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www.ci.mequon.wi.us

Office of the City Clerk
Taped and Televised

**Common Council
Tuesday November 9, 2021 - 7:30 PM
or Immediately Following the Mequon
Sewer Utility District Commission Meeting
Christine Nuernberg Hall**

Agenda

- 1) Call to Order**
- 2) Pledge of Allegiance**
- 3) Roll Call**
- 4) Convene as Appropriations Committee:**
 - a) Approve Appropriations Committee Workshop meeting minutes of September 21, 2021 and Appropriations Committee meeting minutes of October 5, 2021
 - b) Reconvene as the Common Council
- 5) Public Hearings:**
 - a) **ORDINANCE 2021-1599** - An Ordinance Approving an Amendment to the City Zoning Map within Chapter 58 of the Mequon Municipal Code, for the Properties Located at 11805 and 11915 N. Farmdale Road; **Recommended by Planning Commission September 27, 2021; First Reading at Common Council October 12, 2021.**
 - 1) Public hearing
 - 2) Consideration of ordinance
 - b) **ORDINANCE 2021-1601** - An Ordinance Amending Chapter 58 of the Mequon Municipal Code, Authorizing Creation of the Neighborhood Commercial, Mixed-Use Commercial, Senior Housing and Residential Cluster Zoning Districts in the Ulao Creek Neighborhood (Generally the Area Bounded by I-43 to the East, Highland Road to the South, Oriole Lane/Ulao Creek to the West and Pioneer Road to the North); **Recommended by Planning Commission Policy Subcommittee January 11, 2021; Recommended by Planning Commission September 27, 2021; First Reading at Common Council October 12, 2021.**
 - 1) Public hearing
 - 2) Consideration of ordinance

- c) **ORDINANCE 2021-1602** - An Ordinance Amending Chapter 58 of the Mequon Municipal Code, Incorporating the Ulao Creek Neighborhood (Generally the Area Bound by I-43 to the East, Highland Road to the South, Oriole Lane and Ulao Creek to the West and Pioneer Road to the North) into the City's Zoning and Land Use Plan Maps; **Recommended by the Planning Commission Policy Subcommittee January 11, 2021; Recommended by the Planning Commission September 27, 2021; First Reading at Common Council October 12, 2021.**
 - 1) Public hearing
 - 2) Consideration of ordinance
- d) **ORDINANCE 2021-1603** - An Ordinance Amending Chapter 58 of the Mequon Municipal Code, Establishing Outdoor Storage Permitting Requirements for the Ulao Creek Neighborhood (Generally the Area Bounded by I-43 to the East, Highland Road to the South, Oriole Lane and Ulao Creek to the West and Pioneer Road to the North); **Recommended by the Planning Commission Policy Subcommittee January 11, 2021; Recommended by the Planning Commission September 27, 2021; First Reading at Common Council October 12, 2021.**
 - 1) Public hearing
 - 2) Consideration of ordinance
- e) **ORDINANCE 2021-1600** - An Ordinance Approving a Planned Unit Residential Development in Town Center for the Properties Located at 11040 and 11110 N. Buntrock Avenue, Consisting of Forty-Six Row House-Style Apartments on 3.5 Acres; **Recommended by Planning Commission September 27, 2021, First Reading at Common Council October 12, 2021.**
 - 1) Public hearing
 - 2) Consideration of ordinance
- f) **ORDINANCE 2021-1604** - An Ordinance Adopting the Annual Budget and Appropriating Funds for the Operations of the Government and Administration of the City of Mequon for the Year 2022 and Levying for the Same; **Recommended by Appropriations Committee October 5, 2021; First Reading.**
 - 1) Public hearing
 - 2) Consideration of ordinance (Potential waiver of rules related to second readings.)

6) 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.**

7) Public Officials' Reports:

- a) Mayor
- b) City Administrator

8) Consent Agenda:

- a) Common Council meeting minutes of October 12, 2021
- b) Architectural Board meeting minutes of September 13, 2021
- c) Economic Development Board meeting minutes of September 28, 2021
- d) Festivals Committee meeting minutes of September 2, 2021
- e) Finance-Personnel Committee meeting minutes of September 14, 2021
- f) Fire Department Reports for July, August and September 2021
- g) Joint Mequon-Thiensville Bike and Pedestrian Way Commission meeting minutes of September 9, 2021
- h) Mequon Municipal Water Utility Commission meeting minutes of September 9 and October 12, 2021
- i) Park and Open Space Board meeting minutes of September 29, 2021
- j) Planning Commission meeting minutes of September 27, 2021
- k) Public Welfare Committee meeting minutes of September 14 and September 21, 2021
- l) Public Works Committee meeting minutes of September 14, 2021
- m) Sewer Utility District Commission meeting minutes if August 10 and October 12, 2021
- n) **RESOLUTION 3889** - A Resolution Approving a Development Agreement for The Woods at Highland Park Phase 2 Consisting of 10 Dwelling Units Located at the Corner of Green Bay Road and Woods Court; **Recommended by Planning Commission October 28, 2021.**
- o) Ordinance First Readings

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

- 1) **ORDINANCE 2021-1604** - An Ordinance Adopting the Annual Budget and Appropriating Funds for the Operation of the Government and Administration of the City of Mequon for the Year 2022 and Levying for the Same; **Recommended by Appropriations Committee October 5, 2021; First Reading.**
- 2) **ORDINANCE 2021-1605** - An Ordinance Amending Chapter 58 Zoning Map from R-3 (Residential) to IPS (Institutional Public Service) and Land Use Plan Map Amendment from Residential 1-1.5 acres to Institutional for the Center of Jewish Life Located at 2233 West Mequon Road; **Recommended by Planning Commission October 28, 2021; First Reading.**

- 3) **ORDINANCE 2021-1606** - An Ordinance Amending Chapter 58 Zoning Map from R-3 (Residential) to IPS (Institutional Public Service) and Land Use Plan Map Amendment from Residential 1-1.5 Acres to Institutional for Congregation Anshai Lebowitz Located at 2415 West Mequon Road; **Recommended by Planning Commission October 28, 2021; First Reading.**
- 4) **ORDINANCE 2021-1607** - An Ordinance Approving a Chapter 58 Zoning Map Amendment and Land Use Plan Map Amendment for Vessels of Honour Church from R-1 (Residential) to IPS (Institutional Public Service) located at 10055 N Wauwatosa Road; **Recommended by Planning Commission October 28, 2021; First Reading.**
- 5) **ORDINANCE 2021-1608** - An Ordinance Amending Chapter 58 Zoning Map and Land Use Plan Map Amendment from R-2B (Residential) to IPS (Institutional Public Service) for North Shore Congregation of Jehovah's Witnesses Located at 7420 West Donges Bay Road; **Recommendation forthcoming Planning Commission October 28, 2021; First Reading.**
- 6) **ORDINANCE 2021-1609** - An Ordinance Amending Chapter 58 Zoning Code Related to Permitted Uses in Table 58-301-1 of the Town Center Zoning District and to Table 58-571 (C) of Division 11 (Animals and Animal Related Uses) to Allow Animal Hospitals and Veterinary Clinics; **Recommended by Planning Commission October 28, 2021; First Reading.**
- 7) **ORDINANCE 2021-1610** - An Ordinance Amending to Section 2-19 of the Mequon Code of Ordinances Related to Meetings of the Common Council to Allow for Electronic Meeting Attendance; **Recommendation Forthcoming by Public Welfare Committee on November 9, 2021; First Reading at Common Council November 9, 2021.**
- 8) **ORDINANCE 2021-1611** - A Charter Ordinance Amending the Provisions of the Mequon Code of Ordinances that Establish the Planning Commission to Allow for Electronic Meeting Attendance; **Recommendation Forthcoming by Public Welfare Committee on November 9, 2021; First Reading at Common Council November 9, 2021.**
- 9) **ORDINANCE 2021-1612** - An Ordinance Amending Section 2-803 of the Mequon Municipal Code Relating to the Term of Office for the Municipal Court Judge; **Recommendation Forthcoming by Public Safety Committee; First Reading.**
- 10) **ORDINANCE 2021-1613** - An Ordinance Appropriating the Necessary Funds from the City of Mequon's Sewer Utility District for the Year 2022 for Capital Charge Payments to the Milwaukee Metropolitan Sewerage District (MMSD) and City of Mequon Capital Debt Service Requirements; **Recommendation Forthcoming by Sewer Utility Commission October 28, 2021; First Reading.**
 - a) Consideration of ordinance (Potential waiver of rules related to second reading.)

9) Committee of the Whole:

- a) Discussion Concerning **ORDINANCE 2021-1598** - An Ordinance Implementing Aldermanic Redistricting as a Result of the 2020 Census
- b) A Consultation for Residential Development Consisting of 55 Single-Family Homes and 116 Plex Homes Located on 107 Acres West of Baehr Road, South of Donges Bay Road and North of Lily Lane Nature Preserve
- c) Reconvene as the Common Council

10) Ordinance:

- a) **ORDINANCE 2021-1598** - An Ordinance Implementing Aldermanic Redistricting as a Result of the 2020 Census; **Recommendation Forthcoming by Committee of the Whole November 9, 2021; First Reading at Common Council October 12, 2021.**

11) Resolutions:

- a) **RESOLUTION 3892** - A Resolution Rejecting All Bids for the Rehabilitation of Various Sanitary Manholes, Sewer Mains and Building Sewer Laterals in the Riverdale Park and Riverland Drive Lift Station Areas; **Recommendation Forthcoming by Sewer Utility District Commission October 28, 2021.**
- b) **RESOLUTION 3894** - A Resolution Adopting the Fiscal Year 2022 Sanitary Sewer Budget and Establishing the 2022 Sanitary Sewer User Fee Schedule; **Recommended by Sewer Utility District Commission on October 28, 2021.**
- c) **RESOLUTION 3895** - A Resolution Authorizing the Negotiation of Easement and/or Land Acquisition Agreement(s) within the River Bend and/or Ranch Court Subdivisions, in Connection with Securing Access for the Replacement of Lift Station E; **Recommendation Forthcoming by Sewer Utility District Commission on October 28, 2021.**
- d) **RESOLUTION 3890** - A Resolution Approving the Allocation of \$37,217 in Federal American Rescue Plan Act Funds to Reimburse the Frank L. Weyenberg Library for Eligible Expenses and Revenue Loss Incurred During the COVID-19 Public Health Emergency; **Recommendation Forthcoming by Finance-Personnel Committee November 9, 2021.**
- e) **RESOLUTION 3891** - A Resolution Approving Various Transfers within the City of Mequon's Capital Projects Fund in the Aggregate Amount of \$512,923; **Recommendation Forthcoming by Finance-Personnel Committee November 9, 2021.**
- f) **RESOLUTION 3893** - A Resolution Adopting the 2022 Compensation Plan for Non-Represented Employees; **Recommendation Forthcoming by Finance-Personnel Committee November 9, 2021.**
- g) **RESOLUTION 3896** - A Resolution Releasing a Stormwater Facilities Maintenance Easement for the Property Located at 11900 N. Port Washington Road; **Recommended forthcoming by Finance-Personnel Committee November 9, 2021.**

- h) **RESOLUTION 3897** - A Resolution Approving a Collective Bargaining Agreement Between the City of Mequon and the Mequon Police Association for the Period January 1, 2022 - December 31, 2024; **Recommendation Forthcoming by Finance-Personnel Committee November 9, 2021.**
- i) **RESOLUTION 3898** - A Resolution Designating Polling Places in the City of Mequon Based on the Approved 2021 Aldermanic Districts; **Recommendation Forthcoming by Public Welfare Committee November 9, 2021.**

12) Specified Unfinished Business From Prior Meetings: None.

13) Specified New Business: None.

14) Adjourn

Dated: November 4, 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 Administration
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APPROPRIATIONS COMMITTEE

Tuesday, September 21, 2021

6:00 PM

Christine Nuernberg Hall

Minutes

- 1) Call to Order
- 2) Pledge of Allegiance
- 3) Roll Call

Present:

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

Also Present: City Administrator Jones, Finance Director Engroff, Assistant City Administrator Schoenemann, Assistant to the Finance Director Keyser, Fire Chief Bialk, Deputy Fire Chief Zellmann, Police Chief Pryor, City Assessor Grotta, Finance Consultant Watson, Public Works Director/City Engineer Lundeen, Library Director Muchin-Young, Executive Assistant Enea, and other interested parties.

- 4) Overview of Fiscal Year 2022 Budget Development Process

City Administrator Jones stated that the Budget Team and Department Directors have been working over the last 75 days, since early July, to develop the City's fiscal year budget for 2022. The proposed FY2022 balanced budget will be distributed on Friday, September 24. There will be another Appropriations Meeting the first week of October to recommend approval at the November 9 Common Council Meeting. Mr. Jones said he was going to provide the Council with discussion points to give background and to set the stage of what they will see throughout the budget process during a year of transition. Just a year ago, the general public was hoping for a vaccine and now Ozaukee County is 60% vaccinated and the City is back to in-person meetings and activities such as the Taste of Mequon which just took

place last week. Several revenue categories are up from 2020, a full revaluation of property just concluded, and an aldermanic redistricting process is underway. Plus, the City has a new Finance Director.

Mr. Jones shared what was on tonight's agenda. It would start with a budget development overview, then a revaluation update from Mike Grotta, a Fire & EMS staffing update from Chiefs Bialk and Zellman, the American Recovery Plan, Supplemental Requests, and then the Community Development & IT studies if time permits.

Mr. Jones provided a financial update for Fiscal Year 2021, pointing out revenues are \$15,115,305 of the budgeted \$17,511,346 (86.3%) and expenditures are \$11,000,318 of the budgeted \$17,511,346 (62.8%). From a personnel perspective, the City has added nearly 10 FTE's since 2015. During 2021, 15 employees have been hired and 1 transferred. Looking ahead, a compensation study needs to be completed (last performed in 2014), additional Public Safety staffing will likely be needed, health insurance costs continue to rise, and competitive employee benefits are needed to attract employees in a challenging job market.

Mr. Jones provided a fund balance update which included: General Fund, Park Impact Fees, Revolving Loan Fund, TID #2, and TID #3. The most significant was TID #3 which was \$77,545 in 2020 and is \$1,679,325 currently.

City Administrator Jones provided a review of the City's Capital Plan noting that the City uses a combination of Pay-As-You-Go and Debt-Financing to fund capital purchases and expenditures. In 2021, \$1.2 million was used for Pay-As-You-Go funding and \$2.8 million for debt service. Pay-As-You-Go Capital was reduced by \$140K to balance the budget. For 2022, Pay-As-You-Go Requests totaled \$3,991,900. The \$140K 2021 reductions have been restored for 2022. Negative account balances (\$645K) are also recommended to be addressed during this budget process. Despite requests exceeding available resources, annual funding has increased by nearly \$500K (57%) since 2015.

City Administrator Jones pointed out that the 2022 proposed budget restores nearly all spending that was reduced in the 2021 Budget. The Budget is balanced with no anticipated increase in the tax rate. It includes placeholders for wages and the use of Fund Balance (\$54K) for Revaluation - Phase III. It also fully funds one full-time IT Manager and one full-time HR Coordinator. It privatizes janitorial services across City facilities. The Budget reduces the City's health costs, but also results in an increase to some employee health insurance premiums. Staff is still awaiting State Transportation Aid Figures which are expected in early October.

The City Administrator turned the presentation over to Assistant City Administrator Schoenemann to talk about health insurance changes. The City just received new health insurance information from the State on Friday. The City participates in the State Local Government Health Insurance Pool. Employees may access 2 available networks, Network Health or WEA Trust East, both of which the State determines contribution amounts. The WEA Trust East option will have a 10% increase, costing employees \$122-\$305 more per month. 1/3 of City employees currently have this plan and many will likely switch, but they

may have to switch doctors. Mayor Wirth asked if the City knows the total cost per employee for each health plan.

5) 2022 Revaluation Overview & Update

City Assessor Grota and Finance Consultant Watson presented an overview of the 2021 Revaluation Process. Mr. Grota explained how the revaluation process commenced in June 2020 and 10,372 parcels were reviewed. The increase due to new construction was \$76,585,500 and the total increase in assessed values was \$626,666,400. Based on 234 contacts, the Assessor's Office issued 140 revised notices of assessment and 57 no change in value notices. The Board of Review was completed on 9/13 with 11 hearings and 2 appeals. Most changes were due to data changes. Mr. Watson presented a revaluation illustration to show how private homes, apartment buildings, and corporations are affected differently in regards to taxes by Levy and Mil Rate. These factors will be in play as the budget process moves forward.

6) Fire & EMS Staffing Update

Fire Chief Bialk and Deputy Fire Chief Zellman presented an overview of the on-going staffing shortage. They have only spent 50% of their budget because they are so short on people. They have 3 options: (1) Do nothing (2) Work with other communities to consolidate services (3) Convert some paid on call money into full-time salaries. Mayor Wirth shared that even if consolidation does happen, it will probably take several years. The Fire Chiefs showed that they can add 3 Full-time Paramedics at no additional cost to the budget. Alderman Strzelczyk inquired about their recruiting efforts. Chief Zellman provided a 2 year recruitment summary. Most that are interested have no experience or certifications and aren't willing to get the 180 hours of schooling that is needed. A discussion then took place about cost, consolidation, and other options.

7) American Recovery Plan Act (ARPA) Overview & Discussion

City Administrator Jones provided an overview of the ARPA funds that Mequon would be receiving and what it could be spent on. Mequon is to receive \$2.55M in 2 installments in 2021 & 2022. Eligible uses include lost public sector revenue, negative economic impacts caused by COVID-19, public health expenditures, premium pay for essential workers, and water, sewer, stormwater & broadband infrastructure. The U.S. Treasury has issued an Interim Final Rule on use/reporting. More than 1,000 comments were received, so a Final Rule is forthcoming. All funds must be obligated by the end of 2024 and used by the end of 2026. Mr. Jones provided a conceptual framework of where that money could possibly go over a 3-year period, i.e. County Line Road Signalization, Land Management Program, Brush Site, Lemke Park, Stormwater Management, and/or Library.

8) Supplemental Funding Requests

City Administrator Jones shared the requests for funds from City Departments, the Bicycle & Pedestrian Way Commission, the Weyenberg Library, and the Park & Open Space Board. Departmental Requests included election day expenses for food & beverage for poll workers, Deputy Clerk, Governmental Accounting, & MUNIS training, an Organization-wide Compensation study, Automatic License Reader Systems, GPS unit replacement, FHWA signs &

striping, median plantings/weed control, Information Technology Assessment, and Community Development Assessment recommendations. If there are any other requests for funds, please send to him. A discussion then took place about the various requests and how they should be prioritized.

9) Discussion Concerning Community Development & Information Technology Consulting Studies

A joint staff team will make recommendations regarding the two studies next week. Likely elements will be capital, consulting, program software, personnel, and security.

10) 2022 Budget Schedule

Sept. 24	Proposed 2022 Budget Distributed
Oct. 5	Appropriations Committee Meeting - 6:00 p.m.
Oct. 12	REGULAR COMMON COUNCIL MEETING Strategic Planning Consultant Contract Re-Award
Oct. 13-14; 18	Appropriations Committee Meeting (if Necessary)
Oct. 19	Public Hearing Notice Deadline - 10:00 a.m. (to Publish on 10/21)
Oct. 18 - Nov. 4	Sewer & Water Utility Budget Meetings
Nov 9	REGULAR COMMON COUNCIL MEETING 2022 City Budget Adoption 2022 Sewer & Water Budget Adoption

11) Adjourn

Alderman Gierl moved to adjourn at 7:47 P.M. Alderman Strzelczyk seconded.

Respectfully Submitted,

Carrie Enea
Executive Assistant



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APPROPRIATIONS COMMITTEE

Tuesday, October 5, 2021

6:00 PM

Christine Nuernberg Hall

Minutes

- 1) Call to Order
- 2) Pledge of Allegiance
- 3) Roll Call

Present:

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

Also Present: City Administrator Jones, Assistant City Administrator Schoenemann, Finance Director Engroff, Assistant to the Finance Director Keyser, Finance Consultant Watson, Fire Chief Bialk, Deputy Fire Chief Zellmann, City Clerk Fochs, Police Chief Pryor, Public Works Director Lundeen, Library Director Muchin-Young, Executive Assistant Enea and other interested parties.

