted that “outside the adult entertainment context neither the Supreme Court nor the Seventh Circuit has found a secondary-effects justification warrants applying lesser scrutiny to a facially content-based regulation.” *Id.* at 867 (citing *Schultz v. City of Cumberland*, 228 F.3d 831 (7th Cir.2000)). The rationale for relaxed scrutiny is warranted where the “sexually explicit material is the source of social problems that the government wishes to address.” *Id.* However, in *Deida* and the case at

bar, the speech proscribed by the ordinance is not an alleged source of any social problem, and, “in fact, includes speech of the highest value.” *Id.*

The City has failed to justify the limitations on speech it has imposed as a compelling state interest, and has not crafted a remedy that is the least restrictive alternative. The justifications for the ordinances at issue—aesthetics, property values, safety, and space management—have not been determined to be compelling interests. *Deida*, 176 F.Supp.2d at 869; *Whitton*, 54 F.3d at 1408. Moreover, the City has not persuaded this court that the limitations are tailored to serve these objectives. Restrictions on the size and maintenance of signs adequately promote these interests, and there is nothing in this record which supports the durational limitations the City has placed on political signs versus other signs tolerated under the ordinance. The fee and permit requirements for the temporary signs and banners ordinance act only to increase the cost and the inconvenience of a favored means of communication.

*10 The temporary signs and banners ordinance faces an additional hurdle. It operates as an unconstitutional prior restraint of speech. A prior restraint is one in which a party must apply to a government body for a permit or license before it can engage in the protected activity. *S.E. Promotions, Ltd. v. Conrad*, 420 U.S. 546, 552–53, 95 S.Ct. 1239, 43 L.Ed.2d 448 (1975). Prior restraints are presumptively unconstitutional, *Freedman v. Maryland*, 380 U.S. 51, 56, 85 S.Ct. 734, 13 L.Ed.2d 649 (1965), because of the likelihood that they will be used as a method of censoring unfavorable speech, *Forsyth County, Ga. v. The Nationalist Movement*, 505 U.S. 123, 131–32, 112 S.Ct. 2395, 120 L.Ed.2d 101 (1992).

To be permissible, a prior restraint has to contain specific, detailed criteria upon which the licensing body must base its decision to grant or deny a permit. *Id.* at 132 (citations omitted). It is insufficient for the government body to claim that it uses set criteria; rather, those standards must be incorporated into the regulation or publicized by binding administrative or judicial construction. *City of Lakewood v. Plain Dealer Publ'g Co.*, 486 U.S. 750, 770, 108 S.Ct. 2138, 100 L.Ed.2d 771 (1988).

Section 17.0713 requires that applicants provide the “Information (or type of information or message) to be displayed on the face(s) of the sign.” Knowing that content, the Building Inspector has 45 days to decide whether to

approve the application. Section 17.0210, “Principles and Standards for the Aesthetic Evaluation of Site and Building Projects,” enumerates “general standards” relating to the intent of the ordinance. Standard No. SD–7, addresses “signage of uses and buildings” and cites broad, aesthetic goals of not detracting from the visual attractiveness of the site or architecture, or distracting the traveling public or the neighborhood in general. These guidelines are not objective, narrow, and definite standards required by case law. *Shuttlesworth v. Birmingham*, 394 U.S. 147, 150–51, 89 S.Ct. 935, 22 L.Ed.2d 162 (1969). A building inspector who disagrees with the content of a proposed sign may deny the application, and there is no requirement that he or she provide reasons or otherwise reduce those reasons to writing absent a request. If a written decision is requested within ten days, there is no time frame for delivering that decision to the individual who requested it.

For the above reasons, the court will grant **Fiedorowicz's** motion for summary judgment. As the City did not respond to plaintiff's request for an award of attorney's fees pursuant to 42 U.S.C. § 1988, the court will grant that request and require **Fiedorowicz** to file documents supporting a reasonable fee award.

Now, therefore,

IT IS ORDERED that plaintiff's motion for summary judgment is granted.

IT IS FURTHER ORDERED that defendant's motion for summary judgment is denied.

IT IS FURTHER ORDERED that the City of Pewaukee's Election Campaign Sign Ordinance, § 17.0702(c), and the Temporary Sign Permit Process, §§ 17.0703(b), 17.0713 and 17.0717 are unconstitutional. The City of Pewaukee is permanently enjoined from applying these ordinances.

*11 IT IS FURTHER ORDERED that plaintiff's request for attorney's fees pursuant to 42 U.S.C. § 1988 is granted. Plaintiff shall submit a proposed order and supporting documents on or before April 30, 2004.

All Citations

Not Reported in F.Supp.2d, 2004 WL 6338545

End of Document

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Attachment: Fiedorowicz v City of Pewaukee (ORDINANCE 2021-1595 : Regulation of Political Messages)



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Office of Administration

TO: Common Council
FROM: Justin Schoenemann, Assistant City Administrator
DATE: July 13, 2021
SUBJECT: ORDINANCE 2021-1596 A Charter Ordinance Amending Provisions of the Mequon Municipal Code, Establishing Terms of Office for Elected Officials

Background

The proposed ordinance submitted by Mayor Wirth contemplates amending the Mequon Municipal Code to establish terms of office for elected officials. The proposed amendment would make a person who has served as mayor or as an alderperson in one district for four consecutive terms ineligible to be elected again until one election has elapsed without his or her name on the ballot. An official would also be ineligible for re-election as a write-in candidate until one election has elapsed without their name on the ballot. Additionally, an official could not be appointed until three years have elapsed after he or she vacates the office.

The proposed ordinance would allow an official who has served four consecutive terms as mayor to be elected as an alderperson without having to wait one election cycle. It would also allow an alderperson who has served four consecutive terms in one district to run for a different aldermanic seat or for mayor without having to wait one election cycle.

At its July meeting, the Public Welfare Committee amended the proposed ordinance to define four consecutive terms as four “full” consecutive terms. The intent behind the amendment is to ensure that an appointment to complete a partial term associated with a vacated office does not count towards an official’s four consecutive terms.

Fiscal Impact

None.

Recommendation

On July 13, 2021, the Public Welfare Committee approved a recommendation in favor of adopting the proposed ordinance by a vote of 3-0.

COMMON COUNCIL
OF THE
CITY OF MEQUON

ORDINANCE 2021-1596

A Charter Ordinance Amending Provisions of the Mequon Municipal Code, Establishing Terms
of Office for Elected Officials

RECITALS

A. The qualifications to hold, and the terms of, the offices of mayor and alderman are established under Wis. Stat. § 62.09 and may be changed by a charter ordinance duly passed by the common council.

B. The Common Council desires to establish term limits for the offices of mayor and alderman.

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

SECTION I:

Charter Ordinance Article I (formerly known as Charter Ordinance No. 58-23) is repealed and replaced in its entirety with the following:

Sec. I.01. - Mayor.

- (a) The term of office of mayor shall be three years. This ordinance shall not affect the term of office of the existing mayor.
- (b) A person who has been elected as mayor for four full consecutive terms shall be ineligible:
 - (1) To have his or her name on the ballot for mayor, or to be elected as mayor as a write-in candidate, until one election for mayor has elapsed without his or her name on the ballot; and
 - (2) To be appointed as mayor until three years have elapsed after he or she vacates the office.

Sec. I.02. - Alderman.

- (a) The term of office of an alderman shall be three years. This ordinance shall not affect the term of office of any existing alderman.

- (b) A person who has been elected as alderman for an aldermanic district for four full consecutive terms shall be ineligible:
- (1) To have his or her name on the ballot for alderman in that district, or to be elected to that office as a write-in candidate, until one election for that office has elapsed without his or her name on the ballot; and
 - (2) To be appointed as alderman for that district until three years have elapsed after he or she vacates the office.

Sec. I.02. - Current Office Holders.

No election occurring prior to the effective date of this ordinance shall be counted in determining the eligibility for any candidacy or appointment.

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 in conflict or inconsistent with this ordinance, in whole or in part, are repealed to the extent necessary to give this ordinance full force and effect.

SECTION IV:

This is a charter ordinance. It shall take effect 60 days after its passage and publication unless, within such 60-day period, a referendum petition is filed as provided in Wisconsin Statutes Section 66.0101(5), in which event this ordinance will not take effect until it is submitted to a referendum and approved by a majority of the electors voting.

Approved by: John Wirth, Mayor

Date Approved: September 14, 2021

I certify that the foregoing Ordinance was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on September 14, 2021.

Caroline Fochs, City Clerk

Published: _____



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Office of Administration

TO: Common Council
FROM: Justin Schoenemann, Assistant City Administrator
DATE: September 8, 2021
SUBJECT: ORDINANCE 2021-1597 An Ordinance Amending Article II of Chapter 2 Within the Mequon Municipal Code, in Connection with the Roles, Duties and Functions of the Mayor and Common Council

Background

In January of 2020, the Public Welfare Committee commenced a review of *Chapter 2 Article II - Common Council*, which governs all standing committees, the Common Council, mayoral duties, meeting procedures, agenda format, and meeting minutes. However, due to the impacts of COVID-19 this project was paused while the City pivoted to respond to the public health emergency. Once the emergency normalized, the Public Welfare Committee resumed its review of the ordinance in November of 2020. Enclosed is a copy of the current ordinance for reference purposes.

Analysis

In connection with this initiative, the Committee's initial work largely focused on standardizing language throughout *Article II* and putting current practices in place. The proposed ordinance amendments include, among others, the following noteworthy changes:

- *Sec. 2-21 Mayor* - Provides a listing of all mayoral duties and current practices in one section.
- *Sec. 2-22 Acting Mayor* - Defines the duties of the acting mayor and the process for determining who will serve as acting mayor should there be a mayoral vacancy.
- *Sec. 2-23 Standing Committees* - Defines the structure of all four of the City's Standing Committees, their makeup, and which standing committee is designated to review items from the City's various boards, committees, and commissions.
- *Sec. 2-24 Appointments to standing committees through 2-29 Meetings, agenda, minutes, and recommendations* - Further defines how alderpersons are appointed to standing committees, the selection process of committee chairs, filling of vacancies, committee quorums, and how matters from a committee proceed to the Common Council, as well as agenda materials and recommendation procedures for the committees.
- *Sec. 2-30 Committee of the Whole* - Defines the procedures for Committee of the Whole meetings and when a Committee of the Whole meeting can be held.
- *Sec. 2-31 Appropriations Committee* - Defines the process by which the Common Council meets as the Appropriations Committee to review, amend, and forward the annual budget to the Common Council for adoption.
- *Sec. 2-32 Special Committees* - Defines how ad-hoc committees can be established by the Mayor or the Common Council, from time to time.

- *Sec. 2-33 Referrals to the committee through 2-40 Agendas* - These sections define how items are referred from the Common Council to committees, procedures for how regular and special meetings are scheduled, the location of meetings, quorum requirements for the Council, the process for determining who the presiding officer is, the process for getting items on agendas, and proper agenda formats.
- *Sec. 2-41. - Procedures for proposed ordinances and resolutions* - Defines the process by which proposed ordinances and resolutions are acted upon by the Common Council.
- *Sec. 2-42. - Rules of procedures, reconsideration, resubmissions* - Defines the conduct and rules of order required during meetings of the Common Council, as well as the process for reconsiderations and resubmissions.

Furthermore, the Committee also included a review of duties of the City Administrator established in *Chapter 2 Article IV. - Departments and Agencies*. The Public Welfare Committee recommended no changes at this time. However, *Article IV* is continuing to be reviewed by the Public Welfare Committee and additional recommendations may come forward at a subsequent meeting.

Fiscal Impact

None.

Recommendation

On July 13, 2021, the Public Welfare Committee approved a recommendation in favor of adopting the proposed changes to Article II of Chapter 2.

Attachments:

Current Chapter II Ordinance (PDF)

COMMON COUNCIL
OF THE
CITY OF MEQUON

ORDINANCE 2021-1597

An Ordinance Amending Article II of Chapter 2 Within the Mequon Municipal Code, in
Connection with the Roles, Duties and Functions of the Mayor and Common Council

SECTION I

Chapter 2 Article II is repealed and recreated to read as follows:

Sec. 2-20. - Generally.

The common council shall consist of the mayor and eight aldermen. The common council shall be elected, and vacancies shall be filled, pursuant to section 2-63. The common council shall have the committees described in division 2. The common council shall hold meetings pursuant to division 3.

Sec. 2-21 - Mayor.

- (a) In addition to those powers and duties set forth in this code, the mayor shall have the powers and duties of a mayor set forth in the Wisconsin Statutes.
- (b) The mayor shall be the city's chief executive officer. The mayor shall take care that city ordinances and state laws are observed and enforced and that all city officers and employees discharge their duties.
- (c) The mayor shall from time to time give the common council such information and recommend such measures as the mayor may deem advantageous to the city.
- (d) When present, the mayor shall be a member of, and presiding officer at, all meetings of the common council, whether regular, special or organizational, and its committee of the whole and appropriations committee.
- (e) Except as otherwise limited by state law, the mayor shall have the power to veto all acts of the common council and all acts of any committee that could have been taken by the common council if not delegated by the common council or this code to such committee, including acts by the planning commission. All such acts shall be submitted to the mayor by the clerk and shall be in force upon approval evidenced by the mayor's signature, whether signed as mayor or as the chair of the planning commission, or upon the mayor's failure to approve or disapprove such act within five days. If the mayor fails to approve or disapprove any act within five days, the clerk shall certify such failure on the relevant document. If the mayor vetoes any act, the mayor shall file his or her objections with the clerk, and the clerk shall present them to the common council at its next meeting. A two-

thirds vote of all members of the common council shall make the act effective notwithstanding the objections of the mayor, except that in the case of an act by a committee, the common council may, upon majority vote, return the vetoed act to the committee who shall have the opportunity at its next meeting to overrule the veto by a two-thirds vote of all members of the committee.

- (f) The mayor shall be the head of the fire and police departments.

Sec. 2-22 - Acting mayor.

- (a) If the mayor is absent or unable to perform any duty, the president of the common council shall be the “acting mayor.” If both the mayor and the president are absent or unable to perform any duty, the following shall be the order of succession as “acting mayor”: the chair of the public welfare committee, the chair of the public works committee and the chair of the public safety committee.
- (b) The acting mayor shall not have power to approve an act of the common council which the mayor has vetoed or to veto any act approved at a meeting at which the mayor was the presiding officer.

Sec. 2-23. - Standing Committees.

The common council shall have the following four standing committees:

- (a) Finance-personnel committee.
 - (1) Except as otherwise specifically delegated by this code or state law, the finance-personnel committee shall consider licenses, vouchers for payment, collective bargaining contracts, employee wages and benefits, employee policies, ethics, financial policies, tax assessments, audits, investments, fees charged by the city, debt issuances and similar matters.
 - (2) Except for matters directed by the mayor to the committee of the whole or to another committee, matters coming before the common council from the following citizen committees shall first go to the finance-personnel committee to the extent that such matters require standing committee review:
 - a. Board of Review
 - b. Ethics Board
 - c. Planning Commission (development agreements, land acquisitions and similar matters that involve the city’s finances)
 - (3) All bills and other financial claims against the city shall be itemized and, upon receipt, shall be examined by the treasurer and paid pursuant to the city’s financial policies after verification by the city administrator or the relevant department

head. However, no such item shall be paid prior to approval by the finance-personnel committee if it is subject to any dispute. The treasurer shall provide the itemization to the clerk, who shall in turn provide it to the finance-personnel committee for examination and ratification at its next meeting. Any disputed item shall be particularly identified on or with the itemization, and the finance-personnel committee shall provide direction to the treasurer regarding payment. To the extent the finance-personnel committee has concerns regarding any items that have been paid, it may promulgate policies for future similar payments. The mayor may require any such policy to be approved by the common council before implementation.

(b) Public safety committee.

- (1) Except as otherwise specifically delegated by this code or state law, the public safety committee shall consider matters regarding police, fire, ambulance, traffic, boating, building safety and similar matters.
- (2) Except for matters directed by the mayor to the committee of the whole or to another committee, matters coming before the common council from the following citizen committees shall first go to the public safety committee to the extent that such matters require standing committee review:
 - a. Board of Police and Fire Commissioners
 - b. Milwaukee River Advisory Committee

(c) Public welfare committee.

- (1) Except as otherwise specifically delegated by this code or state law, the public welfare committee shall consider all matters not delegated to the other standing committees, including without limitation matters regarding the committees of the city, redistricting, voting, citywide surveys, economic development, planning, health, public assistance, recreation, nuisances.
- (2) Except for matters directed by the mayor to the committee of the whole or to another committee, matters coming before the common council from the following citizen committees shall first go to the public welfare committee to the extent that such matters require committee review:
 - a. Board of Appeals
 - b. Economic Development Board
 - c. Festivals Committee
 - d. Frank L. Weyenberg Library Board of Trustees
 - e. Hiram Schmitt Fund Advisory Board
 - f. Landmarks Commission
 - g. Planning Commission (all text amendments, that are not assigned to the finance-personnel committee or the public works committee)

(d) Public works committee.

- (1) Except as otherwise specifically delegated by this code or state law, the public works committee shall consider matters involving roads, municipal buildings, parking lot and grounds maintenance, sidewalks, public lighting, stormwater, engineering and similar matters.
- (2) Except for matters directed by the mayor to the committee of the whole or to another committee, matters coming before the common council from the following citizen committees shall first go to the public works committee to the extent that such matters require standing committee review:
 - a. Architectural Board
 - b. Joint Mequon-Thiensville Bike and Pedestrian Way Commission
 - c. Mequon Nature Preserve Board of Directors
 - d. Park and Open Space Board
 - e. Planning Commission (text amendments and other matters which are primarily related to architecture, parks, public works projects and policies or trees)
 - f. Tree Board

Sec. 2-24. - Appointments to standing committees.

At the organizational meeting, the president shall nominate three aldermen to each standing committee and the required aldermanic representatives and alternate aldermanic representatives under division IX of this chapter (including the planning commission). Subsequently, any alderman may make one or more additional nominations to the standing committees. After all nominations are made, the common council shall elect by majority vote three members to each standing committee. In the event of any second or subsequent tie vote, the mayor may vote to break the tie or call for another vote. Each alderman shall serve on at least one common council standing committee. Each member shall serve as appointed unless excused by a majority vote of the common council. The mayor shall be a non-voting, *ex officio* member of all standing committees.

Sec. 2-25. - Chairs of standing committees.

- (a) The members of each standing committee, other than the finance-personnel committee, shall select a chair from among themselves at the first committee meeting following the organizational meeting.
- (b) The mayor shall chair the finance-personnel committee on an *ex officio*, non-voting basis.
- (c) In the absence or upon recusal of a standing committee's chair, the member of the standing committee with the most years of service on the common council shall serve as chair.

- (d) The chair of a standing committee shall call meetings to order at the appointed hour. The chair shall preserve order and decorum, decide all questions of order and conduct the proceedings of the meeting in accordance with the parliamentary rules contained in Robert's Rules of Order Revised, unless otherwise provided by state law or this code. Any member shall have the right to appeal a decision of the chair. The appeal may be sustained by an affirmative vote of the members present, exclusive of the chair.

Sec. 2-26. - Vacancies.

- (a) If there is an aldermanic vacancy, the person filling the vacancy shall automatically fill the vacated member's membership in any standing committee.
- (b) In the event that two or more aldermanic vacancies leave any standing committee without sufficient members to reach a quorum, the president shall appoint interim members to the standing committee to allow the committee to conduct its business. The appointment of any such interim members shall be confirmed by the common council at its next meeting except that the lack of confirmation shall not invalidate any action taken by such interim members.
- (c) To the extent that the vacated member was the chair of a standing committee, the standing committee shall elect a new chair at the first meeting of the standing committee following the date the vacancy is filled.

Sec. 2-27. - Quorum of a standing committee.

A quorum for a standing committee shall consist of two voting members. A quorum shall be required to be present to transact business or to take any action on any agenda item on the meeting's agenda.

Sec. 2-28. - Action of a standing committee.

- (a) Unless otherwise required by law, an affirmative vote of two members of a standing committee shall constitute the action of the standing committee.
- (b) Except as specifically provided in this code, standing committees shall have no final decision-making or policy-making authority; instead, standing committees shall recommend resolutions, ordinances and policies to the common council.
- (c) Matters favorably recommended by a standing committee shall be submitted to the mayor to place on a common council agenda for consideration within two months from the standing committee's approval of a matter. The mayor may place any matter on the common council agenda that has been considered but not recommended for approval by a standing committee.

- (d) With respect to a matter referred to the common council by the planning commission, if the applicable standing committee identified in sec. 2-23 fails to make a recommendation on such matter to the council within 60 days of the planning commission action, the mayor may place the same on an agenda for the committee of the whole.

Sec. 2-29. - Meetings, agenda, minutes and recommendations.

- (a) Each standing committee shall conduct its first meeting following the organizational meeting at a time and place scheduled by, and pursuant to an agenda established by, the staff liaison to the standing committee and shall include all agenda items specified by the standing committee at its last meeting preceding the organizational meeting.
- (b) A standing committee shall conduct all other meetings at scheduled times and places called by its chair or as determined by the standing committee at a prior meeting. The chair shall establish the agenda for each such meeting after consultation with the staff liaison for the standing committee.
- (c) Any member of a standing committee may request in writing, at least five business days prior to a meeting, that an item germane to the standing committee's purpose, duties or powers be placed on an agenda. If the chair fails to place such item on the agenda for a meeting, the proposing member may, at any meeting, move the standing committee to have the item placed on the next agenda.
- (d) Written notice of a meeting of a standing committee and the agenda for such meeting shall be delivered to each committee member and filed with the clerk at least 48 hours in advance of the meeting. The notice shall be in such form as will reasonably apprise the standing committee members, the public and the press of the date, time and subject matter that is intended for consideration and action at the meeting. The clerk will post such notices on the city hall bulletin board and, to the extent possible, the building at which the meeting will be held.
- (e) Minutes of the meetings and recommendations of a standing committee, after review and approval of the standing committee, shall be submitted to the common council. The minutes shall show the vote of each member upon each question. The minutes shall also show if a member is absent or fails to vote on any question. The city clerk shall retain all such minutes.
- (f) Members shall attend meetings of a standing committee in person. No member may appear at any meeting by telephone or other electronic means.
- (g) Any member of the common council may attend any meeting of any standing committee, including any closed session, as a non-voting, ex-officio member, and shall abide by all the rules and regulations of the meeting that pertain to the regular members of the standing committee.
- (h) The chair of any standing committee, or the standing committee by majority vote, may

require any city officer to confer with it and supply information needed in connection with any matter pending before the standing committee.

Sec. 2-30 - Committee of the whole.

- (a) The committee of the whole shall consist of all members of the common council. The committee of the whole shall have the same quorum and voting requirements as meetings of the common council.
- (b) The committee of the whole shall be used for informal discussion among members of the common council.
- (c) The mayor may:
 - (1) Schedule a meeting of the committee of the whole. Such a meeting, when not part of a regular meeting of the common council, shall proceed under the rules in this code for a special meeting.
 - (2) In establishing the agenda for a regular or special meeting of the common council, schedule a meeting of a committee of the whole at any point during the meeting.
 - (3) Provided there is no objection by any alderman present, declare any portion of any meeting of the common council as a meeting of the committee of the whole.
- (d) The mayor, or the committee of the whole by majority vote, may terminate a meeting of the committee of the whole at any time.

Sec. 2-31. - Appropriations committee.

- (a) The appropriations committee shall consist of all members of the common council. The appropriations committee shall have the same quorum requirements as meetings of the common council.
- (b) The appropriations committee shall review and recommend the annual budget to the common council.
- (c) Meetings of the appropriations committee shall proceed under the rules in this code for a special meeting.
- (d) The appropriations committee and its procedures and duties are more specifically described in division 2 of article xi of this chapter.

Sec. 2-32. - Special committees.

Either the mayor by written order or the common council by motion or resolution may create special committees from time to time. The number of committee members, the purpose of

the special committee and its duties shall be stated in the order, motion or resolution. Unless a termination date is specified in the order, motion or resolution creating a special committee, the mayor may terminate a special committee at any time if created by order or the common council may terminate such a committee if created by motion or resolution. The quorum of any special committee shall be 51% of the members of the special committee. All other rules in this code that apply to standing committees shall apply to special committees.

Sec. 2-33. - Referrals to committee.

- (a) No ordinance, resolution, communication or other matter, other than appointments, shall be acted upon by the common council unless such ordinance, resolution, communication or other matter shall have been referred to the common council or reported on by one of the following:
 - (1) An appropriate common council standing committee;
 - (2) The committee of the whole;
 - (3) The appropriations committee;
 - (4) Any special committee of common council members created for that purpose under section 2-32;
 - (5) The sewer utility district commission;
 - (6) The Mequon municipal water utility commission; or
 - (7) For an ordinance or resolution creating, amending or repealing a planned unit development, transferring development rights, amending the city's official zoning map, amending the city's land use plan, or addressing similar property-specific matters, the planning commission.
- (b) The common council may, by the affirmative vote of two-thirds of the aldermen present, suspend the rule established in subsection (a) and act on a matter that has not been appropriately referred to or reported on by a committee as specified in subsection (a).
- (c) Appointments to boards, commissions and committees under article IX, and appointments to standing committees and special committees of the common council, may be acted upon without having been referred to or reported on by a committee unless otherwise specifically required elsewhere in this code. However, the common council may refer any appointment to a committee by motion duly adopted.
- (d) Unless the rule established in subsection (a) is suspended for a matter, any ordinance, resolution, communication or other matter which has not been referred to the common council or reported on by a committee as specified in subsection (a) shall be read by number, abbreviated title, author and sponsor, if any, and referred to the appropriate

committee by the mayor without motion or, if the mayor does not make such a referral, by the common council upon motion duly adopted.

Sec. 2-34. - Types of meetings and how scheduled.

- (a) Regular meetings. Regular meetings of the common council shall be held on the second Tuesday of each calendar month at 7:30 p.m. Any regular meeting falling upon a legal holiday or election day shall be held at the same time on the next day. The mayor may, with at least 14 days' prior notice to the clerk, who shall promptly notify all aldermen, move a regular meeting to the third Tuesday of the month at 7:30 p.m. if the mayor determines that there will be six or fewer aldermen at the meeting on the second Tuesday of the month or that the second Tuesday of the month conflicts with a significant national, civic or athletic event.
- (b) Special meetings. The mayor or any four aldermen may call a special meeting by providing written notice, including by electronic means, to the clerk of the date, time and purpose of the meeting. Except in an emergency, such notice shall be delivered to the clerk at least three business days prior to the proposed time for the special meeting. The clerk shall cause written notice of the special meeting to be delivered to each alderman personally or by providing notice to each alderman in a manner most likely to give each member notice of the meeting and shall send a copy by email to each alderman at his or her city email address. Notice shall be adequate if provided at least six hours before the meeting. The clerk shall cause an affidavit of service of such notice to be filed in the clerk's office prior to the time fixed for such special meeting. A special meeting may be held without such notice when all aldermen either are present in person or consent in writing to the holding of such meeting. Any such consent shall be filed with the clerk prior to the beginning of the meeting. An alderman shall be deemed to have waived any defect of notice if he or she attends the special meeting. In the absence of the clerk, a filing with, and an action by, a deputy of the clerk shall satisfy the requirements of this section. The City Clerk or designee of the City Clerk shall acknowledge receipt of the special meetings request within 24 hours of receiving the notice.
- (c) Organizational meeting. The common council shall hold an organizational meeting on the third Tuesday in April.

Sec. 2-35. - Place; Quorum; Adjournment.

- (a) Place of meetings. All common council meetings, whether regular, special or organizational, and all committee of the whole, standing committee and utility board committee meetings, shall be held in city hall. Notwithstanding the foregoing:
 - (1) A meeting held jointly with one or more bodies that govern other political entities may be held outside of city hall provided that public notice is given at least seven days in advance of such meeting.
 - (2) All or part of a meeting may be held at another location if, in the mayor's opinion, such location might assist the common council in its deliberations.

- (3) The common council may by majority vote at a prior meeting agree to hold a meeting at another location.
- (b) Quorum. No action shall be taken unless a quorum is present. A quorum shall consist of the six aldermen or, if there is one or more vacancies, two-thirds of all aldermen then holding office. The mayor or the majority of aldermen present may compel the attendance of absent members in order to obtain a quorum. Otherwise, the common council shall adjourn for failure to obtain a quorum. The mayor shall not be counted in determining whether a quorum is present. To the extent a regular meeting cannot be held due to the lack of a quorum, any meeting called to replace the missed meeting shall constitute a regular meeting.
- (c) Adjournments. The common council may, by a majority vote of the aldermen present, adjourn from time to time to a specific date and time.

Sec. 2-36. - Presiding Officer.

- (a) Mayor. The mayor shall, when present, be the presiding officer at all common council meetings, whether regular, special or organizational, and all committee of the whole meetings and appropriation committee meetings.
- (b) Absence of Mayor. In the absence of the mayor, the president shall preside over a meeting. In the absence of the mayor and the president, the following shall be the order of succession as presiding officer: the chair of the public welfare committee, the chair of the public works committee and the chair of the public safety committee.
- (c) Conduct of Meeting. The presiding officer shall call meetings to order at the appointed hour. The presiding officer shall preserve order and decorum, decide all questions of order and conduct the proceedings of the meeting in accordance with the parliamentary rules contained in Robert's Rules of Order Revised, unless otherwise provided by state law or by this code. Any member shall have the right of appeal from a decision of the presiding officer. The appeal may be sustained by a vote of the majority of the members present, exclusive of the presiding officer.
- (d) Participation by Presiding Officer. Whenever the presiding officer desires to speak upon any question, or to make any motion, he or she shall designate the alderman in the next position of succession to preside temporarily.

Sec. 2-37. - Order of business - regular meetings.

- (a) The public notice and the agenda for regular meetings of the common council shall reflect the following order of business unless, in establishing the agenda and prior to publication, the mayor opts to change, except order of business one through three, the order to accommodate significant public interest, visitors who will be participating in the meeting or for other good cause.