- 4) Budget Overview, Revenues and Capital Projects

City Administrator Jones provided an overview of the budget process, noting that a proposed FY2022 budget was distributed on September 24 and an addendum memo was sent out to Committee Members on September 30 with additional information for consideration. The additional information included a \$40,000 revenue shortfall from State Highway Aid and staff's recommendation how to address that. Mr. Jones reflected how the City has had an interesting year with two assessments taking place (Community Development & IT), 3 Finance Directors participating in the budget (acting, retired, and new), and other special circumstances (Revaluation, ARPA Funding & Strategic Planning). Mr. Jones then provided a summary of revenues generated by the City. He pointed out how the state levy limit restricts increases to net

new construction. For 2022, net new construction was 1.59%, or nearly \$250K. As a result, the general levy is up by \$110K and capital projects were over \$138K. Due to recovery, some revenue sources have been growing such as permits, inspections, development fees, and parks. Other revenue sources have been trending downward such as public safety fees, transportation aid, and interest income. One-time, non-recurring revenues equal \$250K. The City's General Fund Revenues will increase \$333,565 (1.9%) from \$17,511,346 in 2021 to \$17,844,911 in 2022. Next, Mr. Jones gave an overview of the City's expenditures. The 2022 Budget will restore nearly all spending that was reduced in 2021, plus an additional \$64K for the 2022 Statewide Election. The budget will fund two new full-time positions (IT Manager and HR Coordinator), eliminate one position from Mequon Police Department due to consolidation, privatize janitorial services across the City's main facilities, reduce City health costs (although increasing employee premiums), and provide compensation adjustments for eligible non-represented staff. Like Revenues, General Fund Expenditures will increase by \$333,565 (1.9%) from 2021 to 2022.

Mr. Jones stated there will be an increase to the money allocated to the major categories in the capital projects fund which are funded on a year-over-year basis including: road maintenance, building repairs across all of the City's various facilities, the replacement of vehicles, contracted removal of Emerald Ash Borer, roadway lighting replacement, parks and cemetery, and police and fire vehicle and equipment replacement. It will increase from \$1,190,000 in 2021 to \$1,328,000 in 2022.

Mr. Jones stated that the mill rate is presently at \$3.42/\$1,000. With revaluation, the tax rate is expected to drop to \$3.13. The levy will still rise by \$250K with a net impact of no increase in taxes. The sewer levy is expected to be flat, with the rate also adjusting downward from \$1.81 to \$1.65. To put this in perspective, \$.01=\$50,000 in additional revenue. A \$.01/\$1,000 increase=\$4/year on a \$400K home.

Next, Mr. Jones provided the City's Funding Requests, totaling \$83,090, which would be an increase of \$1.66 to the Tax Rate. Following that, a technology framework for 2022 & 2023 was shared, totaling \$200,000, equivalent to a four-cent increase on the tax rate.

In closing, City Administrator Jones asked the Common Council to take into consideration the 3 Full-Time Paramedics that the Fire Department can hire with existing funds, funding the proposed IT framework to provide resources to both IT and the Land Management System, and the one-time wage study request might be eligible for ARPA funds. Looking ahead, the Strategic Planning Process is set to kick-off in late 2021 where City facilities, ARPA proceeds, and Library funding are suggested topics. The Sewer/Water Budget Meeting will occur in late October/early November and the Debt Issue for Roads, Highland Interchange will take place in early 2022. Mr. Jones stated that staff has prepared a fiscally responsible budget that restores most expenditures eliminated in 2021. It sustains structural balance without using reserves for ongoing operations (Revenues = Expenditures). The estimated tax rate of \$3.13 is commensurate with 2021.

Mayor Wirth asked the Common Council if they had any questions before discussing particular topics. Alderman Mayr inquired about the investment income being lower than last year.

Finance Consultant Watson stated that the City's liquid funds are pretty constant and staff were conservative in their estimates despite suggestions that interest rates might go back up.

5) Fire Department to add 3 paramedics

Alderman Parrish brought up the first topic of discussion, being the Fire Department adding 3 full-time paramedics with already existing paid-on-call staff funds. He inquired if it is revenue neutral this year, will it remain so in the future? Mayor Wirth pointed out that it was simply a reallocation of paid-on-call funds to full-time employees. The only thing that might increase in the future is the variability of healthcare costs for employees. The question came up again as to where the increase in fire dispatch calls were coming from in the City. Deputy Fire Chief Zellmann presented a report using data from the past 1 1/2 years in which the volume of calls were plotted as to where they were coming from. He stated that as the age of residents trend up, requests for service also goes up. It was brought up that while an aging population may use the Fire Department more, they aren't using other City services. Alderman Nerbun commended the Fire Chief for finding a workable solution within the Fire Budget. Even though volunteerism is down, the City still needs to maintain safety. Mayor Wirth called for a show of hands as to who was in support of adding 3 full-time paramedics. 9-0 were in favor.

6) Proposed IT Funding Framework

The next budget topic that was brought up was the proposed IT framework. Assistant City Administrator Schoenemann stated how IT security was essential, so staff will start with a core backbone as suggested by the IT assessment and then move forward with enhancing customer service and storage on a cloud-based system. Alderwoman Schneider inquired if the City needed to hire a consultant just to purchase a land management system. Assistant City Administrator Schoenemann responded that the City needed an expert in the software field to negotiate what the City actually needed. Plus, a day-to-day person to manage back-up, recovery, security, and other projects. Alderman Bushee asked if the City could sell some of their existing equipment as replacements are bought. The answer was no, as some computers are still on Windows 2008. Alderman Strzelczyk said the City needs to do something and have someone that just focuses on Mequon's IT, but he doesn't want to raise taxes. He thought this should be a line item in the budget and not an add-on. Alderman Mayr made a motion to use \$113,500 out of fund balance to fund IT equipment (\$63,500) and LMS Evaluation/Selection (\$50,000). Mayor Wirth seconded the motion and then called for a roll call vote. It passed 5-4. Alderman Strzelczyk made a motion for the rest of the IT proposal to come out of the fund balance and Alderman Bushee seconded it. A roll call vote was taken and the motion failed 4-5.

7) Flock System for Police Department

Alderman Nerbun made a motion to use \$16,500 from the fund balance to pay for the Flock Safety Camera System proposed by the Police Department. Mayor Wirth seconded the motion. Alderman Nerbun said it would provide a cost savings in how the City patrols. A roll call vote was taken and it passed 8-1.

8) Library Funding

Alderman Hansher requested that Library Director Muchin-Young speak regarding the Library's request for funds. Library Director Muchin-Young stated how she didn't realize that the Library used to provide the Council with much more detailed information each year. She shared how the Library's maintenance contracts have increased and they have 3 upcoming projects slated for 2021. They include a new phone system, boiler, and HVAC system. Also, they are not offering competitive wages and they have lost 2 employees this year. She shared 5 years of budget history, which has been between \$1,203,000 and \$1,209,000 every year. Mayor Wirth inquired if a building assessment has been done and Director Muchin-Young said no. She continued with her presentation and pointed out how numbers are pretty steady and how they are constantly looking for savings. Media and E-content revenue numbers have been on the rise, they were able to decrease their internet fees from \$12,000/yr to \$1,000/yr, and they are working with less staff. Director Muchin-Young then shared their grant history from the Junior Woman's Club, Mequon Community Foundation, and the Weyenberg Public Library Foundation. Funds that they receive from the Weyenberg Public Library Foundation cannot be used towards operational costs. Alderman Parrish asked if the Library had a reserve account and the answer was yes. Alderman Bushee asked if they could combine janitorial services with the City to reduce costs and that will be looked into. A discussion then took place how the Library would be eligible for ARPA funds. Alderman Hansher asked Library Director Muchin-Young how much additional funds were needed to get by this coming year until a plan for the following year can be developed. If they got by with the existing HVAC and boiler and only focused on staffing and the phones, the answer was \$40,000. Alderman Hansher stated how people of all ages rely on the library. Mayor Wirth pointed out that every department asks for money every year and there should be a process put into place for the Library's capital planning. Alderman Parrish thanked the Library Board for showing up to the meeting and stated how parks and libraries were the most used over the past year. He suggested deferred maintenance and a minimal token increase in funds. Mayor Wirth made a motion for the Library to provide backup information to justify being given \$37,000 in ARPA funds and to direct staff to come up with a plan moving forward and to also look into sharing joint services with the City. The motion was seconded by Alderman Nerbun. A roll call vote was taken and the motion passed 8-1.

9) Parks & Open Space Board Request

Alderman Parrish requested Director of Public Works Lundeen to speak regarding funding requests from the Parks & Open Space Board. Director Lundeen stated how there is a blurred line between Parks & Facilities and how it is looked at as a want rather than a need. They are half- way through Ash tree removal with 4 more years to go. The second wave of removal will be slower because the trees are not as easily accessible. No motions were brought forward for a vote.

10) Food & Beverage for Poll Workers

Mayor Wirth made a motion to fund the \$3,200 for food and beverage for poll workers out of the budget. He said this expenditure will come and go depending on the election year. Alderman Hansher seconded the motion. A roll call vote was taken and it passed 9-0.

11) Mequon Road Median New & Replacement Plantings

Mayor Wirth made a motion to pay the \$6,000 for median plantings out of the fund balance. Alderman Strzelczyk seconded the motion. A roll call vote was taken and the motion passed 9-0.

12) Wage Study

The Mayor asked City Administrator Jones if there was anything else that should be taken into consideration before adjourning. Mr. Jones brought up that there was continuing pressure on wages and that the City has not done a compensation study since 2014. People are the City's most important resource and a study is estimated at \$28,000. It was suggested that maybe the City can conduct a lighter version of the previous study that was completed in 2014. The Council decided to obtain bids and approve any expenses in early 2022.

13) Ordinance Recommendation

Alderman Nerbun made a motion to move the budget forward for approval with the recommendations made. Alderwoman Schneider seconded the motion. A roll call vote was taken and it was passed 9-0.

14) Adjourn

Alderman Nerbun moved to adjourn at 8:40 P.M. Alderman Gierl seconded.

Respectfully Submitted,

Carrie Enea
Executive Assistant



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

www.ci.mequon.wi.us

Office of Community Development

TO: Common Council
FROM: Kim Tollefson, Director of Community Development
DATE: October 12, 2021
SUBJECT: ORDINANCE 2021-1599 An Ordinance Approving an Amendment to the City Zoning Map within Chapter 58 of the Mequon Municipal Code, for the Properties Located at 11805 and 11915 N. Farmdale Road

Background

The property at 11805 N Farmdale Road is zoned R-1 (5-acre minimum rural residential) with an Agricultural Overlay. The property at 11915 N. Farmdale Road is zoned R-3 (1-acre minimum acre). The applicant owns both properties.

The rezoning affects two existing lots that are modified in parcel size and layout through a boundary line adjustment. The applicant proposes to adjust the boundary line between 11805 and 11915 N. Farmdale Road to meet the required 30-foot offset for the location of a proposed agricultural structure.

Analysis

The proposed boundary line adjustment will create split-zoned parcels since the properties have different zoning classifications. The rezoning recommendation is intended to keep consistent zoning for each parcel. The property at 11805 N. Farmdale Road will remain R-1/OA and the property at 11915 N. Farmdale Road will be remain R-3 after the boundary line adjustment. The proposed rezoning keeps the same conditions and will not change the use or character of the area.

Fiscal Impact

The project is fiscally neutral.

Recommendation

The Planning Commission recommend approval by a vote of 8-0 on September 27, 2021.

Attachments:

Zoning Map (PDF)

Concept Boundary Line Adjustment (PDF)

COMMON COUNCIL
OF THE
CITY OF MEQUON

ORDINANCE 2021-1599

An Ordinance Approving an Amendment to the City Zoning Map within Chapter 58 of the Mequon Municipal Code, for the Properties Located at 11805 and 11915 N. Farmdale Road

RECITALS

A. The property at 11805 N Farmdale Road is zoned R-1 (5-acre minimum rural residential) with an Agricultural Overlay. The property at 11915 N. Farmdale Road is zoned R-3 (1-acre minimum acre).

B. The owner of both properties desires to modify the properties in parcel size and layout through a boundary line adjustment to meet the required 30-foot offset for the location of a proposed agricultural structure.

C. The proposed boundary line adjustment would create split-zoned parcels since the properties have different zoning classifications. The rezoning is requested to keep consistent zoning for each parcel.

D. The Planning Commission recommend approval by a vote of 8-0 on September 27, 2021.

C. Based upon the Planning Commission's recommendation and following the public hearing before the Common Council on the 9th day of November, 2021, the Common Council desires to rezone the property consistent with the conditions of the Commission's recommendation.

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

SECTION I

The existing and official City of Mequon district zoning maps are hereby amended so as to change the zoning classification of a portion of the property located at 11805 N. Farmdale from R-1/OA to R-3 (area rezoned to become part of 11915 N. Farmdale) and a portion of the property located at 11915 N. Farmdale Road from R-3 to R-1A (area rezoned to become part of 11805 N. Farmdale), subject to the following condition:

1. The R-3 property (11915 N. Farmdale Road) shall be a minimum of 1-acre in size after the road area is dedicated.

SECTION II

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

SECTION III

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

SECTION IV

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

Approved by: John Wirth, Mayor

Date Approved: November 9, 2021

I certify that the foregoing Ordinance was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on November 9, 2021.

Caroline Fochs, City Clerk

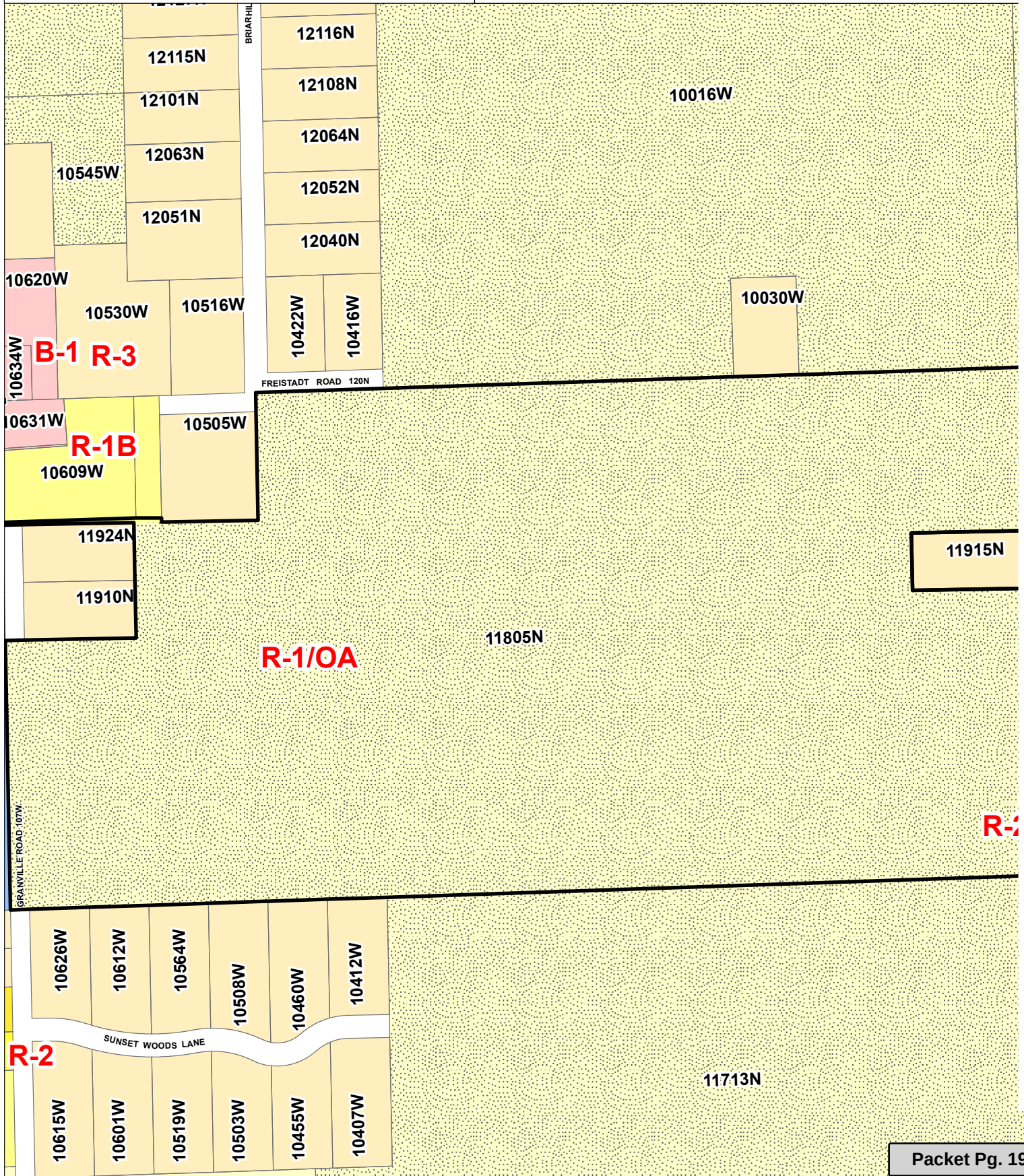
Published: _____

Schoessow

AC Arrival Corridor
A-1 Agricultural Preserve
A-2 General Agricultural
B-1 Neighborhood Business
B-2 Community Business
B-3 Office & Service Business
B-4 Business Park
B-5 Light Industrial
B-6 Rural Industrial
B-7 Rural Business
C-1 Shoreland/Wetland Conservancy
C-2 General Conservancy
CGO Central Growth Overlay
FFO Flood Fringe Overlay
FW Floodway
IPS Institutional & Public Service

LTD Limited Use
OA Agricultural Overlay
PUD Planned Unit Development Overlay
P-1 Park & Recreation
R-1 Single-Family Residential (5 Ac. Min.)
R-1B Single-Family Residential (2.5 Ac. Min.)
R-2 Single-Family Residential (2.0 Ac. Min.)
R-2B Single-Family Residential (1.5 Ac. Min.)
R-3 Single-Family Residential (1.0 Ac. Min.)
R-4 Single-Family Residential (3/4 Ac. Min.)
R-5 Single-Family Residential (1/2 Ac. Min.)
R-6 Single-Family Residential (4 du/Ac)
RM Multi-Family Residential
TC Town Center
TDR Transfer of Development Rights

5.a.a



Attachment: Zoning Map (ORDINANCE 2021-1599 : Schoessow Rezoning)

D & H LAND SURVEYS LLC
1628 GEORGIA AVENUE
SHEBOYGAN, WISCONSIN

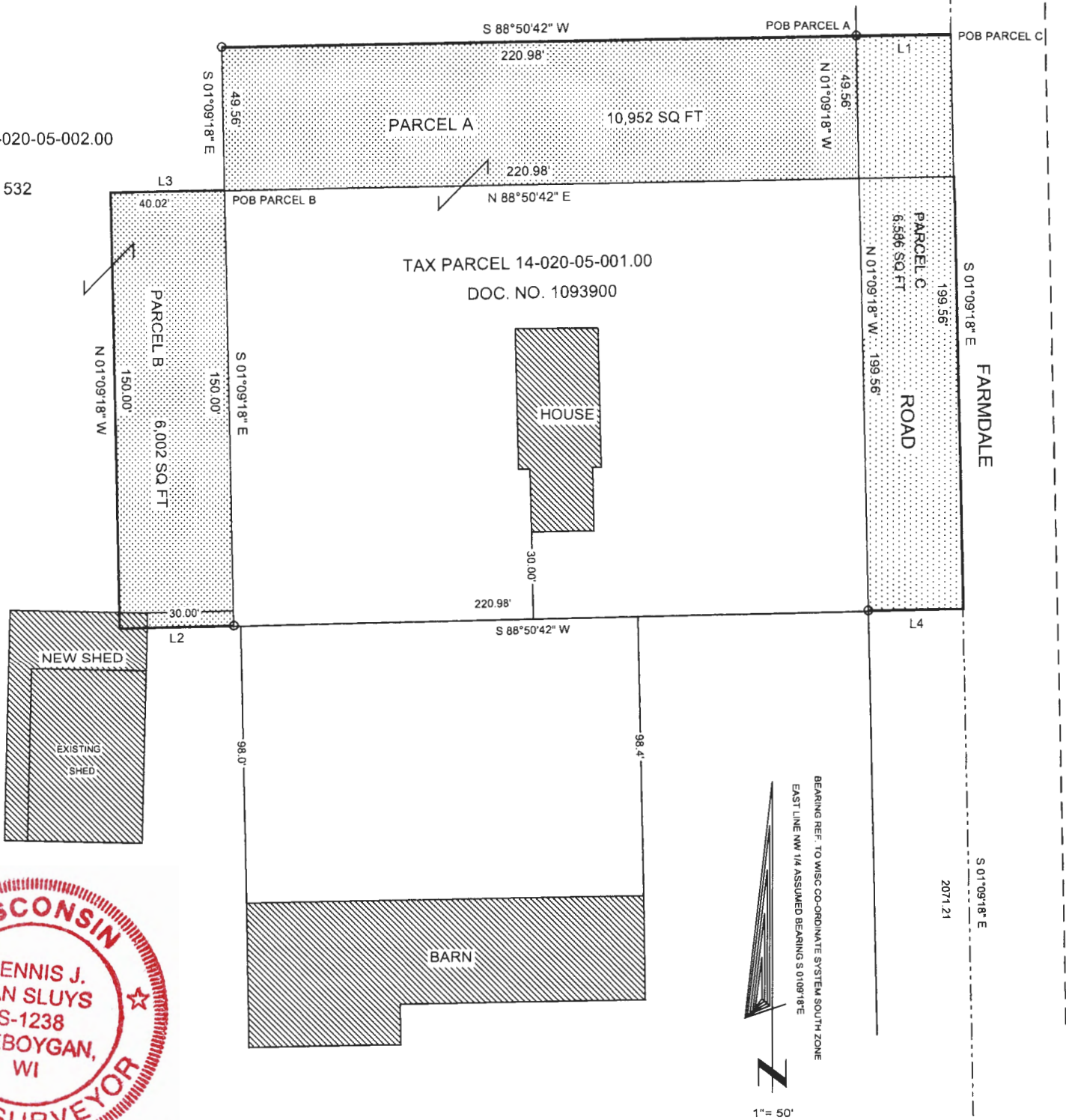
PARCEL A
BEING PART OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 20,
T.09 N., R.21 E., CITY OF MEQUON, OZAUKEE COUNTY, WISCONSIN CONTAINING
10,952 SQ. FT. OF LAND AND DESCRIBED AS; COMMENCING AT THE NORTH QUARTER
CORNER SAID SECTION 20; THENCE S 01°09'18" E, 375.44 FEET
ALONG THE EAST LINE SAID NW 1/4; THENCE S 88°50'42" W., 33.00 FEET
TO THE POINT OF BEGINNING; THENCE CONTINUE S 88°50'42" W., 220.98 FEET.,
THENCE S 01°09'18" E., 49.56 FEET.,
THENCE N 88°50'42" E., 220.98 FEET; THENCE N 01°09'18" W., 49.56 FEET
TO THE POINT OF BEGINNING.
THE ABOVE DESCRIBED PARCEL A TO BE MERGE IN TITLE WITH
TAX PARCEL NUMBER 14-020-05-001.00AS RECORDED IN DOCUMENT NUMBER 1093900.

PARCEL B
BEING PART OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 20,
T.09 N., R.21 E., CITY OF MEQUON, OZAUKEE COUNTY, WISCONSIN CONTAINING 6,002 SQ. FT.
OF LAND AND DESCRIBED AS; COMMENCING AT THE NORTH QUARTER CORNER SAID SECTION 20;
THENCE S 01°09'18" E, 375.44 FEET ALONG THE EAST LINE SAID NW 1/4;
THENCE S 88°50'42" W., 33.00 FEET, THENCE CONTINUE S 88°50'42" W., 220.98 FEET,
THENCE S 01°09'18" E., 49.56 FEET TO THE POINT OF BEGINNING;
THENCE CONTINUE S 01°09'18" E., 150.00 FEET; THENCE S 88°50'42" W., 40.02 FEET;
THENCE N 01°09'18" W., 150.00 FEET; THENCE N 88°50'42" E., 40.02 FEET
TO THE POINT OF BEGINNING.
THE ABOVE DESCRIBED PARCEL TO BE MERGE IN TITLE WITH TAX PARCEL
NUMBER 14-020-05-002.00 AS DESCRIBED IN VOLUME 1236 OF PAGE 532 OF RECORDS.

PARCEL C
RIGHT OF WAY
BEING PART OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER
OF SECTION 20, T.09 N., R.21 E., CITY OF MEQUON, OZAUKEE COUNTY,
WISCONSIN CONTAINING 6,586 SQ. FT. OF LAND AND DESCRIBED AS;
COMMENCING AT THE NORTH QUARTER CORNER SAID SECTION 20;
THENCE S 01°09'18" E, 375.44 FEET ALONG THE EAST LINE SAID NW 1/4;
TO THE POINT OF BEGINNING; THENCE CONTINUE S 01°09'18" E.,
199.56 FEET; THENCE S 88°50'42" W., 33.00 FEET; THENCE N 01°09'18" W.,
199.56 FEET; THENCE N 88°50'42" E., 33.00 FEET TO THE POINT OF BEGINNING.

LINE	BEARING	DISTANCE
L1	S 88°50'42" W	33.00
L2	S 88°50'42" W	40.02
L3	N 88°50'42" E	40.02
L4	S 88°50'42" W	33.00

TAX PARCEL 14-020-05-002.00
VOL 1236 PG 532



THIS IS TO CERTIFY THAT THE INFORMATION SHOWN HEREON
IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.
Dennis J. Van Sluys S-1238

Dated this 10th day of August, 2021.

DATA/MEQUON/1105FAR D-3491



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

www.ci.mequon.wi.us

Office of Community Development

TO: Common Council
FROM: Kim Tollefson, Director of Community Development
DATE: October 12, 2021
SUBJECT: ORDINANCE 2021-1601 An Ordinance Amending Chapter 58 of the Mequon Municipal Code, Authorizing Creation of the Neighborhood Commercial, Mixed-Use Commercial, Senior Housing and Residential Cluster Zoning Districts in the Ulao Creek Neighborhood (Generally the Area Bounded by I-43 to the East, Highland Road to the South, Oriole Lane/Ulao Creek to the West and Pioneer Road to the North)

Background

The Planning Commission Policy Subcommittee was created in August 2019. The most important policy task identified by the members was evaluating desirable and marketable land uses and the creation of zoning for the area of N. Port Washington Road north of Highland Road. The Committee has named this neighborhood Ulao Creek (generally bound by I-43 to the east, Highland Road to the south, Oriole Lane/Ulao Creek to the west and Pioneer Road to the north), and recommends four new zoning districts, a zoning and land use plan map amendment and outdoor storage regulations.

Analysis

Throughout 2020, the subcommittee has assessed information gained through two City surveys, a public open house and workshop, an evaluation of market strength, one-on-one meetings with property owners and input from private sector residential developers and home builders. After considering appropriate land uses, the Committee also evaluated the greater context of the neighborhood, its distinction to other adjacent neighborhoods and communities, as well as the condition and uses of N. Port Washington Road south of Highland Road and further related land use options against population impacts and infrastructure improvements. The Common Council weighed in on the progress and concept plan in July 2020.

Overall Context and Aesthetics

Overall, the neighborhood standards, regardless of use, require design and open space amenities that will set this neighborhood apart from the commercial uses south of Highland Road and from the previous five-acre single-family zoning currently established. It is desired that there be continuity through architecture, streetscape and connectivity through a network of open space features. Each development is required to provide street trees, landscaping and consistent light fixtures within the twenty feet adjacent to N. Port Washington Road. In addition, properties along the west side of N. Port Washington Road are required to install an eight-foot-wide multi-use asphalt path within the same area.

The Committee also established a network of paths to develop as a neighborhood linear park. Some obstacles are present, but compliance with this plan, and through the dedication of open space within the zoning, ultimately creates a looped path system that allows users to travel from Pioneer Road to Highland Road with very limited reliance on the major public road system and connects users to amenities including the commercial areas, CUW and the lakeshore, Oriole Lane school and the Milwaukee River. The Park & Open Space Committee supports the concept linear park and is expected to take final action in October 2021.

The Ulao Creek Neighborhood can be served by public water and is located within the City's Water Service Area. The area will not be served by public sewer due to significant infrastructure costs. Technical standards of the Zoning Code and allowable square footage per building reflect such limitations. Given the limitations on the size of developments, the Committee controlled the traffic in a manner that should not require the widening of N. Port Washington Road.

Recently, Mayor Wirth established an Ad Hoc Port Washington Road Design Standards Committee in which members are responsible for developing design guidelines for the architectural standards of the Ulao Creek neighborhood and N. Port Washington Road south of Highland Road. Ulao Creek design standards are expected to be completed by end of 2021.

Specific Zoning District Details

In January 2021, the Committee recommended approval of the following new zoning districts:

1. Ulao Creek Neighborhood Commercial

Located at the gateways to the neighborhood at N. Port Washington and Highland Roads and N. Port Washington and Pioneer Roads, this zoning is meant to serve existing neighborhoods and new residential growth in Ulao Creek by providing targeted low intensity commercial uses within multi-tenant buildings, no outdoor storage, limited retail and smaller scale structures.

2. Ulao Creek Mixed Use Commercial

Located on the east side of N. Port Washington Road north of Bonniwell Road and south of Pioneer Road, this district allows for single-family residential cluster development and a mix of public and commercial uses that do not compete with existing and desired land uses south of Highland Road, and that are limited in their impact on neighboring properties. The uses are recreational facilities and specialty trade companies that include office, showroom and distribution. Large scale operations and offices are prohibited.

3. Ulao Creek Senior Housing

Senior housing zoning that blends standards for the Ulao Creek neighborhood and the City's current institutional and public service zoning is slated for the east side of N. Port Washington Road south of Bonniwell Road. This area is the most feasible for an extension of public sewer service. This district controls the massing and density of development and dictates amenities as well as medical care programming associated with senior developments. Medical offices and public uses are also allowed.

4. Ulao Creek Residential Cluster

Residential Cluster developments are highly encouraged on the west side of N. Port Washington Road towards Oriole Lane. The zoning allows for minimum yield lot sizes of $\frac{3}{4}$ acre to 2 acres and minimum lot sizes of 15,000 square feet to 30,000 square feet, dependent upon public vs private sewerage service systems. Non-residential uses are very limited and open amenities as well as design standards are required. These regulations rely on and are like those established and now built in the Central Growth neighborhood.

Fiscal Impact

There is no fiscal impact associated with adoption of the new zoning districts.

Staff Recommendation

Staff recommends approval of the four zoning districts based on an effective date of January 1, 2022, or on the date(s) in which the Ulao Creek Neighborhood Design Standards and Neighborhood Open Space Plan are approved, whichever occurs first.

Recommendation

On January 11, 2021, the Planning Commission Policy Subcommittee recommended approval by a vote of 7-0.

On September 27, 2021, the Planning Commission recommended approval by a vote of 8-0.

Attachments:

Ulao Creek Zoning District & Land Use Plan Map (DOCX)
 UC Neighborhood Commercial Zoning (DOCX)
 UC Mixed Use Commercial Zoning (DOCX)
 UC Senior Housing Zoning (DOCX)
 UC Residential Cluster Zoning (DOCX)
 Ulao Creek Existing Zoning (PDF)
 CC Minutes from 07.14.2020 (PDF)

COMMON COUNCIL
OF THE
CITY OF MEQUON

ORDINANCE 2021-1601

An Ordinance Amending Chapter 58 of the Mequon Municipal Code, Authorizing Creation of the Neighborhood Commercial, Mixed-Use Commercial, Senior Housing and Residential Cluster Zoning Districts in the Ulao Creek Neighborhood (Generally the Area Bounded by I-43 to the East, Highland Road to the South, Oriole Lane/Ulao Creek to the West and Pioneer Road to the North)

RECITALS

- A. The City has undertaken a study of the zoning for the Ulao Creek Neighborhood.
- B. The Planning Commission on September 27, 2021, recommended approval of a set of proposals related to establishing new zoning classifications in the Ulao Creek Neighborhood.
- C. Based upon the Planning Commission's recommendation and following the public hearing before the Common Council on the 9th day of November 2021, the Common Council desires to complete the rezoning of properties within the Ulao Creek Neighborhood.

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

SECTION I

Chapter 58, Zoning Code is amended as recommended by the Planning Commission's action of September 27, 2021 as follows:

- 1. Creation of Ulao Creek Neighborhood Commercial Zoning District as attached in Exhibit A.
- 2. Creation of Ulao Creek Neighborhood Mixed-Use Zoning District as attached in Exhibit B.
- 3. Creation of Ulao Creek Neighborhood Senior Housing District as attached in Exhibit C.
- 4. Creation of Ulao Creek Neighborhood Residential Cluster as attached in Exhibit D.

SECTION II

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

SECTION III

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

SECTION IV

This ordinance shall take effect and be in full force upon adoption of the Ulao Creek Neighborhood Open Space Plan and the Ulao Creek Design Standards, or by January 1, 2022, whichever occurs first and the day after its publication.

Approved by: John Wirth, Mayor

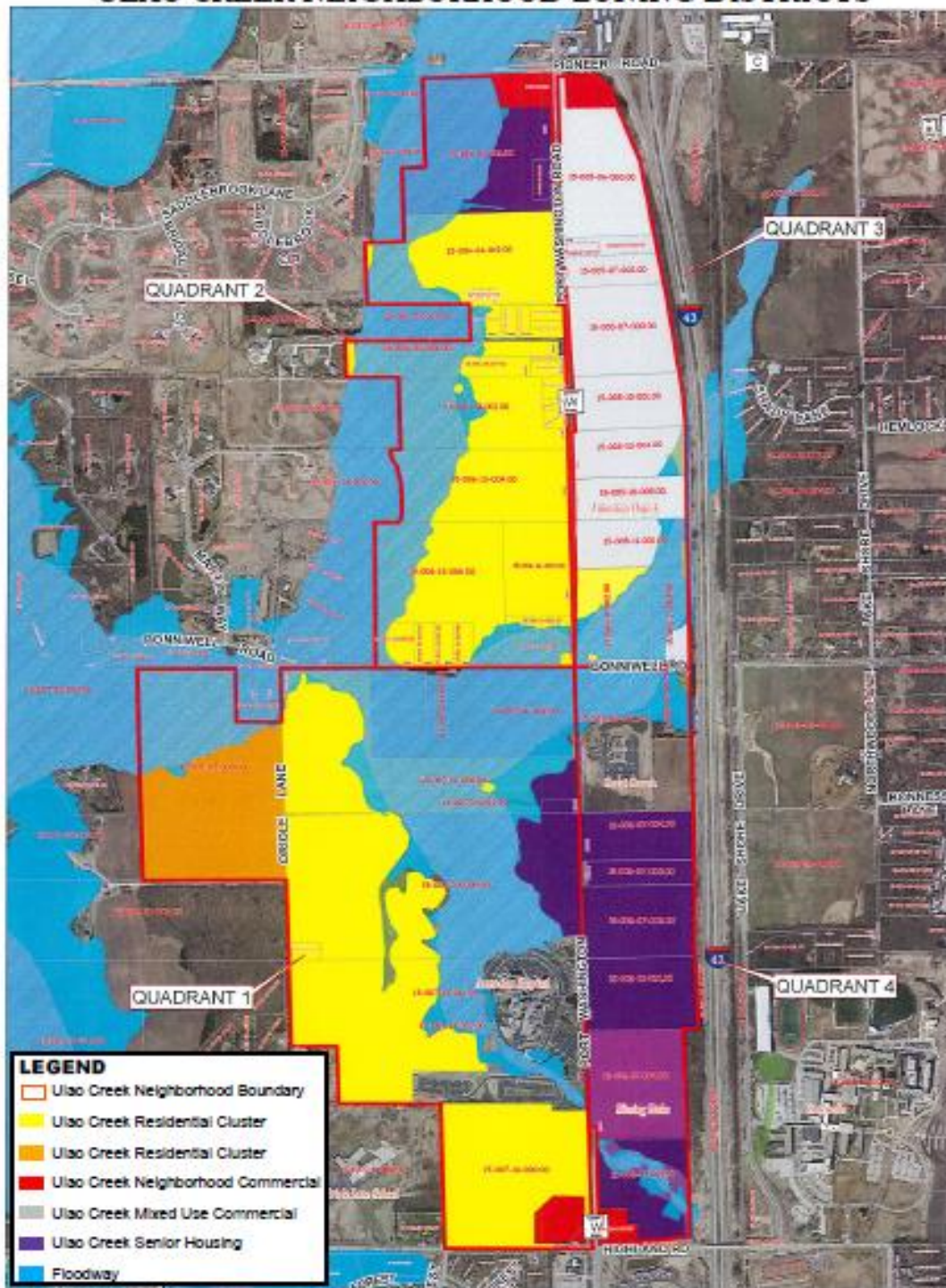
Date Approved: November 9, 2021

I certify that the foregoing Ordinance was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on November 9, 2021.

Caroline Fochs, City Clerk

Published: _____

ULAO CREEK NEIGHBORHOOD ZONING DISTRICTS



Use	Acres	Square Footage	Units	Trips/1,000 sf or Trips/unit	Trips Generated
Single Family: 2 Acre	56		28	9.57	267
Single Family: 3/4 Acre	320		240	9.57	2,296
Senior / MR	46		460	.08 – 5.44	36 - 2502
Neighborhood Commercial	11	120,000		11.42	1370
Mixed Commercial	80	1.379 M		11.42	15,748
TOTAL		1.5M	728		19,715 – 22,183

Ordinance Exhibit A

Sec. 58-304. –Ulao Creek Neighborhood Commercial (UCNC) district.

- (a) *Purpose.* The Ulao Creek Neighborhood Commercial (UCNC) district is established to provide a limited commercial environment for office and services that enhance residential, limited commercial and institutional uses desired in the Ulao Creek neighborhood by providing neighborhood scale services for nearby residential neighborhoods.
- (b) *General requirements.*
 - (1) Buildings shall be designed in individual or small groupings and shall not exceed 25,000 square feet per structure, nor exceed two stories in height. The commercial development shall be designed and sized in a manner which is architecturally, aesthetically and operationally harmonious with surrounding development.
 - (2) All business, servicing or processing, except for off-street parking or loading, shall be conducted within completely enclosed buildings. Outside storage is prohibited.
 - (3) Building and site plan review required. The Planning Commission shall review and act on development within the UCNC district. All applicants are required to meet with city staff for a pre-application meeting. All development is subject to the following minimum building and site standards:
 - a. Primary and secondary conservation features, including but not limited to, wetlands, floodplains, drainage courses, steep slopes, specimen trees, woodlands, meadows, scenic features and viewsheds shall be integrated into an open space and landscaping plan.
 - b. Access to the development shall be minimized and shall be accessed from roadway that are classified as Arterials: Primary and Secondary as described in Resolution 607.
 - c. Street alignments and cross street connections are required. Roads shall be designed to ensure that adjacent parcels have adequate connection to maximize development. Connections shall be required even if the adjacent sites do not yet have streets. The approved alignment and cross connection(s) are to be constructed in its entirety or in a phasing plan approved by the Planning Commission.
 - d. A walkway internal to the site, connecting internal site and external neighborhood amenities shall be installed at the time of street construction and prior to occupancy.
 - e. Open space and features adjacent to the site's entire extent of perimeter public right-of-way shall be identified. Open space adjacent to the entire extent of any public right-of-way shall be a minimum of 20 feet in width and include light fixtures and street trees, which are subject to the approval of the City Tree Board and Planning Commission. City approved and designated UC entryway light fixture(s) are required within this defined entryway and open space. An asphalt multi-use path of 8 feet in width is required on the west side of North Port Washington Road.
 - f. Entryway amenities at the access to the development include signage, landscaping, light fixture(s), utilities and utility accessories. These entryway features shall enhance the open space adjacent to the public right-of-way and serve as a transition from public to private lands. City approved and designated UC entryway light fixture(s) are required within this defined entryway.
 - g. No commercial tenant space shall be less than 1,500 square feet.

h. Building Placement and Composition shall comply with the City approved Ulao Creek Design Standards.

(4) Redevelopment of an existing building, where 50 percent or more of the existing building area is removed, shall be subject to the regulations in subsection (c) unless the city modifies the regulations in accordance with a conditional use process.

(c) *Permitted, accessory and conditional uses.* Table 58-304-1, Uses in the Ulao Creek Neighborhood Commercial District, lists all the permitted and conditional uses.

(d) *Lot size.* The minimum lot size shall have an area of not less than two (2) acres.

(e) *Building size/floor area ratio.* The building(s) floor area ratio shall not exceed 25 percent.

(f) *Building height.* The height of any structure shall not exceed 42 feet unless otherwise allowed in accordance with section 58-418.

(g) *Minimum and maximum building setback.* All structures within the UCNC shall be set back from the ultimate road right-of-way as follows:

(1) A minimum building front yard setback of 50 feet and a maximum of 75 feet when located on a highway,

(2) A minimum building front yard setback of 30 feet and a maximum of 50 feet when located on a local street.