- (1) Call to order. The presiding officer shall at the appointed hour call the members to order.
- (2) Pledge of Allegiance.
- (3) Roll call.
- (4) Public hearings. This part of the meeting is reserved for those matters requiring a public hearing by this code or other applicable law. To the extent an ordinance has received a first reading at a prior meeting, the ordinance shall be acted upon immediately following its public hearing. Remarks of any individual shall be limited to five minutes.
- (5) Personal appearances and public comment. This part of the meeting is reserved for comments regarding any matter not on the agenda. Remarks of any individual shall be limited to five minutes.
- (6) Public officials' reports. The following may, at the mayor's option, be included at this time: reports by the mayor, proclamations by the mayor, reports by the city administrator, reports by any other city officer and reports by designated representatives of any city committee, board or commission.
- (7) Consent agenda items. Consent agenda items are items that do not include the expenditure of funds and that are, in the discretion of the mayor, routine or ministerial. Consent agenda items include without limitation the following items.
 - a. Adoption of minutes of prior common council meetings;
 - b. Acceptance of minutes from standing committees and city boards, commissions and committees;
 - c. Acceptance of reports of common council and special meetings;
 - d. Adoption of specified ordinances and resolutions that have received unanimous committee recommendation; and
 - e. First readings of ordinances.

Except for resolutions and ordinances, the presiding officer need not list items on the consent agenda but, instead, may announce that the consent agenda includes various minutes and reports. The presiding officer shall announce, before any motion, the number and abbreviated description of each ordinance and resolution included in the consent agenda. A member of the common council may cause any item on the consent agenda to be separately discussed and voted by notifying the mayor, prior to the vote on the consent agenda, that he or she requires such separate consideration. A vote on the consent agenda does not approve any

ordinance before the common council for a first reading except upon a motion to suspend the rules which is seconded and approved by two-thirds of the members present. Such a motion is not debatable and shall be decided without discussion.

- (8) Ordinances.
 - (9) Resolutions.
 - (10) Specified unfinished business from prior meetings.
 - (11) Specified new business. New business may include without limitation petitions, memorials, remonstrances and other communications not otherwise presented during the meeting.
 - (12) Adjourn.
- (b) The mayor may, in establishing the agenda, schedule extraordinary matters and meetings of a committee of the whole at any point during the meeting. Except for the foregoing, no business shall be considered out of the order established in subsection (a) except upon a motion to suspend the rules which is seconded and approved by two-thirds of the members present. Such a motion is not debatable and shall be decided without discussion.

Sec. 2-38. - Order of business - special meetings.

- (a) The public notice and the agenda for special meetings of the common council shall reflect the following order of business.
 - (1) Call to order. The presiding officer shall at the appointed hour call the members to order.
 - (2) Pledge of Allegiance.
 - (3) Roll call.
 - (4) The matters or matters for which the meeting is called.
 - (5) Adjourn.

Sec. 2-39. - Order of business - organizational meeting.

- (a) The public notice and the agenda for the organizational meeting of the common council shall reflect the following order of business.
 - (1) Call to order. The presiding officer shall at the appointed hour call the members to order.

- (2) Pledge of Allegiance.
- (3) Roll call.
- (4) Election results. The clerk shall report the results of the election of common council members.
- (5) Recognition of outgoing members.
- (6) Oath. Newly elected common council members shall take the oath of office.
- (7) Election of President. The aldermen shall elect one of their members as president of the common council. Any alderman may nominate himself or herself or nominate another alderman. No second of any such nomination shall be required. The president shall be elected by the majority vote of the aldermen present.
- (8) Nominations and election of committee members. The nominations and elections of committee members shall be administered pursuant to 2-24.
- (9) Designation of Newspaper. The aldermen shall designate the official city newspaper for legal notices by majority vote of the aldermen present.
- (10) Mayoral and aldermanic appointments. The aldermen shall confirm or deny, by majority vote of the aldermen present, mayoral and aldermanic appointments to committees under division IX of this chapter.
- (11) Other. The common council may take up any other appropriately noticed business, including any matter that could be addressed at a regular meeting.
- (12) Adjourn.

Sec. 2-40. - Agendas.

- (a) The form and content of agendas for all common council meetings, whether regular, special or organizational, and all committee of the whole, appropriations committee and utility board committee meetings, shall be approved by the mayor prior to publication.
- (b) Not less than 72 hours prior to each regular meeting the clerk shall cause to be delivered to each alderman an agenda listing the specific matters which will be considered at the meeting. All reports of committees of the common council, ordinances, resolutions, communications, claims and similar matters to be considered by the common council shall be filed with the clerk not later than 12:00 noon on the Monday of the week preceding a regular common council meeting (or the preceding Friday in the event that the Monday of the week preceding a meeting is a recognized holiday). The mayor may approve the addition to the agenda of documents or matters filed after the above cut-off day or time.

- (c) Additional items shall be placed on a regular meeting agenda if requested in writing by two aldermen prior to noon on Wednesday preceding the meeting. Such request is subject to section 2-33, and the mayor or the common council shall direct the request to a committee if appropriate.

Sec. 2-41. - Procedures for proposed ordinances and resolutions.

Proposed ordinances and resolutions shall appear separately on the common council's agenda, and the agenda shall specify the number and title of each proposed ordinance and resolution and the status, as of publication, of committee consideration. No proposed ordinance or resolution shall be considered or discussed by the common council, and no action shall be taken on any proposed ordinance or resolution, unless the ordinance or resolution is presented to the common council in writing. No action shall be taken on any proposed ordinance without it having had one reading at a previous meeting of the common council unless there has first been a motion to suspend the rules which is seconded and approved by two-thirds of the members present. Such a motion is not debatable and shall be decided without discussion.

Sec. 2-42. - Rules of procedure, reconsideration, resubmission.

The deliberations of the common council at any meeting whether regular, special or organizational, and all committee of the whole, appropriations committee and utility board committee meetings, shall be governed by the following rules:

- (a) Provided there is no objection by any alderman present, the presiding officer may at any time declare the common council a committee of the whole for informal discussion to discuss any matter before the common council. If there is an objection, the objection may be overruled by majority vote of the aldermen present.
- (b) Unless otherwise required for any group exercise, all aldermen shall remain in their allotted seats, and no conversation shall be indulged in, so that the common council may expeditiously proceed with the business before the meeting.
- (c) The parliamentary rules contained in Robert's Rules of Order Newly Revised shall govern deliberations of the common council unless otherwise specifically provided by state law or this code.
- (d) No alderman shall address the common council until he or she has been recognized by the presiding officer.
- (e) When two or more aldermen simultaneously seek recognition, the presiding officer shall name the member who is to speak first.
- (f) Except with respect to committee of the whole and appropriations committee meetings, no alderman shall speak more than twice for five minutes each time on any question without first obtaining permission from the common council. Notwithstanding the

foregoing, the presiding officer may allow a time for questions by alderman of staff.

- (g) Only the presiding officer and aldermen shall address the common council except:
 - (1) The public during any public hearing.
 - (2) City staff when recognized by the presiding officer.
 - (3) Residents during the part of the meeting reserved for personal appearances and public comment.
 - (4) With the permission of the presiding officer, residents of the city and other interested people as to matters which are being considered by the common council at the time the request to speak is made. Unless otherwise specified by the presiding officer, remarks shall be limited to five minutes.
 - (5) Others with the unanimous consent of the common council.
- (h) Any person, including any alderman, addressing the common council shall direct his or her comments to the presiding officer, confine his or her remarks to the question under discussion and avoid all discussion of personalities. Notwithstanding the foregoing, the presiding officer may allow questions of staff on any item.
- (i) No motion shall be discussed or acted upon until it has been seconded unless the rules permit one alderman to initiate action. No motion shall be withdrawn without the consent of both the person making the motion and the person seconding it.
- (j) Any alderman may require the reading in full of any matter at any time it is before the common council.
- (k) With the consent of the presiding officer, questions may be asked prior to a motion and second on a matter. Otherwise, a matter shall not be discussed until a motion is made and seconded.
- (l) When a question is under discussion, no action shall be in order except to:
 - (1) Adjourn
 - (2) Recess
 - (3) Lay on the table
 - (4) Move the previous question
 - (5) Postpone to a certain day

- (6) Refer to a committee
- (7) Amend
- (8) Postpone indefinitely

The foregoing motions shall have precedence in the order listed.

- (m) The presiding officer may put any question when discussion has ended or each alderman has discussed the question twice. Any alderman wishing to terminate the discussion may move the previous question, in which event the presiding officer shall announce the question as: "Shall the main question now be put?" If two-thirds of the aldermen present vote in the affirmative, the main question shall be taken without further discussion, its effect being to put an end to all discussion and to bring the common council to a direct vote, first upon any pending amendments and then upon the main question.
- (n) A motion to adjourn shall always be in order. A motion to adjourn, to recess, to lay on the table or to call the previous question is non-debatable and shall be decided without discussion.

Sec. 2-43. - Voting.

In addition to other specific rules regarding voting in this code, the following rules regarding voting shall apply.

- (a) *Aldermen.* Each alderman shall be a voting member of the common council, whether regular, special or organizational, the committee of the whole, the appropriations committee, the utility boards and each committee (standing, special or otherwise) of which he or she is a member.
- (b) *Mayor.* Except in the case of a tie, the mayor shall not vote at any meeting of the common council, whether regular, special or organizational, or at any meeting of the finance-personnel committee. The mayor shall be a voting member of the committee of the whole, the appropriations committee, the utility boards and any special committee of which he or she is a member.
- (c) *Presiding officer other than the mayor.* When someone other than the mayor is the presiding officer, the presiding officer may vote.
- (d) *Votes necessary for passage or approval.* Five affirmative votes, including the vote of the mayor in case of a tie, in favor of any proposed ordinance, resolution, motion, appointment or other matter shall be necessary for passage or approval unless (1) a larger number is required by state law, (2) a different number is specified by this code or (3) this code specifies that approval shall be by “majority vote of the alderman present,” or some substantially similar phrase.
- (e) *Ties.*
 - (1) When the mayor votes in the case of a tie, his or her vote shall be counted in determining whether a sufficient number of members of the common council or the finance-personnel committee has voted favorably or unfavorably on any measure.
 - (2) If one or more aldermen fails or is unable to vote, whether as a result of absence, abstention or vacancy, each non-voting member shall be deemed, for purposes of this subsection only, to have voted "no" on the question, and the minutes shall reflect such status as a "deemed no" vote. The mayor may break any tie resulting from such “deemed no” votes.
 - (3) Notwithstanding the foregoing, during the vote for president or to affirm the president’s nominations to committees at the organizational meeting, the mayor shall only vote in the case of a tie if the common council has voted twice and, in each instance, the vote ended in a tie.

(f) Requirement to vote; abstention.

- (1) Any person eligible to vote shall, when within the room in which a vote is to be taken at the time a question is put, give his or her vote unless it is his or her good faith belief that special circumstances compel him or her to abstain.
- (2) An alderman or the mayor shall announce his or her intention to abstain as soon as he or she determines that he or she intends to do so and shall thereafter refrain from participating in discussion on the question and shall remove himself or herself from the chambers for the duration of the discussion and the vote on the matter. Upon notifying the common council of his or her intention to abstain, the abstaining official may, but shall not be compelled to, make a brief oral statement of his or her reason for abstaining.

(g) Roll call. Any alderman may demand a roll call vote on any matter properly pending before the common council or any committee. All roll call votes shall be recorded specifying the vote of each named member in the minutes. Roll call votes shall be taken with respect to the following: adoption of any measure assessing or levying taxes, appropriating or disbursing money, or creating any liability or charge against the city of any fund of the city.

(h) Reconsideration.

- (1) An alderman voting in the majority may move for reconsideration of a vote, but only at the meeting during which the vote was taken, at the next regular meeting or at a special meeting that precedes the next regular meeting. However, no action of the common council shall be subject to a motion to reconsider after material legal rights (other than those rights granted by the common council pursuant to the vote) or obligations have arisen resulting from or by virtue of the vote. If a motion to reconsider is timely made, any rights granted by such vote shall be suspended until final action by the common council on the motion to reconsider. The confirmation of the appointment of a city official shall not be subject to a motion to reconsider. A motion to reconsider that has been made and lost shall not be renewed.
- (2) No measure that has been introduced and lost by final action may be introduced again until the lapse of at least three months from the date of its consideration unless there has been a material change in the measure or an intervening event that changes the circumstances originally considered.

Sec. 2-44. - Clerk, duties.

The city clerk shall, in addition to the duties prescribed by state law, furnish the chairs of committees and other city officers with the resolutions and other matters that may be referred to them and to perform all other clerical duties as the common council may require.

Sec. 2-45. - Minutes of meetings.

With the agenda for each regular meeting of the common council, the city clerk shall, to the extent reasonably possible, supply to each alderman a typewritten copy of the proceedings of the previous meeting. By majority vote of the aldermen present, the common council may require the reading of the minutes at the ensuing meeting.

Sec. 2-46. - Suspension of rules.

Except to the extent mandated by state law, all or any part of this article may be temporarily suspended in connection with any matter under consideration by a motion to suspend the rules which is seconded and approved by two-thirds of the members present. Such a motion is not debatable and shall be decided without discussion.

Sec. 2-47. - Amendments.

The affirmative vote of six aldermen shall be required to amend all or any part of this article.

Secs. 2-48-2-60. - Reserved.

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: John Wirth, Mayor

Date Approved: September 14, 2021

I certify that the foregoing Ordinance was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on September 14, 2021.

Caroline Fochs, City Clerk

Published: _____

Current Ordinance

ARTICLE II. - COMMON COUNCIL^[2]

Footnotes:

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State Law reference— Common council, Wis. Stats. § 62.11.

Sec. 2-19. - Meetings, adjournments, quorum.

- (a) *Regular meetings.* Regular meetings of the common council shall be held on the 2nd Tuesday of each calendar month, at the hour of 7:30 p.m. Any regular meeting falling upon a legal holiday or election day shall be held on the next following secular day at the same hour and place. All meetings of the common council shall be held in the city hall, including special and adjourned meetings.
- (b) *Special meetings.* Special meetings may be called by the mayor or any four aldermen upon written notice of the time and purpose thereof delivered to each personally or left at his usual place of abode at least six hours before the meeting. The clerk shall cause an affidavit of service of such notice to be filed in his office prior to the time fixed for such special meeting. A special meeting may be held without such notice when all aldermen are present in person, or consent in writing to the holding of such meeting. If written consent is obtained, it shall be filed with the clerk prior to the beginning of the meeting. Attendance by any alderman shall be deemed a waiver on his part of any defect of notice. Any special meeting attended by all aldermen shall be a regular meeting for the transaction of any business that may come before such meeting.
- (c) *Adjournments.* The council may, by a majority of vote of those present, but not less than three affirmative votes, adjourn from time to time to a specific date and hour.
- (d) *Quorum, what constitutes compelling attendance.* No action shall be taken unless a quorum is present, which shall consist of two-thirds of the aldermen of the council. A lesser number may compel the attendance of absent members or may adjourn. The mayor shall not be counted in determining whether a quorum is present at a meeting.

(Code 1957, § 1.01(4); Ord. No. 67-124, 9-5-1967; Ord. No. 76-380, 12-7-1976; Ord. No. 84-563, 9-18-1984)

State Law reference— Council meetings, Wis. Stats. § 62.11(2).

Sec. 2-20. - Agenda and order of business.

- (a) The public notice and the agenda for regular meetings of the common council shall reflect the following order of business before the common council.
 - (1) The presiding officer shall at the hour appointed call the members to order.
 - (2) Pledge of Allegiance.
 - (3) Roll call. No action shall be taken unless a quorum is present which shall consist of two-thirds of the aldermen of the council. A lesser number may compel the attendance of absent members or adjournment.
 - (4) Public hearings.
 - (5) Personal appearances and public comment.
 - (6) Receipt of reports of boards, commissions and city officers.
 - (7) Public officials' reports.
 - (8) Consent agenda for items considered routine, which shall include, but not necessarily be limited to the items listed below; provided however, that a member of the common council may specify any question, which shall then be separately debated and voted.
 - a. Adoption of common council minutes of the preceding meeting;

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- b. Reports of common council and special meetings;
 - c. First readings of all ordinances which shall be listed by number and title reflecting the subject matter, and referral to committee of jurisdiction if necessary;
 - d. Adoption of specified ordinances and resolutions, which have received unanimous committee recommendation.
- (9) Ordinances which may be considered, debated and acted upon.
 - (10) Resolutions may be introduced and referred to committee, or considered and acted upon.
 - (11) Specified unfinished business from previous meetings.
 - (12) Presentation of petitions, memorials, remonstrances and communications.
 - (13) Specified miscellaneous (including new) business.
 - (14) Adjournment.
- (b) No business shall be considered out of the order established in subsection (a) of this section except by the concurrence of two-thirds of the members present, without debate.

(Code 1957, § 1.02; Ord. No. 76-374, 7-20-1976; Ord. No. 2010-1319, § I, 5-11-2010)

Sec. 2-21. - Mayor to preside.

If the mayor at the stated hour shall call the meeting to order. He shall preserve order and decorum, decided all questions of order and conduct the proceedings of the meeting in accordance with the parliamentary rules contained in Robert's Rules of Order revised, unless otherwise provided by Wisconsin Statute or by these rules. Any member shall have the right of appeal from a decision of the presiding officer. The appeal may be sustained by a majority of the members present, exclusive of the presiding officer.

(Code 1957, § 1.03)

Sec. 2-22. - President of council.

If the mayor is absent at the designated time of any meeting, the president of the council shall preside, and during the absence or inability of the mayor shall have the powers and duties of the mayor, excepting that he or she shall not have the power to approve an act of the council which the mayor has disapproved by filing an objection with the clerk. He or she shall, when so officiating, be styled "acting mayor." The president shall be selected by a majority vote of all members of the council at the annual meeting on the 3rd Tuesday of April.

(Code 1957, § 1.04; Ord. No. 2010-1311, § I, 4-13-2010)

Sec. 2-23. - Absence of presiding officer.

In the absence of both the mayor and the president of the council, the following shall be the order of succession as presiding officer: the chair of the committee on public welfare, the chair of the committee on public works, and the chair of the committee on public safety.

(Code 1957, § 1.05; Ord. No. 69-192, 11-18-1969; Ord. No. 2010-1311, § I, 4-13-2010)

Sec. 2-24. - Vacation of chair.

Whenever the presiding officer shall desire to speak upon any question, or to make any motion, he shall vacate the chair and designate the president of the council, if present, and if not, any alderman, to preside temporarily.

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(Code 1957, § 1.06)

Sec. 2-25. - Committees.

- (a) The common council acting as a committee of the whole shall annually at the common council organizational meeting in April nominate and elect by a majority vote the following standing committees:
 - (1) Finance-personnel committee (including licenses);
 - (2) Public works committee (including streets, sewers, lighting, water, etc.);
 - (3) Public safety committee (including police, fire, traffic, boating, building regulations, etc.);
 - (4) Public welfare committee (including health, public assistance, recreation, nuisances, etc.).
- (b) Each committee shall consist of three aldermanic members, who shall select their chair from among them except the committee on finance-personnel, which shall be chaired by the mayor on an ex officio, non-voting basis. The mayor shall further be a non-voting, ex officio member of all other standing committees. Each member shall serve as appointed unless excused by a majority vote of the common council. All aldermen shall serve on at least one standing committee.
- (c) Special committees may be created from time to time either by the mayor or by motion or resolution. In any case, the number of committee members, the purpose of the committee and its duties shall be stated.
- (d) Any alderman may attend any regular or executive meeting of any subsidiary committee or commission of the council as a non-voting, ex-officio member, and shall abide by all the rules or regulations of the meetings as pertain to the regular members of the committee or commission.
- (e) Each committee shall at the next regular meeting submit written minutes to the common council after reviewing and approving such minutes, and such minutes shall be entered in the proceedings. Such report shall recommend a definite action by the council on each item; and be filed with the clerk prior to each meeting. Minority reports may be submitted.
- (f) Previous notice of each committee meeting shall be filed with the clerk by the chair and each meeting shall be open to the public. The clerk will post notice of such meetings on the city hall bulletin board.
- (g) Any committee may require any city officer to confer with it and supply information needed in connection with any matter pending before the committee.

(Code 1957, § 1.07; Ord. No. 96-896, 12-10-1996; Ord. No. 2010-1311, § I, 4-13-2010)

Sec. 2-26. - Referrals to committee.

- (a) No ordinance, resolution, communication or other matter, other than appointments as described below, shall be acted upon by the council unless such ordinance, resolution, communication or other matter shall have been referred to the council or reported on by one of the following:
 - (1) An appropriate standing committee;
 - (2) The committee of the whole;
 - (3) The appropriations committee;
 - (4) Any special committee of council members created for that purpose under section 2-25(c); or
 - (5) For ordinances repealing, creating or amending, planned unit developments or transferring development rights, amending the city's official zoning map, amending the city's land use plan, and resolutions, approving development agreements, final plats and similar property-specific matters, the planning commission.

Current Ordinance

- (b) The council may, by the affirmative vote of two-thirds (2/3) of the aldermen present, suspend the rule established in subsection (a) and act on a matter that has not been appropriately referred to or reported on by a committee as specified in subsection (a).
- (c) Appointments to boards and commissions may be acted upon without having been referred to or reported on by a committee unless otherwise specifically required elsewhere in these sections. However, the council may refer any appointment to a committee by motion duly adopted.
- (d) Unless the rule established in subsection (a) is suspended for a matter, any ordinance, resolution, communication or other matter which has not been referred to the council or reported on by a committee as specified in subsection (a) shall be read by number, title, author and sponsor, if any, and referred to the appropriate committee by the mayor without motion or, if the mayor does not make such a referral, by the council upon motion duly adopted. The clerk shall read and record each such reference by title and by noting the person(s) or body submitting, presenting or sponsoring the matter referred.
- (e) Any alderman may require the reading in full of any matter at any time it is before the council.

(Code 1957, § 1.08; Ord. No. 93-787, 8-3-1993; Ord. No. 2008-1246, § I, 8-12-2008)

Sec. 2-27. - Bills and claims.

All bills and other financial claims against the city shall be itemized and, upon receipt, shall be examined by the treasurer and referred by the clerk to the finance-personnel committee for examination and approval at its next meeting; provided, however, that payment of regular wages and salaries of officials and employees according to schedules adopted by the council shall be made by the treasurer prior to approval by the finance-personnel committee after verification by the city administrator or the relevant department head.

(Code 1957, § 1.09; Ord. No. 2008-1248, § I, 5-13-2008)

Sec. 2-28. - Committee reports.

- (a) An aye and no vote shall be taken on each committee report at the next regular council meeting following its submission, provided that nothing herein shall be construed to eliminate the requirement that separate council action be taken on any proposed ordinance or resolution reported out of committee. Any alderman may require a separate vote on any other matter reported out of committee. Action by the council upon a specific matter included in any committee report shall be deferred until its next regular meeting following the council meeting at which the report is received upon the request of any two aldermen.
- (b) Except as otherwise provided in this Code, the approval of a committee report in which the adoption of a matter is recommended shall comprise final action on such matter.

(Code 1957, § 1.10; Ord. No. 93-787, 8-3-1993)

Sec. 2-29. - Procedures for proposed ordinances and resolutions.

Proposed ordinances and resolutions shall appear separately on the council's agenda, and the agenda shall specify the number, title, author and sponsor, if any, of each proposed ordinance and resolution. No proposed ordinance or resolution shall be considered, debated or discussed by the council, and no action shall be taken on any proposed ordinance or resolution, unless the ordinance or resolution is presented to the council in writing. No proposed ordinance shall be considered, debated or discussed by the council, and no action shall be taken on any proposed ordinance, without it having had one reading at a previous meeting of the council, unless debate and discussion shall occur or action shall be taken on the proposed ordinance pursuant to a motion temporarily suspending the rules.

(Code 1957, § 1.11; Ord. No. 93-787, 8-3-1993; Ord. No. 2008-1247, § I, 5-13-2008)

Current Ordinance

Sec. 2-30. - Rules of procedure, reconsideration, resubmission.

(a) The deliberations of the council shall be conducted in the following manner:

- (1) Provided there is no objection by any alderman present, the mayor may declare the entire council a committee of the whole for informal discussion at any meeting or for any purpose, and shall ex officio be chairman of the same.
- (2) During the meetings of the council all aldermen shall remain in their allotted seats, and no conversation shall be indulged in, so that the council may expeditiously proceed with the business before the meeting.
- (3) The parliamentary rules contained in Robert's Rules of Order revised shall govern deliberations of the council unless otherwise specifically provided by Wisconsin Statute or these rules.
- (4) No alderman shall address the council until he has been recognized by the presiding officer. He shall thereupon address himself to the presiding officer and confine his remarks to the question under discussion and avoid all personalities.
- (5) When two or more aldermen simultaneously seek recognition, the presiding officer shall name the member who is to speak first.
- (6) No person other than the mayor and an alderman shall address the council, except with the unanimous consent of the council, except that citizens may address the council with the permission of the presiding officer as to matters which are being considered by the council at the time the request to speak is made.
- (7) No motion shall be discussed or acted upon until it has been seconded unless the rules permit one alderman to initiate action. No motion shall be withdrawn or amended without the consent of the person making the same and the person seconding it.
- (8) No alderman shall speak more than twice and not to exceed five minutes each time on any question without first obtaining permission from the council.
- (9) When a question is under discussion, no action shall be in order except to:
 - a. Adjourn
 - b. Recess
 - c. Lay on the table
 - d. Move the previous question
 - e. Postpone to a certain day
 - f. Refer to a committee
 - g. Amend
 - h. Postpone indefinitely

The foregoing motions shall have precedence in the order listed.

- (10) Any alderman wishing to terminate the debate may move the previous question, in which event the presiding officer shall announce the question as: "Shall the main question now be put?" If two-thirds of the aldermen present vote in the affirmative, the main question shall be taken without further debate, its effect being to put an end to all debate and to bring the council to a direct vote, first upon any pending amendments and then upon the main question.
- (11) Every alderman when within the bar of the council chamber at the time a question is put shall give his vote unless it is his good faith belief that special circumstances compel his abstention on the question. Such alderman shall announce his intention to abstain as soon as he shall determine that he intends to do so, and shall thereafter refrain from participation in debate on the question. Upon advising of his intention to abstain from voting, such alderman may, but shall not be compelled to, make a brief oral statement of the reason for his abstention.

Current Ordinance

- (12) Any alderman may demand a roll call aye and no vote on any matter properly pending a vote before the common council. All roll call votes shall be recorded specifying the vote of each named member in the journal of minutes. Roll call votes shall be taken with respect to the following: adoption of any measure assessing or levying taxes, appropriating or disbursing money, or creating any liability or charge against the city of any fund thereof and on all ordinances. No alderman may change his vote on any question after the result of a vote thereon has been announced.
- (13) The mayor shall not vote except in case of a tie. When the mayor does vote in the case of a tie, his vote shall be counted in determining whether a sufficient number of the council has voted favorably or unfavorably on any measure.
- (14) A majority vote of all the common council, including the vote of the mayor in case of a tie, in favor of any proposed ordinance, resolution, appointment, or other matter, shall be necessary for passage or approval unless a larger number is required by the Wisconsin Statutes or by specific reference in these codes of ordinances. Notwithstanding, in the case in which an abstention or absence of an aldermanic member of the common council results in a four to three aldermanic vote, the absent or abstaining member shall be deemed, for purposes of this subsection only, to have voted "no" on the question, and the minutes shall reflect such status as a "deemed" vote.
- (15) A motion to adjourn shall always be in order and a motion to adjourn, to recess, to lay on the table and a call for the previous question shall be decided without debate.
- (b) It shall be in order for any alderman voting in the majority to move for a reconsideration of the vote on a question at the meeting during which the vote was taken or at the next succeeding regular meeting, but not otherwise. However, no ordinance may be subject to a motion to reconsider once published and effective pursuant to the provisions of Wis. Stats. § 62.11(4)(a), nor may action of the council be subject to a motion to reconsider after such time as legal rights and obligation have arisen resulting from or by virtue of the action. The confirmation of the appointment of city officials shall not be subject to a motion to reconsider. A motion to reconsider being put and lost shall not be renewed.
- (c) Whenever any measure shall be introduced for the consideration of the council and failed of adoption and passage, such measure (unless substantially changed) shall not be introduced again until the lapse of at least three months from the date of its last preceding consideration.

(Code 1957, § 1.12; Ord. No. 95-864, 2-13-1996; Ord. No. 96-875, 5-14-1996; Ord. No. 97-916, 4-8-1997; Ord. No. 98-961, 12-8-1998; Ord. No. 2006-1194, § I, 11-14-2006)

Sec. 2-31. - Appropriations and charges.

All ordinances or resolutions appropriating money or creating any charge against the city other than the payment of claims for purchases or work previously authorized by the council shall only be acted upon by the council at the next regular meeting, provided that this provision may be suspended by affirmative action by two-thirds of all members of the council.

(Code 1957, § 1.13)

Sec. 2-32. - Clerk, duties.

It shall be the duty of the clerk of this council, in addition to the duties prescribed by the Wisconsin Statutes, to furnish the chairmen of committees and other city officers with the resolutions and other matters that may be referred to them, and to perform all such other clerical duties as may be required by this council.

(Code 1957, § 1.15)

Sec. 2-33. - Agenda.

Current Ordinance

- (a) Not less than 72 hours prior to each regular meeting the clerk shall cause to be delivered to each alderman an agenda listing the specific matters which will be considered at the meeting. All reports of the committees of the common council, ordinances, resolutions, communications, claims and similar matters to be considered by the common council shall be filed with the city clerk not later than 12:00 noon, on the Monday of the week preceding a regular common council meeting (or the preceding Friday in the event that the Monday of the week preceding a meeting of the common council is a recognized holiday). Documents or matters filed after the above cut-off date should be submitted to the mayor for his approval to be added to the agenda.
- (b) Additional items shall be placed on the agenda if requested in writing by two aldermen prior to noon on Wednesday preceding the meeting. Such request is subject to section 2-26, and the common council shall direct the request to a committee if appropriate.

(Code 1957, § 1.17; Ord. No. 76-374, 7-20-1976; Ord. No. 2016-1485, § I, 1-10-2017)

Sec. 2-34. - Minutes of meetings.

With the agenda for each regular meeting of the common council the city clerk shall supply to each alderman at their residence a type written copy of the proceedings of the previous meetings thereof. By majority action of those present the council may require the reading of the minutes at the ensuing meeting.

(Code 1957, § 1.18; Ord. No. 97-925, 10-14-1997)

Sec. 2-35. - Suspension of rules.