(h) *Minimum building offset.* No building or structure, hereafter erected, shall be placed closer than 20 feet to a side or rear lot line. If, however, adjacent properties are zoned or used as a residential land use, no commercial building or structure shall be placed closer than 50 feet to the adjoining residential land use or zoning. The offset area adjacent to residential land uses or zoning shall include landscaping that screens operations associated with commercial use activities including, but not limited to, vehicular headlights, service door and operations and parking.

(i) *Open space ratio.*

The open space ratio shall not be less than 30 percent and include the following open space features:

(1) Create large and contiguous areas that represent an integrated system that connects to features on adjacent sites and public amenities within the surrounding neighborhood.

(2) Distribute common, open space throughout the development to serve as connection from the streets and structures to areas of contiguous open space. Small or fragmented open space shall be minimized.

(3) Protection of site features.

(4) Connect to environmental features on adjacent sites. Long, thin strips shall be prohibited unless a conservation feature is linear and necessary to provide a green belt between lots or to provide connection with other natural features, amenities and adjacent developments.

(5) Maintain a perimeter, low-maintenance open space buffer with a minimum width of 20 feet along public streets, paved and unpaved paths.

- (6) Include outdoor plazas and hardscape features intended for informal use or gatherings of customers and employees.
- (j) *Lot width and lot length.* The minimum average lot width and minimum average lot length shall be 150 feet.
- (k) *Off-street parking.* In accordance with applicable regulations set forth in section 58-441 of this chapter.
- (l) *Minimum parking and driveway offset.* No driveway or parking area shall be located closer than 20 feet from a side or rear lot line unless specifically waived by the planning commission.
- (m) *Minimum parking setback.* No driveway (excluding the portion of driveway required for road access) or parking area shall be located closer than 30 feet to the ultimate road right-of-way and shall not project further into the front yard than the building(s).

Table 58-304-1
Uses in the Ulao Creek Neighborhood Commercial District

Use	Neighborhood Commercial	Specific Development Standards
<i>Office and Clinic:</i>		
Office		
Medical clinics	P	
Optical and vision center	P	
Veterinary clinics or hospitals	C	Use shall comply with regulations as described in Division 11 and shall not include retail pet supplies. A 24-hour emergency operational plan and outdoor use and facility plan is subject to staff review and approval.
Financial institutions without drive-through		
Financial institutions with drive-through		
<i>Institutional and Public:</i>		

Public parks	P	Subject to Park and Open Space Board and Common Council approval for acceptance of land and shall comply with the City's Policy Statement #14 Donation Policy.
Public administrative offices and services	P	
Religious institutions		
Public or private schools of 5,000 square feet or less	P	An operational plan including hours, staffing, capacity, noise, safety and security regulations is subject to Planning Commission approval. The use may be subject to commissioning a Traffic Impact Analysis and implementation of conditions of such.
Public or private schools		
Private lodges and clubs of 5,000 square feet or less	P	Operations shall include open space components such as areas for private services, pools, dining, hardscape plazas and gardens, lodging is prohibited. An operational plan including hours, staffing, capacity, noise, safety and security regulations is subject to Planning Commission approval. The use may be subject to commissioning a Traffic Impact Analysis and implementation of conditions of such.
Private lodges and clubs		
Fine Arts School and studios of 2,000 square feet or less	P	May include studios for photography, painting, music, sculpture, and dance or similar related arts. The performance arts school shall not exceed 2,000 square feet
Community centers		
Libraries		
Museums		
Crematory services		
Mausoleums		

Cemeteries		
Public parking facilities, non-accessory		
<i>Residential:</i>		
Artist's live/work units	P	as described in 58-303
Residential uses, eight (8) units or less, if part of a mixed-use development		
Residential uses, nine (9) units to sixteen (16), if part of a mixed-use development		
Bed and breakfast		
Community Living arrangements for 8 or fewer persons		
Single-family residential cluster developments		
Age restrictive housing for persons of 55 years of age and older		
<i>Accessory Residential:</i>		
Residential quarters for the owner/proprietor		
Home Occupations		
Private outdoor recreational facilities without lights		

Private outdoor recreational facilities with lights		
<i>Retail and Services:</i>		
Art, hobby, game and educational supply stores, studios or galleries		
Interior design services		
Graphic design services		
Antiques, collectibles, gift or florists	P	as described in 58-303
Commercial use of a designated historic structure		
Stationary stores		
Bookstores, new		
Camera and photography supply store		
Computer and software store		
Electronic goods store		
Tobacco, cigar or nicotine product/e-cigarette store 2,000 square feet or less		
Music and musical instrument store including repairs		
Video stores		
Paint and wallpaper store		

Luggage and leather goods store		
Beauty and personal aid supply store		
Photocopying, film development, printing and publishing, packaging store of 4,000 square feet or less	P	
Dry cleaning and tailors	P	
Clothing and accessories including repairs		
Home furnishings and accessories of 4,000 square feet or less	P	
Sports and fitness centers including retail of 3,000 square feet or less	P	
Bicycle repair and sales	P	
Indoor recreation and amusement facilities		
Pet supplies, grooming and daycare		
Pet kennel		
Garden store		
Hardware store, 3,000 square feet or less, as part of a mixed-use commercial building	P	

Child daycare facilities, preschools, learning centers, as part of a mixed-use commercial building	P	An operational plan, including outdoor use and facilities, including hours, staffing, capacity, noise, safety and security regulations is subject to Planning Commission approval. The use may be subject to commissioning a Traffic Impact Analysis and implementation of conditions of such.
Specialty food stores	P	
Beer, wine and liquor stores, 3,000 square feet or less, as part of a mixed-use commercial building	P	
Sports and fitness retail store greater than 3,000 square feet		
Gas stations		
Gas stations with car wash		
Convenience store, no greater than 1,500 square feet, without gas, as part of a mixed-use commercial building	P	
Automobile service facilities including retail and repair		
Car dealerships		
Shopping centers		
Funeral homes		
Concert halls		
Theatres, live performances only		

Sexually oriented businesses		
Hotels		
Planned commercial development	PUD	
Grocery store of 25,000 square feet or less		An operational plan including hours, staffing, capacity, noise, safety and security regulations is subject to Planning Commission approval. The use may be subject to commissioning a Traffic Impact Analysis and implementation of conditions of such.
Pharmacy, 5,000 square feet or less without drive-through and as part of a mixed-use commercial building Pharmacy, 5,000 square feet or less with a drive-through, and as part of a mixed-use commercial building	P C	Masonry or compatible building materials shall be incorporated into any proposed drive-through facility and shall include a canopy. The drive-through service area and associated canopy shall be considered accessory and located to the rear of the building. The building, including the drive-through service canopy, shall incorporate the use of awnings, varied roof forms, roof lines and other elements to provide scale. The accessory structures, such as service or menu boards, signs, speakers shall be designed to complement the principal structure through the building materials and colors and other features. All speaker systems shall be operated at a low volume (maximum of 65 decibels) to not cause a nuisance for adjacent residential uses.
<i>Food and Beverage:</i>		
Catering services as part of a mixed-use commercial building	P	
Confectionary store without drive-through as part of a mixed-use commercial building	P	

Bakeries, including retail sales without drive through as part of a mixed-use commercial building	P	
Bakeries, including retail sales with drive through		
Coffee shop of 2,000 square feet or less without drive-through as part of a mixed-use commercial building	P	
Coffee shop of 2,000 square feet or less with drive-through	C	Masonry or compatible building materials shall be incorporated into any proposed drive-through facility and shall include a canopy. The drive-through service area and associated canopy shall be considered accessory and located to the rear of the building. The building, including the drive-through service canopy, shall incorporate the use of awnings, varied roof forms, roof lines and other elements to provide scale. The accessory structures, such as service or menu boards, signs, speakers shall be designed to complement the principal structure through the building materials and colors and other features. All speaker systems shall be operated at a low volume (maximum of 65 decibels) to not cause a nuisance for adjacent residential uses.
Delicatessen without drive-through as part of a mixed-use commercial building	P	
Delicatessen with drive-through		
Snack and non-alcoholic beverage bars without drive-through as part of a mixed-use commercial building	P	
Fast food restaurant without drive-through as part of a mixed-use commercial building	P	As described in 58-303

Fast food restaurant with drive-through		
Sit-down restaurants as part of a mixed-use commercial building	P	As described in 58-303
Nightclubs		
P = Permitted uses		
C = Conditional uses		

(k) *Park and Open Space Plan and Impact Fee.* A park and open space impact fee is required for the development in accordance with Section 58-138-152. All development shall comply with the City approved Ulao Creek Neighborhood Park and Open Space.

(l) *Development Agreement.* A development agreement is required for development in which public or private infrastructure and open space is planned and shall comply with the City Standard Specifications for Land Development, latest edition. The development agreement is subject to the approval of the City Planning Commission and Common Council.

(m) *Exceptions to the district requirements.* All district requirements shall be met unless a concept plan review application is submitted to the Planning Commission that includes each of the following:

1. Project concept plan meeting all district requirements.
2. Project concept plan graphically detailing any requested exceptions to district requirements.
3. Project narrative addressing reason for exception, impact and effect of exception and the additional amenities proposed to mitigate the impact and effect of such exception.

The burden of persuasion on the issue of whether the development, if completed as proposed, will comply with the spirit and intent of this district always remains on the applicant.

The Planning Commission may approve exceptions to the district requirements upon finding that the use or development includes building or site amenities that address any adverse effects of the exception and where the Planning Commission finds that strict compliance to the requirements is impractical because of site conditions or location.

Further, Planning Commission approval of an exception shall require common council confirmation upon written request from two aldermen or one alderman and the mayor. Such request shall be made within 14 days of the corresponding Planning Commission approval of the exception.

Ordinance Exhibit B

Sec. 58-305. –Ulao Creek Mixed Use Commercial (UCMU) district.

- (a) *Purpose.* The Ulao Creek Mixed Use (UCMU) Commercial district is established to provide a limited rural designed, commercial and light industrial uses desired in the City and not otherwise allowed in commercial zoning districts along the interstate.
- (b) *General requirements.*
- (1) Buildings shall be designed in individual or small groupings and shall not exceed 25,000 square feet per structure, nor exceed two stories in height. The commercial development shall be designed and sized in a manner which is architecturally, aesthetically and operationally harmonious with surrounding development.
 - (2) All business, servicing or processing, except for off-street parking or loading, shall be conducted within completely enclosed buildings. Outside storage is permitted through an Outdoor Storage Permit authorized by the Department of Community Development.
 - (3) Building and site plan review required for all land uses listed in Table 58-305-1. The Planning Commission shall review and act on all development within the UCMU district. All applicants are required to meet with city staff for a pre-application meeting. All development is subject to the following minimum building and site standards:
 - a. Primary and secondary conservation features, including but not limited to, wetlands, floodplains, drainage courses, steep slopes, specimen trees, woodlands, meadows, scenic features and viewsheds shall be integrated into the open space and landscaping plan.
 - b. Access to the development shall be minimized and from N. Port Washington Road.
 - c. Street alignments and cross street connections are required. Roads shall be designed to ensure that adjacent parcels have adequate connection to maximize development. Connections shall be required even if the adjacent sites do not yet have streets. The approved alignment and cross connection(s) are to be constructed in its entirety or in a phasing plan approved by the Planning Commission.
 - d. A walkway internal to the site, connecting internal site and external neighborhood amenities shall be installed at the time of street construction and prior to occupancy.
 - e. Open space and features adjacent to the site's entire extent of perimeter public right of way shall be identified. Open space adjacent to the entire extent of any public right-of-way shall be a minimum of 20 feet in width and include light fixtures and street trees, which are subject to the approval of the City Tree Board and Planning Commission. City approved and designated UC entryway light fixture(s) are required within this defined entryway and open space.
 - f. Entryway amenities at the access to the development include signage, landscaping, light fixture(s), utilities and utility accessories. These entryway features shall enhance the open space adjacent to the public right-of-way and serve as a transition from public to private lands. City approved and designated UC entryway light fixture(s) are required within this defined entryway.
 - g. Building Placement and Composition shall comply with the City approved Ulao Creek Design Standards.

- (4) Redevelopment of an existing building, where 50 percent or more of the existing building area is removed, shall be subject to the regulations in subsection (c) unless the city modifies the regulations in accordance with a conditional use process.
- (c) *Permitted, accessory and conditional uses.* Table 58-305-1, Uses in the Ulao Creek Mixed Use Commercial District, lists all the permitted and conditional uses.
- (d) *Lot size.* The minimum lot size shall have an area of not less than two (2) acres.
- (e) *Building size/floor area ratio.* The building(s) floor area ratio shall not exceed 25 percent.
- (f) *Building height.* The height of any structure shall not exceed 42 feet unless otherwise allowed in accordance with section 58-418.
- (g) *Minimum and maximum building setback.* All structures within the UCMU shall be set back from the ultimate road right-of-way as follows:
- (1) A minimum building front yard setback of 50 feet and a maximum of 75 feet.
 - (2) A minimum building front yard setback of 30 feet and a maximum of 50 feet when located on a local street.
- (h) *Minimum building offset.* No building or structure, hereafter erected, shall be placed closer than 20 feet to a side or rear lot line. If, however, adjacent properties are zoned residential, no commercial building or structure shall be placed closer than 50 feet to the adjoining residential zoning. The offset area adjacent to residential land uses or zoning shall include landscaping that screens operations associated with commercial use activities including, but not limited to, vehicular headlights, service door and operations, signage and parking.
- (i) *Open space ratio.*
- (1) The open space ratio shall not be less than 30 percent and include the following open space features:
 - a. Create large and contiguous areas that represent an integrated system that connects to features on adjacent sites and public amenities within the surrounding neighborhood.
 - b. Distribute common, open space throughout the development to serve as connection from the streets and structures to areas of contiguous open space. Small or fragmented open space shall be minimized.
 - c. Protection of site features.
 - d. Connect to environmental features on adjacent sites. Long, thin strips shall be prohibited unless a conservation feature is linear and necessary to provide a green belt between lots or to provide connection with other natural features, amenities and adjacent developments.
 - e. Maintain a perimeter, low-maintenance open space buffer with a minimum width of 20 feet along public streets, paved and unpaved paths.

- f. Include outdoor plazas and hardscape features intended for informal use or gatherings of customers and employees.
- (j) *Lot width and lot length.* The minimum average lot width and minimum average lot length shall be 150 feet.
- (k) *Off-street parking.* In accordance with applicable regulations set forth in section 58-441 of this chapter.
- (l) *Minimum parking and driveway offset.* No driveway or parking area shall be located closer than 20 feet from a side or rear lot line unless specifically waived by the planning commission.
- (m) *Minimum parking setback.* No driveway (excluding the portion of driveway required for road access) or parking area shall be located closer than 50 feet to the ultimate road right-of-way and shall not project further into the front yard than the building(s).
- (n) *Park and Open Space Plan and Impact Fee.* A park and open space impact fee is required for the development in accordance with Section 58-138-152. All development shall comply with the City approved Ulao Creek Neighborhood Park and Open Space.
- (o) *Development Agreement.* A development agreement is required for development in which public or private infrastructure and open space is planned and shall comply with the City Standard Specifications for Land Development, latest edition. The development agreement is subject to the approval of the City Planning Commission and Common Council.
- (p) *Exceptions to the district requirements.* All district requirements shall be met unless a concept plan review application is submitted to the Planning Commission that includes each of the following:
 - (1) Project concept plan meeting all district requirements.
 - (2) Project concept plan graphically detailing any requested exceptions to district requirements.
 - (3) Project narrative addressing reason for exception, impact and effect of exception and the additional amenities proposed to mitigate the impact and effect of such exception.

The burden of persuasion on the issue of whether the development, if completed as proposed, will comply with the spirit and intent of this district always remains on the applicant.

The Planning Commission may approve exceptions to the district requirements upon finding that the use or development includes building or site amenities that address any adverse effects of the exception and where the Planning Commission finds that strict compliance to the requirements is impractical because of site conditions or location.

Further, Planning Commission approval of an exception shall require Common Council confirmation upon written request from two aldermen or one alderman and the mayor. Such

request shall be made within 14 days of the corresponding Planning Commission approval of the exception.

Ordinance Exhibit C

Sec. 58-244. –Ulao Creek Senior Housing (UC SH) district.

- (a) *Purpose.* The Ulao Creek Senior Housing (UCSH) district is established to provide a limited rural designed, senior housing component to the neighborhood, where such uses like the hospital, university and nearby commercial uses create compatible living environments for residents 55 years of age and older and are not otherwise allowed in zoning districts on the east side of the city.
- (b) *General requirements.*
- (1) Buildings shall be designed in individual or small groupings and sized in a manner which is architecturally, aesthetically and operationally harmonious with surrounding development.
 - (2) All business, servicing or processing, except for off-street parking or loading, shall be conducted within completely enclosed buildings.
 - (3) Building and site plan review required. The Planning Commission shall review and act on development within the UCSH district. All applicants are required to meet with city staff for a pre-application meeting. All development is subject to the following minimum building and site standards:
 - a. Primary and secondary conservation features, including but not limited to, wetlands, floodplains, drainage courses, steep slopes, specimen trees, woodlands, meadows, scenic features and viewsheds shall be integrated into an open space and landscaping plan.
 - b. Access to the development shall be minimized and shall be from N. Port Washington Road.
 - c. Street alignments and cross street connections are required. Roads shall be designed to ensure that adjacent parcels have adequate connection to maximize development. Connections shall be required even if the adjacent sites do not yet have streets. The approved alignment and cross connection(s) are to be constructed in its entirety or in a phasing plan approved by the Planning Commission.
 - d. A walkway internal to the site, connecting internal site and external neighborhood amenities shall be installed at the time of street construction and prior to occupancy.
 - e. Open space and features adjacent to the site's entire extent of perimeter public right of way shall be identified. Open space adjacent to the entire extent of any public right-of-way shall be a minimum of 20 feet in width and include light fixtures and street trees, which are subject to the approval of the City Tree Board and Planning Commission. City approved and designated UC entryway light fixture(s) are required within this defined entryway and open space. An asphalt multi-use path of 8 feet in width on the west side of North Port Washington Road.
 - f. Entryway amenities at the access to the development include signage, landscaping, light fixture(s), utilities and utility accessories. These entryway features shall enhance the open space adjacent to the public right-of-way and serve as a transition from public to private lands. City approved and designated UC entryway light fixture(s) are required within this defined entryway.

- g. Building Placement and Composition shall comply with the City approved Ulao Creek Design Standards.
- (4) Redevelopment of an existing building, where 50 percent or more of the existing building area is removed, shall be subject to the regulations in subsection (c) unless the city modifies the regulations in accordance with a conditional use process.
- (c) *Permitted, accessory and conditional uses.* Table 58-244-1, Uses in the Ulao Creek Senior Housing District, lists all the permitted and conditional uses.
 - (d) *Lot size.* The minimum lot size shall have an area of not less than two (2) acres.
 - (e) *Building size/floor area ratio.* The building(s) floor area ratio shall not exceed 30 percent.
 - (f) *Building height.* The height of any structure shall not exceed 42 feet unless otherwise allowed in accordance with section 58-418.
 - (g) *Minimum and maximum building setback.* All structures within the UCSH shall be set back from the ultimate road right-of-way a minimum building front yard setback of 50 feet and a maximum of 75 feet.
 - (h) *Minimum building offset.* No building or structure, hereafter erected, shall be placed closer than 20 feet to a side or rear lot line. If, however, adjacent properties are zone or used as a residential land use, no institutional, public or commercial building or structure shall be placed closer than 50 feet to the adjoining residential land use or zoning. The offset area adjacent to residential land uses or zoning shall include landscaping that screens operations associated with commercial use activities including, but not limited to, vehicular headlights, service door and operations and parking.
 - (i) *Open space ratio.*
 - (1) The open space ratio shall not be less than 30 percent and include the following open space features:
 - a. Create large and contiguous areas that represent an integrated system that connects to features on adjacent sites and public amenities within the surrounding neighborhood.
 - b. Distribute common, open space throughout the development to serve as connection from the streets and structures to areas of contiguous open space. Small or fragmented open space shall be minimized.
 - c. Protection of site features.
 - d. Connect to environmental features on adjacent sites. Long, thin strips shall be prohibited unless a conservation feature is linear and necessary to provide a green belt between lots or to provide connection with other natural features, amenities and adjacent developments.