Except to the extent mandated by state law, this article or any part thereof may be temporarily suspended in connection with any matter under consideration by a recorded vote of a two-thirds majority of all aldermen.

(Code 1957, § 1.19; Ord. No. 67-118, 7-18-1967; Ord. No. 93-787, 8-3-1993)

Sec. 2-36. - Amendments.

The assent of two-thirds of all the aldermen shall be required to amend this article or any part thereof.

(Code 1957, § 1.20)

Secs. 2-37—2-60. - Reserved.



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Office of the Mayor

TO: Common Council
FROM: John Wirth, Mayor
DATE: September 9, 2021
SUBJECT: RESOLUTION 3866 A Resolution Increasing Compensation for the Position of Mayor

UPDATE - SEPTEMBER 9, 2021:

At the Common Council meeting on August 10, 2021, the Council approved **RESOLUTION 3866 - A Resolution Increasing Compensation for the Position of Mayor** by a vote of 6-2. Since August 10, the City Clerk's Office has been contacted by Aldermen Gierl and Parrish with requests that this item be placed on the Common Council's September 14, 2021, meeting agenda for reconsideration. The original memorandum outlining this agenda item, as well as the accompanying resolution that was adopted last month, follow below:

Background

In March of 1991, or 30 years ago, the City set the mayor's pay at \$800 per month (\$9,600 per year). I recommend that the Common Council increase that pay for the next mayor. I am not requesting it for me. I specifically provide in the resolution that the pay increase would take effect when I leave office. This would never benefit me personally.

Analysis

There are 26 cities in Wisconsin with populations between 16,000 and 40,000. The Mequon mayor receives the lowest compensation among that entire group. Of that group, half have full-time mayors. Of the half with part-time mayors, total compensation ranges from \$9,600 (Mequon) to \$26,212 (Oconomowoc). In 2020, the median annual compensation for mayors in those cities was \$19,200.

No person should undertake elected community service for the money. However, it is only fair to acknowledge the costs, both financial and personal, of serving as an elected official.

Aldermen are currently paid one-half of what the mayor is paid. I argued in the past when I was an alderman, that aldermanic pay should be reduced. Despite the many hours aldermen devote, and the considerable contribution aldermen make to the City, aldermanic duties can readily be juggled with a full-time job and being active with the alderman's family. Other volunteers, such as Planning Commission members, devote almost as many hours without pay.

Being mayor, however, is different.

- Most or all of an alderman's responsibilities are handled on nights and weekends; however, the mayor is required to devote a considerable number of hours during the workday. I and prior mayors have had weekly meetings with staff. Many weeks there are multiple daytime

meetings. Those meetings are essential to the mayor's role.

- Aldermen have an occasional meeting with developers for projects in their district. The mayor ends up with eight times, or more, of those meetings.
- Aldermen receive constituent inquiries. However, the mayor receives almost all of those same inquiries plus many inquiries that never reach aldermen.
- Many organizations and businesses reach out only to the mayor.
- The mayor receives thousands of emails every year. The majority of them require a response.
- Each alderman is involved in some policy initiatives. The mayor is expected to be involved in all of them.
- The mayor is expected to serve as a spokesperson for the City.
- The mayor is the chair of the Planning Commission.
- The mayor makes approximately 100 appointments, excluding alternates and special committees (e.g., Future of our Fire Department). Finding volunteers is incredibly time consuming.
- The mayor is involved in interviews of department heads and consultants, policy formulation and other duties that rarely impact aldermen.

Being mayor is essentially a half-time, or greater, responsibility. A mayor who is disengaged possibly could coast through the job and spend 20 to 30 hours per month. However, an engaged mayor, one who takes the job seriously, spends 75 to 100 hours per month.

The council could opt to change Mequon to a council-manager form. This would save money.

However, so long as Mequon chooses to maintain a mayor, it should also do what it can to make the role feasible for a sizable number of qualified residents. The time commitment by necessity interferes with any working person's job.

Recommendation

On July 13, 2021, the Finance-Personnel Committee approved a recommendation in favor of approving the proposed resolution by a vote of 2-1.

COMMON COUNCIL
OF THE
CITY OF MEQUON

RESOLUTION 3866

A Resolution Increasing Compensation for the Position of Mayor

RECITALS

A. The Mayor of the City of Mequon is currently paid a salary of \$800 per month. That salary was set in March of 1991, or about 30 years ago, and has remain unchanged for that period.

B. The annual compensation paid to part-time mayors in the State of Wisconsin for cities with populations from 16,000 to 40,000 ranges from \$9,600 (Mequon) to \$26,212 (Oconomowoc). Mequon is the lowest. In 2020, the median annual compensation for mayors in those cities was \$19,200.

C. Having a part-time mayor with a full-time administrator is the optimal city structure allowed under Wisconsin law, and serving as mayor is a community service and not a substitution for employment. However, serving as mayor requires a very significant time commitment and substantially impacts the employment, if any, of the person serving in that office. The compensation change provided by this resolution only partially compensates the holder of the office for his or her services.

D. State law does not allow an adjustment to compensation for an elected official during a term of office; moreover, the current mayor, John Wirth, does not want any increase in mayoral compensation to take effect until after he leaves office, whenever that occurs.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Mequon, that the salary for the position of Mayor shall be increased to \$1,800 per month effective upon the commencement of the first full term of office in which John Wirth is not the Mayor.

Approved by: John Wirth, Mayor

Date Approved: September 14, 2021

I certify that the foregoing Resolution was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on September 14, 2021.

Caroline Fochs, City Clerk



11333 N. Cedarburg Road
Mequon, WI 53092
Phone: 262-236-2934
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www.ci.mequon.wi.us

Office of Engineering

TO: Common Council
FROM: Kristen Lundeen, Director of Public Works/City Engineer
DATE: September 9, 2021
SUBJECT: RESOLUTION 3876 A Resolution Approving a State/Municipal Maintenance Agreement (SMMA) and a State/Municipal Financial Agreement (SMFA) for the Installation of a Traffic Signal at County Line Road and Port Washington Road

Background

Residents and property owners near the County Line Road and Port Washington Road intersection have appealed to the City on multiple occasions over the past 10 years to request the installation of a traffic signal. Motorists on County Line Road express concerns over the ease and safety of turning onto Port Washington Road, given the higher volume of traffic. Residents have reported near misses of school buses and concerns for bicycle traffic.

At the August Common Council meeting, the Wisconsin Department of Transportation (WisDOT) made a presentation on the upcoming I-43 North/South Corridor Project. The project includes the installation of a full interchange at County Line Road and the subsequent reconstruction of Port Washington Road. An alderman inquired as to whether a traffic signal at the County Line Road and Port Washington Road intersection could be included, at the City's request.

When introduced in 2014, the project included a traffic signal at this location. As recently as 2015, the traffic signal was included in public documents, and City correspondence with WisDOT indicated its support of a traffic signal at this location. After the project was postponed, the warrants for the traffic signal were updated, indicating that the traffic signal was no longer required based upon projected traffic volumes (see attached email and warrant summary). In addition, Milwaukee County was no longer committing to the maintenance responsibility.

The intersection spans the jurisdictions of three municipalities: Mequon, Bayside and River Hills, and two counties: Ozaukee and Milwaukee. Initially, Milwaukee County indicated that it would take operation and maintenance responsibility for the traffic signal, if supported by local sponsors. Due to the postponement, the City never formalized its support with a resolution, and when the project resumed in 2019, the traffic signal had been eliminated from the project.

At the August Common Council meeting, the Council approved a resolution accepting maintenance responsibility for sidewalk on Port Washington Road and the County Line Road bridge, in addition to other locations. An exhibit showing the sidewalk locations is attached.

Analysis

With the construction of a full interchange at County Line Road and the introduction of a new interchange at Highland Road, improvements to the Brown Deer Road interchange for vehicular efficiency, as well as improvements for traffic flow on I-43 due to the increased capacity of 6 lanes, it is anticipated that the volume of traffic on Port Washington Road will decrease. The geometry of Port Washington Road will change significantly, with the introduction of additional ramps for the interchange and improved intersection construction. The controlled operation at several intersections will change, be that with stop signs or traffic signals.

Given the amount of change, it is difficult to visualize what the County Line Road and Port Washington Road intersection will look like five years or more from now, when construction is complete, traffic has equalized, and motorists have found their new travel paths. WisDOT has worked with SEWRPC to generate modeling to anticipate what usage will look like post-construction, including analyzing the warrants for a traffic signal at the County Line Road and Port Washington Road intersection.

Typically, traffic signals are considered when the intersection meets certain warrants for installation. The warrant analyzes the volume of traffic on both the primary and secondary roadways, as well as the distribution of through traffic and turning movements. It also considers the pedestrian traffic, school crossings, whether it is a part of a larger traffic signal system, frequency of accidents and road geometry. Based upon the initial analysis completed for the project in 2014-2015, the intersection met warrants for a traffic signal. Subsequently in April 2019, WisDOT provided a study to the City indicating that the intersection did not meet warrants for a traffic signal (see attached).

Please note that the warrants were evaluated based upon 2019 traffic volumes, then analyzed again for 2025 (post construction) and 2045 (design year). The intersection did not meet the warrants for a traffic signal in any year of the analysis.

If the intersection meets warrants for a traffic signal in a future year, it would be an obligation of one of the local jurisdictions to install the traffic signal, be that Mequon, River Hills, Bayside Ozaukee or Milwaukee County.

In connection with this analysis, the Police Department has provided a 5-year accident history for the intersection. There were six Mequon accidents at this intersection in the last five years (see attached). There were two “non-reportable accidents” (NRPT) (damage estimated at less than \$1,000), two “property damage only accidents” (PDO), and two injuries related (PI) accidents. As a reference, the City had 422 total accidents in all three categories in 2020, 604 in 2019, and 617 in 2018. Given the magnitude of change with the project, the Police Department did not have a strong recommendation regarding a traffic signal.

At the August meeting, WisDOT indicated that the traffic signal could be included in the project bid package. Please note that the design was completed absent the traffic signal, so WisDOT had to renotify all of the impacted utilities of the potential design change. As the County Line Road interchange project is scheduled to be bid later this fall, WisDOT requires the City’s decision to determine whether it should be included in the bid package.

If constructed, the cost for installation and long-term operation and maintenance costs will be the City's responsibility. Operation and maintenance costs include energy bills for the power source, the replacement and repair of any parts over time including the cameras installed in lieu of loop detectors and push buttons for the cross walks, and any repairs for damage or wear. It is also likely that installation will result in additional streetlights, for which the City is also responsible for operation and maintenance. It is difficult to quantify the energy costs, as We Energies does not bill exclusive to each traffic signal. Repairs costs range dependent on the specific repair, but service calls can range from \$500 - \$5,000.

WisDOT indicates that the City's financial obligation is \$309,050, pending final design and construction costs.

Fiscal Impact

As outlined, the City would be responsible for ongoing operation and maintenance costs. Initially, the impact will be to the Electric - Street Lights account in the Highway Division. Ongoing maintenance costs will impact the Maintenance and Repair account in the Highway Division.

WisDOT would bill the City for the design and installation cost. There is no dedicated source of funding for the traffic signal at this time. If authorized, the traffic signal could be funded by either:

- Including the \$309,050 in a future borrowing. Pending future budget and strategic planning discussions, staff anticipates that the City will initiate a 'transportation' bond in early 2022 to include the Highland Road Interchange and City Road Program funding.
- FY2022 and beyond capital budget. As capital requests typically exceed capital funding, and the budget process is not yet complete, it is difficult to determine the impact of financing the traffic signal with 'pay-as-you-go' capital funding that is included each year in the City's annual operating budget.

Recommendation

From an engineering perspective, the low number of accidents per traffic volume, the road geometry improvements and the fact that the intersection does not meet warrants indicate that a traffic signal should not be installed at the County Line Road and Port Washington Road intersection. Should the Common Council determine that a traffic signal should be installed as a part of the I-43 project, a resolution approving two state/municipal agreements to pay for and maintain the subject improvement is attached.

Attachments:

WisDOT Warrant Analysis (PDF)

2015 WisDOT Exhibit (PDF)

City PIM Comments (WisDOT Signal Email) Sept 13 2019 (PDF)

Accident History Port and County Line (PDF)

SMMA 1229-04- IH 43 Mequon (PDF)

SMFA 1229-04-74 IH43 CMequon (PDF)

Sidewalk Exhibit (PDF)

COMMON COUNCIL
OF THE
CITY OF MEQUON

RESOLUTION 3876

A Resolution Approving a State/Municipal Maintenance Agreement (SMMA) and a
State/Municipal Financial Agreement (SMFA) for the Installation of a Traffic Signal at County
Line Road and Port Washington Road

RECITALS

A. The Wisconsin Department of Transportation (WisDOT) is planning to reconstruct the Interstate 43 corridor from 4 lanes to 6 lanes, which includes construction to change roadway profiles at Highland Road, Donges Bay Road, County Line Road and Port Washington Road.

B. WisDOT has several packages for bidding, each with a unique project number, resulting in the requirement for individual agreements per project number.

C. WisDOT will include a traffic signal at the intersection of County Line Road and Port Washington Road at the request of the City of Mequon as a part of the County Line Road Interchange project at a total financial obligation of \$309,050, which will be funded by a bond-financed borrowing or operating capital funds budgeted in 2022.

D. WisDOT is requesting approval of an agreement obligating the City to the long-term maintenance of the traffic signal including operating costs for the power to the infrastructure and maintenance and repairs over time.

E. The Committee of the Whole approved entering into a State/Municipal Maintenance Agreement and a State/Municipal Financial Agreement for traffic signal installation, operation and maintenance at County Line Road and Port Washington Road as a part of the project at its meeting on September 9, 2021.

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

1. Staff is authorized to enter into State/Municipal Maintenance Agreement and a State/Municipal Funding Agreement for traffic signal installation, operation and maintenance, subject to any clerical, technical and/or legal changes deemed necessary and appropriate by the City Attorney.

2. The Director of Public Works/City Engineer, Mayor and the City Clerk are authorized and directed to execute and deliver the same.

Approved by: John Wirth, Mayor

Date Approved: September 14, 2021

I certify that the foregoing Resolution was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on September 14, 2021.

Caroline Fochs, City Clerk

Kristen Lundeen

From: Hoff, Steve - DOT <Steve.Hoff@dot.wi.gov>
Sent: Friday, February 7, 2020 11:51 AM
To: Jon Edgren; Kristen Lundeen
Subject: County Line Rd / Port Washington Rd Signal Warrants
Attachments: CountyLine-PortWash_Apr2019Warrant.pdf; CountyLine-PortWash_Apr2025Warrant.pdf; CountyLine-PortWash_Apr2045Warrant.pdf

Hi, Jon and Kristen-

Using current existing traffic volumes and the updated traffic forecast information from SEWRPC, we've rerun the signal warrant analysis at the County Line Rd / Port Washington Rd intersection. They're attached above (current year, open to traffic year and design year). As you can see, this intersection does not meet warrants in any of these years.

We had previously checked warrants for this intersection during the I-43 Corridor Study. At that time, the existing traffic volumes we used were from March of 2010. For this analysis, we used existing volumes from April of 2019. Volumes entering the intersection have decreased since 2010, which affected the analysis.

For the 12 hours from 6 AM to 6 PM, there were a total of 13,000 vehicles that entered the intersection in 2010. The same 12 hour time period in 2019 totaled 11,350 vehicles. Here's a table that shows how it varies from hour to hour:

Hour Starting	2010 I/S Total	2019 I/S Total	Difference
6:00 AM	307	302	5
7:00 AM	1161	917	244
8:00 AM	1122	912	210
9:00 AM	821	784	37
10:00 AM	825	803	22
11:00 AM	1036	918	118
12:00 PM	1163	948	215
1:00 PM	1054	1010	44
2:00 PM	1213	961	252
3:00 PM	1396	1211	185
4:00 PM	1342	1267	75
5:00 PM	1560	1317	243

Another factor in the warrants not being met is that SEWRPC now expects slightly lower growth rates, which are reflected in their forecast. When it was applied to the already-lower 2019 base year volumes, the forecasted volumes for this intersection are lower than they previously were.

If you have questions on the analysis, let me know.

Steve Hoff, P.E.

Project Manager
WisDOT Southeast Region
Phone - o: (262)548-6718 / c: (414)750-0514
email: steve.hoff@dot.wi.gov

Wisconsin Department of Transportation Traffic Signal Warrant Summary Worksheet

100%

The Worksheet(s) attached are provided as an attachment to the Engineering Investigation Study for:

Intersection: County Line Road & CTH W (Port Washington Rd)

County: Milwaukee/Ozaukee

Village: Bayside

Major Street: CTH W/Port Washington RD

Minor Street: County Line RD

Critical Approach Speed: 35 mph

Critical Approach Speed: 35 mph

Lanes: 2 or more lanes

Lanes: 1 lane

% Right Turns Included

In built-up area of isolated community of < 10,000 population? No

From North (SB) 100%

Total number of approaches at intersection? 4 or more

From East (WB) 0%

If it is a "T" intersection, inflate minor threshold to 150%? No

From South (NB) 100%

Manually set volume level? No

From West (EB) 0%

Analysis based on **EXISTING** volume data.

Date	Day of the Week	Time (HH:MM)			
		From	AM / PM	To	AM / PM
4/9/2019	Tuesday	6	AM	7	PM

Warrant Evaluation Summary	Warrant Met:
Warrant 1: Eight - Hour Vehicular Volume	No
Condition A: Minimum Vehicular Volume	No
Condition B: Interruption of Continuous Traffic	No
Condition C: Combination: 80% of A and B	No
Warrant 2: Four-Hour Volume	No
Warrant 3: Peak Hour Volume	No
Warrant 4: Pedestrian Volume	N/A
Criterion A: Four-Hour	
Criterion B: Peak-Hour	
Warrant 5: School Crossing	N/A
Warrant 6: Coordinated Signal System	N/A
Warrant 7: Crash Experience	N/A
Warrant 8: Roadway Network	N/A
Warrant 9: Intersection Near a Grade Crossing	N/A

Warrant Analysis Conducted By:

Name: REB

Agency: HNTB

Date: 1/28/2020

Attachment: WisDOT Warrant Analysis (RESOLUTION 3876 : WisDOT SMMA and SMFA for Traffic Signal at County Line and Port Washington

Warrant 1: Eight - Hour Vehicular Volume**100%****Warrant Evaluated? Yes**

Condition A :		
Min. Veh. Volume		
Volume Level	100%	80%
Major Rd. Req	600	480
Minor Rd. Req	150	120
Number of Hours	0	0

Satisfied? No

Condition B:		
Interruption of Continuous Traffic		
Volume Level	100%	80%
Major Rd. Req	900	720
Minor Rd. Req	75	60
Number of Hours	0	0

Satisfied? No

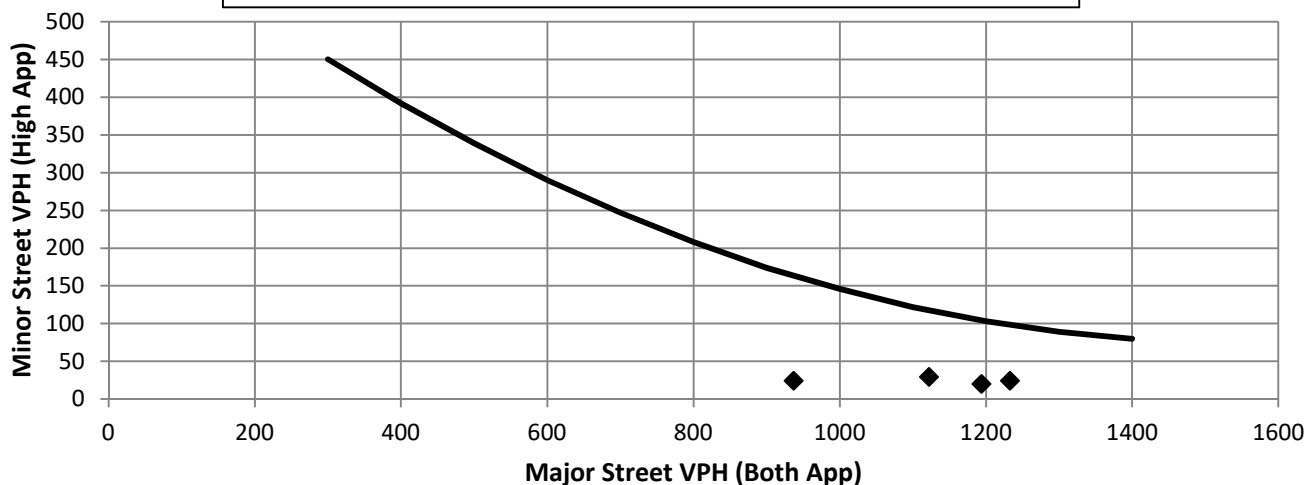
Condition C:		
Combination of A & B at 80%		

Satisfied? No**Warrant Satisfied? No****Manually Set To:**

6:00 AM		Enter Start Time (Military Time) (HH:MM)			Total
Time Period	From	To	Major Road: Both App. (VPH)	Minor Road: High App. (VPH)	
1	6:00	7:00	269	25	294
2	7:00	8:00	797	30	827
3	8:00	9:00	818	33	851
4	9:00	10:00	713	26	739
5	10:00	11:00	751	24	775
6	11:00	12:00	848	19	867
7	12:00	13:00	903	19	922
8	13:00	14:00	937	24	961
9	14:00	15:00	883	21	904
10	15:00	16:00	1122	29	1151
11	16:00	17:00	1194	20	1214
12	17:00	18:00	1233	24	1257
13	18:00	19:00	868	30	898
14	19:00	20:00	0	0	0
15	20:00	21:00	0	0	0
16	21:00	22:00	0	0	0

Warrant 2: Four-Hour Volume**100%****Warrant Evaluated? Yes****Warrant Satisfied? No****Manually Set To:**

Hour Start	17:00	16:00	15:00	13:00
Major Road Vol.	1233	1194	1122	937
Minor Road Vol.	24	20	29	24

Figure 4C-1 Warrant 2, Four-Hour Vehicular Volume

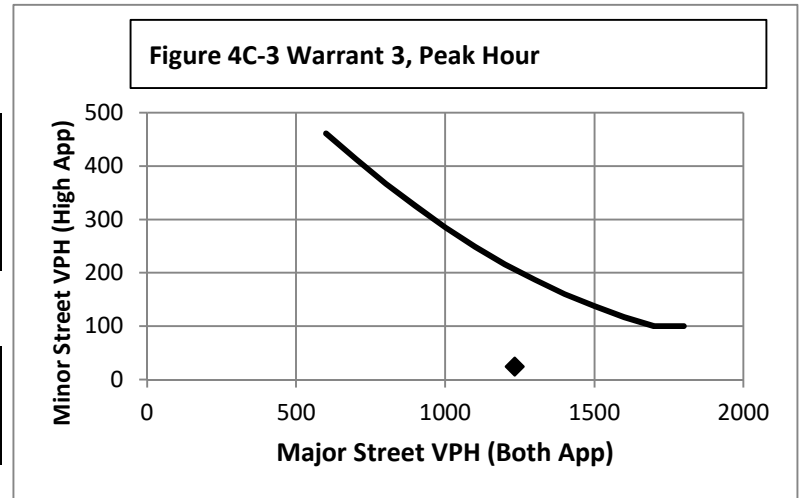
Warrant 3: Peak Hour Volume**100%****Warrant Evaluated? Yes**

Condition justifying use of warrant:

Criteria		Met?
Delay on Minor Approach	4	No
Volume on Minor Approach	100	
Total Entering Volume (veh/h)	800	

Manually Set Peak Hour?

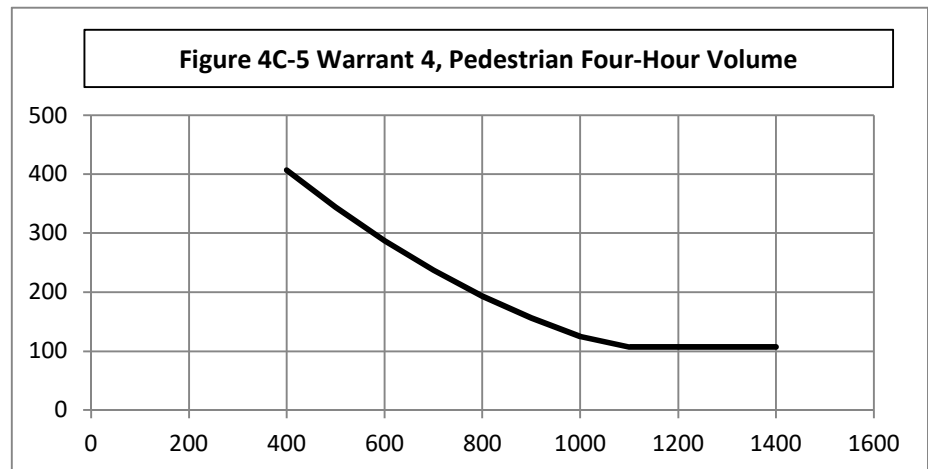
Peak Hour	Major Road Vol. (Both App.)	Minor Road Vol. (High App.)
17:00	1233	24

Warrant Satisfied? No**Manually Set To:****Warrant 4: Pedestrian Volume****100%****Warrant Evaluated? No****Warrant Satisfied? N/A****Manually Set To:****Criterion A: Four Hour**

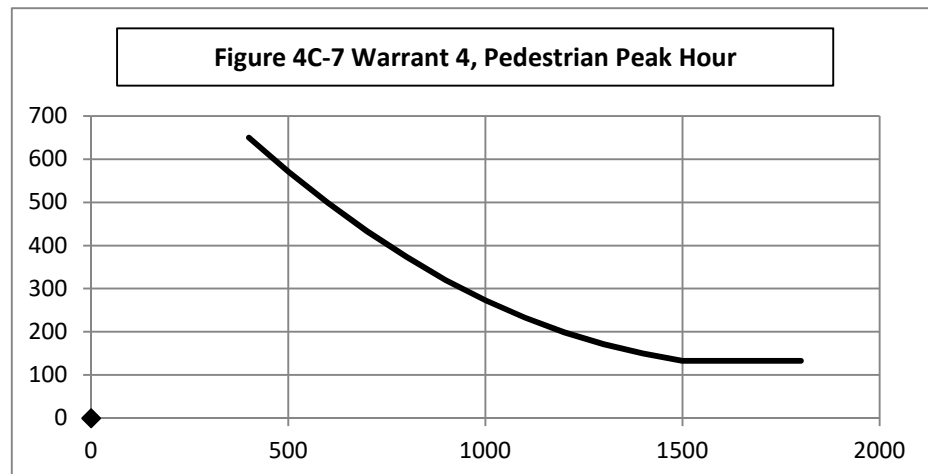
Hour (Start)	Pedestrian Volume	Major Road Vol.
		0
		0
		0
		0

Manually Set Major Rd Vol?

Avg. walk speed less than 3.5 ft/s?

Criterion A Satisfied?**Criterion B: Peak Hour**

Peak Hour	Pedestrian Vol.	Major Road Vol.
0:00	0	0

Criterion B Satisfied?

Warrant 5: School Crossing**100%****Warrant Evaluated?****Warrant Satisfied? N/A****Manually Set To:****Criteria****Fulfilled?**

1	There are a MINIMUM of 20 school children during the highest crossing hour.	
2	There are fewer adequate gaps in the major road traffic stream during the period when the school children are using the crossing than the number of minutes in the same period.	
3	The nearest traffic signal along the major road is located more than 300 ft away. Or, the nearest traffic signal is within 300 ft but the proposed traffic signal will not restrict the progressive movement of traffic.	

Warrant 6: Coordinated Signal System**100%****Warrant Evaluated? No****Warrant Satisfied? N/A****Manually Set To:****Criteria****Fulfilled?**

1	Signal spacing > 1000 ft	
2	On a one-way road or a road that has traffic predominantly in one direction, the adjacent signals are so far apart that they do not provide the necessary degree of vehicle platooning.	
3	On a two-way road, adjacent signals do not provide the necessary degree of platooning and the proposed and the adjacent signals will collectively provide a progressive operation.	

Warrant 7: Crash Experience**100%****Warrant Evaluated? No****Warrant Satisfied? N/A****Manually Set To:****Criteria****Met?****Fulfilled?**

1	Adequate trial of other remedial measures has failed to reduce crash frequency.				
	Measures Tried:				
2	Five or more reported crashes, of types susceptible to correction by signal, have occurred within a 12 month period.	# of crashes per 12 months			
3	Warrant 1, Condition A (80%)			No	No
	Warrant 1, Condition B (80%)			No	
	Warrant 4, Criterion A (80%)			No	
	Warrant 4, Criterion B (80%)			No	

Warrant 8: Roadway Network**100%****Warrant Evaluated? No****Warrant Satisfied? N/A****Manually Set To:****Criteria****Met?****Fulfilled?**

1	Total entering volume of at least 1,000 veh/h during typical weekday peak hour		1257	Yes	No
	Five-year projected volumes that satisfy one or more of Warrants 1, 2, or 3.			No	
2	Total entering vol. of at least 1,000 veh/h for each of any 5 hrs of non-normal business day (Sat. or Sun.)				
	Hour				
	Volume				

Characteristics of Major Routes - Select yes if all intersecting routes have characteristic**Fulfilled?**

1	Part of the road or highway system that serves as the principal roadway network for through traffic flow	
2	Rural or suburban highway outside of, entering, or traversing a city	
3	Appears as a major route on an official plan	

Attachment: WisDOT Warrant Analysis (RESOLUTION 3876 : WisDOT SMMA and SMFA for Traffic Signal at County Line and Port Washington

Warrant 9: Intersection Near a Grade Crossing**100%**

Warrant Evaluated? No

Warrant Satisfied? N/A

Manually Set To:

Adjustment Factors			Manually Set Peak Hour?				
Rail Traffic per Day	% High Occupancy Buses on Minor Road	% Tractor-Trailer Trucks on Minor Road	D	Peak Hour	Major Road Vol.	Minor Road Vol.	Adjusted Minor Vol.
1	0	0% to 2.5%	660	17:00	1233	24	8.04

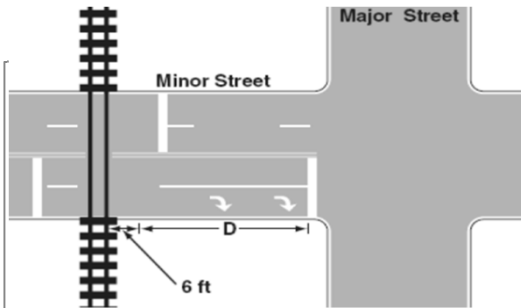
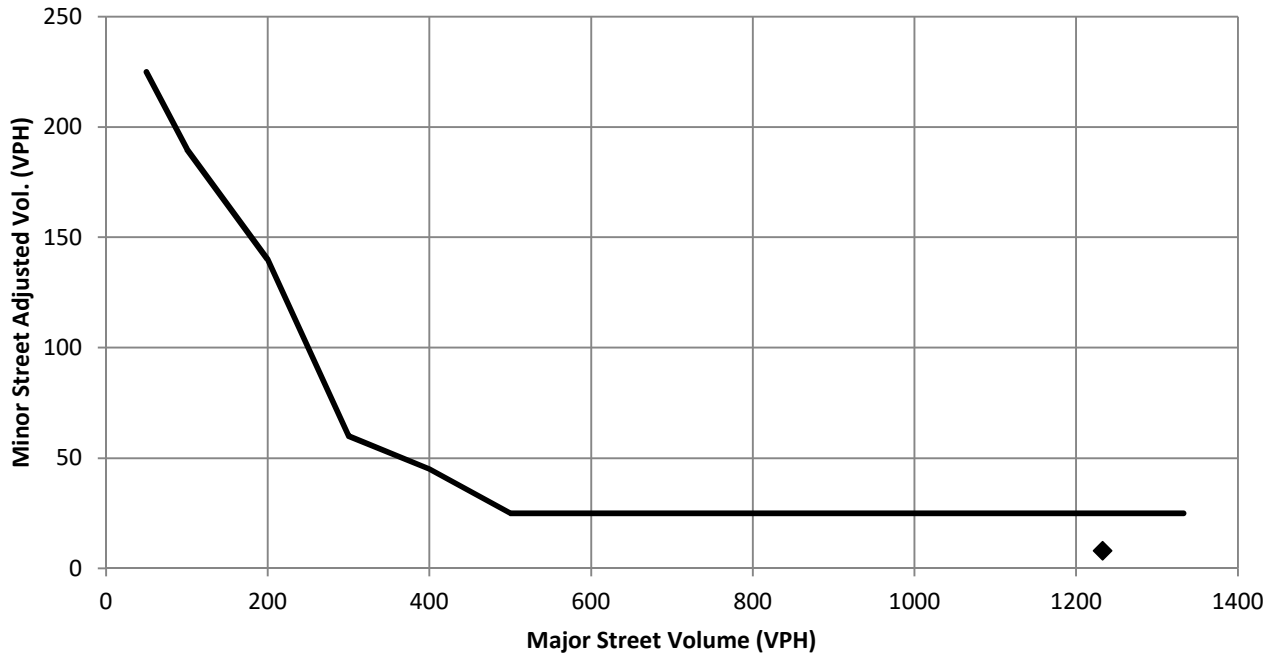


Figure 4C-9 Warrant9, Intersection Near a grade Crossing (One Approach Lane at the Track Crossing)



Conclusions/Comments:

Updated: 12/6/2017

Wisconsin Department of Transportation Traffic Signal Warrant Summary Worksheet

100%

The Worksheet(s) attached are provided as an attachment to the Engineering Investigation Study for:

Intersection: County Line Road & CTH W (Port Washington Rd)

County: Milwaukee/Ozaukee

Village: Bayside

Major Street: CTH W/Port Washington RD

Minor Street: County Line RD

Critical Approach Speed: 35 mph

Critical Approach Speed: 35 mph

Lanes: 2 or more lanes

Lanes: 1 lane

% Right Turns Included

In built-up area of isolated community of < 10,000 population? No

From North (SB) 100%

Total number of approaches at intersection? 4 or more

From East (WB) 0%

If it is a "T" intersection, inflate minor threshold to 150%? No

From South (NB) 100%

Manually set volume level? No

From West (EB) 0%

Analysis based on **PROJECTED** volume data.

Forecast Year	Within 5 Years of Construction?	Time (HH:MM)			
		From	AM / PM	To	AM / PM
4/9/2025	Wednesday	6	AM	7	PM

Warrant Evaluation Summary	Warrant Met:
Warrant 1: Eight - Hour Vehicular Volume	No
Condition A: Minimum Vehicular Volume	No
Condition B: Interruption of Continuous Traffic	No
Condition C: Combination: 80% of A and B	No
Warrant 2: Four-Hour Volume	No
Warrant 3: Peak Hour Volume	No
Warrant 4: Pedestrian Volume	N/A
Criterion A: Four-Hour	
Criterion B: Peak-Hour	
Warrant 5: School Crossing	N/A
Warrant 6: Coordinated Signal System	N/A
Warrant 7: Crash Experience	N/A
Warrant 8: Roadway Network	N/A
Warrant 9: Intersection Near a Grade Crossing	N/A

Warrant Analysis Conducted By:

Name: REB

Agency: HNTB

Date: 1/28/2020

Attachment: WisDOT Warrant Analysis (RESOLUTION 3876 : WisDOT SMMA and SMFA for Traffic Signal at County Line and Port Washington

Warrant 1: Eight - Hour Vehicular Volume**100%****Warrant Evaluated? Yes**

Condition A :		
Min. Veh. Volume		
Volume Level	100%	80%
Major Rd. Req	600	480
Minor Rd. Req	150	120
Number of Hours	0	0

Satisfied? No

Condition B:		
Interruption of Continuous Traffic		
Volume Level	100%	80%
Major Rd. Req	900	720
Minor Rd. Req	75	60
Number of Hours	3	5

Satisfied? No

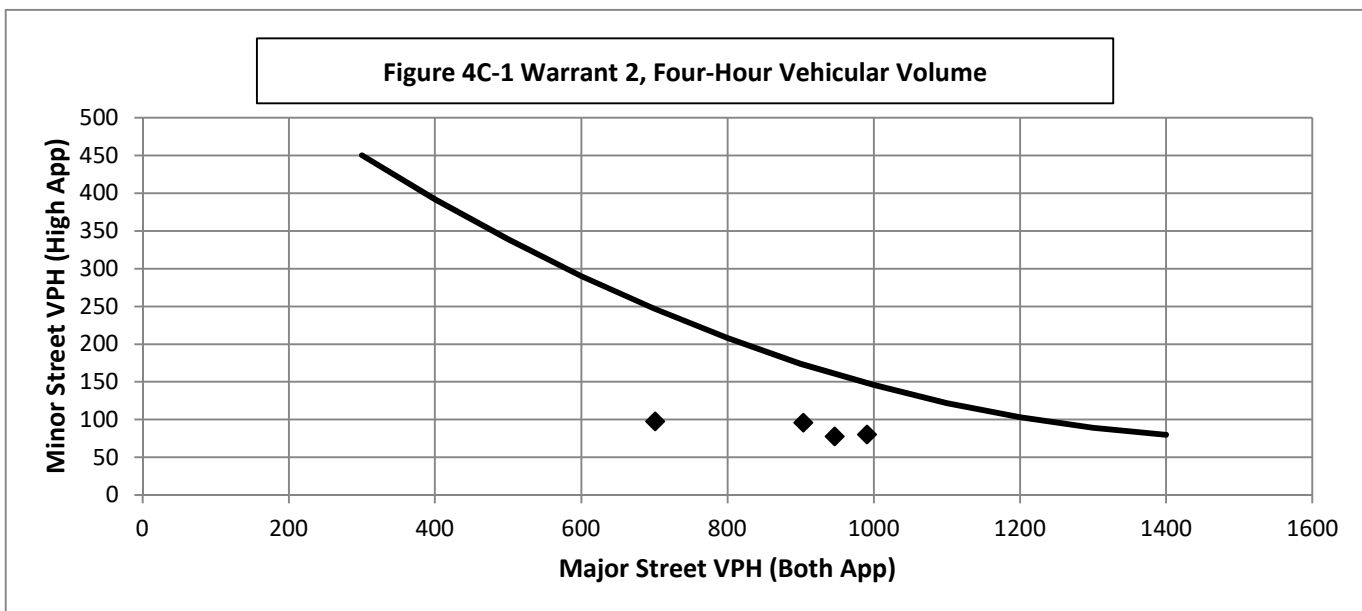
Condition C:		
Combination of A & B at 80%		

Satisfied? No**Warrant Satisfied? No****Manually Set To:**

6:00 AM		Enter Start Time (Military Time) (HH:MM)			Total
Time Period	From	To	Major Road: Both App. (VPH)	Minor Road: High App. (VPH)	
1	6:00	7:00	237	22	258.329
2	7:00	8:00	713	26	739.08
3	8:00	9:00	677	50	727.809
4	9:00	10:00	579	63	641.858
5	10:00	11:00	605	37	641.604
6	11:00	12:00	699	33	731.854
7	12:00	13:00	745	24	769.394
8	13:00	14:00	766	67	832.882
9	14:00	15:00	729	68	796.505
10	15:00	16:00	904	96	999.262
11	16:00	17:00	947	78	1024.23
12	17:00	18:00	991	80	1071
13	18:00	19:00	701	97	798.369
14	19:00	20:00	0	0	0
15	20:00	21:00	0	0	0
16	21:00	22:00	0	0	0

Warrant 2: Four-Hour Volume**100%****Warrant Evaluated? Yes****Warrant Satisfied? No****Manually Set To:**

Hour Start	17:00	15:00	16:00	18:00
Major Road Vol.	991	903.651	946.631	700.958
Minor Road Vol.	80	95.6105	77.6	97.4105



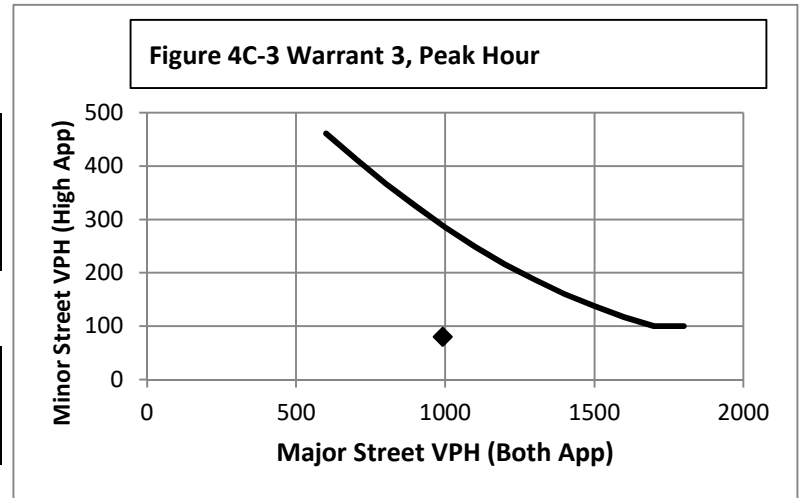
Warrant 3: Peak Hour Volume**100%****Warrant Evaluated? Yes**

Condition justifying use of warrant:

Criteria		Met?
Delay on Minor Approach	4	No
Volume on Minor Approach	100	
Total Entering Volume (veh/h)	800	

Manually Set Peak Hour?

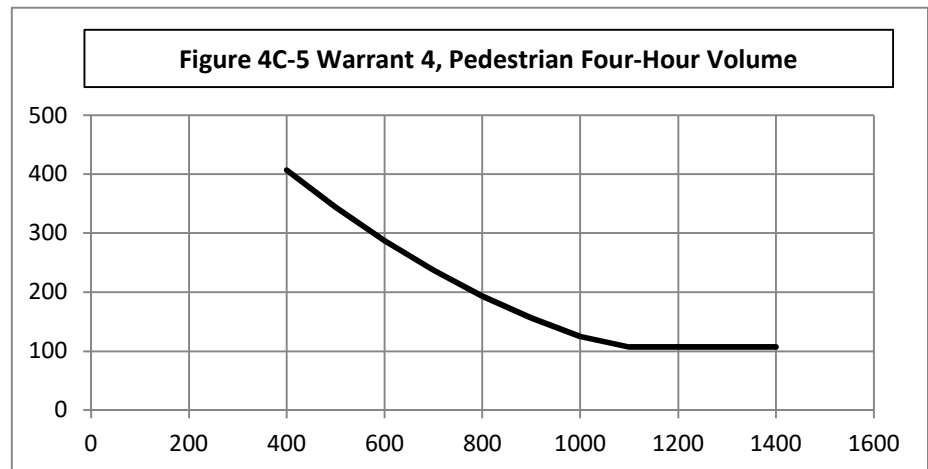
Peak Hour	Major Road Vol. (Both App.)	Minor Road Vol. (High App.)
17:00	991	80

Warrant Satisfied? No**Manually Set To:****Warrant 4: Pedestrian Volume****100%****Warrant Evaluated? No****Warrant Satisfied? N/A****Manually Set To:****Criterion A: Four Hour**

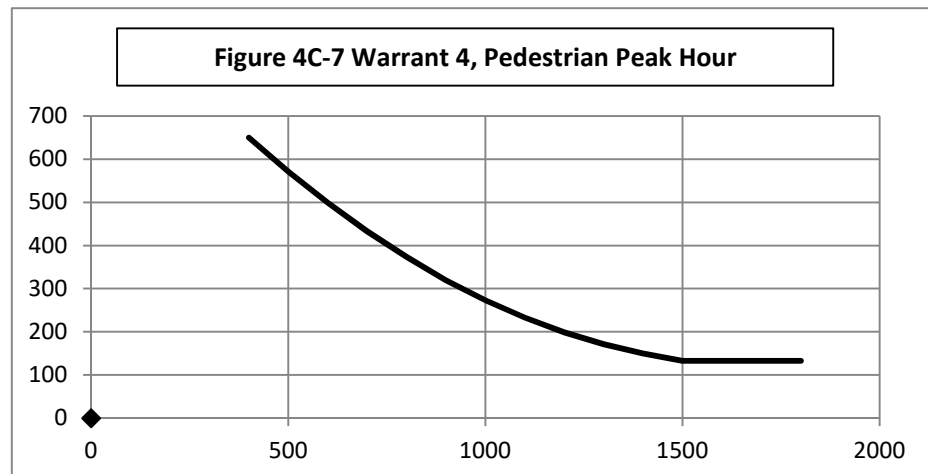
Hour (Start)	Pedestrian Volume	Major Road Vol.
		0
		0
		0
		0

Manually Set Major Rd Vol?

Avg. walk speed less than 3.5 ft/s?

Criterion A Satisfied?**Criterion B: Peak Hour**

Peak Hour	Pedestrian Vol.	Major Road Vol.
0:00	0	0

Criterion B Satisfied?

Warrant 5: School Crossing**100%****Warrant Evaluated?****Warrant Satisfied? N/A****Manually Set To:****Criteria****Fulfilled?**

1	There are a MINIMUM of 20 school children during the highest crossing hour.	
2	There are fewer adequate gaps in the major road traffic stream during the period when the school children are using the crossing than the number of minutes in the same period.	
3	The nearest traffic signal along the major road is located more than 300 ft away. Or, the nearest traffic signal is within 300 ft but the proposed traffic signal will not restrict the progressive movement of traffic.	

Warrant 6: Coordinated Signal System**100%****Warrant Evaluated? No****Warrant Satisfied? N/A****Manually Set To:****Criteria****Fulfilled?**

1	Signal spacing > 1000 ft	
2	On a one-way road or a road that has traffic predominantly in one direction, the adjacent signals are so far apart that they do not provide the necessary degree of vehicle platooning.	
3	On a two-way road, adjacent signals do not provide the necessary degree of platooning and the proposed and the adjacent signals will collectively provide a progressive operation.	

Warrant 7: Crash Experience**100%****Warrant Evaluated? No****Warrant Satisfied? N/A****Manually Set To:****Criteria****Met?****Fulfilled?**

1	Adequate trial of other remedial measures has failed to reduce crash frequency.				
	Measures Tried:				
2	Five or more reported crashes, of types susceptible to correction by signal, have occurred within a 12 month period.	# of crashes per 12 months			
3	Warrant 1, Condition A (80%)			No	No
	Warrant 1, Condition B (80%)			No	
	Warrant 4, Criterion A (80%)			No	
	Warrant 4, Criterion B (80%)			No	

Warrant 8: Roadway Network**100%****Warrant Evaluated? No****Warrant Satisfied? N/A****Manually Set To:****Criteria****Met?****Fulfilled?**

1	Total entering volume of at least 1,000 veh/h during typical weekday peak hour		1071	Yes	No
	Five-year projected volumes that satisfy one or more of Warrants 1, 2, or 3.			No	
2	Total entering vol. of at least 1,000 veh/h for each of any 5 hrs of non-normal business day (Sat. or Sun.)				
	Hour				
	Volume				

Characteristics of Major Routes - Select yes if all intersecting routes have characteristic**Fulfilled?**

1	Part of the road or highway system that serves as the principal roadway network for through traffic flow	
2	Rural or suburban highway outside of, entering, or traversing a city	
3	Appears as a major route on an official plan	

Attachment: WisDOT Warrant Analysis (RESOLUTION 3876 : WisDOT SMMA and SMFA for Traffic Signal at County Line and Port Washington

Warrant 9: Intersection Near a Grade Crossing

100%

Warrant Evaluated? No

Warrant Satisfied? N/A

Manually Set To:

Adjustment Factors			Manually Set Peak Hour?				
Rail Traffic per Day	% High Occupancy Buses on Minor Road	% Tractor-Trailer Trucks on Minor Road	D	Peak Hour	Major Road Vol.	Minor Road Vol.	Adjusted Minor Vol.
1	0	0% to 2.5%	660	17:00	991	80	26.8

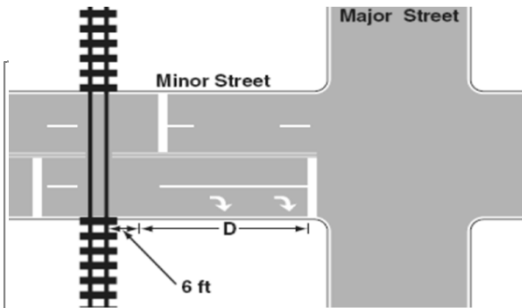
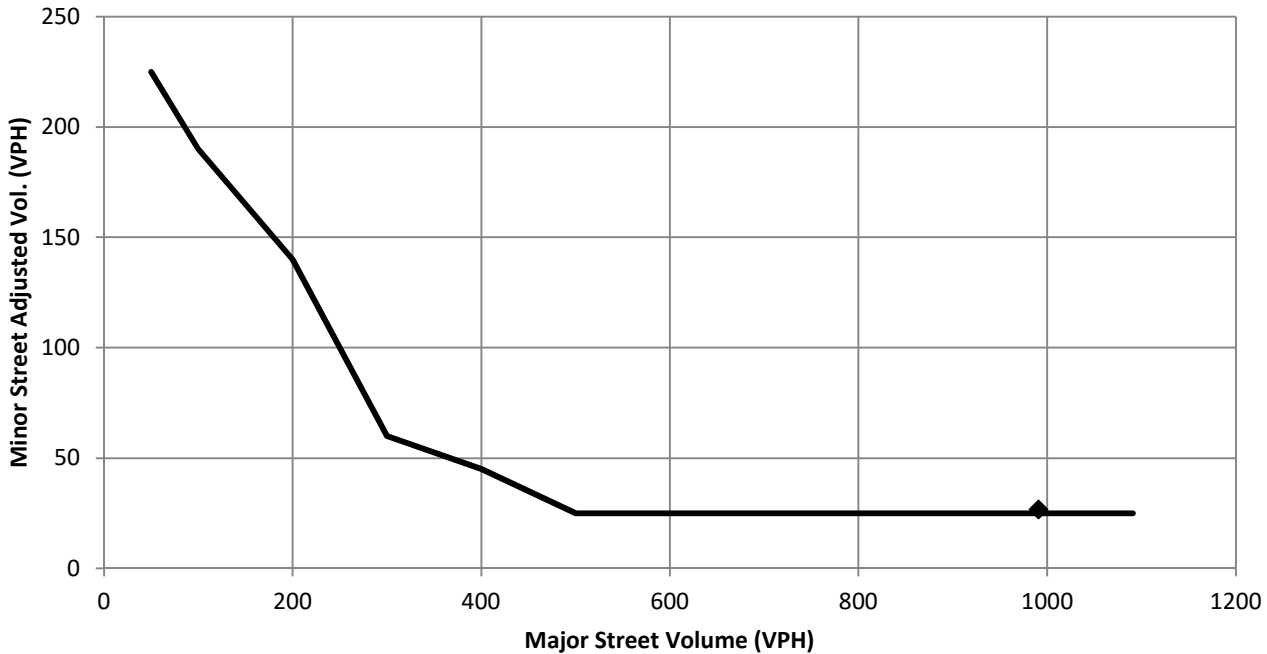


Figure 4C-9 Warrant9, Intersection Near a grade Crossing (One Approach Lane at the Track Crossing)


Conclusions/Comments:

Updated: 12/6/2017

Wisconsin Department of Transportation Traffic Signal Warrant Summary Worksheet

100%

The Worksheet(s) attached are provided as an attachment to the Engineering Investigation Study for:

Intersection: County Line Road & CTH W (Port Washington Rd)

County: Milwaukee/Ozaukee

Village: Bayside

Major Street: CTH W/Port Washington RD

Minor Street: County Line RD

Critical Approach Speed: 35 mph

Critical Approach Speed: 35 mph

Lanes: 2 or more lanes

Lanes: 1 lane

% Right Turns Included

In built-up area of isolated community of < 10,000 population? No

From North (SB) 100%

Total number of approaches at intersection? 4 or more

From East (WB) 0%

If it is a "T" intersection, inflate minor threshold to 150%? No

From South (NB) 100%

Manually set volume level? No

From West (EB) 0%

Analysis based on **PROJECTED** volume data.

Forecast Year	Within 5 Years of Construction?	Time (HH:MM)			
		From	AM / PM	To	AM / PM
4/5/2045	No	6	AM	7	PM

Warrant Evaluation Summary	Warrant Met:
Warrant 1: Eight - Hour Vehicular Volume	No
Condition A: Minimum Vehicular Volume	No
Condition B: Interruption of Continuous Traffic	No
Condition C: Combination: 80% of A and B	No
Warrant 2: Four-Hour Volume	No
Warrant 3: Peak Hour Volume	No
Warrant 4: Pedestrian Volume	N/A
Criterion A: Four-Hour	
Criterion B: Peak-Hour	
Warrant 5: School Crossing	N/A
Warrant 6: Coordinated Signal System	N/A
Warrant 7: Crash Experience	N/A
Warrant 8: Roadway Network	N/A
Warrant 9: Intersection Near a Grade Crossing	N/A

Warrant Analysis Conducted By:

Name: REB

Agency: HNTB

Date: 1/28/2020

Attachment: WisDOT Warrant Analysis (RESOLUTION 3876 : WisDOT SMMA and SMFA for Traffic Signal at County Line and Port Washington

Warrant 1: Eight - Hour Vehicular Volume**100%****Warrant Evaluated? Yes**

Condition A :		
Min. Veh. Volume		
Volume Level	100%	80%
Major Rd. Req	600	480
Minor Rd. Req	150	120
Number of Hours	0	0

Satisfied? No

Condition B:		
Interruption of Continuous Traffic		
Volume Level	100%	80%
Major Rd. Req	900	720
Minor Rd. Req	75	60
Number of Hours	3	6

Satisfied? No

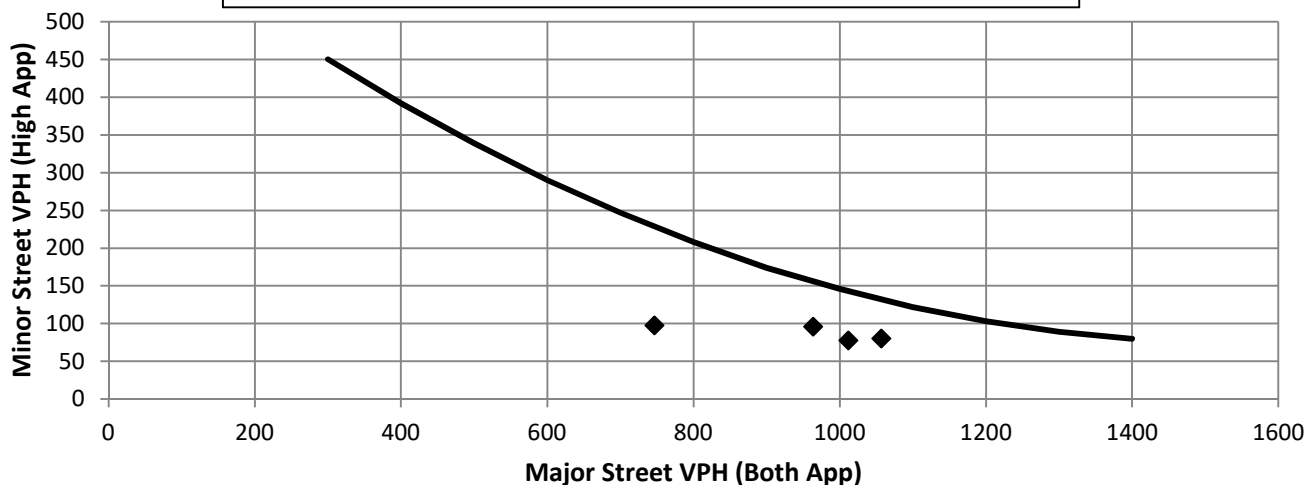
Condition C:		
Combination of A & B at 80%		

Satisfied? No**Warrant Satisfied? No****Manually Set To:**

6:00 AM		Enter Start Time (Military Time) (HH:MM)			Total
Time Period	From	To	Major Road: Both App. (VPH)	Minor Road: High App. (VPH)	
1	6:00	7:00	249	22	270.593
2	7:00	8:00	750	26	775.974
3	8:00	9:00	719	50	769.161
4	9:00	10:00	617	63	679.765
5	10:00	11:00	646	37	683.033
6	11:00	12:00	745	33	777.614
7	12:00	13:00	794	24	818.772
8	13:00	14:00	815	67	882.56
9	14:00	15:00	776	68	843.708
10	15:00	16:00	964	96	1059.13
11	16:00	17:00	1012	78	1089.47
12	17:00	18:00	1057	80	1137
13	18:00	19:00	747	97	844.173
14	19:00	20:00	0	0	0
15	20:00	21:00	0	0	0
16	21:00	22:00	0	0	0

Warrant 2: Four-Hour Volume**100%****Warrant Evaluated? Yes****Warrant Satisfied? No****Manually Set To:**

Hour Start	17:00	15:00	16:00	18:00
Major Road Vol.	1057	963.521	1011.87	746.762
Minor Road Vol.	80	95.6105	77.6	97.4105

Figure 4C-1 Warrant 2, Four-Hour Vehicular Volume

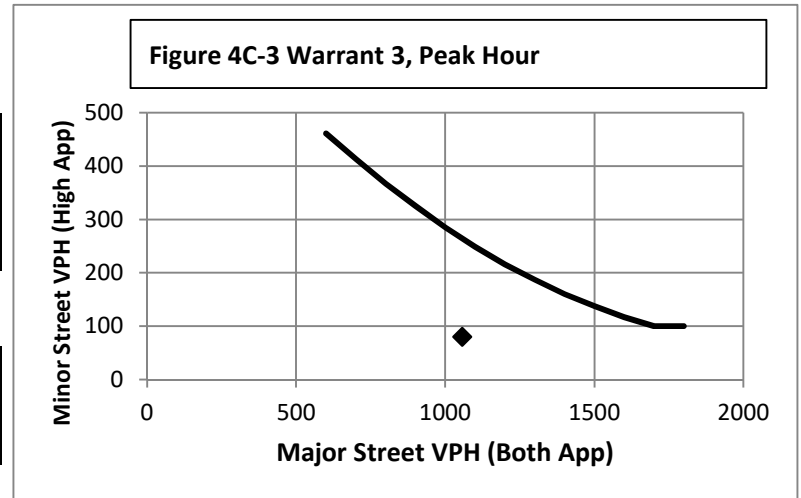
Warrant 3: Peak Hour Volume**100%****Warrant Evaluated? Yes**

Condition justifying use of warrant:

Criteria		Met?
Delay on Minor Approach	4	No
Volume on Minor Approach	100	
Total Entering Volume (veh/h)	800	

Manually Set Peak Hour?

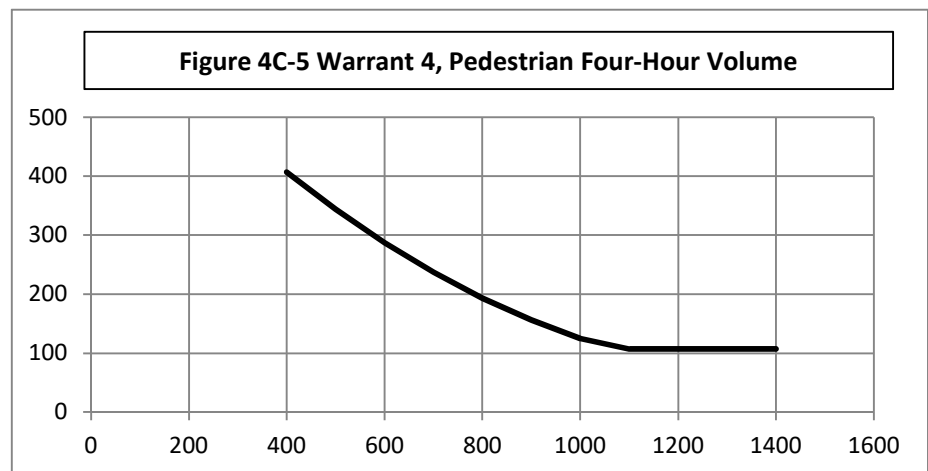
Peak Hour	Major Road Vol. (Both App.)	Minor Road Vol. (High App.)
17:00	1057	80

Warrant Satisfied? No**Manually Set To:****Warrant 4: Pedestrian Volume****100%****Warrant Evaluated? No****Warrant Satisfied? N/A****Manually Set To:****Criterion A: Four Hour**

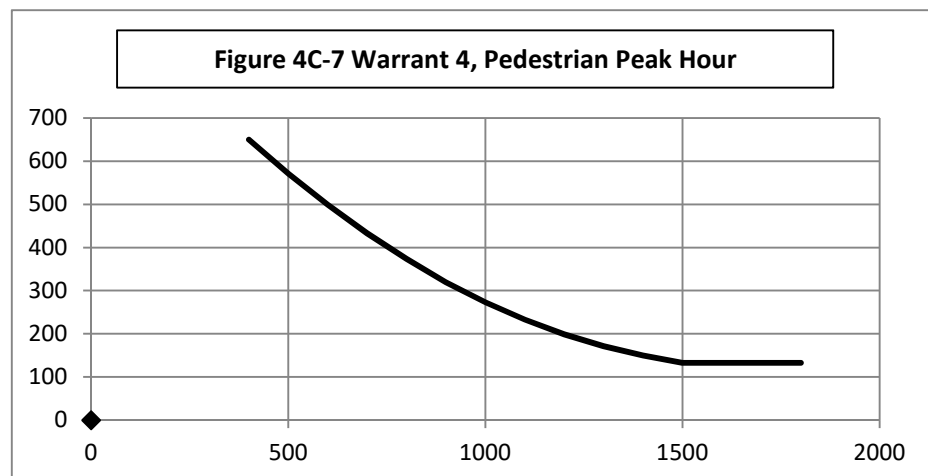
Hour (Start)	Pedestrian Volume	Major Road Vol.
		0
		0
		0
		0

Manually Set Major Rd Vol?