- e. Maintain a perimeter, low-maintenance open space buffer with a minimum width of 20 feet along public streets, paved and unpaved paths.
 - f. Include outdoor plazas and hardscape features intended for informal use or gatherings of customers and employees.
- (j) *Lot width and lot length.* The minimum average lot width and minimum average lot length shall be 150 feet.
- (k) *Off-street parking.* In accordance with applicable regulations set forth in section 58-441 of this chapter.
- (l) *Minimum parking and driveway offset.* No driveway or parking area shall be located closer than 20 feet from a side or rear lot line unless specifically waived by the planning commission.
- (m) *Minimum parking setback.* No driveway (excluding the portion of driveway required for road access) or parking area shall be located closer than 50 feet to the ultimate road right-of-way and shall not project further into the front yard than the building(s).
- (n) *Park and Open Space Plan and Impact Fee.* A park and open space impact fee is required for the development in accordance with Section 58-138-152. All development shall comply with the City approved Ulao Creek Neighborhood Park and Open Space.
- (o) *Development Agreement.* A development agreement is required for development in which public or private infrastructure and open space is planned and shall comply with the City Standard Specifications for Land Development, latest edition. The development agreement is subject to the approval of the City Planning Commission and Common Council.
- (p) *Exceptions to the district requirements.* All district requirements shall be met unless a concept plan review application is submitted to the Planning Commission that includes each of the following:
- (1) Project concept plan meeting all district requirements.
 - (2) Project concept plan graphically detailing any requested exceptions to district requirements.
 - (3) Project narrative addressing reason for exception, impact and effect of exception and the additional amenities proposed to mitigate the impact and effect of such exception.

The burden of persuasion on the issue of whether the development, if completed as proposed, will comply with the spirit and intent of this district always remains on the applicant.

The Planning Commission may approve exceptions to the district requirements upon finding that the use or development includes building or site amenities that address any adverse effects of the exception and where the Planning Commission finds that strict compliance to the requirements is impractical because of site conditions or location.

Further, Planning Commission approval of an exception shall require Common Council confirmation upon written request from two aldermen or one alderman and the mayor. Such request shall be made within 14 days of the corresponding Planning Commission approval of the exception.

Ordinance Exhibit D

Sec. 58-243. – Ulao Creek Residential Cluster (UCRC) district.

(a) *Purpose.* The Ulao Creek Residential Cluster (UCRC) district is established to increase the supply of single-family, market-rate dwellings located within an area not served by public sewer and provide an environment of cluster developments with a density of $\frac{3}{4}$ acre per dwelling unit in an effort to preserve critical environmental features and enhance neighborhood amenities for the public benefit.

(b) *Definitions.*

- (1) *Residential cluster development.* A residential cluster development is a unified single-family residential development in which not less than five single-family lots are grouped together in order to preserve common space and reduce infrastructure for the benefit of the residents of the development and surrounding neighborhood. Cluster developments allow flexibility in the location of lots and structures and the size of individual lots in order to encourage the efficient use of land and infrastructure.
- (2) *Yield Lots.* Yield lots are the total number of lots based on gross area in which the property is located as existing on date of application and permitted based on the minimum lot size and width. The number of yield lots are the equivalent number of lots allowed as a residential cluster development. The Department of Community Development shall validate the approved number of yield lots prior to filing for approval of a preliminary plat. Yield lot standards for the Ulao Creek Neighborhood: Port Washington Road shall be a minimum of $\frac{3}{4}$ acre lot size and 130 foot width. Yield lot standards for Ulao Creek Neighborhood: Oriole Lane shall be a minimum of two (2) acre lot size and 150-foot width.

(c) *Permitted uses.*

- (1) Single-family detached dwellings existing prior to December 1, 2021.
- (2) Residential cluster developments.
- (3) Animals and animal-related uses specified in division 11.
- (4) Community living arrangements for 8 or fewer persons in accordance with Wis. Stats. §62.23(7)(i).
- (5) Long-term rental of a structure described in subsection (d)(1-2).

(d) *Permitted accessory uses.* Permitted accessory uses as allowed in the R-4 zoning district subject to the following:

- (1) No accessory structure shall project further into the front or corner side yard than the principle structure.
- (2) Fencing is prohibited in the front and corner side yard.
- (3) 100% opaque fencing is prohibited.
- (4) Chain link fencing is prohibited.

(e) *Conditional uses.*

- (1) Single-family residential developments created through a conventional subdivision design or a minor land division
- (2) Public and/or private utility, transmission and distribution lines, poles and other accessories.
- (3) Community living arrangements for nine or more persons in accordance with Wis. Stats. § 62.23(7)(i).
- (4) Additional attached non-income producing living accommodations with separate bath and kitchen facilities for relatives of the individual(s) residing in the primary dwelling.
- (5) Guesthouse subject to, among other things, living quarters being within a detached accessory building which is located on the same lot with the principal residential structure. Furthermore, the guesthouse is intended for use by temporary guests of the residents and shall have no kitchen facilities, and not be rented or otherwise used as a separate dwelling.

(f) *Yard Requirements.* The yard requirements shall be as follows in Table 58-243-1:

Table 58-243-1 Lot Dimension and Yard Requirements

Uses	Min. Lot Area	Min. Lot Width	Front Yard	Interior Side / Rear Yard	Corner Side	Lot Coverage	FAR
Port Washington Road Single-Family (S.F.)	3/4 AC	130 ft	50 ft	20 ft	50 ft	20%	n/a
Oriole Lane Single-Family (S.F.)	2 AC	150 ft	50 ft	20 ft	50 ft	20%	n/a
Residential Cluster Developments Served By Public Sewer	15,000 square feet*	85 feet	30 ft	15 ft/ 20 ft	30 feet	20%	n/a
Residential Cluster Developments Served by Private Sewer	30,000 sq. ft.	100 ft	30 ft	15 ft/ 20 ft	30 ft	20%	n/a
All Other Uses	1 AC	150 ft	50 ft	30 ft	50 ft	n/a	25%

*Minimum Lot Area for Residential Cluster Developments Served by Public Sewer. A minimum lot area of 15,000 square feet is permitted; however no more than 50% of the total lots shall be of a lot area of less than .50 acres

(g) *Dwelling standards.* Single-family dwellings within the UC Neighborhood district shall have a minimum living area of 1,800 square feet for a single-story and 2,100 for a multi-story.

(h) *Building height.* The height of any dwelling unit shall not exceed 42 feet. The height of any accessory structure shall not exceed 15 feet.

(i) *Specific design standards for residential cluster developments.* Any development designed as a cluster development shall be subject to the following standards.

- (1) *Density.* All density shall be provided on the subject development site but may be in different phases of the development.
- (2) *Concept development plan.* The concept development plan is required and subject to Planning Commission approval prior to or at the time of submitting the preliminary plat. The development plan shall specify the following features for protection and installation. A final approved concept plan in accordance with Planning Commission action shall be maintained on file with the City. The preliminary and final plat shall be consistent with the final approved concept plan as determined by the City.
 - a. Primary conservation features including but not limited to wetlands, floodplains, drainage courses, steep slopes, specimen trees shall be identified and protected.
 - b. Secondary conservation features including but not limited to woodlands, natural meadows, scenic features, passive and active recreational amenities or viewsheds shall be identified and protected.
 - c. Location of lots and buildable area of each lot shall be shown.
 - d. Street alignments and cross connections are required as follows:
 - The development shall have two or more street connections at the boundaries of the development.
 - Provided at least one street connection creates legal access to an existing street, any other connection may be made to one or more adjacent undeveloped parcels or, as approved by the planning commission, parcels likely to be redeveloped. For future street connections to undeveloped parcels, the street shall terminate in an eyebrow, in accordance with Standard Specifications of Land Development, within 150 feet of the property line of the undeveloped parcel. The area from the eyebrow to the property line shall be designated as right of way at least 60 feet in width. If an adjacent site has constructed one or more eyebrows as part of a prior development the subject parcel shall be required to provide a street connection to each previously constructed eyebrow.
 - Streets shall be designed, as determined by the planning commission, to ensure that adjacent parcels have adequate connection to maximize development.
 - Streets shall be dedicated to the city at or prior to final plat final approval. Approved future connections in accordance with Sections b shall be dedicated as right of way.

- e. A roadside sidewalk internal to the site shall be installed at the time of roadway construction, prior to final plat and shall be maintained by the homeowner or homeowner's association.
- f. Hard surface (asphalt, stone or other materials) bikeway/pedestrian paths connecting internal site and external neighborhood amenities, including connections to adjacent sites are required. Connections shall be required even if the adjacent sites do not yet have paths.
- g. Driveway locations shall be identified. Driveways shall be accessed from roadways that are classified as Local Streets, Land Access, as described in Resolution 607.
- h. Distinction of lots with front entry or side entry garage option(s) shall be identified. No less than 50% of residential buildings shall present a side loading garage, a courtyard garage entry or a 15-degree turned garage entry. Of the remaining 50% that is allowed to present a front loading garage, the following shall apply: 1) no more than two garage stalls shall present on the same linear plane, 2) all front loading garages shall contain architectural details consistent with the front elevation, 3) none of the front loading garages shall have a consistent setback to that of the habitable portion of the building and 4) no more than 30% of the front loading garages shall project further into the front yard than the habitable portion of the building. There shall be no more than three front-loading garage residential buildings in a row.
- i. Open space and features adjacent to the site's entire extent of perimeter public right of way shall be identified. The development plan shall address the following open space requirements:
 - Maintain not less than 30 percent of total site area as common open space and create large and contiguous areas that represent an integrated system with no one dedicated common space being less than 5,000 square feet.
 - Distribute common, open space throughout the development to serve as connection from the streets and groupings of lots to the large and contiguous open space. Small or fragmented open space shall be minimized.
 - Protect site features.
 - Connect open space to environmental features on adjacent sites. Long, thin strips shall be prohibited unless a conservation feature is linear and necessary to provide a green belt between lots or to provide connection with other natural features, amenities and adjacent developments.
 - Maintain a perimeter, low-maintenance open space buffer with a minimum width of 30 feet.
 - Open space adjacent to the entire extent of any public right-of-way shall be a minimum of 20 feet in width and include light fixtures and street trees, which are subject to the approval of the City Tree Board and Planning Commission. City approved and designated UC entryway light fixture(s) are required within this defined entryway and open space. An asphalt multi-use path of 8 feet in width is required if the open space is located on the west side of North Port Washington Road.
 - Entryway open space amenities include signage, landscaping, light fixture(s), utilities and utility accessories. These entryway features shall enhance the open space adjacent to the public right-of-way and serve as a transition from public to

private lands. City approved and designated UC entryway light fixture(s) are required within the defined entryway.

- Include common passive recreational amenities and designated areas for common active recreational amenities. Common amenities include, but are not limited to, features such as gardens, trail systems leading to destinations, sport courts, firepits, gathering and seating areas, children's play equipment.
- Comply with applicable standards set forth in the City approved Ulao Creek Neighborhood Park and Open Space Plan.

(3) Building Placement and Composition shall comply with the City approved Ulao Creek Neighborhood Design Standards.

(j) *Park and Open Space Plan and Impact Fee.* A park and open space impact fee is required for the development in accordance with Section 58-138-152. All development shall comply with the City approved Ulao Creek Neighborhood Park and Open Space.

(k) *Development Agreement.* A development agreement is required for development in which public or private infrastructure and open space is planned and shall comply with the City Standard Specifications for Land Development, latest edition. The development agreement is subject to the approval of the City Planning Commission and Common Council.

(l) *Exceptions to the district requirements.* All district requirements shall be met unless a concept plan review application is submitted to the Planning Commission that includes each of the following:

- (1) Project concept plan meeting all district requirements.
- (2) Project concept plan graphically detailing any requested exceptions to district requirements.
- (3) Project narrative addressing reason for exception(s), the impact and effect of exception(s) and the additional amenities proposed to mitigate the impact and effect of such exception(s).

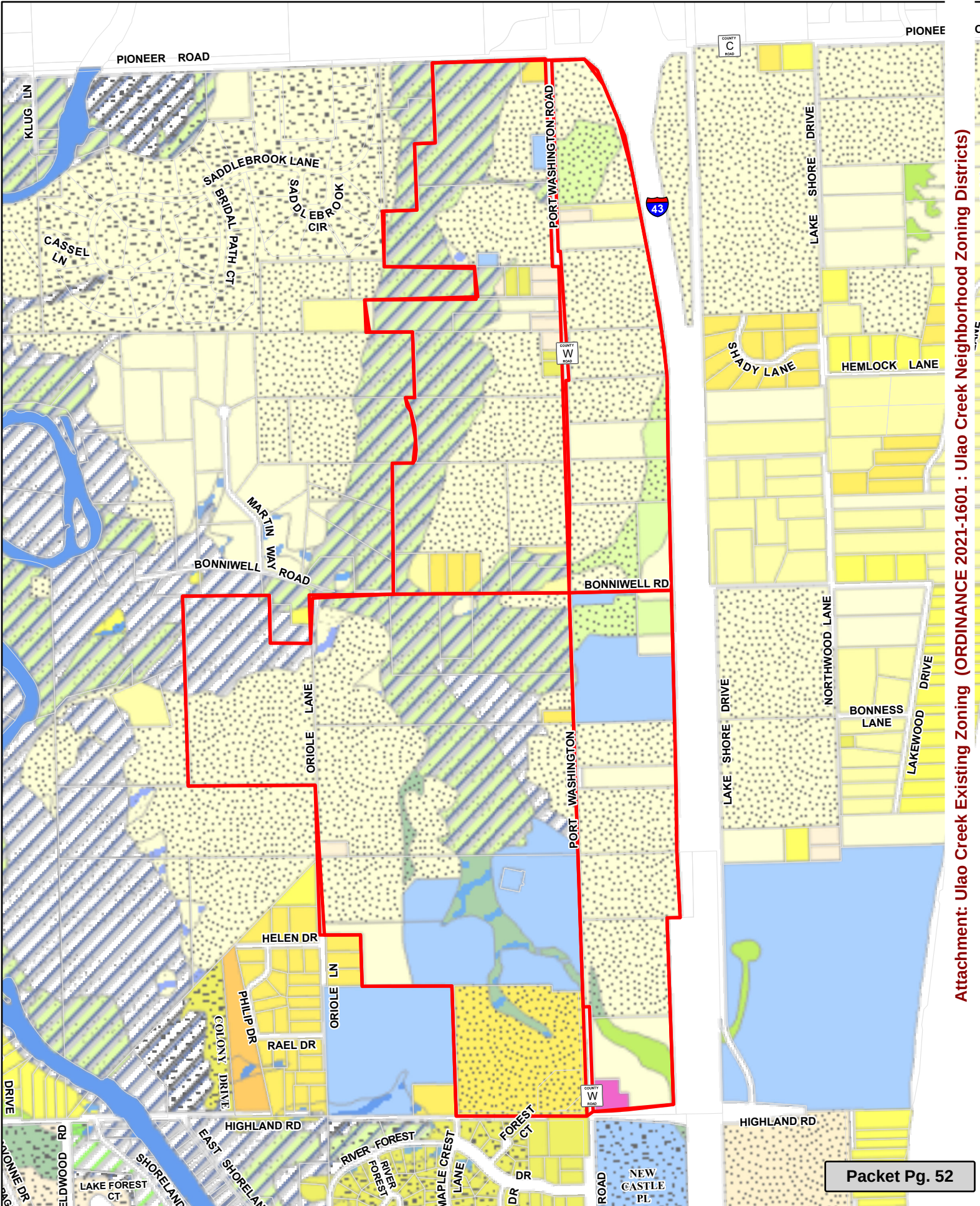
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Further, Planning Commission approval of an exception shall require Common Council confirmation upon written request from two aldermen or one alderman and the mayor. Such request shall be made within 14 days of the corresponding Planning Commission approval of the exception.

Ulaos Creek Neighborhood - Existing Zoning

5.b.f



Attachment: Ulaos Creek Existing Zoning (ORDINANCE 2021-1601 : Ulaos Creek Neighborhood Zoning Districts)

Common Council Committee of the Whole Minutes from July 14, 2020

5) Committee of the Whole:

- a) An Update Regarding Neighborhood Land Use and Infrastructure Policy Initiatives in the East Growth Neighborhood, Generally Bounded by I-43 (East), Highland Road (South), Oriole Lane & Ulao Creek (West) and Pioneer Road (North).

Mayor Wirth explained that the City established a Policy Subcommittee of the Planning Commission that has been meeting monthly for approximately one year discussing infrastructure and land use in the hopes of outlining a cohesive plan of the area.

Patrick Shanahan, owners' representative for 40 acres at the northwest corner of Port Washington and Highland Road, stated that the master plan of their development has been modified pursuant to Council feedback at a November 2019 meeting. The developers look forward to bringing back a workable solution in the future.

Kim Tollefson, Community Development Director, indicated that policy discussion on the East Growth Neighborhood began in August 2019. There has been a heavy commitment for input from property owners, residents and focus groups. She reviewed the Policy Subcommittee Committee work which included reviews of traffic impacts, utilities, land use/acreage and TID districts on Port Washington Road, hosting a neighborhood open house, sewer and water extension assessments, trip generation, I-43 reconstruction and interchange review, and hosted a focus group for residential development leaders.

The Policy Subcommittee is looking for limited commercial development at both of the gateway intersections (Highland Road/Port Washington Road and Pioneer Road/Port Washington Road), with mixed commercial targeted to low intensity businesses on the east side of Port Washington Road that would provide flexible, compatible development. An immediate goal is to get Council input so the Policy Subcommittee can proceed with more detailed work regarding zoning districts and meeting with affected property owners. The Policy Subcommittee also recommends extension of the public water system at an estimated cost of \$1.3M to encourage and streamline development, private septic systems for disposal, and cluster neighborhood designs. Next steps are developing zoning regulations, architectural and site design standards, working towards public water expansion, develop neighborhood open space plan and impact fees, meet with property owners, and reviews by Planning Commission and Common Council. Discussion ensued on logistics of private sewage systems, soil borings for these systems, green way development between Pioneer Road and Highland Road, traffic impact, trip counts, pace of development, 40-acre property development at Highland Road and Port Washington Road, and road widening.



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Office of Community Development

TO: Common Council
FROM: Kim Tollefson, Director of Community Development
DATE: October 12, 2021
SUBJECT: ORDINANCE 2021-1602 An Ordinance Amending Chapter 58 of the Mequon Municipal Code, Incorporating the Ulao Creek Neighborhood (Generally the Area Bound by I-43 to the East, Highland Road to the South, Oriole Lane and Ulao Creek to the West and Pioneer Road to the North) into the City's Zoning and Land Use Plan Maps

Background

The new zoning district regulations must accompany an approved Land Use Plan Map amendment and an approved Zoning Map amendment. The attached map represents the parcels subject to a Land Use and Zoning Map amendment. As a reminder, staff has notified and offered meetings to all property owners affected by these changes throughout the entire process. In addition, property owners are officially notified of Planning Commission hearings as well as public hearings held by the Common Council.

Fiscal Impact

The amendment to the Zoning Map and Land Use Plan Map is fiscally neutral.

Recommendation

Planning Commission Policy Subcommittee Recommendation:

On January 11, 2021, the Planning Commission Policy Subcommittee recommended approval of the associated map for documentation of the Land Use and Zoning Map changes for the Ulao Creek neighborhood by a vote of 7-0.

Planning Commission Recommendation:

On September 27, 2021, the Planning Commission recommended approval of the associated map for documentation of the Land Use and Zoning Map changes for the Ulao Creek neighborhood by a vote of 8-0.

Attachments:

Ulao Creek Zoning and Land Use Plan Map (PDF)

COMMON COUNCIL
OF THE
CITY OF MEQUON

ORDINANCE 2021-1602

An Ordinance Amending Chapter 58 of the Mequon Municipal Code, Incorporating the Ulao Creek Neighborhood (Generally the Area Bound by I-43 to the East, Highland Road to the South, Oriole Lane and Ulao Creek to the West and Pioneer Road to the North) into the City's Zoning and Land Use Plan Maps

RECITALS

A. The Common Council has determined that an amendment to the City's Zoning Map and Land Use Plan Map within Chapter 58 of the Mequon Municipal Code, is appropriate.

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

SECTION I

The zoning map and land use plan map is amended and approved by the Planning Commission's action of September 27, 2021 and in accordance with Exhibit A as attached.

SECTION II

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

SECTION III

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

SECTION IV

This ordinance shall take effect and be in full force upon adoption of the Ulao Creek Neighborhood Open Space Plan and the Ulao Creek Design Standards, or by January 1, 2022, whichever occurs first and the day after its publication.