Avg. walk speed less than 3.5 ft/s?

Criterion A Satisfied?**Criterion B: Peak Hour**

Peak Hour	Pedestrian Vol.	Major Road Vol.
0:00	0	0

Criterion B Satisfied?

Warrant 5: School Crossing**100%****Warrant Evaluated?****Warrant Satisfied? N/A****Manually Set To:****Criteria****Fulfilled?**

1	There are a MINIMUM of 20 school children during the highest crossing hour.	
2	There are fewer adequate gaps in the major road traffic stream during the period when the school children are using the crossing than the number of minutes in the same period.	
3	The nearest traffic signal along the major road is located more than 300 ft away. Or, the nearest traffic signal is within 300 ft but the proposed traffic signal will not restrict the progressive movement of traffic.	

Warrant 6: Coordinated Signal System**100%****Warrant Evaluated? No****Warrant Satisfied? N/A****Manually Set To:****Criteria****Fulfilled?**

1	Signal spacing > 1000 ft	
2	On a one-way road or a road that has traffic predominantly in one direction, the adjacent signals are so far apart that they do not provide the necessary degree of vehicle platooning.	
3	On a two-way road, adjacent signals do not provide the necessary degree of platooning and the proposed and the adjacent signals will collectively provide a progressive operation.	

Warrant 7: Crash Experience**100%****Warrant Evaluated? No****Warrant Satisfied? N/A****Manually Set To:****Criteria****Met? Fulfilled?**

1	Adequate trial of other remedial measures has failed to reduce crash frequency.			
	Measures Tried:			
2	Five or more reported crashes, of types susceptible to correction by signal, have occurred within a 12 month period.		# of crashes per 12 months	
3	Warrant 1, Condition A (80%)	No		No
	Warrant 1, Condition B (80%)	No		
	Warrant 4, Criterion A (80%)	No		
	Warrant 4, Criterion B (80%)	No		

Warrant 8: Roadway Network**100%****Warrant Evaluated? No****Warrant Satisfied? N/A****Manually Set To:****Criteria****Met? Fulfilled?**

1	Total entering volume of at least 1,000 veh/h during typical weekday peak hour		1137	Yes	No
	Five-year projected volumes that satisfy one or more of Warrants 1, 2, or 3.			No	
2	Total entering vol. of at least 1,000 veh/h for each of any 5 hrs of non-normal business day (Sat. or Sun.)				
	Hour				
	Volume				

Characteristics of Major Routes - Select yes if all intersecting routes have characteristic**Fulfilled?**

1	Part of the road or highway system that serves as the principal roadway network for through traffic flow	
2	Rural or suburban highway outside of, entering, or traversing a city	
3	Appears as a major route on an official plan	

Attachment: WisDOT Warrant Analysis (RESOLUTION 3876 : WisDOT SMMA and SMFA for Traffic Signal at County Line and Port Washington

Warrant 9: Intersection Near a Grade Crossing**100%**

Warrant Evaluated? No

Warrant Satisfied? N/A

Manually Set To:

Adjustment Factors			Manually Set Peak Hour?				
Rail Traffic per Day	% High Occupancy Buses on Minor Road	% Tractor-Trailer Trucks on Minor Road	D	Peak Hour	Major Road Vol.	Minor Road Vol.	Adjusted Minor Vol.
1	0	0% to 2.5%	660	17:00	1057	80	26.8

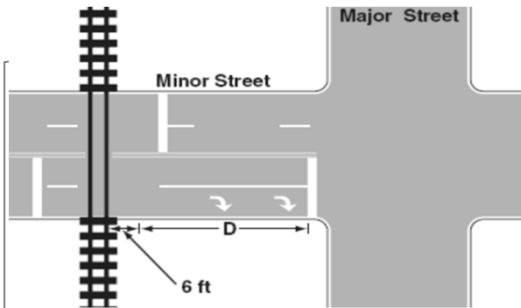
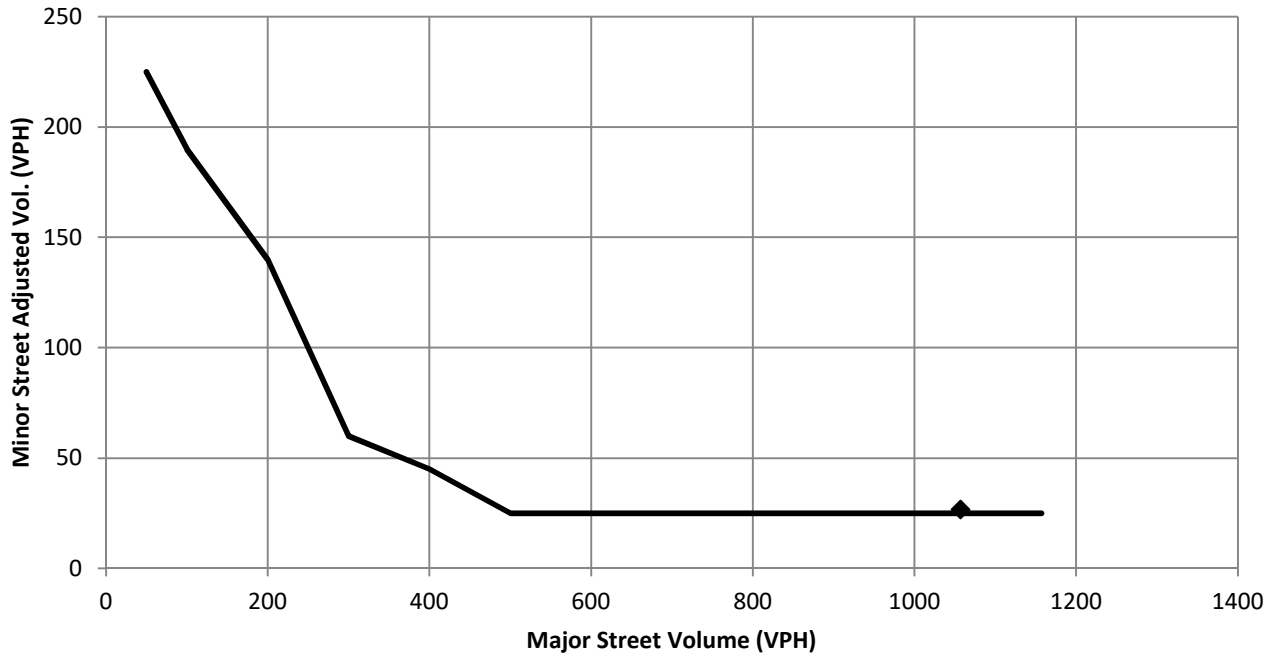


Figure 4C-9 Warrant9, Intersection Near a grade Crossing (One Approach Lane at the Track Crossing)



Conclusions/Comments:

Updated: 12/6/2017



Attachment: 2015 WisDOT Exhibit (RESOLUTION 3876 : WisDOT SMMA and SMFA for Traffic Signal at

Kristen Lundeen

From: Kristen Lundeen
Sent: Friday, September 13, 2019 2:41 PM
To: Hoff, Steve - DOT
Cc: Nag, Manojoy - DOT
Subject: RE: WisDOT Files to download: I-43 NS Project

Steve,

At its September 10 meeting, the City discussed the items of which WisDOT requested feedback. A summary of the discussion follows:

- It passed a resolution affirming the request for a partial interchange at County Line Road. Once the resolution is signed by the Mayor, I will forward a scanned copy.
- It supports the installation of a traffic signal at County Line Road/Port Washington Road, with Milwaukee having maintenance jurisdiction.
- In general, it supports paved/widened shoulders to accommodate bicycle traffic.
- It supports a separated path on Port Washington Road from Milwaukee County to the existing sidewalk north of the interchange.
- It supports a sidewalk at the Mequon Road interchange extending east to San Marino Drive.
- It does not support bicycle/pedestrian facilities at the Pioneer Road interchange.

I believe those were the items of which WisDOT requested feedback. If I missed anything, please let me know.

Thank you,
 Kristen

Kristen Lundeen

Director of Public Works/City Engineer
 City of Mequon
 11333 N. Cedarburg Road
 Mequon, WI 53092
klundeen@ci.mequon.wi.us
 262-236-2938



From: Hoff, Steve - DOT [mailto:Steve.Hoff@dot.wi.gov]
Sent: Friday, August 30, 2019 8:36 AM
To: Kristen Lundeen
Cc: Nag, Manojoy - DOT
Subject: RE: WisDOT Files to download: I-43 NS Project

Good morning, Kristen-

The two signed SMA's are attached above.

Have a good weekend!

Steve Hoff, P.E.

Attachment: City PIM Comments (WisDOT Signal Email) Sept 13 2019 (RESOLUTION 3876 : WisDOT SMMA and SMFA for Traffic Signal at

Juris	Date	Call#	CFS	Location	Unit	Officer	Disposition
ME	11/28/18 19:02	18.032237	NRPT	W County Line Rd/N Port Washington Rd;ME, Mequon, WI 53092	923	4063	FIN
ME	12/13/17 17:46	17.032325	NRPT	9600BLK N Port Washington Rd;ME, Mequon, WI 53092	945	4044	CIT
ME	01/11/21 12:42	21.000964	PDO	W County Line Rd/N Port Washington Rd;ME, Mequon, WI 53092	918	4080	ACR
ME	02/03/17 12:53	17.002604	PDO	W County Line Rd/N Port Washington Rd;ME	929	2243	ACR
ME	11/07/19 20:01	19.027325	PI	W County Line Rd/N Port Washington Rd;ME, Mequon, WI 53092	919	4069	ACR
ME	08/16/17 10:41	17.021409	PI	9600BLK N Port Washington Rd;ME;ME	922	2220	ACR

 STATE/MUNICIPAL MAINTENANCE AGREEMENT	Date: August 26 2021 ID: 1229-04-74, 1229-04-75, 1229-04-76 Road Name: IH 43 Limits: W County Line Rd Interchange to STH 60 County: Milwaukee
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The signatory City of **Mequon**, hereinafter called the Municipality, through its undersigned duly authorized officers or officials, hereby requests the State of Wisconsin Department of Transportation, hereinafter called the State, to initiate and affect this agreement to include the associated maintenance responsibilities hereinafter described.

The authority for the Municipality to enter into this agreement with the State is provided by Section 84.07(1) of the Statutes. Wisconsin statutes, Wisconsin Administrative Code, and State policy serve as the defining documents for State Highway maintenance responsibilities.

DESCRIPTION OF FACILITY:

Facility description upon completion of State project – As determined by project ID 1229-04-74, 1229-04-75, 1229-04-76

Facility description upon signature – The proposed roadway improvement is a reconstruction of IH 43 and surrounding roadways.

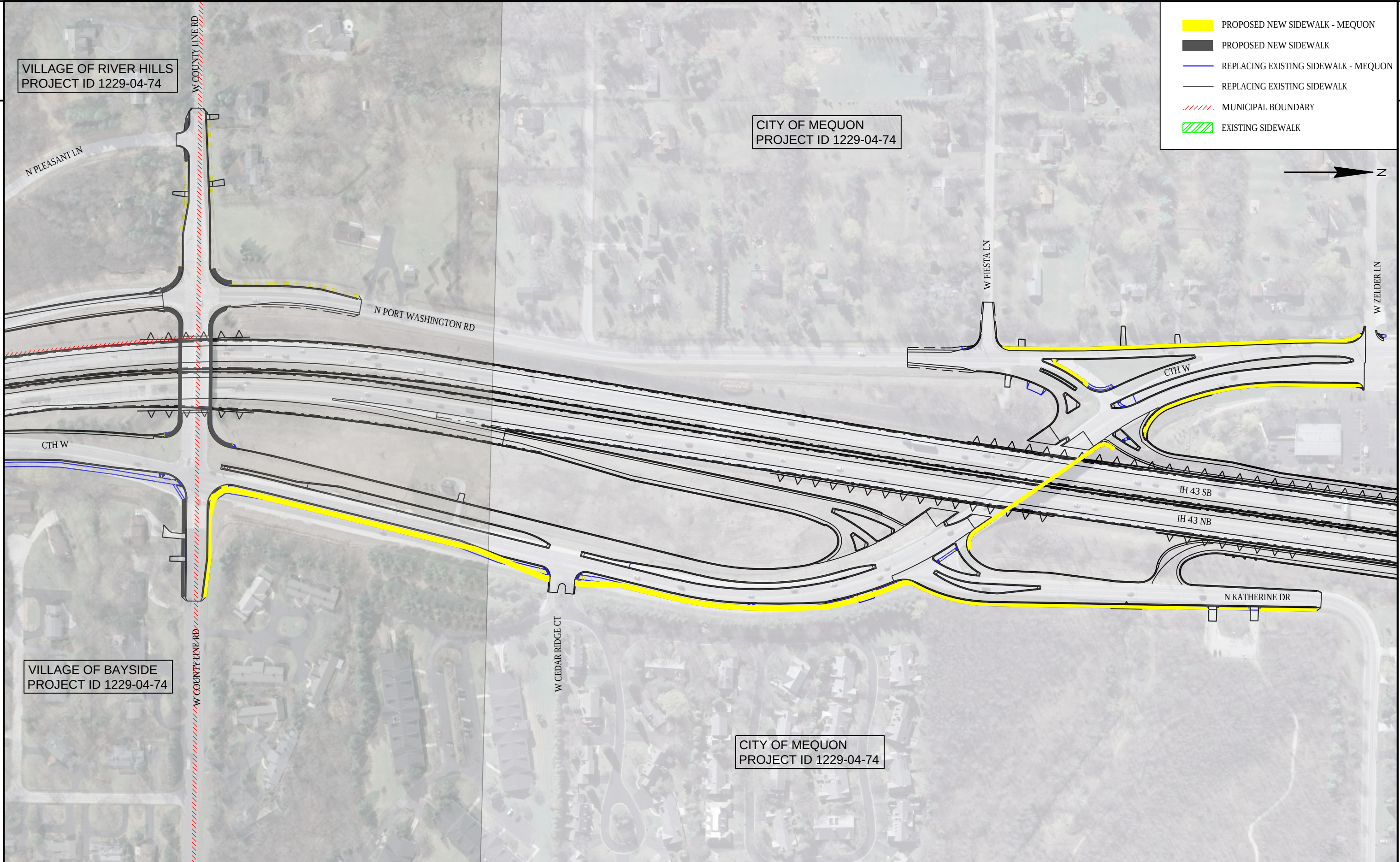
This request shall constitute agreement between the Municipality and the State; is subject to the terms and conditions that follow (pages [2] – [4]); is made by the undersigned under proper authority to make such request for the designated Municipality and upon signature by the State, delivery to the Municipality and upon fully executed signature of associated, applicable State Municipal Financial Agreement for project 1229-04-74, 1229-04-75 & 1229-04-76. The initiation and signature of the agreement will be subject to all the applicable federal and state regulations. No term or provision of neither the State/Municipal Maintenance Agreement nor any of its attachments may be changed, waived or terminated orally but only by an instrument in writing executed by both parties to the State/Municipal Maintenance Agreement.

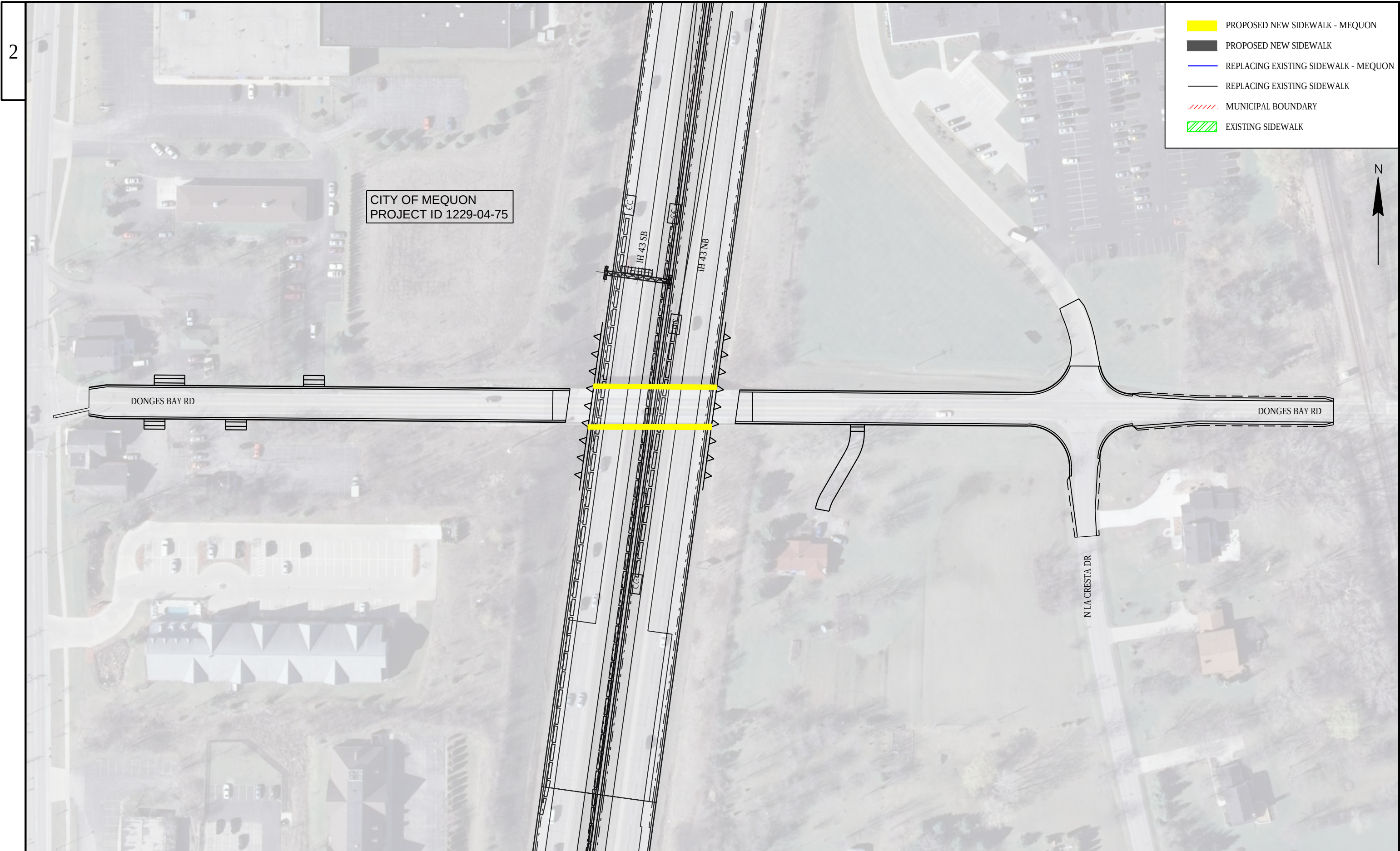
Signed for and in behalf of the City of Mequon (Please sign in blue ink)	
Name (print)	Title
Signature	Date
Signed for and in behalf of the State (Please sign in blue ink)	
Name Brian Roper	Title WisDOT SE Region Maintenance Chief
Signature	Date

TERMS AND CONDITIONS:

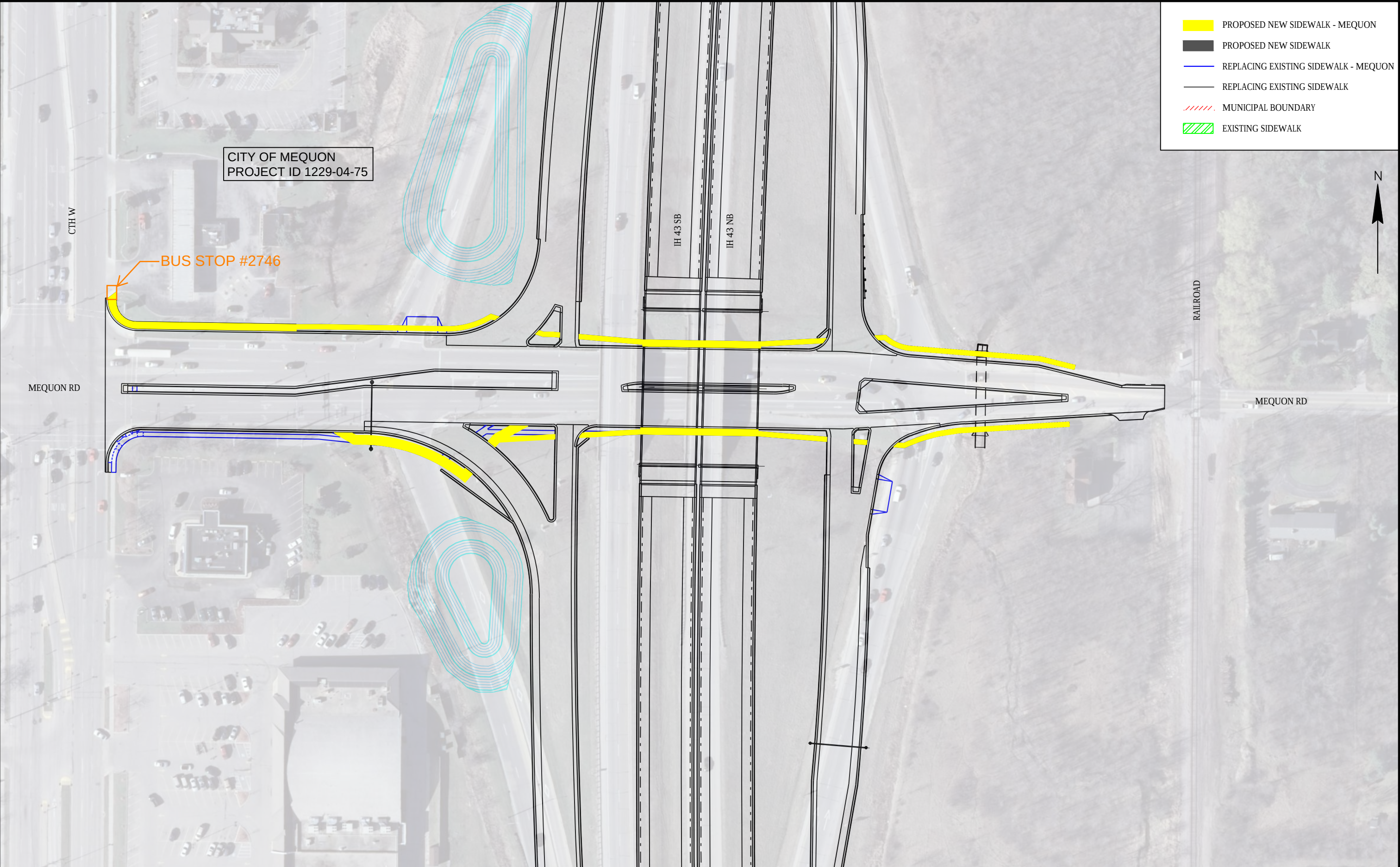
1. In order to guarantee the Municipality's foregoing agreements to maintain the facility to State standards, the Municipality, through its above duly authorized officers or officials, agrees and authorizes the State to set off and withhold General Transportation Aids or monies otherwise due and payable by the State to the municipality, as determined by the State, for any maintenance the State must perform to the facility should the Municipality fail to comply with the agreement.
2. The State will not install any additional items, not necessitated for the safe and efficient flow of traffic, to a state highway facility without the Municipality agreeing to maintain those items. The State is responsible for maintaining the through travel way of any given highway facility under the State's jurisdiction including:
 - (a) The energy, operation, repair and replacement of traffic signals and associated street lighting required for the signalized intersections within the limits of this agreement for:
 1. Signalized intersections at County Line Rd/Port Washington Rd Interchange, Mequon Rd Interchange, CTH C (Pioneer Rd) interchange, STH 60 Interchange.
 - (b) Signing and pavement marking necessitated for the safe and efficient flow of traffic except those items listed in #3.
 - (c) Permitting authority of utilities and access control on all State Trunk, US and Interstate Highways.
3. The Municipality shall at its own cost and expense maintain all portions within the specified limits of this agreement that lie within its jurisdiction for such maintenance through statutory requirements in a manner satisfactory to the State and shall make ample provision for such maintenance each year to include:
 - (a) Maintain all items outside, and under, the travel way to include, but not limited to, parking lanes, curb and gutter, drainage facilities, sidewalks, multi-use paths, retaining walls, pedestrian refuge islands and landscaping features.
 - (b) Remove snow and ice from sidewalks, multi-use paths, and pedestrian refuge islands along N Port Washington Road, N Port Washington Ln, W County Line Rd, N. Katherine Dr, Donges Bay Rd, Mequon Rd (including on off Ramps at IH 43), and Highland Rd. Reference Attachment 1 appended to this document for sidewalk locations and Attachment 2 letter from Ozaukee County appended to this document for N Port Washington Road.
 - (c) Implement a street sweeping program to help prevent the accumulation of dirt, sand, leaves, paper, or other clogging debris.
 - (d) Maintain and accept responsibility for the energy, operation, maintenance, repair, and replacement of the street lighting system along Port Washington Road.
 - i. The Municipality shall accept responsibility for locating utilities for Digger's Hotline.
 - ii. If at any time the Municipality should choose to turn off or remove street lighting, in part or in whole, funded with federal/state dollars, the State will determine potential conflicts and approve/disapprove such request. If removal is approved by the State, the Municipality will reimburse to the State an amount determined by Federal and State coordination.
 - (e) Maintain clear right-of-way of all encroachments.
 - (f) Maintain crosswalk pavement markings. The municipality shall obtain a permit with the State (contact Traffic Operations Unit (signing and marking)).
 - (g) Maintain signs and pavement markings not necessary for the safe and efficient movement of traffic (no parking signs, wayfinding signs, etc.). The municipality shall obtain a permit with the State (contact Traffic Operations Unit (signing and marking)).
 - (h) Maintain and accept responsibility for the following as applicable to this agreement:

1. Water utilities underneath and adjacent to N Port Washington Rd, N Port Washington Ln, N Katherine Dr and Highland Rd.
 2. Sanitary Sewer. Underneath and adjacent to County Line Rd, N Port Washington Ln, N Port Washington Rd, Donges Bay Rd, Mequon Rd and Highland Rd.
 3. Traffic Signals at N. Port Washington Road and W County Line Road east of IH 43.
4. The Municipality, within the specified limits, agrees to:
 - (a) Prohibit angle parking along Mequon Rd (STH 167/STH57).
 - (b) Regulate parking along the highway. The Municipality will file a parking declaration with the State.
 - (c) The Municipality will coordinate with the State to obtain any necessary Work on Right-of-Way Permits for maintenance performed on or within the state highway facility or state right-of-way.
 5. This agreement does not remove the current municipal maintenance responsibility.
 6. The State or Municipality may request an amendment to this agreement to include specific features later requested by the Municipality throughout the design process.
 7. Upon completion of each construction project, 1229-04-74, 1229-04-75 and 1229-04-76 the Municipality will assume all afore mentioned maintenance responsibilities.

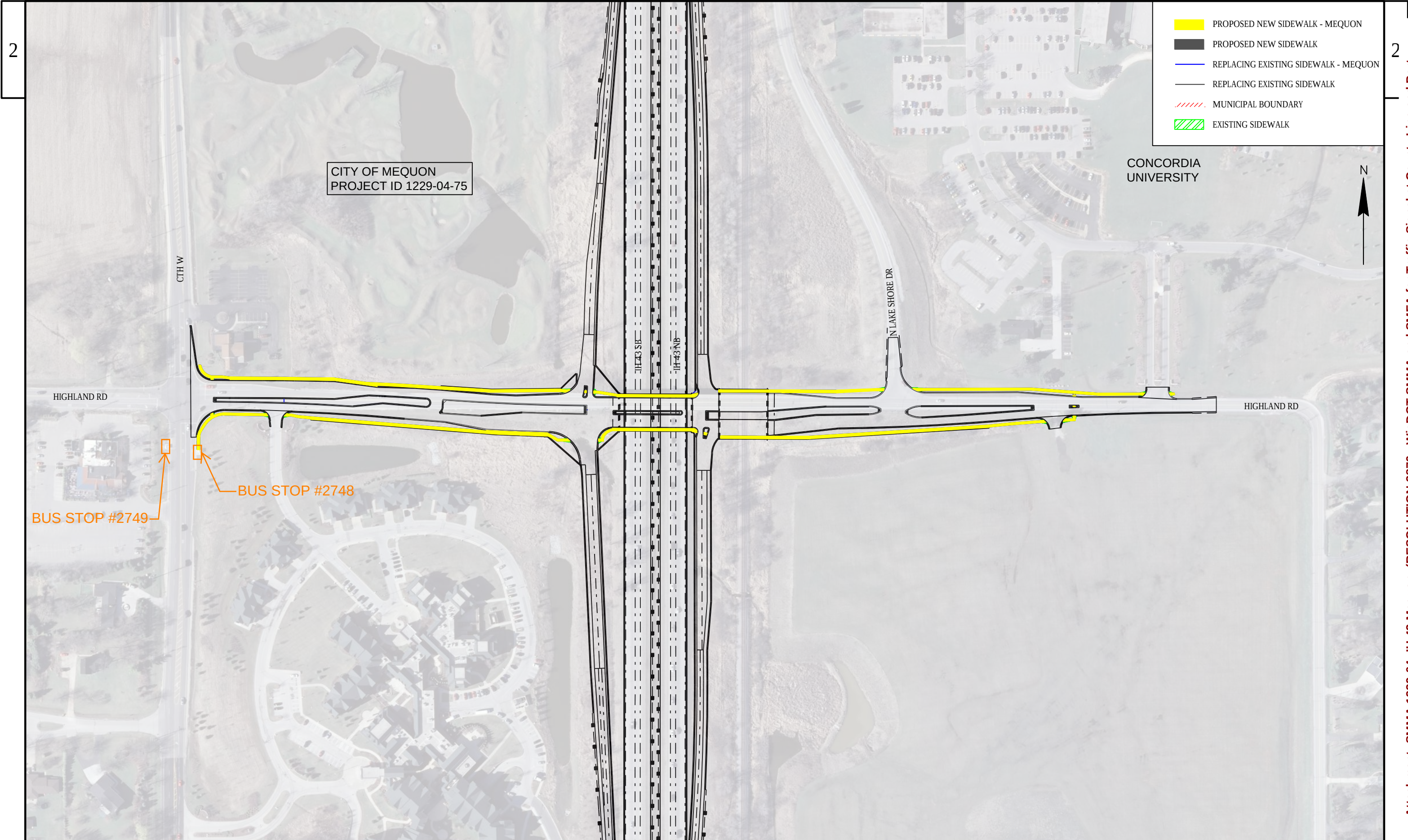




PROJECT NO: 1229-04-75	HWY: IH 43	COUNTY: OZAUKEE	PROPOSED SIDEWALK - CITY OF MEQUON	SHEET	E
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PROJECT NO: 1229-04-75	HWY: IH 43	COUNTY: OZAUKEE	PROPOSED SIDEWALK - CITY OF MEQUON	SHEET	E
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Ozaukee County Highway Department

410 South Spring Street

Port Washington, Wisconsin 53074-0994

Jon E. Edgren, P.E. – Director of Public Works

Phone 262-238-8335

Fax 262-238-8343

Attachment 8.b.e

July 29, 2021

Mr. Steve Hoff
Wisconsin Department of Transportation
141 N.W. Barstow Street
Waukesha, WI 53188
VIA E-MAIL: Steve.Hoff@dot.wi.gov

RE: Sidewalk Construction along CTH W (N. Port Washington Rd)
I-43 Expansion Project (ID 1229-04-74)

Dear Mr. Hoff:

The Wisconsin Department of Transportation (WisDOT) has notified the Ozaukee County Highway Department of their intent to construct sidewalks in various locations adjacent to County Trunk Highway (CTH) W (N. Port Washington Road), which is under Ozaukee County jurisdiction, as part of WisDOT's I-43/County Line Road Interchange project (ID 1229-04-74). (See attached map for approximate locations.)

Ozaukee County has no objections to the construction of sidewalk along CTH W, but we do not accept maintenance responsibilities for sidewalk. Therefore, any future sidewalk maintenance, repairs, snow removal, etc..., would need to be designated to the local municipality, which should be the City of Mequon for the given locations.

Please feel free to contact me at 262-238-8335 if you have any questions, comments, or concerns.

Sincerely,

Jon E. Edgren, P.E.
Ozaukee County Director of Public Works

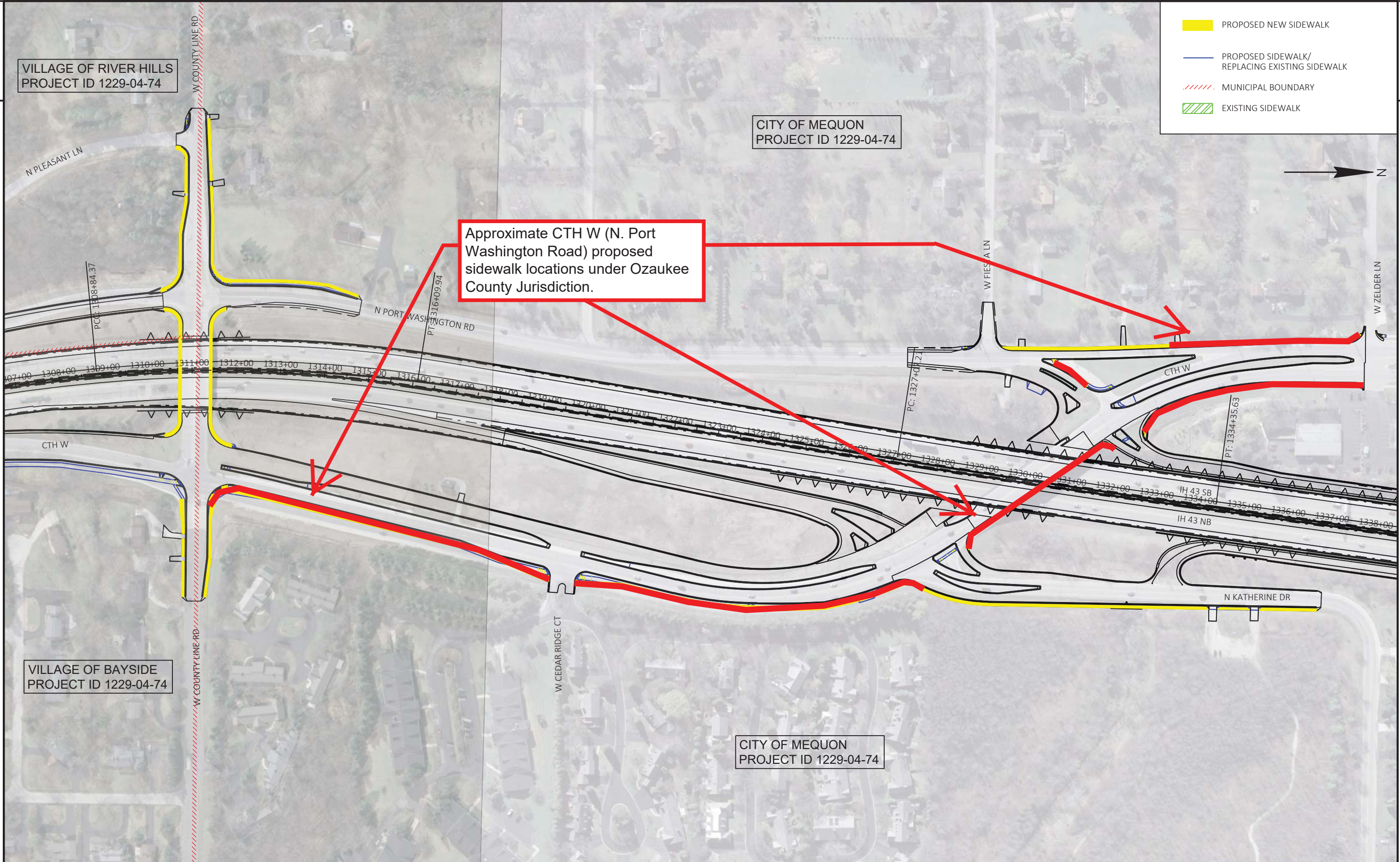
Cc: Warren Guettel, Ozaukee County's Construction Superintendent,
wguettel@co.ozaukee.wi.us

N:\State Highways\I-43\Projects\Expansion Project\I-43 - County Line Rd Interchange\Hoff_JEE^I-43 Expansion Sidewalk on CTH W.docx

Attachment: SMMA 1229-04- IH 43 Mequon (RESOLUTION 3876 : WisDOT SMMA and SMFA for Traffic Signal at County Line and Port

2

2



VILLAGE OF RIVER HILLS
PROJECT ID 1229-04-74

CITY OF MEQUON
PROJECT ID 1229-04-74

Approximate CTH W (N. Port
Washington Road) proposed
sidewalk locations under Ozaukee
County Jurisdiction.

VILLAGE OF BAYSIDE
PROJECT ID 1229-04-74

CITY OF MEQUON
PROJECT ID 1229-04-74

- PROPOSED NEW SIDEWALK
- PROPOSED SIDEWALK/
REPLACING EXISTING SIDEWALK
- MUNICIPAL BOUNDARY
- EXISTING SIDEWALK



STATE/MUNICIPAL FINANCIAL AGREEMENT FOR A STATE- LET HIGHWAY PROJECT

Date: August 26, 2021
I.D.:1229-04-02/07/74
Road Name: IH 43
Title: I-43 NORTH SOUTH FREEWAY
Limits: W COUNTY LINE RD INTERCHANGE
County: Ozaukee
Roadway Length: 1.22 Miles

The signatory **City of Mequon**, hereinafter called the Municipality, through its undersigned duly authorized officers or officials, hereby requests the State of Wisconsin Department of Transportation, hereinafter called the State, to initiate and affect the highway or street improvement hereinafter described.

The authority for the Municipality to enter into this agreement with the State is provided by Section 86.25(1), (2), and (3) of the Statutes.

NEEDS AND ESTIMATE SUMMARY:

Existing Facility - Describe and give reason for request: Improvement

Proposed Improvement - Nature of work: As determined by project scoping.

Describe non-participating work included in the project and other work necessary to finish the project completely which will be undertaken independently by the municipality: A nominal amount is included to cover items in paragraph 4 (to be adjusted in the final plan).

TABLE 1: SUMMARY OF COSTS

Phase	Total Est. Cost	Federal/State Funds	%	Municipal Funds	% *
Preliminary Engineering:					
Plan Development (corridor design-Silver Spring to STH 60; 1229-04-02)	\$ 24,000,000	\$ 24,000,000	100%	\$ -	0%
Plan Development (signal design 1229-04-07)	\$ 36,000	\$ -	0%	\$ 36,000	100%
¹ Construction:					
Participating	\$ 66,690,000	\$ 66,690,000	100%	\$ -	0%
Signals (Port Washington/County Line Rd)	\$ 270,000		0%	\$ 270,000	100%
Utility (Sanitary)	\$ 30,500	\$ 27,450	90%	\$ 3,050	10%
Total Cost Distribution	\$ 91,026,500	\$ 90,717,450		\$ 309,050	

¹ Estimates include construction engineering

This request shall constitute agreement between the Municipality and the State; is subject to the terms and conditions that follow (pages [2] – [3]); is made by the undersigned under proper authority to make such request for the designated Municipality, upon signature by the State, upon fully executed signature of applicable State Municipal Maintenance Agreement and delivery to the Municipality. The initiation and accomplishment of the

improvement will be subject to the applicable federal and state regulations. No term or provision of neither the State/Municipal Financial Agreement nor any of its attachments may be changed, waived or terminated orally but only by an instrument in writing executed by both parties to the State/Municipal Financial Agreement.

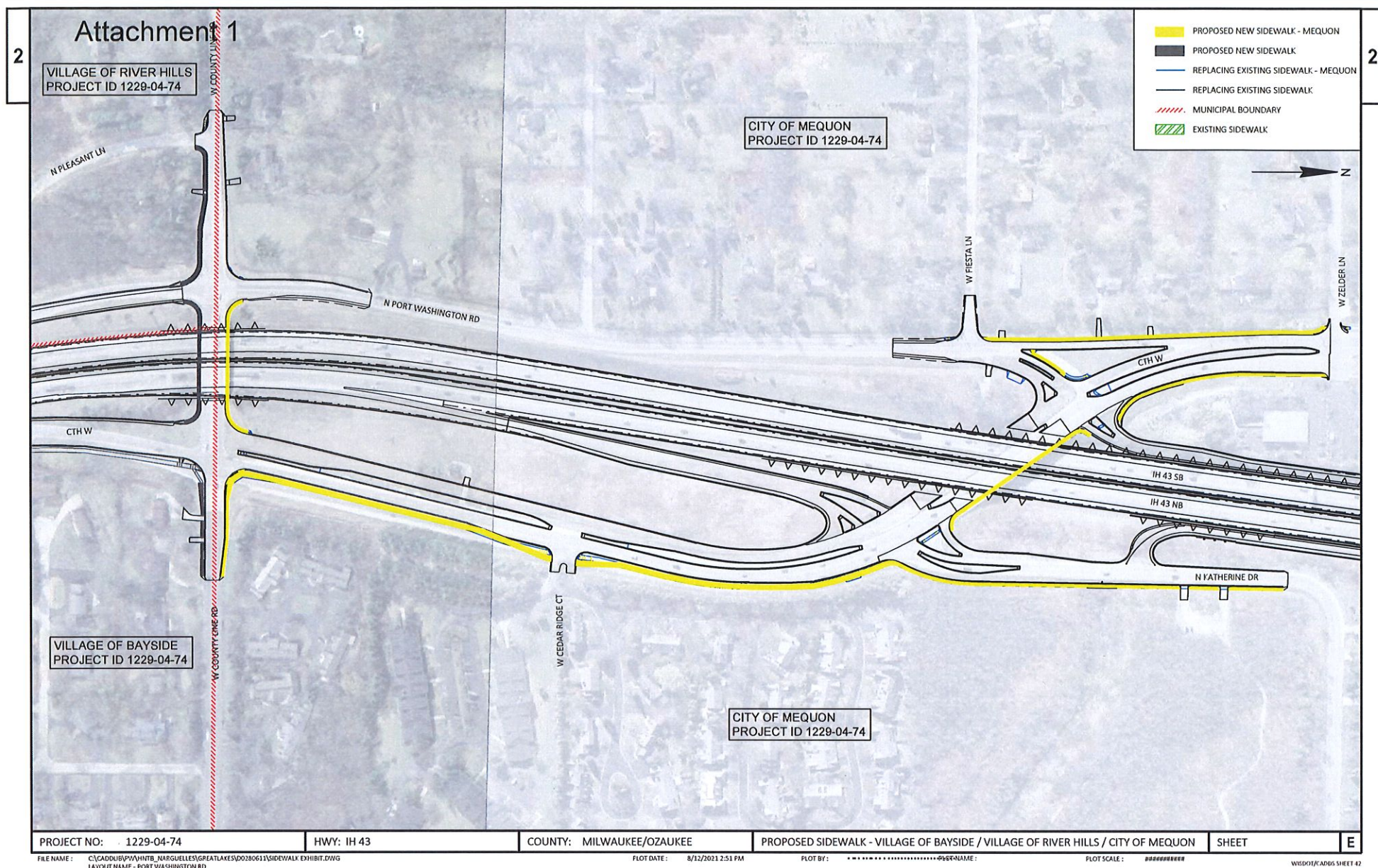
Signed for and in behalf of the City of Mequon (please sign in blue ink)	
Name (print)	Title
Signature	Date
Signed for and in behalf of the State (please sign in blue ink)	
Name Tony Barth	Title WisDOT SE Region Planning Chief
Signature	Date

TERMS AND CONDITIONS:

1. The Municipality shall pay to the State all costs incurred by the State in connection with the improvement which exceeds federal/state financing commitments or are ineligible for federal/state financing. Local participation shall be limited to the items and percentages set forth in the Summary of Costs table, which shows Municipal funding participation. In order to guarantee the Municipality's foregoing agreements to pay the State, the Municipality, through its above duly authorized officers or officials, agrees and authorizes the State to set off and withhold the required reimbursement amount as determined by the State from General Transportation Aids or any moneys otherwise due and payable by the State to the Municipality.
2. Funding of each project phase is subject to inclusion in an approved program and per the State's Facility Development Manual (FDM) standards. Federal aid and/or state transportation fund financing will be limited to participation in the costs of the following items as specified in the Summary of Costs:
 - (a) Design engineering and state review services.
 - (b) Real Estate necessitated for the improvement.
 - (c) Compensable utility adjustment and railroad force work necessitated for the project.
 - (d) The grading, base, pavement, curb and gutter, and structure costs to State standards, excluding the cost of parking areas.
 - (e) Storm sewer mains, culverts, laterals, manholes, inlets, catch basins, and connections for surface water drainage of the improvement; including replacement and/or adjustments of existing storm sewer manhole covers and inlet grates as needed.
 - (f) Construction engineering incidental to inspection and supervision of actual construction work, except for inspection, staking, and testing of sanitary sewer and water main.
 - (g) Signing and pavement marking necessitated for the safe and efficient flow of traffic, including detour routes.
 - (h) Replacement of existing sidewalks necessitated by construction and construction of new sidewalk at the time of construction. Sidewalk is considered to be new if it's constructed in a location where it has not existed before.
 - (i) Replacement of existing driveways, in kind, necessitated by the project.
 - (j) New installations or alteration resulting from roadway construction of standard State street lighting and traffic signals or devices. Alteration may include salvaging and replacement of existing components.

3. Work necessary to complete the improvement to be financed entirely by the Municipality or other utility or facility owner includes the following items:
 - (a) New installations of or alteration of sanitary sewers and connections, water, gas, electric, telephone, telegraph, fire or police alarm facilities, parking meters, and similar utilities.
 - (b) New installation or alteration of signs not necessary for the safe and efficient flow of traffic.
 - (c) Roadway and bridge width in excess of standards.
 - (d) Construction inspection, staking, and material testing and acceptance for construction of sanitary sewer and water main.
 - (e) Provide complete plans, specifications, and estimates for sanitary sewer and water main work. The Municipality assumes full responsibility for the design, installation, inspection, testing, and operation of the sanitary sewer and water system. This relieves the State and all of its employees from the liability for all suits, actions, or claims resulting from the sanitary sewer and water system construction.
 - (f) Parking lane costs.
 - (g) Coordinate, clean up, and fund any hazardous materials encountered for city utility construction. All hazardous material cleanup work shall be performed in accordance to state and federal regulations.
4. As the work progresses, the Municipality will be billed for work completed which is not chargeable to federal/state funds. Upon completion of the project, a final audit will be made to determine the final division of costs.
5. If the Municipality should withdraw the project, it shall reimburse the State for any costs incurred by the State in behalf of the project.
6. The work will be administered by the State and may include items not eligible for federal/state participation.
7. The Municipality shall, in cooperation with the State, assist with public relations for the project and announcements to the press and such outlets as would generally alert the affected property owners and the community of the nature, extent, and timing of the project and arrangements for handling traffic within and around the project.
8. Basis for local participation:
 - (a) Funding for preliminary engineering for roadway construction (1229-04-02) 100% State
 - (b) Funding for preliminary engineering for signal installation (1229-04-07) 100% Municipal
 - (c) Funding for construction of standard roadway items – 100% State.
 - (d) Funding for utilities 90% State, 10% Municipal, per chapter 84.295, State Statute
 - (e) Funding for signals at Port Washington Road and County Line Rd, 100% Municipal
 - (f) Funding for non-participating items 100% Municipality.

Comments and Clarification: This agreement is an active agreement that may need to be amended as the project is designed. It is understood that these amendments may be needed as some issues have not been fully evaluated or resolved. The purpose of this agreement is to specify the local and state involvement in funding the project. A signed agreement is required before the State will prepare or participate in the preparation of detailed designs, acquire right-of-way, or participate in construction of a project that merits local involvement.



Attachment: Sidewalk Exhibit (RESOLUTION 3876 : WisDOT SMMA and SMFA for Traffic Signal at County



11333 N. Cedarburg Road
Mequon, WI 53092
Phone: 262-236-2941
Fax: 262-242-9655

www.ci.mequon.wi.us

Office of Administration

TO: Common Council
FROM: Justin Schoenemann, Assistant City Administrator
DATE: September 1, 2021
SUBJECT: RESOLUTION 3877 A Resolution Authorizing an Amendment to the 2021 Employee Compensation Plan, in Connection with Converting the Part-Time Human Resources Assistant Position to a Full-Time Human Resources Coordinator Position at Pay Grade 6 (\$40,658 - \$55,009)

Background

The Human Resources (HR) Division of the City Administrator's Office lost its part-time HR Assistant in July to another employment opportunity after 4 years of service with the City. The current labor market is not conducive to recruitment of part-time positions and more specifically there has been an increase in demand for HR professionals as businesses gear up to manage staff in a post-pandemic world. HR initiated a recruitment process to fill the vacated part-time position, but ultimately received a small pool of applicants and the process did not result in a hire to fill the position. As a result, staff is proposing to convert the position to full-time in order to better appeal to applicants, compete for talent in the market, and to further improve HR functions on behalf of the entire organization.

Analysis

The transition of the part-time HR Assistant to a full-time HR Coordinator position will not only allow the City to better maintain processes but also further reduce liabilities and improve services. It is anticipated that once a new employee is acclimated HR will seek to additionally address the following:

- Implementation of Nurse-on-Call System for Workers' Compensation to reduce expenses and ensure appropriate care to employees injured on the job.
- Modernize the City-wide safety training program, implement new materials, and evaluate the need for any new processes.
- Evaluate auxiliary lines of insurance and service providers to ensure the City is getting quality services at a competitive rate.
- Review pre-employment screening processes to ensure proper procedures and sufficient screening practices are in place.

Fiscal Impact

Monetarily, the City anticipates the total cost increase for transitioning the part-time Human Resources Assistant to a full-time Human Resources Coordinator position is estimated to be approximately \$20,000 - \$42,000, which includes the assumption the new employee will enroll in a family health insurance plan. The new position will remain in the same Pay Grade as the Human Resources Assistant, which is Pay Grade 6 (\$40,658 - \$55,009). A portion of the funds to

offset this cost increase are available as a result of eliminating the full-time Dispatch Supervisor position earlier this year.

Recommendation

A recommendation is forthcoming from the Finance-Personnel Committee on September 14, 2021.

Attachments:

2021 Salary Structure (PDF)

HR Coordinator Job Description (PDF)

COMMON COUNCIL
OF THE
CITY OF MEQUON

RESOLUTION 3877

A Resolution Authorizing an Amendment to the 2021 Employee Compensation Plan, in Connection with Converting the Part-Time Human Resources Assistant Position to a Full-Time Human Resources Coordinator Position at Pay Grade 6 (\$40,658 - \$55,009)

RECITALS

A. In 2014 the City of Mequon adopted and implemented a Compensation Plan that sets forth job positions and their assigned pay grades for non-represented employees.

B. The City of Mequon has determined the optimal way to address the Human Resources Assistant position in a manner that will address the long-term needs of the City.

C. The analysis has resulted in the converting of the part-time Human Resources Assistant position in to a full-time Human Resources Coordinator position to better address the needs of the organization.

D. Sufficient funds are available through the elimination of the full-time Dispatch Supervisor position.

BASED ON THE FOREGOING RECITALS, IT IS RESOLVED by the Common Council of the City of Mequon, Wisconsin, that the 2021 Employee Compensation Plan is amended to replace the part-time Human Resources Assistant position with a full-time Human Resources Coordinator position at Pay Grade 6.

Approved by: John Wirth, Mayor

Date Approved: September 14, 2021

I certify that the foregoing Resolution was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on September 14, 2021.

Caroline Fochs, City Clerk

**CITY OF MEQUON, WISCONSIN
FY2021 EMPLOYEE COMPENSATION PLAN**

Pay Grades	2021 Pay Ranges					JOB POSITION
	Minimum	Q1	Midpoint	Q3	Maximum	
1	\$27,671	\$30,112	\$32,554	\$34,995	\$37,437	CUSTODIAN
2	\$29,885	\$32,522	\$35,159	\$37,796	\$40,433	
3	\$32,275	\$35,123	\$37,971	\$40,818	\$43,666	
4	\$34,857	\$37,933	\$41,009	\$44,084	\$47,160	
5	\$37,647	\$40,969	\$44,290	\$47,612	\$50,934	
6	\$40,658	\$44,245	\$47,833	\$51,421	\$55,009	ACCOUNTING ASSISTANT ADMINISTRATIVE SECRETARY ASSESSMENT TECHNICIAN DEPUTY CLERK DISPATCHER ~~HUMAN RESOURCES ASSISTANT~~ <u>HUMAN RESOURCES COORDINATOR</u> PERMIT COORDINATOR RECORDS CLERK UTILITY CLERK
7	\$43,911	\$47,785	\$51,660	\$55,534	\$59,408	
8	\$47,424	\$51,608	\$55,793	\$59,978	\$64,162	BUILDINGS MAINTENANCE WORKER EXECUTIVE ASSISTANT FORESTRY WORKER HIGHWAY EQUIPMENT OPERATOR HIGHWAY WORKER HIGHWAY/PARKS WORKER MECHANIC PARKS WORKER SEWER WORKER
9	\$51,218	\$55,737	\$60,256	\$64,775	\$69,294	ENGINEERING TECHNICIAN I HIGHWAY FOREMAN SEWER FOREMAN

Attachment: 2021 Salary Structure (RESOLUTION 3877 : HR Coordinator Position)

**CITY OF MEQUON, WISCONSIN
FY2021 EMPLOYEE COMPENSATION PLAN**

Pay Grades	2021 Pay Ranges					JOB POSITION
	Minimum	Q1	Midpoint	Q3	Maximum	
10	\$55,314	\$60,195	\$65,076	\$69,957	\$74,838	ADMINISTRATIVE COORDINATOR ENGINEERING FIELD COORDINATOR ENGINEERING TECHNICIAN II INSPECTOR PUBLIC SAFETY IT SPECIALIST PLANNER
11	\$59,740	\$65,012	\$70,283	\$75,554	\$80,826	ASSISTANT TO THE FINANCE DIRECTOR
12	\$64,519	\$70,212	\$75,904	\$81,597	\$87,289	BUILDINGS SUPERINTENDENT FLEET SUPERINTENDENT HIGHWAY SUPERINTENDENT INSPECTIONS SUPERVISOR SEWER SUPERINTENDENT PARKS & FORESTRY SUPERINTENDENT
13	\$70,742	\$76,625	\$82,508	\$88,391	\$94,274	
14	\$75,255	\$81,895	\$88,535	\$95,176	\$101,816	BATTALION CHIEF
15	\$77,213	\$85,400	\$93,587	\$101,774	\$109,960	ASSISTANT CITY ADMINISTRATOR ASSISTANT CITY ENGINEER ASST. DIRECTOR - COMMUNITY DEVELOPMENT CITY CLERK DEPUTY DIRECTOR OF UTILITIES DEPUTY DIRECTOR OF PUBLIC WORKS POLICE CAPTAIN DEPUTY CHIEF
16	\$87,777	\$95,522	\$103,268	\$111,013	\$118,759	
17	\$102,180	\$110,248	\$118,315	\$126,383	\$134,450	DIRECTOR OF COMMUNITY DEVELOPMENT DIRECTOR OF PUBLIC WORKS FINANCE DIRECTOR FIRE CHIEF POLICE CHIEF
18	Established by Employment Contract					CITY ADMINISTRATOR

Attachment: 2021 Salary Structure (RESOLUTION 3877 : HR Coordinator Position)

Job Description

City of Mequon

<u>Title:</u> Human Resources Coordinator	<u>FLSA:</u> Non-exempt
<u>Date:</u> August 2021	<u>Present Incumbent:</u> N/A
<u>Department:</u> Administration	<u>Division:</u> Human Resources
<u>Work Location:</u> City Hall	
<u>General Schedule:</u> 40 hours per week, Monday – Friday.	
<u>Pay Range:</u> 6	
<u>Represented:</u> No	<u>Bargaining Unit:</u> N/A
<u>Position's Purpose:</u> In collaboration with the Assistant City Administrator, the Human Resource Coordinator manages the daily functions of the Human Resource (HR) Division including facilitating recruitment processes, coordinating benefits, completing reporting requirements, maintaining databases, overseeing the City's safety program, responding to general HR inquiries and leading HR-related initiatives. This position is responsible for consistent application of HR-related processes and procedures. Responsibilities are administrative in nature as well as project oriented. This position is the first point of contact for employees with HR-related questions.	
<u>Description of the Job</u> A. Essential Functions and Responsibilities:	
<u>30%</u>	Respond to employee requests for information on benefits, deferred compensation, FMLA, workers' compensation, policies, City programs, etc.; process changes in employee information; manage annual open enrollment process.
<u>25%</u>	Establish and maintain job vacancy files and maintain applicant tracking system; place and maintain records of employment ads; serve as the primary contact person for employment candidates; coordinate hiring of pool employees and other summer staff; assist with reference and background checks; manage pre-employment and random drug screening processes; distribute new employee orientation materials and educate newly hired employees on HR policies and internal procedures. Process all new hires in HRIS system and Timekeeping system; Track PTO accrual on shared spreadsheet.
<u>15%</u>	Plan and maintain safety programs to help maintain safe working environments. Assist in ensuring departments complete annual safety training requirements, complete OSHA safety compliance reporting requirements, and oversee workers' compensation cases.
<u>10%</u>	Maintain physical and digital Human Resources files; create and maintain personnel files including medical and confidential files, I-9, etc.; provide clerical support to Human Resources function and assist in digitizing files.
<u>5%</u>	Partner with Finance/Payroll to update employee changes for bi-weekly payroll and resolve payroll issues.

- 5% Process monthly billing reports for health, dental, LTD, life, vision, accident and unemployment compensation programs; prepare purchase order requisitions for payment of invoices.
- 5% Respond to employment surveys as requested; assist with special projects, perform other duties as required, and assist with the development of policies and procedures.
- 5% Maintain databases for a variety of employee services including benefit programs, drivers licenses, probation/orientation, NIMS, VOI, FTE; process contractual wage adjustments and special deductions.

B. Job Specifications

Required Knowledge:

Demonstrated knowledge of and ability to apply proper grammar, punctuation and spelling. Knowledge of customer service and telephone etiquette appropriate for a government setting. Knowledge of office practices and procedures.

Required Skills/Abilities:

Technical

- Proficient knowledge of Microsoft Office including Word, Excel, PowerPoint and Outlook as well as experience with Human Resource Information Systems (HRIS), preferably Tyler MUNIS systems.
- Ability to perform basic mathematical functions (+, -, x, /)
- Ability to read, understand and process routine information in written form
- Ability to maintain records
- Ability to exercise integrity, flexibility, sound judgment, and strong intuitive skills

Communication/Interpersonal

- Ability to take initiative, utilize customer service skills, and the ability to learn quickly
- Ability to maintain confidential information
- Ability to read and understand written directions and follow oral instructions
- Ability to maintain effective working relationships with staff at all levels of the organization
- Work independently as well as collaboratively to accomplish goals and objectives
- Works comfortably under pressure and meet tight deadlines

C. Qualifications Required:

The above knowledge, skills and abilities are normally acquired through completion of an Associate's degree or certifications in Human Resources with a minimum of 1 year of experience. Bachelor's degree is preferred. Equivalent combinations of training and experience could contribute toward the mastery of the above.