Approved by: John Wirth, Mayor

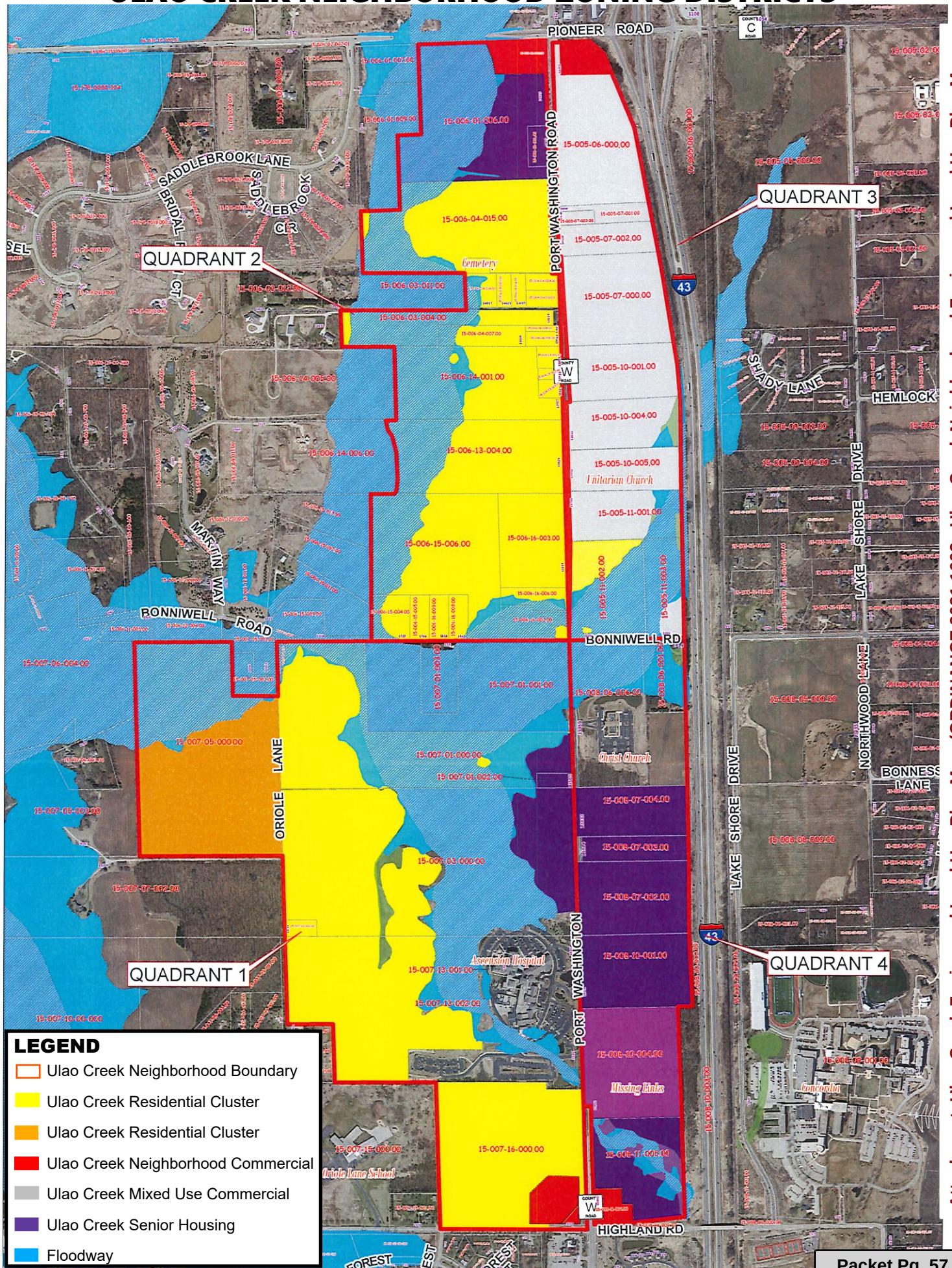
Date Approved: November 9, 2021

I certify that the foregoing Ordinance was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on November 9, 2021.

Caroline Fochs, City Clerk

Published: _____

Ordinance Exhibit A ULAO CREEK NEIGHBORHOOD ZONING DISTRICTS





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

www.ci.mequon.wi.us

Office of Community Development

TO: Common Council
FROM: Kim Tollefson, Director of Community Development
DATE: October 12, 2021
SUBJECT: ORDINANCE 2021-1603 An Ordinance Amending Chapter 58 of the Mequon Municipal Code, Establishing Outdoor Storage Permitting Requirements for the Ulao Creek Neighborhood (Generally the Area Bounded by I-43 to the East, Highland Road to the South, Oriole Lane and Ulao Creek to the West and Pioneer Road to the North)

Background

An outdoor storage permit and standards are recommended given the type of permitted commercial uses proposed as part the Ulao Creek neighborhood land use plan. The Committee recommends screening for materials, equipment and fleet vehicles associated with business operations. The regulations address both structural and vegetative screening, location and material standards as well as surfacing and drainage requirements. The proposed screen height is eight feet to accommodate the type of product expected for these uses.

Fiscal Note

Applications for a Ulao Creek Outdoor Storage permit are expected to be \$60 to cover the costs associated with review and administration.

Recommendation

Planning Commission Policy Subcommittee Recommendation:

On January 11, 2021, the Planning Commission Policy Subcommittee recommended approval of the Ulao Creek outdoor storage standards by a vote of 7-0.

Planning Commission Recommendation:

On September 27, 2021, the Planning Commission recommended approval of the Ulao Creek outdoor storage standards by a vote of 8-0.

Attachments:

Outdoor Storage Regulations (DOCX)

COMMON COUNCIL
OF THE
CITY OF MEQUON

ORDINANCE 2021-1603

An Ordinance Amending Chapter 58 of the Mequon Municipal Code, Establishing Outdoor Storage Permitting Requirements for the Ulao Creek Neighborhood (Generally the Area Bounded by I-43 to the East, Highland Road to the South, Oriole Lane and Ulao Creek to the West and Pioneer Road to the North)

RECITALS

A. The City has undertaken a study of the zoning regulations for the Ulao Creek Neighborhood.

B. The Planning Commission on September 27, 2021, recommended approval of an amendment to zoning code relating to outdoor storage in the Ulao Creek Neighborhood.

C. Based upon the Planning Commission's recommendation and following the public hearing before the Common Council on the 9th day of November 2021, the Common Council has determined that an amendment to the City's Zoning Code, Chapter 58 of the Mequon Municipal Code is appropriate.

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

SECTION I

Chapter 58, Zoning Code is amended as attached in Exhibit A.

SECTION II

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

SECTION III

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

SECTION IV

This ordinance shall take effect and be in full force upon adoption of the Ulao Creek Neighborhood Open Space Plan and the Ulao Creek Design Standards, or by January 1, 2022, whichever occurs first and the day after its publication.

Approved by: John Wirth, Mayor

Date Approved: November 9, 2021

I certify that the foregoing Ordinance was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on November 9, 2021.

Caroline Fochs, City Clerk

Published: _____

Ordinance Exhibit A

Subdivision III. Section 58-468 Ulao Creek Neighborhood Outdoor Storage.

The purpose of the regulations and standards in this section is to provide consistent screening and surfacing standards for outdoor storage.

- A. Permit. Any outdoor storage is subject to an approved Outdoor Storage Permit issued by the Department of Community Development.
- B. General Requirements.
 - 1. No outdoor storage shall be located in the required setbacks, offsets or located closer to public streets than the principal structures on the property. No outdoor storage is permitted on a vacant property.
 - 2. No outdoor storage or associated structural screening shall exceed eight (8) feet in height.
 - 3. A combination of structural and landscaping screening is required for outdoor storage. Structural screening shall be architecturally consistent with the materials, including masonry, and the colors and design of the principal structure. Landscape screening shall be consistent with the formal landscaping plan of the site, shall provide year-round density and shall soften the aesthetic of the structural screening. Signage hung or attached to the screening is prohibited.
 - 4. Chain link fencing is prohibited.
- C. Screening.
 - 1. Screening of outdoor storage is required from any of the following:
 - i. Public street or freeway;
 - ii. Publicly accessible open space area, path, parking area, access driveway, or other similar thoroughfare;
 - iii. Developed property where public access or view to areas of any public, quasi-public, commercial or industrial use; or
 - iv. Undeveloped property where public access or view to areas adjoining the outdoor storage use is expected.
 - v. Existing or area zoned for residential.
- D. Surfacing. Outdoor storage areas shall be graded and drain all surface water within the area to a city approved stormwater management facility. Outdoor storage areas may be surfaced

with partially permeable materials if adequate drainage and erosion and dust control are provided.

- E. Lighting. Any lighting used to illuminate an outdoor storage area shall be directed and shielded as to not illuminate any area other than the outdoor storage area and is subject to 58-567 – Outdoor lighting installation.



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 Mequon, WI 53092-1930
 Phone: 262-236-2902
 Fax: 262-242-9655

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Office of Community Development

TO: Common Council
FROM: Kim Tollefson, Director of Community Development
DATE: October 12, 2021
SUBJECT: ORDINANCE 2021-1600 An Ordinance Approving a Planned Unit Residential Development in Town Center for the Properties Located at 11040 and 11110 N. Buntrock Avenue, Consisting of Forty-Six Row House-Style Apartments on 3.5 Acres

Background

The applicant, P2 Development, is seeking rezoning and concept plan approval for forty-six (46) row house-style apartments at 11040-11110 N. Buntrock Avenue. The parcel is zoned TC (Town Center), which requires a Planned Unit Development (PUD) for all residential developments with more than 16 units. A text amendment approved by the Common Council in 2017 eliminated the ability to have multi-story apartment buildings in the Town Center Zoning District. The Code was also changed to allow buildings with 16 units or less provided that all units have individual first floor access. The applicant will be seeking an incentive for the project through Tax Increment Finance District #3 to cover costs such as demolition and public improvements.

Analysis

The concept plan shows four buildings that contain 11-12 units each. The building located at the northwest end of the development also includes a community room with a deck. There is a large green space located in the center of the site which will include amenities such as grills and a gazebo along with storm water detention. There are 46 residential units proposed with an average size of 1,564 square feet. The tenant mix includes 24 two-bedroom and 22 three-bedroom apartments. Overall density is 13.7 units per acre, which is less than the maximum density permitted in the TC zoning district (allows up to 32 units per acre).

Staff is supportive of the concept plan in general. Like the Artesa apartment development to the north, the plan shows on-street parking and extension of the sidewalk along Buntrock Avenue. On-street parking and other amenities (lighting, landscaping) to match the street pattern along the recently developed portion of Buntrock Avenue and that throughout the neighborhood is a condition of approval. The driveway on the north end of the development is very close to the entrance to Artesa. Staff understands that the applicant is exploring a shared access point at this location, which is preferred by staff. As a condition of approval, it recommended that the applicant agree to a floating easement on the south end of the parcel which would allow a future development to connect to that driveway and avoid the situation that currently exists on the north end of the parcel.

The concept plan complies with the Town Center Zoning and Design Standards except in the

following case which will require a waiver:

Minimum Width of Dwellings

The two-bedroom apartments are 16 feet in width which does not comply with the 20-foot minimum in the TC zoning district. Since the units are two-stories in height, the units are greater than 1,000 square feet, which is required by Code. Staff and the Planning Commission support the waiver. The intent of the Code requirement was to avoid having very narrow one-story tenant spaces. The proposed project includes two-story units in a row house style that exceed the 1,000 square foot area. As a comparison, the pocket homes at Foxtown are approximately 20 feet in width.

Building Design

The applicant has provided a concept building design that shows the two-story buildings being constructed of brick, masonry, and fiber cement siding. The proposed materials are listed as permitted in the TC Zoning District. Overall, staff believes the building design complies with the architectural guidelines of the Town Center and exhibits a high-quality architectural style. There is a fair amount of articulation to the building, which includes features scaled to the pedestrian. Final building plans will be reviewed at the time of building and site plan approval.

Fiscal Impact

The 46-unit development is estimated to be valued at \$10,000,000, resulting in estimated annual tax revenue of \$150,000.

Recommendation

The Planning Commission recommended approval at its September 27, 2021, meeting by a vote of 8-0, subject to conditions.

Attachments:

Exhibit A: Zoning Map (PDF)
 Exhibit B: Site Plan (PDF)
 Exhibit C: Elevations (PDF)
 Exhibit D: Updated Elevations (PDF)
 Exhibit E: Floor Plan (PDF)

COMMON COUNCIL
OF THE
CITY OF MEQUON

ORDINANCE 2021-1600

An Ordinance Approving a Planned Unit Residential Development in Town Center for the Properties Located at 11040 and 11110 N. Buntrock Avenue, Consisting of Forty-Six Row House-Style Apartments on 3.5 Acres

RECITALS

A. The applicant is seeking a rezoning for 46 row house style apartments at 11040-11110 N. Buntrock Road. The parcel is zoned TC (Town Center), which requires a PUD for all residential developments with more than 16 units.

B. The Planning Commission, by majority vote of the Commission on September 27, 2021, has recommended approval of a Zoning Map amendment to designate the property illustrated in Exhibit A as “Town Center and PUD.”

C. Based upon the Planning Commission's recommendation and following the public hearing before the Common Council on the 9th day of November 2021, the Common Council desires to rezone the property consistent with the conditions of the Commission's recommendation.

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

SECTION I

The existing and official City of Mequon District Zoning Maps are hereby amended so as to change the zoning classification of the properties located at 11040-11110 N. Buntrock Road, as further described and illustrated in Exhibit A, to Town Center (TC) and Planned Unit Development (PUD) subject to the following conditions:

1. The applicant shall agree to a floating access easement along the south property line.
2. The dumpster shall be relocated to a location not visible from the public right of way.
3. The on-street parking and other amenities (lighting, landscaping) in the front of the building shall match the street pattern along the rest of Buntrock Avenue.
4. The site plan shall incorporate elements consistent with the Town Center Streetscaping Plan including:
 - Use of the TC light fixture
 - Plant species and trees from the approved landscape plan
 - Incorporation of on-street parking
 - Design amenities consistent with the Mequon River Station theme
5. Connection to public water and sanitary sewer. The applicant shall obtain the necessary

- approval and permits for the installation of the sanitary sewer and water main from the various regulatory agencies. This will require a public main extension.
6. Peak and average flow calculations shall be provided for the sanitary sewer connection.
 7. Engineering Department review and approval of grading, drainage, stormwater management, erosion control and sewer plan in conformance to City ordinances and the Standard Specifications for Land Development.
 8. Approval of a storm water management plan for the site in conformance to City ordinances and MMSD Chapter 13, including execution of a Storm Water Facilities Maintenance and Easement Agreement.
 9. Application for and approval of a City erosion control permit, subject to applicable fees and conditioned upon WDNR issuance of a WRAPP permit.
 10. Execution of a Water Service Agreement between the applicant and the Water Utility, subject to applicable fees. The mainline water main shall meet Water Utility standards for ISO recommended fire flows. An amendment to the existing water main easement document or the recordation of an additional water main easement may be required.
 11. As a condition of approval and issuance of the permit, the City Engineer will require in accordance with City ordinance 58-677(b) that the applicant deposit an escrow or letter of credit to guarantee a good faith execution of the approved control plan and any permit conditions. The escrow/letter of credit shall be in an amount equal to 125% of the estimated cost of construction and maintenance of the storm water management practices and the City will release the portion of the Financial Guarantee less any costs incurred by the city to complete installation of practices, upon submission of a certification in accordance with 58-678(h).

SECTION II

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

SECTION III

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

SECTION IV

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

Approved by: John Wirth, Mayor

Date Approved: November 9, 2021

I certify that the foregoing Ordinance was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on November 9, 2021.

Caroline Fochs, City Clerk

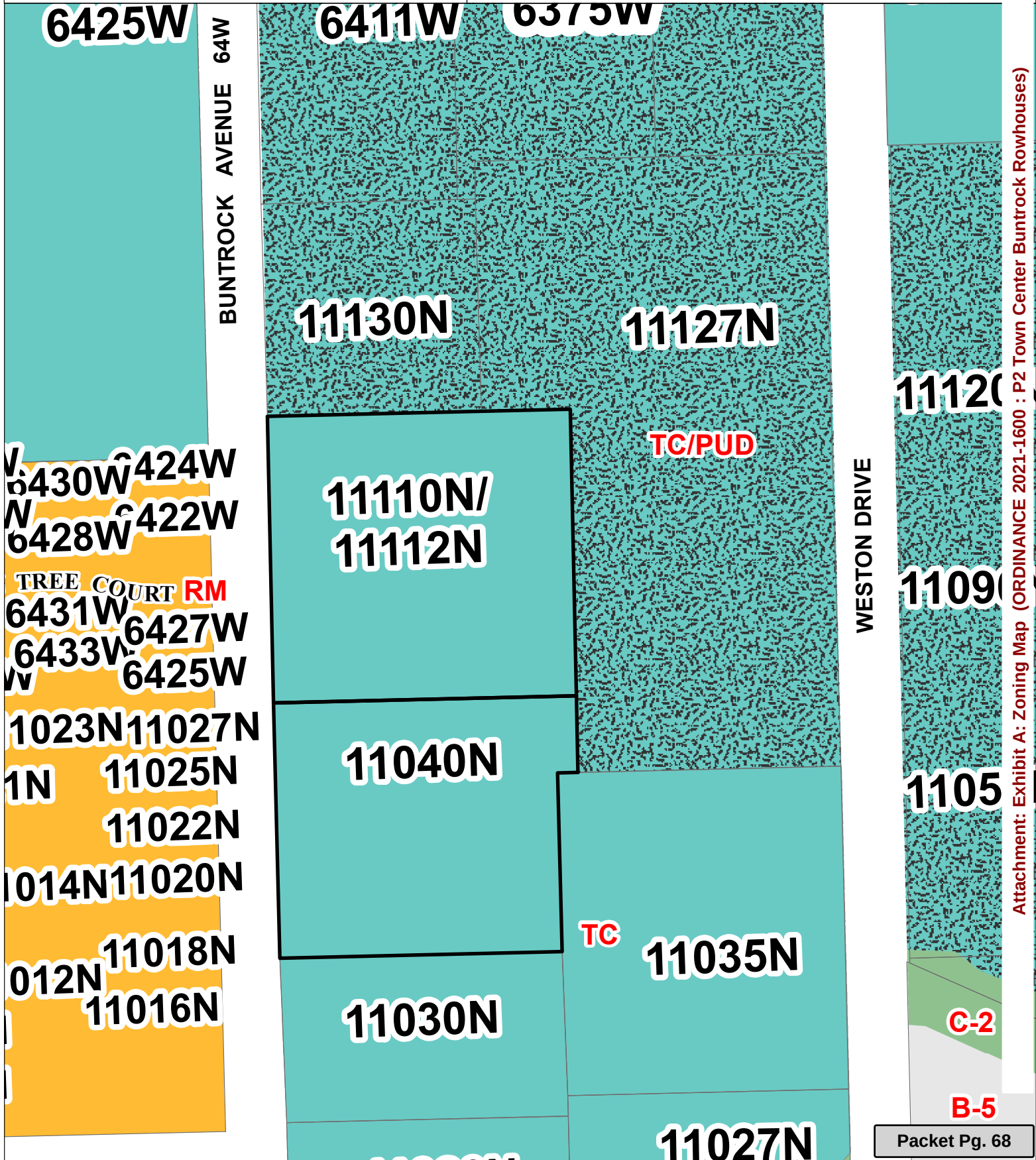
Published: _____

P2 Development Co., LLC

AC Arrival Corridor
A-1 Agricultural Preserve
A-2 General Agricultural
B-1 Neighborhood Business
B-2 Community Business
B-3 Office & Service Business
B-4 Business Park
B-5 Light Industrial
B-6 Rural Industrial
B-7 Rural Business
C-1 Shoreland/Wetland Conservancy
C-2 General Conservancy
CGO Central Growth Overlay
FFO Flood Fringe Overlay
FW Floodway
IPS Institutional & Public Service

LTD Limited Use
OA Agricultural Overlay
PUD Planned Unit Development Overlay
P-1 Park & Recreation
R-1 Single-Family Residential (5 Ac. Min.)
R-1B Single-Family Residential (2.5 Ac. Min.)
R-2 Single-Family Residential (2.0 Ac. Min.)
R-2B Single-Family Residential (1.5 Ac. Min.)
R-3 Single-Family Residential (1.0 Ac. Min.)
R-4 Single-Family Residential (3/4 Ac. Min.)
R-5 Single-Family Residential (1/2 Ac. Min.)
R-6 Single-Family Residential (4 du/Ac.)
RM Multi-Family Residential
TC Town Center
TDR Transfer of Development Rights

5.e.a



Attachment: Exhibit A: Zoning Map (ORDINANCE 2021-1600 : P2 Town Center Buntrock Rowhouses)