D. Title of Immediate Supervisor: The incumbent reports to the Assistant City Administrator.

E. Working Conditions:

While performing the duties of this position, the employee is routinely required to walk, stand, and sit as needed. The employee may on occasion be required to lift objects weighing no more than 20 lbs. to height, be required to stoop, bend, or crouch. The employee is routinely required to give verbal instructions, speak on the phone, hear and understand conversation in an office environment, perform work at a computer terminal, to operate a variety of office equipment.

The employee routinely has contact with the public. The employee is routinely required to work with others to accomplish joint projects and to work alone on his/her own tasks. The incumbent must maintain a level of alertness commensurate with being responsible for the health and welfare of others.

The work environment is generally favorable. Lighting and temperature are adequate and there are rarely hazardous or unpleasant conditions caused by noise, dust, etc.

F. Supplemental Information:

Disclaimer: The above information on this description has been designed to indicate the general nature and level of work performed by the employee(s) within this classification. It is not designed to contain or be interpreted as a comprehensive inventory of all duties, responsibilities and qualifications required of employees assigned to this job.

Approvals:

Assistant City Administrator

Date: _____

Department Head or Designated Representative

Date: _____

Incumbent

Date: _____



11333 N. Cedarburg Road
Mequon, WI 53092
Phone: 262-236-2955
Fax: 262-242-9655

www.ci.mequon.wi.us

Office of Finance-Personnel Committee

TO: Common Council
FROM: Marie Keyser, Assistant to the Finance Director
DATE: September 14, 2021
SUBJECT: RESOLUTION 3878 A Resolution Authorizing Jennifer L. Engroff, Finance Director/City Treasurer, to be a Signatory on all City of Mequon Depository Accounts at Port Washington State Bank

Background

After a Request for Proposals was sent out in February 2021, staff recommended the City change financial institutions from BMO Harris Bank to Port Washington State Bank. At the April 13, 2021 meeting, Common Council approved Port Washington State Bank to be the City's primary banking institution.

Analysis

Jennifer Engroff was appointed as the Finance Director of the City of Mequon at the July 13, 2021 Common Council meeting. She began her duties with the City on August 23, 2021. This resolution formally adds her name as a signer on all Port Washington State Bank accounts.

Fiscal Impact

None

Recommendation

A recommendation is forthcoming from the Finance-Personnel Committee on September 14, 2021.

COMMON COUNCIL
OF THE
CITY OF MEQUON

RESOLUTION 3878

A Resolution Authorizing Jennifer L. Engroff, Finance Director/City Treasurer, to be a Signatory on all City of Mequon Depository Accounts at Port Washington State Bank

RECITALS

- A. The City of Mequon published a Request for Proposals (“RFP”) for its banking services.
- B. Upon review of the responses to the RFP, staff recommended the selection of Port Washington State Bank (“PWSB” or the “Bank”) for the purpose of providing these services.
- C. The Finance-Personnel Committee considered and concurred with staff’s recommendation at its April 13, 2021 meeting.

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

1. Port Washington State Bank, a qualified public depository under Chapter 34 of the Wisconsin Statutes is designated as a depository in which the funds of this City may from time to time be deposited; an account opened and maintained in the name of this City with this institution is subject to the rules and regulations of the Bank from time to time in effect; that the person(s) and the number thereof designated by title per account signature care are hereby authorized, for and on behalf of this City, to sign order checks as provided in Wis. Stat. § 66.0607, for payment or withdrawal of money from said account(s) and to issue instructions regarding the same and to endorse for deposit, negotiation, collection or discount by said Bank any and all checks drafts, notes, bills, certificates of deposit, or other instruments or orders for the payment of money owned or held by said City; that the endorsement for deposit may be in writing, by stamp, or otherwise, with or without designation of signature of the person so endorsing; and that any officer, agent, or employee of this City is hereby authorized to make oral or written requests of the Bank for the transfer of funds or money between accounts maintained by this City at said Bank.

2. Port Washington State Bank is authorized and directed to honor, certify, pay, and charge to any of the accounts of this City, all order checks for the payment, withdrawal or transfer of funds or money deposited in the accounts or to the credit of this City for whatever purpose or to whomever payable, including requests for conversion of such instruments into cash as well as for deduction from and payment of cash out of any deposit, and whether or not payable to, endorsed, or negotiated by or for the credit of any persons signing such instrument or payable to or for the credit of any other officer, agent, or employee of this City, when signed, accepted, endorsed or approved as evidenced by original or facsimile signature by the person(s), and the number thereof, designated by title opposite the designation of the accounts described in

the forgoing resolution, and to honor any request(s) made in accordance with the foregoing resolution, whether written or oral and including but not limited to, request(s) made by telephone or other electronic means for the transfer of funds or money between accounts maintained by this City at Port Washington State Bank, and Port Washington State Bank shall not be required or under any duty to inquire as to the circumstances of the issuance or use of any such instrument or request of application or use of proceeds thereof.

3. Port Washington State Bank is authorized to comply with any process, summons, order, injunction, execution, distraint, levy, lien, or notice of any kind (hereafter called "Process") received by or served upon the Bank, by which, in the Bank's opinion, another person or entity claims an interest in any of these accounts and Port Washington State Bank may, at its option and without liability, thereupon refuse to honor orders to pay or withdraw sums from these accounts and may hold the balance therein until Process is disposed of to the Bank's satisfaction.

4. Any one of the persons holding the offices of this City designated below as signatories is authorized (1) to receive for and on behalf of this City, securities, currency, or any other property of whatever nature held by, sent to, consigned to, or delivered to each Bank for the account of or for delivery to this City, and to give receipt therefore, and each Bank is hereby authorized to make delivery of such property in accordance herewith, (2) to sell, transfer, endorse for sale, or otherwise authorized the sale or transfer of securities or any other property of whatever nature held by, sent to, consigned to, or delivered to the Bank for the account of or for delivery to the City, and to receive and/or apply the proceeds of any such sale to the credit of this City in any such manner as he/she/they deem(s) proper, and the Bank is hereby to make a sale or transfer of any of the aforementioned property in accordance herewith, and (3) pursuant to Wis. Stat. § 34.07 to accept such security and to execute such documents as said officer deems proper and necessary to secure the funds of this City and to issue instructions regarding the same.

5. The withdrawal or disbursement from the above-named depository shall be only by order check, as provided in Section 66.0607 of the Wisconsin Statutes: that in accordance therewith all order checks shall be signed by the following persons:

John M. Wirth, Mayor

William H. Jones, Jr., City Administrator

Jennifer L. Engroff, Director of Finance/Treasurer

6. In lieu of their personal signature(s) a facsimile signature may be affixed.

7. This City assumes full responsibility for any and all payments made or any other actions taken by each Bank in reliance upon the signatures, including facsimiles thereof, of any person or persons holding the offices of this City designated above regardless of whether or not the use of a facsimile signature was unlawful or unauthorized and regardless of by whom or by what means the purported signature or facsimile signature may have been affixed to any instrument if such signatures resemble the specimen or facsimile signature provided to each Bank, for refusing to honor any signatures not provided to said Bank, for honoring any requests

for the transfer of funds or money between accounts or for the instructions from the persons designated in the foregoing resolutions regarding security for that this City agrees to indemnify and hold harmless each Bank against any and all claims, demands, losses, costs, damages or expenses suffered or incurred by the Bank resulting from or arising out of any such payment or other action, subject to Wis. Stat. § 893.80.

8. The City is authorized and directed to certify the Bank the foregoing resolutions, that the provisions thereof are inconformity with law, their names, incumbencies and specimen or facsimile signature(s) on signature cards of the officer or officers named therein, and that the foregoing resolutions, and signature cards and the authority thereby conferred shall remain in full force and effect until this City notifies the Cashier of the Bank to the contrary in writing; and the Bank may conclusively presume that such resolutions and signature cares are in effect and that the persons identified therein from time to time as officers of the City have been duly elected or appointed to and continue to hold such offices.

Approved by: John Wirth, Mayor

Date Approved: September 14, 2021

I certify that the foregoing Resolution was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on September 14, 2021.

Caroline Fochs, City Clerk



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 6, 2021
SUBJECT: RESOLUTION 3879 A Resolution Authorizing Staff to Exceed \$25,000 for the Purchase of Culverts from Western Culvert, Oconomowoc, Wisconsin, to Complete Projects as Needed During the Remainder of Fiscal Year 2021

Background

The Public Works Highway Division purchases and installs drainage culverts under local roadways and driveways within the road right-of-way. Culvert installations can be routine road maintenance operations, part of a larger road project, or by request of a private property owner for a driveway fronting on a public road. Typically, the Highway Division checks prices from available vendors each year and purchases from the vendor with the lowest price.

Analysis

This year the price of steel has risen dramatically and so has the demand for steel culverts. As such, vendor pricing and available stock changes weekly. ETNA Supply currently has the lowest price for culverts but does not have culverts in stock. They would need to be special ordered, if available. Western Culvert carries the largest selection of various size culverts and has also been the best stocked supplier with adequate delivery time. A sample price comparison from various culvert vendors is shown below:

30" Diameter Corrugated Metal Culvert Pipe (CMP)

Western Culvert - \$56 / foot
ETNA Supply - \$52 / foot
Capital City Culvert - \$64 / foot

A copy of the latest Western Culvert invoice from 2021 and a copy of an invoice from last year shows an approximate 72% increase in the unit price of a 30" diameter culvert. Smaller diameter pipes have a lower percentage increase, but still in the neighborhood of 60%. The most recent Western Culvert invoice paid by the Highway Division brings the total spent this year to \$22,416. The Highway Superintendent anticipates approximately \$10,000 worth of culverts will still be requested for installation prior to the end of 2021. Purchasing another \$10,000 worth of culverts will bring total purchases from Western Culvert to \$32,416.

Fiscal Impact

By ordinance, the Department of Public Works installs all driveway culverts. The driveway culvert installation including materials and labor is then invoiced to the property owner based on the 2021 approved fee schedule. Longer lengths of larger culverts were installed this year largely due to driveways being replaced by the Mequon-Thiensville School District. In all, so far this

year the City has invoiced just over \$54,000 for driveway culvert installations. Accordingly, while the Highway Division's culvert expenses are projected to go over budget by approximately \$7,416 (30%), some of that cost is recovered with revenue increases from invoicing the impacted property owners.

Recommendation

A recommendation is forthcoming from the Public Works Committee on September 14, 2021.

Attachments:

Western Culvert 2020 2021 Invoices(PDF)

ETNA Culvert Prices_Aug_21 (PDF)

Capital City Culvert Price_Aug_21 (PDF)

COMMON COUNCIL
OF THE
CITY OF MEQUON

RESOLUTION 3879

A Resolution Authorizing Staff to Exceed \$25,000 for the Purchase of Culverts from Western Culvert, Oconomowoc, Wisconsin, to Complete Projects as Needed During the Remainder of Fiscal Year 2021

RECITALS

A. The Department of Public Works' Highway Division purchases and installs drainage culverts under local roadways and driveways within the road right-of-way at the request of property owners under Sec. 10-59 of the Municipal Code.

B. Culvert prices have risen between 60% and 72% in 2021.

C. Culvert installations for driveways are reimbursed by the property owner through the sale of supplies according to the approved 2021 fee schedule.

D. It is anticipated that expenditures to Western Culvert will exceed \$25,000 by approximately \$7,416, which requires Common Council approval.

BASED UPON THE FOREGOING RECITALS, IT IS RESOLVED by the Common Council of the City of Mequon, Wisconsin that Staff is authorized to purchase the necessary culverts for requested driveway culvert installations in 2021 from whichever vendor has available stock. If that vendor is Western Culvert of Oconomowoc, Wisconsin, staff is authorized to exceed \$25,000 in expenditures during the remainder of Fiscal Year 2021 in order to complete scheduled and/or requested culvert replacements/installations.

Approved by: John Wirth, Mayor

Date Approved: September 14, 2021

I certify that the foregoing Resolution was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on September 14, 2021.

Caroline Fochs, City Clerk



WESTERN CULVERT & SUPPLY INC.

W324 DELAFIELD ROAD
OCONOMOWOC, WI 53066
262-569-8666
Fax 262-569-8667
www.westernculvert.com

INVOICE

8.e.a

Invoice Number: 064113
Invoice Date: Aug 4, 2021
Page: 1

72%

Bill To:

CITY OF MEQUON
11333 N. CEDARBURG ROAD
60W
MEQUON, WI 53092

Ship to:

THEIR YARD
10800 INDUSTRIAL DRIVE
MEQUON

Customer ID	Customer PO	Payment Terms	
MEQUO1		Net 30 Days	
Sales Rep ID	Shipping Method	Ship Date	Due Date
	WCS	8/4/21	9/3/21

Quantity	Item	Description	Unit Price	Amount
24.00		30" X 24' CMP 1 PIECE	56.00	1,344.00
48.00		#24" X 24' CMPA 2 PIECES	38.30	1,838.40
56.00		#18" X 28' CMPA 2 PIECES	30.30	1,696.80
1.00		#18" BAND	30.30	30.30
1.00	DL	DELIVERY CHARGE	35.00	35.00



WESTERN CULVERT & SUPPLY INC.

W324 DELAFIELD ROAD
OCONOMOWOC, WI 53066
262-569-8666
Fax 262-569-8667
www.westernculvert.com

INVOICE

Invoice Number: 060749
Invoice Date: Jun 23, 2020
Page: 1

CITY OF MEQUON
11333 N. CEDARBURG ROAD
60W
MEQUON, WI 53092

THEIR YARD
10800 INDUSTRIAL DRIVE
MEQUON

Customer ID	Customer PO	Payment Terms	
MEQUO1		Net 30 Days	
Sales Rep ID	Shipping Method	Ship Date	Due Date
	WCS	6/19/20	7/23/20

Quantity	Item	Description	Unit Price	Amount
80.00		#30" X 20' CMPA 4 PIECES	32.50	2,600.00
10.00		#30" X 10' CMPA 1 PIECE	32.50	325.00
3.00		#30" BANDS	32.50	97.50
120.00		#15" X 24' CMPA 5 PIECES	14.45	1,734.00
2.00		#15" BANDS	14.45	28.90
1.00		15" ADS N-12 TEE	217.20	217.20
1.00		15" ADS N-12 90 DEGREE ELBOW	136.73	136.73
1.00		15" ADS N-12 45 DEGREE ELBOW	118.48	
2.00		15" ADS DROP IN GRATES	178.75	
1.00		DELIVERY CHARGE		357.50

Packet Pg. 205

Attachment: Western Culvert 2020 2021 Invoices (RESOLUTION 3879 : Resolution to Exceed \$25,000 for Purchase of Culverts from Western



ETNA SUPPLY - GRAND RAPIDS
4901 CLAY AVENUE SW
GRAND RAPIDS, MI 49548-3038
616 241 5414
Fax 616 241 4786

Quotation

QUOTE DATE	QUOTE NUMBER
08/18/2021	S104172391
ETNA SUPPLY PO Box 772107 DETROIT, MI 48277-2107 P-616 248 9182 F-616 245 9940	PAGE NO.
	1 of 1

QUOTE TO:

SHIP TO:

CITY OF MEQUON - WATER
11333 N CEDARBURG ROAD
MEQUON, WI 53092-1930

CITY OF MEQUON - WATER
11333 N CEDARBURG ROAD
MEQUON, WI 53092-1930

CUSTOMER NUMBER	JOB NAME / PO NUMBER	JOB NAME / RELEASE NUMBER	SALESPERSON		
118328			Al Henderson		
WRITER		SHIP VIA	TERMS	EXPIRE DATE	FREIGHT EXEMPT
Chad Hart		BID	NET 25TH	09/01/2021	No
ORDER QTY	DESCRIPTION		UNIT PRICE	EXT PRICE	
	SHIPPING INSTRUCTIONS DELIVERY DATE: DELIVERY TIME: CONTACT NAME: CONTACT #: ADD'L INSTR:				
24ea	^30x24' CORR METAL PIPE 14 GA *Nonstock - Restock Policy Applies* Pn: 96106		52.000/ea	1248.00	
24ea	^17" X 13" (15" ARCH) 16 GA GALV CORR METAL PIPE ARCH *Nonstock - Restock Policy Applies* Pn: 96106		22.800/ea	547.20	
24ea	^^13" X 11" (12" ARCH) 16 GA GALV CORR METAL PIPE ARCH *Nonstock - Restock Policy Applies* *Nonstock - Restock Policy Applies* Pn: 96106		18.250/ea	438.00	
This Quotation is controlled by ETNA's standard terms and conditions ("ETNA's Standard Terms") found at https://www.etnasupply.com/TermsandConditionsofQuotation Any other terms are expressly rejected. To the extent there is a conflict between any of the terms appearing on the face of this Quotation and ETNA's Standard Terms, the terms appearing on the face of the Quotation control. TAXES ARE NOT INCLUDED ON THIS QUOTE! Prices are firm for 13 days. Price subject to change after 13 days			Subtotal	2233.20	
			S&H Charges	0.00	
			Amount Due	2233.20	

Prices are firm for 13 days. Price subject to change after 13 days.

Attachment: ETNA Culvert Prices_Aug_21 (RESOLUTION 3879 : Resolution to Exceed \$25,000 for Purchase of Culverts from Western Culvert)

Tim Weyker

From: Rich Haczynski
Sent: Wednesday, August 25, 2021 1:05 PM
To: Tim Weyker
Subject: FW: Capital City Culvert Liner Quote

From: capitalcityculvert@gmail.com <capitalcityculvert@gmail.com>
Sent: Friday, August 20, 2021 1:40 PM
To: Rich Haczynski <rhaczynski@ci.mequon.wi.us>
Subject: RE: Capital City Culvert Liner Quote

Good Afternoon Rich,

See below for your pricing. I assumed the CMPR meant round pipe and CMPA was for Arch. If you need pricing for any other sizes or dimensions, just let me know.

30" = \$64.00 per foot
 15" Arch (17x13) = \$29.25 per foot
 12" Arch (14x9) = \$22.00 per foot

Thanks for the Inquiry,

Willie Beetham
 Capital City Culvert
 608.852.5734

From: Rich Haczynski <rhaczynski@ci.mequon.wi.us>
Sent: Wednesday, August 18, 2021 8:14 AM
To: 'capitalcityculvert@gmail.com' <capitalcityculvert@gmail.com>
Subject: RE: Capital City Culvert Liner Quote

Could you get me pricing on a few culverts?

-What cost for 30"x24' CMPR

-What cost for 15"x24' CMPA

-What Cost for 12"x24' CMPA

Thanks

Rich Haczynski

City Of Mequon

Highway Superintendent

Attachment: Capital City Culvert Price_Aug_21 (RESOLUTION 3879 : Resolution to Exceed \$25,000 for Purchase of Culverts from Western



11333 N. Cedarburg Road
Mequon, WI 53092
Phone: 262-242-3500
Fax: 262-242-9655

www.ci.mequon.wi.us

Office of Public Safety Committee

TO: Common Council
FROM: Patrick Pryor, Chief of Police
DATE: August 27, 2021
SUBJECT: RESOLUTION 3880 A Resolution Adopting an Updated Mid-Moraine Municipal Court Bond Schedule for City Ordinance Citations

Background

Pursuant to Wis. Stat. § 800.037, a jurisdiction's municipal court judge, with the approval of the Common Council, shall establish a deposit schedule (a/k/a bond schedule) for municipal citations. The bond schedule ultimately reflects the face-value for any citation issued for municipal ordinance violations. The Mid Moraine Municipal Court uses a consistent bond schedule with all its participating municipalities. This allows imposed bond amounts to be consistent from community to community. The municipal judge has reviewed the existing bond schedule and determined that an increase in the base amounts for violations is appropriate.

The last increase to the base amount was in 2009. Under an amendment to the statutes in 2013, the Court Costs portion of the bond schedule, which is added to the base amount to comprise the total deposit amount was increased by \$5. The increase in court costs reflected a change to the penalty assessment surcharge, which is 26% (this amount goes to the State of Wisconsin).

Analysis

The proposed increases for the Base Fine amounts are generally \$25.00 (resulting in a total increase of \$31.50 with court costs added) for a first offense, \$35.00 (\$44.10) for second offense, and \$45.00 (\$56.70) for third and subsequent violations. Accordingly, the total bond amount on a typical City ordinance citation will go from \$218.50 to \$250.00.

The Total Bond amount of a typical citation is broken down as follows:

Current	Proposed
Base Fine \$125.00	Base Fine \$150.00
Court Costs \$33.00	Court Cost \$33.00
State/Jail Fees \$28.00	State/Jail Fees \$28.00
State Penalty Assessment (26%) \$32.50	State Penalty Assessment (26%) \$39.00
Total Bond Amount \$218.50	Total Bond Amount \$250.00

More serious violations such as Possession of Marijuana or Battery have a current first offense Total Bond amount of \$439.00. The proposed increase would calculate to a Total Bond amount of \$470.50 for these more serious violations.

The proposed general bond schedule recommended by Mid-Moraine is attached. This schedule shows the current and the new recommended bond schedules. Also attached is an updated copy of the Mequon Bond schedule with the proposed changes already applied. A letter from the court regarding the proposed changes signed by Judge Christine E. Ohlis and Municipal Court Clerk Kathleen Buth is also attached.

Fiscal Impact

The base fine amounts are paid to the City of Mequon, therefore there will be an increase in fees collected.

Recommendation

A recommendation is forthcoming from the Public Safety Committee on September 14, 2021.

Attachments:

Exhibit A: Mid-Moraine Bond Schedules (PDF)

Mequon Bond Amounts Final(PDF)

Mid-Moraine Municipal Court Approval and Informational Letters (PDF)

COMMON COUNCIL
OF THE
CITY OF MEQUON

RESOLUTION 3880

A Resolution Adopting an Updated Mid-Moraine Municipal Court Bond Schedule for City
Ordinance Citations

RECITALS

A. The City of Mequon is a participating member of the Mid-Moraine Municipal Court.

B. Pursuant to Wis. Stat. § 800.037, the municipal court judge, with the approval of the Common Council, shall establish a deposit schedule (a/k/a bond schedule) for municipal citations.

C. The City of Mequon and the Mid-Moraine Municipal Court have not increased the fine amounts since 2009.

D. The City has previously adopted a recommended bond schedule for Municipal Court actions and the Mid-Moraine Municipal Court judge has recommended that all of the member jurisdictions adopt a revised bond schedule.

E. In the majority of instances, the recommended fine amounts will increase by \$25.00 for a first offense, \$35.00 for a second offense and \$45.00 for third and subsequent offenses.

BASED UPON THE FOREGOING RECITALS, IT IS RESOLVED by the Common Council of the City of Mequon, Wisconsin that the bond schedule recommended by the Mid-Moraine Municipal Court Judge, as shown in the attached Exhibit A, is adopted with an effective date of October 1, 2021.

Approved by: John Wirth, Mayor

Date Approved: September 14, 2021

I certify that the foregoing Resolution was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on September 14, 2021.

Caroline Fochs, City Clerk

MID-MORAINE MUNICIPAL COURT ADULT (17 YOA & OLDER) BOND DEPOSIT SCHEDULE

RECOMMENDED FOR APPROVAL BY OCTOBER 1, 2021

Violation Description	RECOMMENDED BOND SCHEDULE						CURRENT BOND SCHEDULE					
	FIRST OFFENSE		SECOND OFFENSE		THIRD OFFENSE		FIRST OFFENSE		SECOND OFFENSE		THIRD OFFENSE	
	Fine	Total	Fine	Total	Fine	Total	Fine	Total	Fine	Total	Fine	Total
Recommended increase of \$25 for first offense												
Recommended increase of \$35 for second offense												
Recommended increase of \$45 for third and subsequent offenses												
Address Violations	150.00	250.00	235.00	357.10	345.00	495.70	125.00	218.50	200.00	313.00	300.00	439.00
Alarms (False, Fail Respnd, No Prmt)	150.00	250.00	235.00	357.10	345.00	495.70	125.00	218.50	200.00	313.00	300.00	439.00
Alcohol (Other Ord, i.e., Open Contr)	150.00	250.00	235.00	357.10	345.00	495.70	125.00	218.50	200.00	313.00	300.00	439.00
Animal Violations	150.00	250.00	235.00	357.10	345.00	495.70	125.00	218.50	200.00	313.00	300.00	439.00
Bars (Open After Hrs)	325.00	470.50	435.00	609.10	545.00	747.70	300.00	439.00	400.00	565.00	500.00	691.00
Battery	325.00	470.50	435.00	609.10	545.00	747.70	300.00	439.00	400.00	565.00	500.00	691.00
Bicycle Violations	100.00	187.00	100.00	187.00	100.00	187.00	75.00	155.50	75.00	155.50	75.00	155.50
Building Code Violations	150.00	250.00	235.00	357.10	345.00	495.70	125.00	218.50	200.00	313.00	300.00	439.00
Burning or Fire Violations	150.00	250.00	235.00	357.10	345.00	495.70	125.00	218.50	200.00	313.00	300.00	439.00
Contributing to Truancy	150.00	250.00	235.00	357.10	345.00	495.70						
Criminal Damage to Property (CDTP)	150.00	250.00	235.00	357.10	345.00	495.70	125.00	218.50	200.00	313.00	300.00	439.00
Curfew Violations	100.00	187.00	160.00	262.60	220.00	338.20	75.00	155.50	125.00	218.50	175.00	281.50
Disorderly Conduct	325.00	470.50	435.00	609.10	545.00	747.70	300.00	439.00	400.00	565.00	500.00	691.00
Disorderly Conduct w/MV	150.00	250.00	235.00	357.10	345.00	495.70	125.00	218.50	200.00	313.00	300.00	439.00
Drug Paraphernalia	325.00	470.50	435.00	609.10	500.00	691.00	300.00	439.00	400.00	565.00	500.00	691.00
Dumping Violations	150.00	250.00	235.00	357.10	345.00	495.70	125.00	218.50	200.00	313.00	300.00	439.00
Fireworks	100.00	187.00	160.00	262.60	220.00	338.20	75.00	155.50	125.00	218.50	175.00	281.50
Fraud Gas Station	175.00	281.50	185.00	294.10	200.00	313.00	125.00	218.50	200.00	313.00	300.00	439.00
Fraud Other Violations	150.00	250.00	235.00	357.10	345.00	495.70	125.00	218.50	200.00	313.00	300.00	439.00
Gambling	150.00	250.00	235.00	357.10	345.00	495.70	125.00	218.50	200.00	313.00	300.00	439.00
Graffiti	325.00	470.50	435.00	609.10	545.00	747.70	300.00	439.00	400.00	565.00	500.00	691.00
Harassment	150.00	250.00	235.00	357.10	345.00	495.70	125.00	218.50	200.00	313.00	300.00	439.00
Lewd & Lascivious Behavior	325.00	470.50	435.00	609.10	545.00	747.70	300.00	439.00	400.00	565.00	500.00	691.00
License Violations	150.00	250.00	235.00	357.10	345.00	495.70	125.00	218.50	200.00	313.00	300.00	439.00
Littering	150.00	250.00	235.00	357.10	345.00	495.70	125.00	218.50	200.00	313.00	300.00	439.00
Loitering	150.00	250.00	235.00	357.10	345.00	495.70	125.00	218.50	200.00	313.00	300.00	439.00
Marijuana	325.00	470.50	435.00	609.10	500.00	691.00	300.00	439.00	400.00	565.00	500.00	691.00
Misuse 9-1-1	150.00	250.00	235.00	357.10	345.00	495.70	125.00	218.50	200.00	313.00	300.00	439.00
Noise Violations	150.00	250.00	235.00	357.10	345.00	495.70	125.00	218.50	200.00	313.00	300.00	439.00
Nuisance Violations (Garbage, Junk)	150.00	250.00	235.00	357.10	345.00	495.70	125.00	218.50	200.00	313.00	300.00	439.00
Obscenity	150.00	250.00	235.00	357.10	345.00	495.70	125.00	218.50	200.00	313.00	300.00	439.00
Obstructing or Resisting	325.00	470.50	435.00	609.10	545.00	747.70	300.00	439.00	400.00	565.00	500.00	691.00
Park Violations	100.00	187.00	160.00	262.60	220.00	338.20	75.00	155.50	125.00	218.50	175.00	281.50

Attachment: Exhibit A : Mid-Moraine Bond Schedules (RESOLUTION 3880 : Bond Amounts)

MID-MORAINE MUNICIPAL COURT ADULT (17 YOA & OLDER) BOND DEPOSIT SCHEDULE

RECOMMENDED FOR APPROVAL BY OCTOBER 1, 2021

Violation Description	RECOMMENDED BOND SCHEDULE						CURRENT BOND SCHEDULE					
	FIRST OFFENSE		SECOND OFFENSE		THIRD OFFENSE		FIRST OFFENSE		SECOND OFFENSE		THIRD OFFENSE	
	Fine	Total	Fine	Total	Fine	Total	Fine	Total	Fine	Total	Fine	Total
Party to the Offense	150.00	250.00	235.00	357.10	345.00	495.70	125.00	218.50	200.00	313.00	300.00	439.00
Permit Violations	150.00	250.00	235.00	357.10	345.00	495.70	125.00	218.50	200.00	313.00	300.00	439.00
Play Vehicles	100.00	187.00	160.00	262.60	220.00	338.20	75.00	155.50	125.00	218.50	175.00	281.50
Property (CDTP, All Others)	150.00	250.00	235.00	357.10	345.00	495.70	125.00	218.50	200.00	313.00	300.00	439.00
Property (Theft, Stolen, Rec Stolen Prop)	325.00	470.50	435.00	609.10	545.00	747.70	300.00	439.00	400.00	565.00	500.00	691.00
Public Nuisances	150.00	250.00	235.00	357.10	345.00	495.70	125.00	218.50	200.00	313.00	300.00	439.00
Retail Theft	325.00	470.50	435.00	609.10	545.00	747.70	300.00	439.00	400.00	565.00	500.00	691.00
School Violations (DC, Unauth Presc)	150.00	250.00	235.00	357.10	345.00	495.70	125.00	218.50	200.00	313.00	300.00	439.00
Sexting - NEW	150.00	250.00	235.00	357.10	345.00	495.70						
Skateboarding / Inline	100.00	187.00	160.00	262.60	220.00	338.20	75.00	155.50	125.00	218.50	175.00	281.50
Snow or Ice Removal	150.00	250.00	235.00	357.10	345.00	495.70	125.00	218.50	200.00	313.00	300.00	439.00
Snowmobiles	100.00	187.00	160.00	262.60	220.00	338.20	75.00	155.50	125.00	218.50	175.00	281.50
Telephone Violations	150.00	250.00	235.00	357.10	345.00	495.70	125.00	218.50	200.00	313.00	300.00	439.00
Theft of Library Material	150.00	250.00	235.00	357.10	345.00	495.70	125.00	218.50	200.00	313.00	300.00	439.00
Theft Violations	150.00	250.00	235.00	357.10	345.00	495.70	125.00	218.50	200.00	313.00	300.00	439.00
Tobacco Violations	100.00	187.00	160.00	262.60	220.00	338.20	75.00	155.50	125.00	218.50	175.00	281.50
Trains	150.00	250.00	235.00	357.10	345.00	495.70	125.00	218.50	200.00	313.00	300.00	439.00
Trespassing	150.00	250.00	235.00	357.10	345.00	495.70	125.00	218.50	200.00	313.00	300.00	439.00
Truancy	50.00	124.00	100.00	187.00	100.00	187.00	125.00	218.50	200.00	313.00	300.00	439.00
Truancy HABITUAL	150.00	250.00	235.00	357.10	345.00	495.70	125.00	218.50	200.00	313.00	300.00	439.00
Vaping - NEW	100.00	187.00	160.00	262.60	220.00	338.20						
Weapons	325.00	470.50	435.00	609.10	500.00	691.00	300.00	439.00	400.00	565.00	500.00	691.00
Worthless Checks	150.00	250.00	235.00	357.10	345.00	495.70	125.00	218.50	125.00	218.50	125.00	218.50
Zoning Violations	150.00	250.00	235.00	357.10	345.00	495.70	125.00	218.50	200.00	313.00	300.00	439.00
Violations Not Listed Above	150.00	250.00	235.00	357.10	345.00	495.70	125.00	218.50	200.00	313.00	300.00	439.00

ALCOHOL - ADOPTING SECTION 125 Wisc. Stats.