PROPOSED RESIDENTIAL DEVELOPMENT
FOXTOWN TOWNHOMES
11040-11112 BUNTROCK AVENUE
CITY of MEQUON, OZAUKEE COUNTY

Issue:

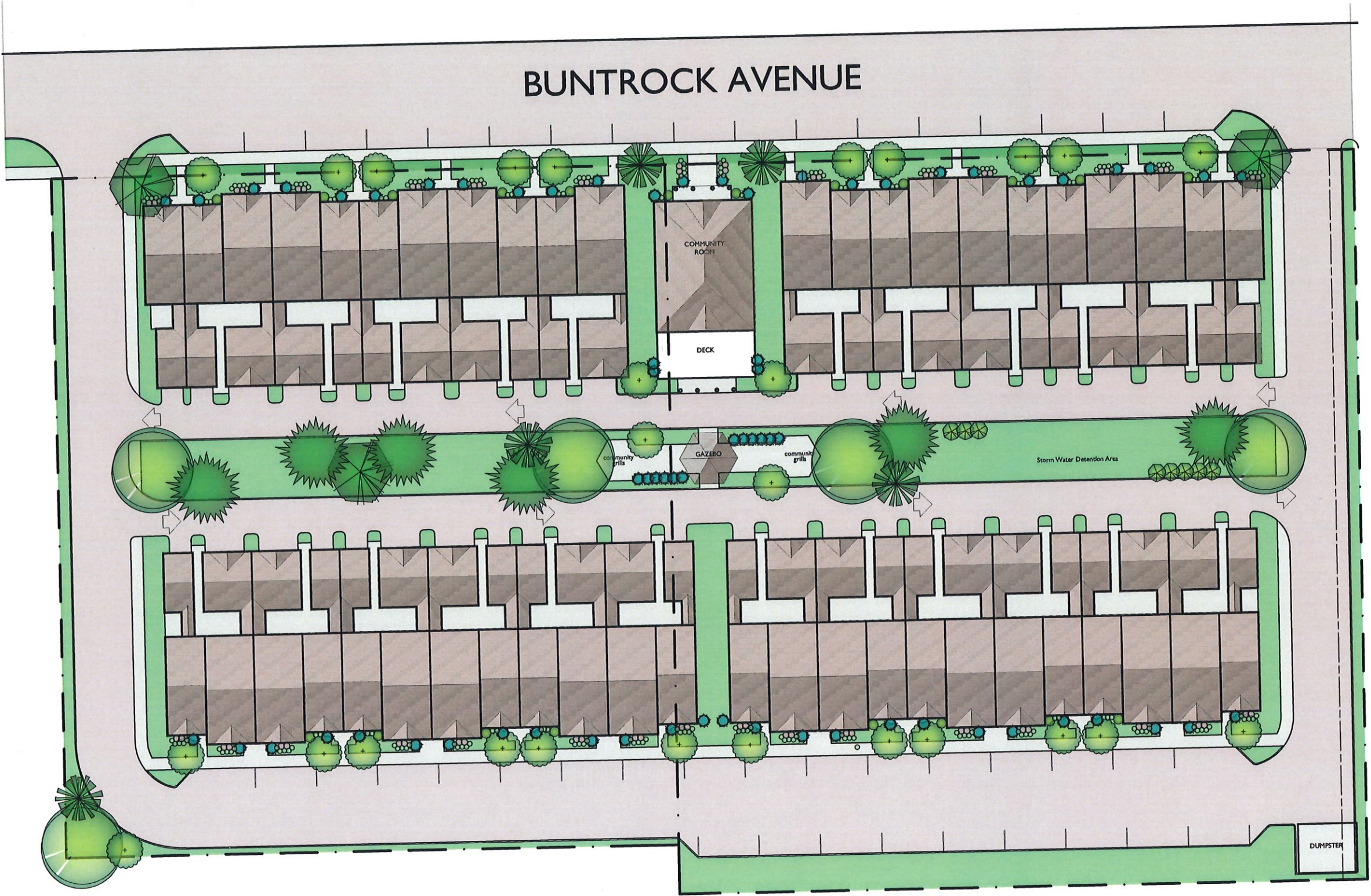
Document Date:
16 September 2021

Project Number:
21P205

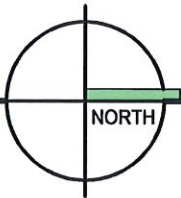
Sheet Title:
CONCEPT 5

Sheet Number:

A-100



SITE PLAN



1" = 20.00'

PARCEL AREA: 152,468.61 sq.ft. (3.50 Acres)
UNITS: (22)1BR+(24)2BR=46
BUILDING FOOTPRINT: 57,861.58 sq.ft.
GREEN AREA: 32,146.54 sq.ft.



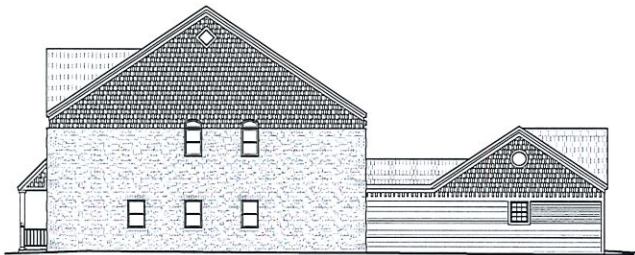
WEST ELEVATION

1/8" = 1'-0"



EAST ELEVATION

1/8" = 1'-0"



SOUTH ELEVATION

1/8" = 1'-0"

PROPOSED RESIDENTIAL DEVELOPMENT
FOXTOWN TOWNHOMES
 11040-11112 BUNTROCK AVENUE
 CITY of MEQUON, OZAUKEE COUNTY

Issue:

Document Date:
 17 SEPTEMBER 2021
 Project Number:
 21P205
 Sheet Title:
 CONCEPT ELEVATION

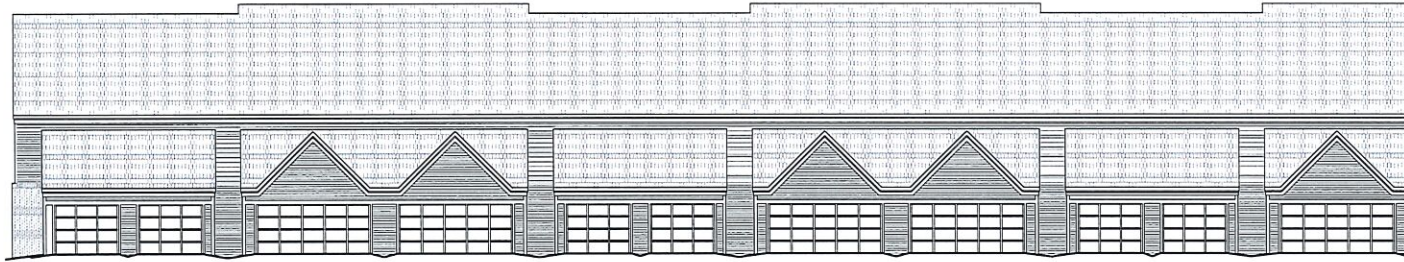
Sheet Number:
A-20

Attachment: Exhibit C: Elevations (ORDINANCE 2021-1600 : P2 Town Center Buntrock Rowhouses)



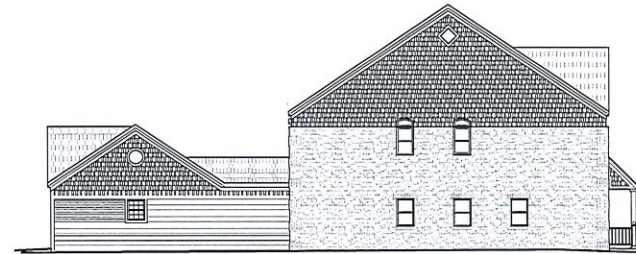
WEST ELEVATION

1/8" = 1'-0"



EAST ELEVATION

1/8" = 1'-0"



NORTH ELEVATION

1/8" = 1'-0"

PROPOSED RESIDENTIAL DEVELOPMENT
FOXTOWN TOWNHOMES
 11040-11112 BUNTROCK AVENUE
 CITY of MEQUON, OZAUKEE COUNTY

Issue:

Document Date:
 17 SEPTEMBER 2021

Project Number:
 21P205

Sheet Title:
 CONCEPT ELEVATION

Sheet Number:

A-202

Attachment: Exhibit C: Elevations (ORDINANCE 2021-1600 : P2 Town Center Buntrock Rowhouses)



WEST ELEVATION

1/8" = 1'-0"



EAST ELEVATION

1/8" = 1'-0"

PROPOSED RESIDENTIAL DEVELOPMENT
FOXTOWN TOWNHOMES
11040-11112 BUNTROCK AVENUE
CITY of MEQUON, OZAUKEE COUNTY

Issue:

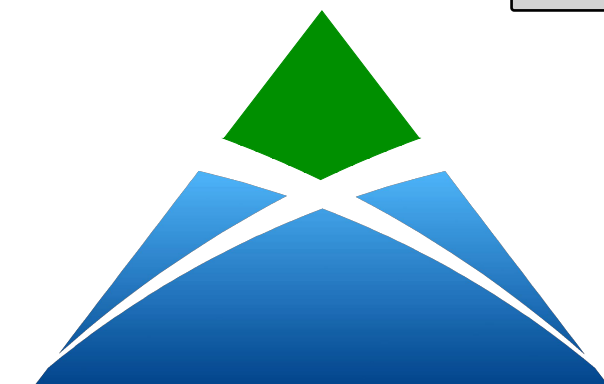
Document Date:
17 SEPTEMBER 2021

Project Number:
21P205

Sheet Title:
CONCEPT ELEVATION

Sheet Number:
A-203

Attachment: Exhibit C: Elevations (ORDINANCE 2021-1600 : P2 Town Center Buntrock Rowhouses)

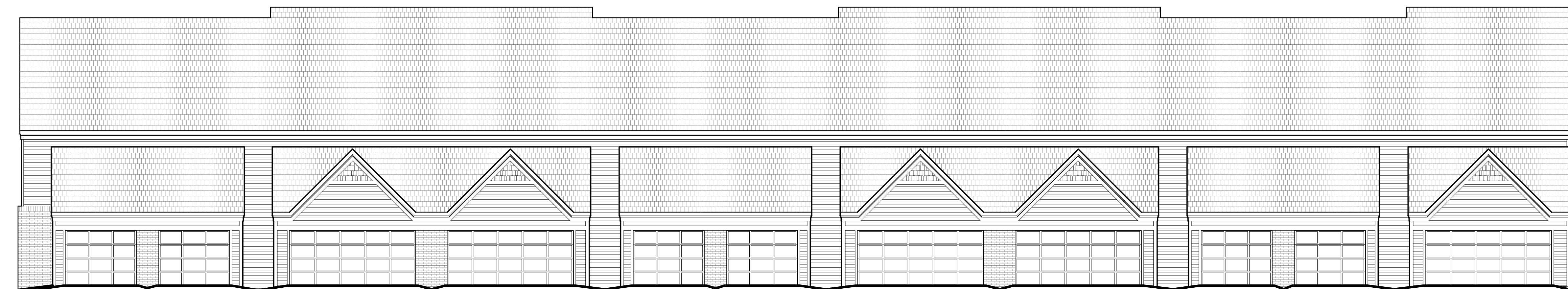


P2 DEVELOPMENT &
PROPERTY MANAGEMENT
524 Technology Way
Saukville, WI 53080-1677
www.p2development.com
(262) 377-7259



WEST ELEVATION

1/8" = 1'-0"



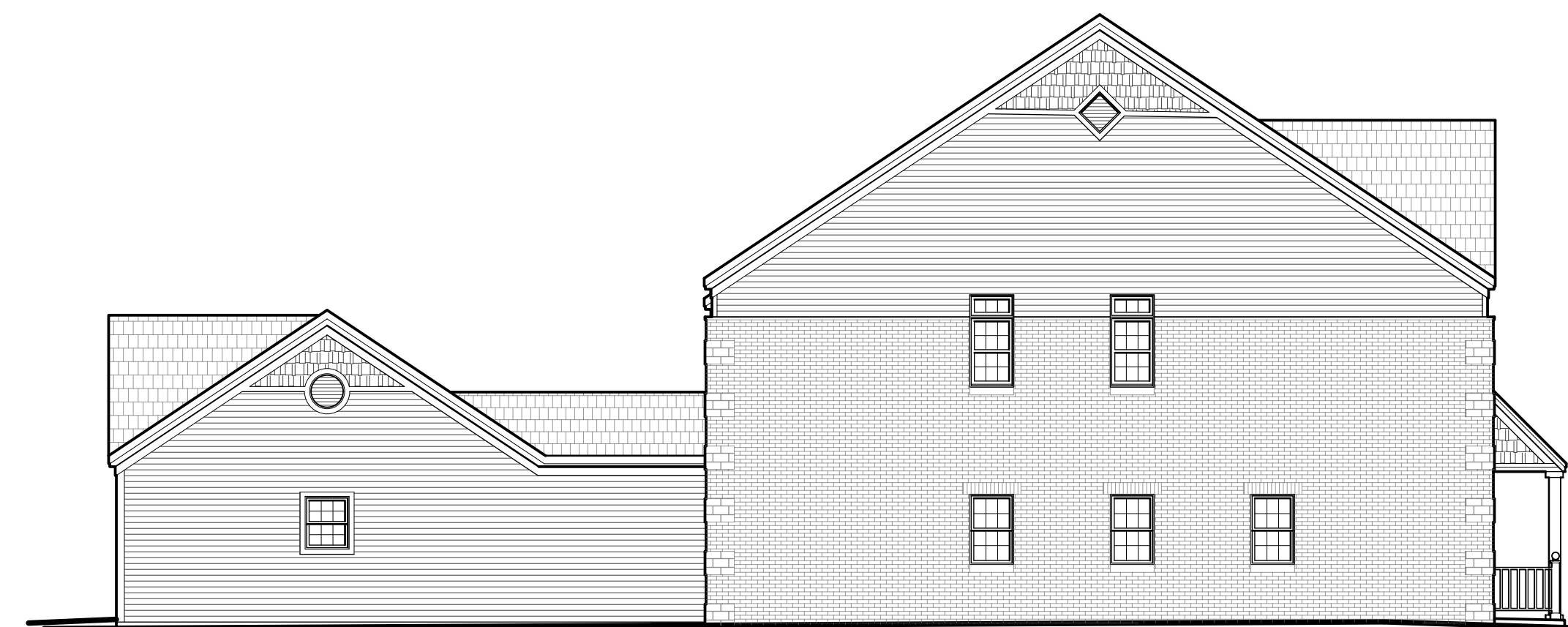
EAST ELEVATION

1/8" = 1'-0"



SOUTH ELEVATION

1/8" = 1'-0"



NORTH ELEVATION

1/8" = 1'-0"

PROPOSED RESIDENTIAL DEVELOPMENT
FOXTOWN TOWNHOMES
11040-11112 BUNTROCK AVENUE
CITY OF MEQUON, OZAUKEE COUNTY

Issue:

Document Date:
27 OCTOBER 2021

Project Number:
21P205

Sheet Title:
CONCEPT ELEVATIONS

Sheet Number:

A-202

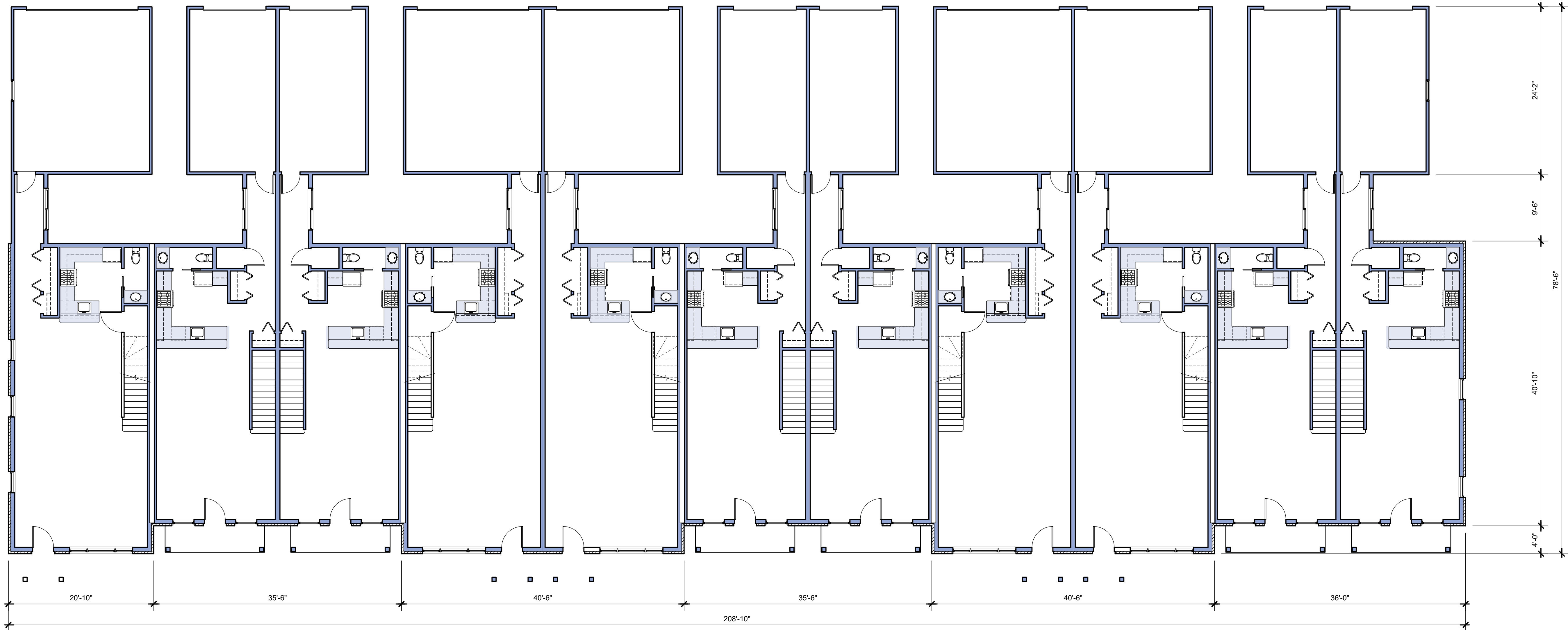
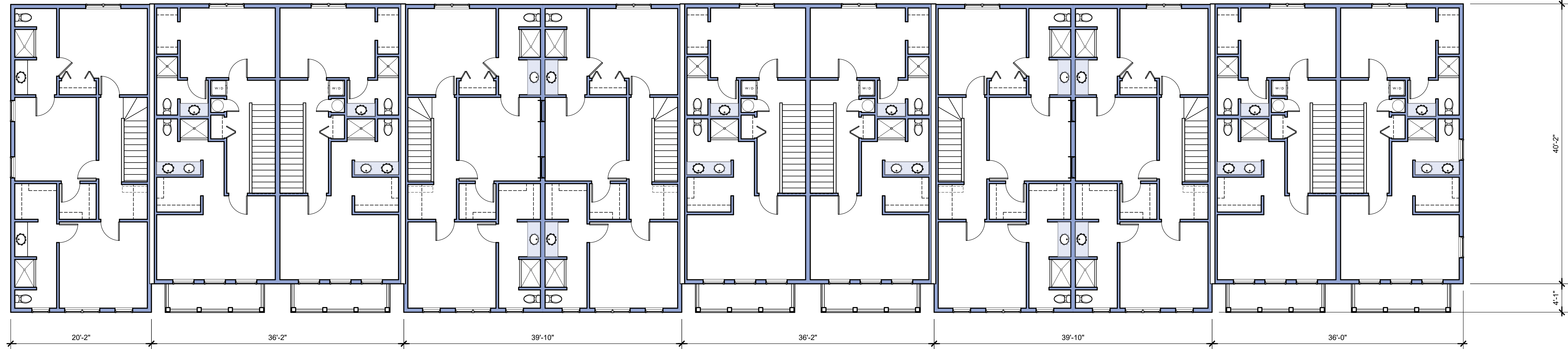


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www.p2development.com
(262) 377-7259

PROPOSED RESIDENTIAL DEVELOPMENT
FOXTOWN TOWNHOMES

11040-11112 BUNTROCK AVENUE
CITY of MEQUON, OZAUKEE COUNTY

Attachment: Exhibit E: Floor Plan (ORDINANCE 2021.1600 : P2 Town Center Buntrock Rowhouses)



Issue:

Document Date:
01 November 2021
Project Number:
21P205
Sheet Title:
CONCEPT PLANS

Sheet Number:

A-101



11333 N. Cedarburg Road
Mequon, WI 53092-1930
Phone: 262-236-2941
Fax: 262-242-9655

www.ci.mequon.wi.us

Office of Administration

TO: Common Council
FROM: William Jones, City Administrator
DATE: November 4, 2021
SUBJECT: ORDINANCE 2021-1604 An Ordinance Adopting the Annual Budget and Appropriating Funds for the Operations of the Government and Administration of the City of Mequon for the Year 2022 and Levying for the Same

Introduction

On October 5, the City of Mequon Appropriations Committee recommended adoption of the proposed budget for Fiscal Year 2022, which commences on January 1. As the City's spending blueprint for the upcoming fiscal year, adoption of the budget is undoubtedly the single-most important action taken by the Mayor and Common Council each year. The proposed 2022 budget entails all aspects of City operations and capital expenses except for the City's Sewer and Water Utilities. Moreover, it is intended to serve as an effective policy document, financial planning tool, operational guide, and communications device. Once adopted, the budget will authorize resources and establish a direction for the City's programs and services for the coming year.