*Violations under this section are counted within a one year period from date of violation except for 125.07(1)(a)2 (licensee or permittee) which is 30 months.

17 - 20 YOA (ADULT COURT)	RECOMMENDED BOND SCHEDULE						
	FIRST OFFENSE		SECOND OFFENSE		THIRD OFFENSE		
	Fine	Total	Fine	Total	Fine	Total	
125.07(1)(a) Restrictions Violations	250.00	376.00	300.00	439.00	500.00	691.00	(Person, Licensee/Permittee not to procure, sell, dispense or give away)
125.07(4)(a) Procure/Attempt	250.00	376.00	300.00	439.00	500.00	691.00	(U/age who procures, on licensed premises, falsely represents age)
125.07(4)(b) UAL	100.00	187.00	200.00	313.00	300.00	439.00	(U/age who possess or consume alcohol)
125.085(3)(b) ID Card Viol	300.00	439.00	400.00	565.00	500.00	691.00	

Bond Deposit Schedule Recommend for Approval by 10/01/21

R05/13/

Attachment: Exhibit A: Mid-Moraine Bond Schedules (RESOLUTION 3880 : Bond Amounts)

MID-MORAINES MUNICIPAL COURT JUVENILE (12-16 YOA) BOND DEPOSIT SCHEDULE

RECOMMENDED FOR APPROVAL BY OCTOBER 1, 2021

Violation Description	RECOMMENDED BOND SCHEDULE						CURRENT BOND SCHEDULE					
	FIRST OFFENSE		SECOND OFFENSE		THIRD OFFENSE		FIRST OFFENSE		SECOND OFFENSE		THIRD OFFENSE	
	Fine	Total	Fine	Total	Fine	Total	Fine	Total	Fine	Total	Fine	Total
Alcohol - Adopting Section 125 Wisc. Stats.												
*Violations under this section are counted within a one year period from date of violation except for 125.07(1)(a)2 (licensee or permittee) which is 30 months .												
125.07(1)(a) Restrictions Violation	250.00	376.00	300.00	439.00	500.00	691.00	(Person, Licensee/Permittee not to procure, sell, dispense or give					
125.07(4)(a) Procure/Attempt	250.00	376.00	300.00	439.00	500.00	691.00	(U/age who procures, on licensed premises, falsely represents age					
125.07(4)(b) UAL	50.00	124.00	100.00	187.00	500.00	691.00	(U/age who possess or consume alcohol)					
125.085(3)(b) ID Card Viol	100.00	187.00	300.00	439.00	500.00	691.00						

Violation Description	Fine	Total	Fine	Total	Fine	Total	Fine	Total	Fine	Total	Fine	Total
Contributing to Truancy	150.00	250.00	235.00	357.10	345.00	495.70	50.00	124.00	75.00	155.50	100.00	187.00
Curfew (same forfe, no increase)	50.00	124.00	50.00	124.00	50.00	124.00	50.00	124.00	75.00	155.50	100.00	187.00
Disorderly Conduct	75.00	155.50	110.00	199.60	145.00	243.70	50.00	124.00	75.00	155.50	100.00	187.00
Drug Paraphernalia	75.00	155.50	110.00	199.60	145.00	243.70	50.00	124.00	75.00	155.50	100.00	187.00
Marijuana	75.00	155.50	110.00	199.60	145.00	243.70	50.00	124.00	75.00	155.50	100.00	187.00
Retail Theft	75.00	155.50	110.00	199.60	145.00	243.70	50.00	124.00	75.00	155.50	100.00	187.00
School Violations (DC, Unauth Pres	150.00	250.00	235.00	357.10	345.00	495.70	50.00	124.00	75.00	155.50	100.00	187.00
Sexting - NEW	150.00	250.00	235.00	357.10	345.00	495.70	50.00	124.00	75.00	155.50	100.00	187.00
Tobacco	75.00	155.50	110.00	199.60	145.00	243.70	50.00	124.00	75.00	155.50	100.00	187.00
Truancy	50.00	124.00	100.00	187.00	100.00	187.00	Maximum forfeiture total per semester is \$500.00					
Truancy HABITUAL	150.00	250.00	235.00	357.10	345.00	495.70	School must comply with S.S. 118.169(5) before citation is issued					
Vaping - NEW	75.00	155.50	110.00	199.60	145.00	243.70	50.00	124.00	75.00	155.50	100.00	187.00
Violations Not Listed Above	75.00	155.50	110.00	199.60	145.00	243.70						

JUVENILE 12 & 13 YOA

Use base "Fine" amount only *with NO costs included* except for Truancy and Habitual Truancy citations (pursuant to Sec. 938.37, Wisc. Stats.).

Bond Deposit Schedule Recommend for Approval by 10/01/21

R05/13/21

City of Mequon Bond Schedule - Ordinance Violations				
CodeSec	Offense	1st Viol.	2nd	3rd
82-151	ABANDONED, NUISANCE, NON-OPERATIVE VEHICLES	\$250.00	\$357.10	\$495.70
26-44(d)	ALARMS: EXCESSIVE, FAIL TO PAY CHARGE	\$250.00	\$357.10	\$495.70
14-157(c)	AMUSEMENT DEVICES: NON-DISPLAY OF PERMIT	\$250.00	\$357.10	\$495.70
14-157(a)	AMUSEMENT DEVICES: NON-REGISTRATION	\$250.00	\$357.10	\$495.70
58-523	ANIMALS: KEEPING OF WILD ANIMALS	\$250.00	\$357.10	\$495.70
58-524	ANIMALS: VICIOUS ANIMALS PROHIBITED	\$250.00	\$357.10	\$495.70
46-27(b)	BATTERY	\$470.50	\$609.10	\$747.70
30-111	BURNING VIOLATIONS	\$250.00	\$357.10	\$495.70
46-59	DAMAGE TO PROPERTY	\$250.00	\$357.10	\$495.70
46-58	DESTRUCTION OF PUBLIC/PRIVATE PROPERTY	\$250.00	\$357.10	\$495.70
46-130(1)	DISORDERLY CONDUCT	\$470.50	\$609.10	\$747.70
46-130(2)	DISORDERLY CONDUCT: ENGAGE IN FIGHTING	\$470.50	\$609.10	\$747.70
46-130(3)	DISORDERLY CONDUCT: W/MOTOR VEHICLE	\$250.00	\$357.10	\$495.70
58-531	DOG: BARKING	\$250.00	\$357.10	\$495.70
58-533	DOG: NO DOG LICENSE	\$250.00	\$357.10	\$495.70
58-517	DOG/CAT: LIMITING NUMBER OF DOGS/CATS	\$250.00	\$357.10	\$495.70
58-528	DOG/CAT: DEFECATE PUBLIC/PRIVATE PROP	\$250.00	\$357.10	\$495.70
58-521	DOMESTIC ANIMAL AT-LARGE	\$250.00	\$357.10	\$495.70
46-181	DRUG PARAPHERNALIA - ADULT	\$470.50	\$609.10	\$691.00
46-66(a)3	FAILURE TO PAY TAXICAB OPERATOR <=100	\$250.00	\$357.10	\$495.70
30-72	FIREWORKS: USE, POSSESS, SELL	\$187.00	\$262.60	\$338.20
46-66(a) 2	FRAUD ON HOTEL, RESTAURANT: DEFRAUDS <=100	\$250.00	\$357.10	\$495.70
46-66(a) 1	FRAUD ON HOTEL, RESTAURANT: W/O PAY <=500	\$250.00	\$357.10	\$495.70
46-26(a)	HARASSMENT	\$250.00	\$357.10	\$495.70
46-25	HARASS/OBSCENE PHONE CALL/ELECTRONIC MESSAGE	\$250.00	\$357.10	\$495.70
66-27	ILLEGAL DUMPING	\$250.00	\$357.10	\$495.70
54-29(c)2	INTERURBAN TRAIL VIOLATION	\$250.00	\$357.10	\$495.70
46-65(a)	IOWC <=\$500	\$250.00	\$357.10	\$495.70
82-4	LEAVING KEYS IN VEHICLE	\$20.00		
14-23	LICENSE PREMISE VIOLATION (GENERAL SS125)	\$250.00	\$357.10	\$495.70
14-24(a)	LICENSE PREMISE VIOL: BARTENDER W/O PERMIT	\$250.00	\$357.10	\$495.70
46-2(b)	LITTERING/ MISAPPROPRIATION OF WASTE PROHIBITED	\$250.00	\$357.10	\$495.70
46-203	MISUSE OF 911	\$250.00	\$357.10	\$495.70
46-133(b)	NOISE VIOLATION: CONSTRUCTION	\$250.00	\$357.10	\$495.70
50-4(b)2	NOISE VIOLATION: LOUD, UNNECESSARY, DISCORDANT	\$250.00	\$357.10	\$495.70
46-201	OBEDIENCE TO OFFICER: ENTER ESTB BOUNDARY	\$470.50	\$609.10	\$747.70
46-134(a)	OPEN INTOXICANT: CARRY FROM LICENSED PREMISE	\$250.00	\$357.10	\$495.70
46-134(b)	OPEN INTOXICANT: IN AREA OPEN TO PUBLIC	\$250.00	\$357.10	\$495.70
46-90	OPERATE/RIDE VEHICLE ICEBOUND MILW RIVER	\$250.00	\$357.10	\$495.70
54-24	PARK VIOLATION: ACTIVITIES PROHIBITED	\$187.00	\$262.60	\$338.20
54-25	PARK VIOLATION: GENERAL	\$187.00	\$262.60	\$338.20
54-27(a)	PARK VIOLATION: HOURS	\$187.00	\$262.60	\$338.20
54-21	PARK VIOLATION: PROPERTY ABUSE/DAMAGE	\$250.00	\$357.10	\$495.70
82-66	PARKING PROHIBITED: FIRE/EMERGENCY LANE	\$25.00		
82-63	PARKING PROHIBITED: HANDICAP SPACE <i>use ELCI</i>			
82-63	PARKING PROHIBITED: <i>use Parking citation</i>			
46-183	POSSESSION OF MARIJUANA PROHIBITED	\$470.50	\$609.10	\$691.00
46-136	PROWLING	\$250.00	\$357.10	\$495.70
58-527	QUARANTINE PROCEDURES	\$250.00	\$357.10	\$495.70
90-8	RAFTS & STATIONARY PLATFORMS VIOLATIONS	\$250.00	\$357.10	\$495.70
46-202(a)	RESISTANCE TO OFFICERS	\$470.50	\$609.10	\$747.70
46-87(d)	SAFETY AT SPORTING EVENTS: ALCOHOL CONSUMPT.	\$250.00	\$357.10	\$495.70
46-87(b)	SAFETY AT SPORTING EVENTS: BODY PASSING	\$250.00	\$357.10	\$495.70
46-87(c)	SAFETY AT SPORTING EVENTS: OBJECT PASSING	\$250.00	\$357.10	\$495.70
14-51	SECONDHAND STORE: LICENSE/COMPLIANCE REQUIRED	\$250.00	\$357.10	\$495.70
14-53	SECONDHAND STORE: RECORD KEEPING REQUIRED	\$250.00	\$357.10	\$495.70
46-61(a)	SHOPLIFTING	\$470.50	\$609.10	\$747.70
62-4(a)	SIGN VIOLATION: NO PERMIT	\$250.00	\$357.10	\$495.70
62-7	SIGN VIOLATION: PROHIBITED SIGNS	\$250.00	\$357.10	\$495.70
82-5	SNOWMOBILE VIOLATION	\$187.00	\$262.60	\$338.20
70-3(b)	SNOW PLOWED ONTO CITY STRS/RT OF WAY	\$250.00	\$357.10	\$495.70
46-157	SOCIAL HOST OFFENSE	\$2,500.00	\$2,500.00	\$2,500.00
14-124	SOLICITORS: FAIL TO DISPLAY PERMIT	\$250.00	\$357.10	\$495.70
14-122	SOLICITORS: PROHIBITED PRACTICES	\$250.00	\$357.10	\$495.70
14-115	SOLICITORS: SOLICIT W/O PERMIT	\$250.00	\$357.10	\$495.70
82-2	SPEED VIOLATION: CITY STREETS - TraCS			
82-6	SPEED VIOLATION: SNOWMOBILE/ATV ON FROZEN SUR	\$187.00	\$262.60	\$338.20

90-7	SPEED WITHIN RED ZONE	\$187.00	\$262.60	\$338.20
46-64(a)2	THEFT: FAIL TO RETURN <=\$500	\$470.50	\$609.10	\$747.70
46-64(a)1	THEFT: TAKE PROPERTY <=\$500	\$470.50	\$609.10	\$747.70
46-62(c)	THEFT: LIBRARY MATERIAL	\$250.00	\$357.10	\$495.70
82-1	TRAFFIC VIOLATION: NON-SPEED - TraCS			
46-67(b)	TRESPASS TO LAND	\$250.00	\$357.10	\$495.70
46-230(b)2	TRUANCY, CONTRIBUTE TO HABITUAL	\$250.00	\$357.10	\$495.70
46-230(b)	TRUANCY, HABITUAL	\$250.00	\$357.10	\$495.70
46-60(a)	UNAUTHORIZED PRESENCE SCHOOL PROP: PERSON	\$250.00	\$357.10	\$495.70
46-60(e)	UNAUTHORIZED PRESENCE SCHOOL PROP: VEHICLE	\$20.00		
46-1(a)	UNDERAGE PURCHASE OR POSSESSION TOBACCO PRODUCTS	\$187.00	\$262.60	\$338.20
46-1(b)	RESTRICTIONS ON SALE OR GIFT OF TOBACCO PRODUCTS	\$187.00	\$262.60	\$338.20
46-1(c)	POSSESSION TOBACCO PRODUCTS ON SCHOOL PROPERTY	\$187.00	\$262.60	\$338.20
46-1(d)	UNDERAGE POSSESSION OF VAPOR PRODUCTS	\$187.00	\$262.60	\$338.20
82-67(b)	VEHICLE FOR SALE VIOLATION	\$250.00	\$357.10	\$495.70
90-10	WATER SPORTS & SPORTING EVENTS SAFETY VIOLATIONS	\$250.00	\$357.10	\$495.70
90-5	WATERWAYS: BOOMS/DEVICE AIDING IN WATER SKIING	\$250.00	\$357.10	\$495.70
90-4(e)	WATERWAYS: FAILURE TO YIELD RIGHT OF WAY	\$250.00	\$357.10	\$495.70
90-12(a)	WATERWAYS: LITTERING IN MILW RIVER	\$250.00	\$357.10	\$495.70
90-4(a-c)	WATERWAYS: NO WAKE VIOLATION	\$250.00	\$357.10	\$495.70
90-17	WATERWAYS: PROHIBITED OPERATION TO ENHANCE WAKE	\$250.00	\$357.10	\$495.70
90-6	WATERWAYS: SNW-BTWN-HIGHLAND/NWSHORELAND	\$250.00	\$357.10	\$495.70
90-3	WATERWAYS: SPEED>10MPH SUNSET/8AM	\$250.00	\$357.10	\$495.70
90-3	WATERWAYS: SPEED>35MPH 8AM/SUNSET	\$250.00	\$357.10	\$495.70
90-9	WATERWAYS: SWIMMING VIOLATION	\$250.00	\$357.10	\$495.70
46-107	WEAPONS: GENERAL PROHIBITION	\$470.50	\$609.10	\$691.00
46-114(a)	WEAPONS: LOOK-ALIKE	\$470.50	\$609.10	\$691.00
46-108(1)	WEAPONS: VIOLATION IN DESIGNATED CLOSED AREA	\$470.50	\$609.10	\$691.00
46-109(1)	WEAPONS: VIOLATION IN OPEN AREAS	\$470.50	\$609.10	\$691.00
	VIOLATIONS NOT LISTED ABOVE	\$250.00	\$357.10	\$495.70

City of Mequon Ordinance Violations 17-20 Years of Age (Adult Court)				
CodeSec	UNDERAGE ALCOHOL OFFENSE	1st Viol.	2nd	3rd
46-156	17-20, Restrictions violations 125.07(1)(a)	\$376	\$439	\$691
46-156	17-20, Procure/Attempt 125.07(4)(a)	\$376	\$439	\$691
46-156	17-20, Underage Alcohol 125.07(4)(b)	\$187	\$313	\$439
46-156	17-20, ID card Violations 125.085(3)(b)	\$439	\$565	\$691

City of Mequon Ordinance Violations 12-16 Years of Age (Juvenile Court)				
CodeSec	UNDERAGE ALCOHOL OFFENSE	1st Viol.	2nd	3rd
46-156	<=16, Restrictions 125.07(1)(a)	\$376.00	\$439.00	\$691.00
46-156	<=16, Procure/Attempt Alcohol 125.07(4)(a)	\$376.00	\$439.00	\$691.00
46-156	<=16, Underage Alcohol 125.07(4)(b)	\$124.00	\$187.00	\$691.00
46-156	<=16, ID card Violations 125.085(3)(b)	\$187.00	\$439.00	\$691.00
CodeSec	General Offenses 12-16 Years of Age (Juvenile Court)	1st Viol.	2nd	3rd
46-130(1)	DISORDERLY CONDUCT	\$155.50	\$199.60	\$243.70
46-181	DRUG PARAPHERNALIA	\$155.50	\$199.60	\$243.70
46-183	POSSESSION OF MARIJUANA PROHIBITED	\$155.50	\$199.60	\$243.70
46-61(a)	SHOPLIFTING	\$155.50	\$199.60	\$243.70
46-60(a)	UNAUTHORIZED PRESENCE SCHOOL PROP: PERSON	\$250.00	\$357.10	\$495.70
46-1(a)	UNDERAGE PURCHASE OR POSSESSION TOBACCO PRODUCTS	\$155.50	\$199.60	\$243.70
46-1(b)	RESTRICTIONS ON SALE OR GIFT OF TOBACCO PRODUCTS	\$155.50	\$199.60	\$243.70
46-1(c)	POSSESSION TOBACCO PRODUCTS ON SCHOOL PROPERTY	\$155.50	\$199.60	\$243.70
46-1(d)	UNDERAGE POSSESSION OF VAPOR PRODUCTS	\$155.50	\$199.60	\$243.70
46-230(b)	TRUANCY, HABITUAL	\$250.00	\$357.10	\$495.70
	VIOLATIONS NOT LISTED ABOVE	\$155.50	\$199.60	\$243.70

Juvenile 12 & 13 Years of Age - Use "Base" Bond Amount of 75.00 or 150.00 except for Habitual Truancy

Violations under Underage Alcohol Section are counted within a one-year period from date of violation, except for 125.07(1)(a)2, which is 30 months.

Violations for City Ordinance citations are counted for the same violation within a one-year period from the date of violation.



MID-MORaine MUNICIPAL COURT

SERVING COMMUNITIES IN WASHINGTON & OZAUKEE COUNTIES

VIA EMAIL ONLY

May 13, 2021

Police Chief Kenneth Meuler (City of West Bend)
 Police Chief Michael Snow (Village of Germantown)
 Police Chief Scott MacFarlan (City of Hartford)
 Police Chief Thomas Bishop (Village of Kewaskum)
 Police Chief Dean Schmidt (Village of Slinger)
 Police Chief Ryan Vossekuil (Village of Jackson)
 Police Chief Kevin Hingiss (City of Port Washington)
 Police Chief Jeff Caponera (Village of Grafton)
 Police Chief Robert Meyer (Village of Saukville)
 Police Chief Thomas Frank (City of Cedarburg)
 Police Chief Curt Kleppin (Village of Thiensville)
 Police Chief Patrick Pryor (City of Mequon)
 Police Chief Michael Davel (Village of Fredonia)
 Police Chief Michael Foeger (Village of Newburg)
 Police Chief Steve Swiertz (Town of Trenton)
 Police Chief Shawn McGee (Town of Hartford)

Chiefs,

Attached please find the proposed Bond Deposit Schedule (which is required under Sec. 800.037, Wis. Stats.) with a start date of October 1, 2021.

We revised most offenses with an increase of \$25 for first offense, \$35 for second offense, and \$45 for third and subsequent offenses as discussed at our meeting. Most notably, we revised the Juvenile Bond Deposit Schedule to be easier to use and more reflective of any statutory requirements.

We also attached for your reference a sample spreadsheet of all the municipalities and the range of penalties allowed under each municipality's general penalty section, as well as a copy of the Bond Schedule worksheet.

The next step is to update your Bond Deposit Schedule for your municipality. Once you have your Bond Deposit Schedule updated, please send a copy to Kathy (buth@mmmcourt.com) for the Court's final review. You will receive a confirmation letter from our office once the Bond Deposit Schedule has been approved. You can then take it before your common council or village/town board for final approval.

Christine E. Ohlis, Municipal Court Judge
Administrative Office

062 W. Benedice Drive, West Bend, WI 53095 | Telephone: 262-334-5700 | Fax: 262-334-7771 | www.mmmcourt.com

Packet Pg. 216

Attachment: Mid-Moraine Municipal Court Approval and Informational Letters (RESOLUTION 3880 : Bond Amounts)

Mid-Moraine Municipal Court Member Police Chiefs
 May 13, 2021
 Page 2

As you are going through this process, please make sure that your Ordinance for the operation of the Municipal Court has been updated to show the Municipal Court Judge's term as four years, not two (Sec. 755.02, Wis. Stats.)

If you have any questions or during the process of reviewing the documents you notice any errors or corrections, please let us know.

Governor Evers is proposing that the age for purchasing tobacco and vapor products go up to 21 in his Budget Bill. We anticipate that this will have bi-partisan support and will be passed this summer.

Thank you again for your patience while we worked on this updated Bond Deposit Schedule, and we propose another review of it in five years.

Sincerely,


 Hon. Christine E. Ohlis
 Municipal Court Judge


 Kathleen K. Buth
 Municipal Court Clerk

Attachments

Christine E. Ohlis, Municipal Court Judge
Administrative Office

600 W. Benedine Drive West Bend, WI 53095 | Telephone: 262-334-5700 | Fax: 262-334-7771 | www.mmmcourt.com

Packet Pg. 217

Attachment: Mid-Moraine Municipal Court Approval and Informational Letters (RESOLUTION 3880 : Bond Amounts)

**MID-MORAINÉ MUNICIPAL COURT**

SERVING COMMUNITIES IN WASHINGTON & OZAUKEE COUNTIES

Date Approved: August 25, 2021

Chief Patrick Pryor
Mequon Police Department
11300 N. Buntrock Avenue
Mequon, WI 53092

RE: Municipal Ordinance Bond Deposit Schedule

Dear Chief Pryor,

I have reviewed the City of Mequon's Municipal Ordinance Bond Deposit Schedule. The schedule is appropriate, and I approve it. Please feel free to forward it to the Mequon Common Council for its approval if it has not been done already.

Sincerely,

Christine E. Ohlis
Municipal Court Judge

Christine E. Ohlis, Municipal Court Judge
Administrative Office

962 W. Paradise Drive, West Bend, WI 53095 | Telephone: 262-334-5700 | Fax: 262-334-7771 | www.mmmcourt.com

APPOINTEE INFORMATION SHEET

Name of Board or Commission: Frank L. Weyenberg Library Board of Trustees

Position: Trustee
(Indicate Member, Trustee, Alternate, Architect, etc).

Name of Appointee: Tedd Lookatch

Address: 11116 N. Riverland Ct. (53092)
(Include zip code)

Appointment By Mayor: X By Alderman _____
(Name)

At Large Appointment: X Aldermanic
Dist. Appointment _____
(Dist. Number)

Appointee Term Length: 3 years Appointee Term
Expiration Date: 5/1/2023

Comments: _____

TYPE OF APPOINTMENT

New: X Reappointment: _____

If new, is this appointment filling an unexpired term? Yes: X No: _____

Name of person being replaced: Elizabeth Nowakowski

Date submitted to Council: September 14, 2021

Attachment: Mayoral Appt_Tedd Lookatch (6599 : Mayoral Appointment- Library Trustee)



City of Mequon

 11000 W. Centering Road, Unit 100
 Mequon, Wisconsin 53090

CITY OF MEQUON

BOARD, COMMISSION AND/OR COMMITTEE TALENT BANK APPLICATION

Please complete and return to the Administration Office, Mequon City Hall

Application also available at www.ci.mequon.wi.usName: Tedd LookatchAddress: 11116 N. Riverland Ct. Zip Code: 53092Home Phone Number: 262.512.0290 Years of Residence in Mequon: 22Employer (or School): AT&TAddress: 205 S. Jefferson Ct, WI 53401 Occupation: NATIONAL SALES (MOBILITY)Can you be reached during working hours: ☒ Work Phone: 414.573.2554E-mail Address (es): tlookatch@gmail.comWould you be able to attend scheduled evening meetings on a regular basis: Yes

What qualifications would contribute to your role as a Board, Commission or and/or Committee member (use additional paper if necessary):

I'm a former small business owner which provides me
a set of skills to draw from. I've also been active in literary arts.

Have you been active in organized community groups in the past such as homeowners associations, referenda, and/or special interest groups (use additional paper if necessary):

NORTHSHORE HEIGHTS HOMEOWNER ASSOCIATION (current secretary)
ACT HOUSING (current development committee member) WRITER ON MILWAUKEE.COM

Periodically, the City may convene a committee on a temporary basis for a specific project. Do you possess any special skills that could be applied to a specific project (i.e. health care, benefits administration, human resources, economic development, communications, technologies):

communications, technology, budget management.

<u>SCHOOL</u>	<u># OF YEARS ATTENDED</u>	<u>AREAS OF STUDY</u>	<u>WHERE</u>
High School	<u>4</u>	<u>General arts</u>	<u>Nicolet</u>
College	<u>4</u>	<u>Psychology, Comm Arts</u>	<u>UW, MADISON</u>
Post Graduate			
Trade/Specialty			

Rate the Board(s), Commission(s) and/or Committee(s) in order of preference -#1 being first choice:

☐ Architectural Board	☐ Hiram Schmidt Fund
☐ Board of Appeals	☐ Joint Mequon-Thiensville Bike & Pedestrian Way
☐ Board of Police & Fire Commissioners	☐ Commission
☐ Board of Review	☐ Landmarks Commission
☐ Economic Development Board	☐ Mequon Nature Preserve Advisory Committee
☐ Ethics Board	☐ Milwaukee River Advisory Committee
☐ Festivals Committee	☐ Park and Open Space board
☒ Frank L. Weyenberg Library	☐ Planning Commission
☐ Board of Trustee	☐ Tree Board

The following information will be held in confidence and is for review if considered for the Board of Police and Fire Commission. Have you ever been convicted of a criminal offense? YES

Would you be willing to allow the Police Department to conduct a background investigation? YES

I understand that the information provided to the City of Mequon contained herein becomes public upon submittal of this application.

Tedd Louie
Signature

8/10/21
Date

Revised: November 2017

Attachment: Mayoral Appt_Tedd Lookatch (6599 : Mayoral Appointment- Library Trustee)

Tedd Lookatch

Literary background:

Literary Chair Alpha Delta Phi (UW Madison)

1990-1992

Ran Poetry contest and organized newsletter and talks from alumni

Badger Herald

Reporter

1988-90

Music reviews

Wisconsin State Journal

1990-1992

Assorted Entertainment articles and features

City Edition

1993-1999

Writer than Entertainment Editor. Managed a small staff and organized section of weekly paper

Volunteer:

TYMBA

2003-2017 coaches all levels

Milwaukee Curling Club

2003-present Instructor and coach

BBYO Wisconsin



11333 N. Cedarburg Road
Mequon, WI 53092-1930
Phone: 262-236-2915
Fax: 262-242-9655

www.ci.mequon.wi.us

Office of the City Attorney

TO: Mayor and Common Council
FROM: Brian C. Sajdak, City Attorney
DATE: September 9, 2021
SUBJECT: Closed Session for City Attorney and Administrator Performance Reviews – September 14, 2021 Meeting

Background

The Common Council may enter 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 employee over which the Council has jurisdiction or exercises responsibility. Establishing goals for a public employee can be a critical component of performance reviews, and this section authorizes the Council to enter into closed session for that purpose.

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) for the purpose of considering employment, promotion, compensation or performance evaluation data of the City Attorney and/or City Administrator.

Attachment: Closed Session Public Memo Goals (003) (6596 : Closed Session Public memo)