The 2022 budget works to synthesize several long-held policy interests of the Appropriations Committee, and consistent with past practice, adheres to key principles that have guided development of previous City budgets. These include:

- Maintaining a Low Property Tax Rate
- Improving and Enhancing the City's Infrastructure and Other Long-Term Assets
- Providing Excellent Public Safety Services
- Expanding the Tax Base through a Strategic, Balanced Approach to Economic Development.

This year's budget development process was to be combined with an inaugural process to develop the City's first-ever strategic plan. Unfortunately, these plans were inadvertently impacted by the unexpected passing of the City's newly hired strategic planning consultant in late July, and efforts to restart this process have recently resumed. Nevertheless, City staff continued to work through the remainder of this year's 3rd Quarter to develop a spending blueprint that in broad terms, fortifies a number of internal service functions while also restoring necessary funding eliminated a year ago during the height of the COVID-19 pandemic.

In September, the Council conducted a budget workshop meeting to review various considerations and factors impacting the 2022 budget. This meeting also included an overview regarding the 2021 property revaluation process, an update on Fire Department staffing levels, and discussion regarding the potential use of funds received through the American Recovery Plan Act. Following completion of this workshop, a final proposed budget was assembled and

distributed in late September. In addition to outlining detailed revenue and expenditure data for each department across the entire organization, the proposed budget also contained itemized lists of additional funding options that could be further considered by the Council for 2022.

In early October, the Common Council, meeting as the City's Appropriations Committee, unanimously approved a recommendation in favor of adopting the 2022 budget proposed by staff. This recommendation included the addition of supplemental funds to support increased investments in the area of information technology, which have been incorporated into the proposed budget that is submitted here for consideration.

2022 Budget Summary

The City's General Fund is the principal operating fund for the City. The General Fund provides for the operations of the Mayor & Common Council, City Administrator's Office, City Clerk's Office, Human Resources Division, City Attorney's Office, Finance Department, City Assessor's Office, Information Technology Division, Police Department, Fire Department, Community Development Department, Public Works Department, Parks Division and Weyenberg Library. The following two tables provide a summary of the 2022 General Fund Budget, which is balanced, honors all contractual commitments, and maintains existing service levels.

General Fund Revenue

Revenues	2021	2022	Change	% Change
Taxes	\$11,744,633	\$11,939,401	\$194,768	1.7%
State Shared Revenue	\$536,335	\$555,371	\$19,036	3.5%
Intergovernmental	\$1,660,394	\$1,823,218	\$162,824	9.8%
Licenses and Permits	\$818,650	\$986,400	\$167,750	20.5%
Public Safety Fees	\$1,016,500	\$886,300	(\$130,200)	-12.8%
Public Charges for Services	\$741,399	\$893,900	\$152,501	20.6%
Other Revenues	\$858,435	\$902,550	\$44,115	5.1%
Investment Income	\$135,000	\$40,000	(\$95,000)	-70.4%
Total Revenue	\$17,511,346	\$18,027,140	\$515,794	2.9%

Within the recommended budget, property taxes comprise almost 67% of general fund revenues. Mequon relies significantly on the property tax to fund its operations because other sources are not available to the City. For instance, the City receives about 10% of its revenue from intergovernmental aid compared to a state-wide average of more than 20%. Building permit fees, which are the City's most elastic (variable) source of revenue, are expected to increase in the coming year due to continued growth in overall permitting activity.

General Fund Expenditures

Expenditures	2021	2022	Change	% Change
Salaries	\$9,554,159	\$9,756,135	\$201,976	2.1%
Fringe Benefits	\$3,801,002	\$3,733,751	(\$67,251)	-1.8%
Other Staff Costs	\$77,945	\$77,945	\$0	0.0%

Materials/Supplies	\$918,173	\$994,056	\$75,883	8.3%
Purchased Services	\$1,532,326	\$1,764,964	\$232,638	15.2%
Facility/Plant	\$505,170	\$509,597	\$4,427	0.9%
Equipment/Leases	\$64,571	\$129,692	\$65,121	100.9%
Library Grant	\$1,058,000	\$1,061,000	\$3,000	0.3%
Total Expenditures	\$17,511,346	\$18,027,140	\$515,794	2.9%

On the expenditure front, personnel expenses are projected to increase by 1% in 2022. This is attributable to establishment of a full-time IT Manager position that was previously filled on a part-time contractual basis, and a sizeable decrease in the City's employer-related health insurance costs due to premium adjustments mandated by the State's Local Government Health Insurance Pool. The budget also includes adjustments to employee compensation, including increases for unionized personnel in the Police Department, and proposed cost-of-living/merit adjustments for non-represented staff. As indicated, spending categories such as *Materials/Supplies* and *Purchased Services* will see modest increases for 2022, due to the restoration of many items eliminated from the 2021 budget.

Property Tax Impact

The City's general tax levy is comprised of three funds: the General Fund, the Capital Project Fund and the Debt Service Fund. Combined, the total levy of these three funds is \$16,087,654. The state's limit under 2013 Wisconsin Act 20, allows for an increase to the levy attributed to new development, or 0%, whichever is greater. As in the past, the levy limit does not apply to a municipality's debt service on general obligation debt authorized on or any time after July 1, 2005. During 2021, the City's net new construction grew by \$83.4 million or 1.6%. The growth in new construction value accompanies a rise in equalized value. The City's equalized value increased to an overall value of \$5.4 billion for 2021, which well exceeds the \$4.2 billion mark the City achieved several years ago. The recommended 2022 budget requests a total levy increase of \$328,082 or 2.1% over 2021. The following table shows a breakdown of the proposed 2022 levy.

Fund	2021	% of Total	2022	% of Total	% Change
General	\$10,686,532	46.8%	\$10,878,401	46.7%	1.8%
Library	\$1,058,000	4.6%	\$1,061,000	4.6%	0.3%
Capital Projects	\$1,190,000	5.2%	\$1,328,000	5.7%	11.6%
Debt Service	\$2,825,040	12.4%	\$2,820,253	12.1%	-0.2%
Sub-Total	\$15,759,572	69.1%	\$16,087,654	69.0%	2.1%
Sewer Utility	\$7,063,475	30.9%	\$7,213,956	31.0%	2.1%
Total	\$22,823,047	100.0%	\$23,301,610	100.0%	2.1%

For 2022, the levy for the General Fund maintains its relative share of the overall tax levy due to modest increases to cover additional information technology and capital project expenses, as well as a small adjustment for the Mequon-Thiensville Library. Additionally, the amount shown for debt service is for non-TID debt only. Even with the proposed levy adjustment, the City is still far below the cap allowed under State levy limits.

The tax rate, or mil rate, is determined by levy and tax base. The City continues to see growth in real property valuation. Per the following table, the proposed general tax rate of \$3.15/\$1,000 represents a significant decrease from a year ago due to a City-wide revaluation that was completed in 2021. Under the proposed 2022 budget, a Mequon home assessed at \$400,000 will pay approximately \$1,260 in City taxes. Additionally, property owners within the Sewer Service Area have a second line on their tax bill reflecting this Utility Fund's tax levy. For 2022, the utility's projected mil rate is scheduled to drop to \$1.68/\$1,000, due to the City-wide revaluation.

Levy Year	General Assessed Tax Rate: \$X.XX/\$1,000 of Assessed Value	Sewer Assessed Tax Rate: \$X.XX/\$1,000 of Assessed Value
2021	\$3.15 (est.)	\$1.68 (est.)
2020	\$3.44	\$1.81
2019	\$3.28	\$1.81
2018	\$3.21	\$1.94
2017	\$3.16	\$1.90
2016	\$3.15	\$1.89
2015	\$3.07	\$1.90
2014	\$3.06	\$1.88
2013	\$3.05	\$1.76

Revenue

For 2022, property tax revenue totals \$23,301,610. As indicated in the following table, this represents an increase of \$478,563 or 2.1% more than the 2021 levy, an amount that meets the requirements of the state's levy limit, 2013 Wisconsin Act 20.

Revenue Summary Information

Category	2021	2022	Change	% Change
General Tax Levy	\$10,686,532	\$10,878,401	\$191,869	1.8%
Library Fund	\$1,058,000	\$1,061,000	\$3,000	0.3%
Capital Projects Fund	\$1,190,000	\$1,328,000	\$138,000	11.6%
Debt Service	\$2,825,040	\$2,820,253	(\$4,787)	-0.2%
Sub-Total	\$15,759,572	\$16,087,654	\$328,082	2.1%
Sewer Debt/Cap Charge	\$7,063,475	\$7,213,956	\$150,481	2.1%
Total Tax Levy	\$22,823,047	\$23,301,610	\$478,563	2.1%
Other Revenue	\$5,766,713	\$6,087,739	\$321,026	5.6%
Total Revenue	\$28,589,760	\$29,389,349	\$799,589	2.8%
City Tax Rate	\$3.44	\$3.15	(\$0.29)	-8.4%
Sewer Tax Rate	\$1.81	\$1.68	(\$0.13)	-7.2%

Capital Projects Fund

Due to increases in several revenue categories, the proposed tax levy dedicated towards "pay-as-you-go" capital spending in 2022 is increasing by nearly 12% from the level approved for 2021. In all, pay-as-you-go capital funding totals \$1,328,000 for 2022, compared to the \$1,190,000

approved for 2021. Noteworthy projects include continuation of a pay-as-you-go approach to road maintenance (e.g., crack sealing, pavement sealing, etc.) introduced in 2018, and sustained removal of dead or dying ash trees on public property and along City rights-of-way. Funding for City-wide building repairs totals nearly \$175,000 in 2022. This newer funding stream is intended to help address deferred maintenance and identified capital replacement items contained in a comprehensive review of seven City facilities completed in 2018.

The City has invested significantly in the maintenance of its local road system over the past decade, issuing new debt of approximately \$5.03 million in 2019 to fund continuing rehabilitation or reconstruction of arterial/subdivision roads and parking lots over a three-year span. As indicated during the Council's 2018 budget workshop, approximately \$1.8 million is needed annually to finance all aggregate work (maintenance and repairs) across the City's 212-mile road network.

The City of Mequon also has a long-standing tradition of maintaining sinking funds for capital equipment purchases such as automobiles, squad cars, large grass mowers, snowplows, public works trucks, fire trucks, ambulances, and road equipment. In 2022, funding is earmarked at \$625,000, which represents an increase of \$70,000, or 12.6%, from 2021.

2022 Budget Highlights

Each year the budget process looks to reassess objectives, goals, and the means for accomplishing them. It is through this effort that the budget is arguably the single most important policy document produced annually. The three main factors that helped shape the proposed 2022 budget are the property tax levy limit (as described above), an increase across some revenue categories such as building permits, intergovernmental aid and park fees, and certain fixed costs (e.g., salaries, insurance, etc.) rising faster than the consumer price index. In addition to generally preserving existing service levels, the proposed 2022 budget:

- Restores more than \$200,000 in general operating expenses that were eliminated in 2021.
- Increases pay-as-you-go capital spending by \$138,000 from the amount approved for 2021.
- Provides additional funding to administer expanded services during a statewide election year.
- Increases total full-time equivalencies (FTE's) by roughly 2.5 through consolidation of two (2) full-time positions within the Police Department, the addition of three (3) full-time paramedics in the Fire Department, and establishment of a full-time IT Coordinator position to replace a part-time contractual position.

Library Allocation

The 2022 budget also includes an appropriation of \$1,061,000 for the Weyenberg Library, which represents a \$3,000 increase in the amount that was allocated in 2021. The Library receives annual allocations from Mequon and Thiensville to support operations, and this amount maintains the City's exemption from the County library tax.

Appropriations Committee Action

On October 5, the Appropriations Committee met to consider the proposed 2022 budget. Following a review of supplemental expenditure options initially introduced in September, the Committee approved a recommendation to add several expenditures to the 2022 budget

originally proposed by City staff. These additional spending amounts are summarized as follows:

	Funding Source	
<u>Expenditure</u>	<u>Fund Balance</u>	<u>Tax Levy</u>
▪ Converting Paid-on-Call Firefighter Pay to Salaries & Benefits to Hire 3 New Full-Time Paramedics	-	(\$9,900)
▪ Information Technology & Cybersecurity Upgrades	-	\$76,600
▪ Information Technology Equipment Replacement	\$ 63,500	-
▪ Land Management System Evaluation Services	\$ 50,000	-
▪ Automatic License Plate Reader Camera System	\$ 16,500	-
▪ Food & Beverage for City Poll Workers	-	\$ 3,200
▪ New Median Plantings on Mequon Road	\$ 6,000	-
Sub-Total:	\$136,000	\$69,900
TOTAL:	\$205,900	

Accordingly, \$205,900 has been added to the budget recommended for adoption in 2022.

In total, the Appropriations Committee recommends 2022 expenditures of \$18,027,140 which is 2.9% higher than the 2021 adopted budget of \$17,511,346. With the referenced adjustments, the Committee recommended, by an 8-0 vote, the 2022 budget as summarized herein.

Recommendation

Adoption of the Proposed Ordinance.

COMMON COUNCIL
OF THE
CITY OF MEQUON

ORDINANCE 2021-1604

An Ordinance Adopting the Annual Budget and Appropriating Funds for the Operations of the Government and Administration of the City of Mequon for the Year 2022 and Levying for the Same

A. Public Notice of the Proposed 2022 Budget for the City of Mequon appeared in the *News-Graphic* on October 21, 2021.

B. A Public Hearing was held by the Common Council on November 9, 2021, regarding the 2022 Proposed Budget.

C. The Proposed Budget includes property taxes of \$16,087,654 that are levied to support the 2022 Annual Budget with the final tax rate being the mathematical result of statutory property tax billing process, including, but not limited to, inclusion of the required state adjustment for equalization.

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

SECTION I

There is hereby appropriated out of the receipts of the City of Mequon for the Year 2021 including monies received from the general property tax levy and such other funds as may be designated, to the various funds and purposes stated within the Proposed Budget which is hereby adopted as the 2022 Annual Budget for the City of Mequon, in the amounts set forth therein and in the total amount of:

2022 Budget	\$22,175,393
Less Anticipated Revenues	<u>(\$6,087,739)</u>
Total Amount of Tax Levy	\$16,087,654

SECTION II

There is hereby levied a tax of \$16,087,654 upon all taxable property within the City of Mequon as returned by the Assessor in the Year 2021 for uses and purposes set forth in said budget.

SECTION III

The City Clerk be and hereby is authorized and directed to spread the said tax upon the current tax roll of the City of Mequon.

SECTION IV

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

SECTION V

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

Approved by: John Wirth, Mayor

Date Approved: November 9, 2021

I certify that the foregoing Ordinance was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on November 9, 2021.

Caroline Fochs, City Clerk

Published: _____



draft

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Office of the City Clerk
Taped and Televised

**COMMON COUNCIL
Tuesday, October 12, 2021 - 7:30 PM
or Immediately Following the
Mequon Sewer Utility District Commission Meeting
Christine Nuernberg Hall**

Minutes

- 1) Call to Order**
- 2) Pledge of Allegiance**
- 3) Roll Call**

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, Assistant Community Development Director Zader, Engineering and Public Works Director Lundeen, Finance Director Engroff, press and interested public.

- 4) Public Hearings:** None.
- 5) Personal Appearances and Public Comment:** None.
- 6) Public Officials' Reports:**
 - a) Proclamation Honoring Missing Links as OED Council's 2021 Medium Business of the Year

Mayor Wirth read a proclamation acknowledging and honoring Mequon's Missing Links Golf Course and Driving Range as the Ozaukee Economic Development's 2021 Medium Business of the Year award winner. The family-friendly golf facility is a hidden gem in our community.

Attachment: 10-12-01_draft minutes (6733 : Common Council meeting minutes of October 12, 2021)

Mayor Wirth also announced that National White Cane Safety Day will be on October 15th few days so please be mindful of people with white canes in the community.

7) Consent Agenda:

- a) Common Council meeting minutes of September 14, 2021.
- b) Architectural Board meeting minutes of July 12 and August 9, 2021.
- c) Board of Police and Fire Commissioners meeting minutes of June 1 and July 6, 2021.
- d) Board of Review meeting minutes of September 10 and September 13, 2021.
- e) Economic Development Board meeting minutes of July 27, 2021.
- f) Festivals Committee meeting minutes of August 11, 2021.
- g) Finance-Personnel Committee meeting minutes of August 10, 2021.
- h) Joint Mequon-Thiensville Bike and Pedestrian Way Commission meeting minutes of August 12, 2021.
- i) Mequon Municipal Water Utility Commission meeting minutes of August 10, 2021.
- j) Park and Open Space Board meeting minutes of July 21, 2021.
- k) Planning Commission meeting minutes of July 26, 2021.
- l) Public Welfare Committee meeting minutes of August 10, 2021.
- m) Public Works Committee meeting minutes of August 10, 2021.
- n) **RESOLUTION 3881** - A Resolution Approving a Certified Survey Map in Connection with the Dedication of Approximately 1.58 Acres of Public Right-of-Way Along the Northwest Corner of Granville and Donges Bay Roads.

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

o) Ordinance First Readings

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

- 1) **ORDINANCE 2021-1598** - An Ordinance Implementing Aldermanic Redistricting as a Result of the 2020 Census.

RESULT: First Reading

- 2) **ORDINANCE 2021-1599** - An Ordinance Approving an Amendment to the City Zoning Map within Chapter 58 of the Mequon Municipal Code, for the Properties Located at 11805 and 11915 N. Farmdale Road.

RESULT: First Reading

- 3) **ORDINANCE 2021-1600** - An Ordinance Approving a Planned Unit Residential Development in Town Center for the Properties Located at 11040 and 11110 N. Buntrock Avenue, Consisting of Forty-Six Row House-Style Apartments on 3.5 Acres.

RESULT: First Reading

- 4) **ORDINANCE 2021-1601** - An Ordinance Amending Chapter 58 of the Mequon Municipal Code, Authorizing Creation of the Neighborhood Commercial, Mixed-Use Commercial, Senior Housing and Residential Cluster Zoning Districts in the Ulao Creek Neighborhood (Generally the Area Bounded by I-43 to the East, Highland Road to the South, Oriole Lane/Ulao Creek to the West and Pioneer Road to the North).

RESULT: First Reading

- 5) **ORDINANCE 2021-1602** - An Ordinance Amending Chapter 58 of the Mequon Municipal Code, Incorporating the Ulao Creek Neighborhood (Generally the Area Bound by I-43 to the East, Highland Road to the South, Oriole Lane and Ulao Creek to the West and Pioneer Road to the North) into the City's Zoning and Land Use Plan Maps.

RESULT: First Reading

- 6) **ORDINANCE 2021-1603** - An Ordinance Amending Chapter 58 of the Mequon Municipal Code, Establishing Outdoor Storage Permitting Requirements for the Ulao Creek Neighborhood (Generally the Area Bounded by I-43 to the East, Highland Road to the South, Oriole Lane and Ulao Creek to the West and Pioneer Road to the North).

RESULT: First Reading

Motion to approve the Consent Agenda Items A-N.

RESULT: Approved by Voice Acclamation [Unanimous]

MOVED BY: Alderman Hansher

SECONDED BY: Alderman Nerbun

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

The Common Council convened as the Committee of the Whole at 7:52 PM.

8) Committee of the Whole:

- a) Committee of the Whole meeting minutes of September 9 and September 14, 2021

Motion to approve the Committee of the Whole meeting minutes of September 9 and September 14, 2021.

RESULT: Approved by Voice Acclamation [Unanimous]

MOVED BY: Alderman Parrish

SECONDED BY: Alderman Bushee

AYES:	Strzelczyk, Bushee, Mayr, Hansher, Gierl, Parrish, Schneider, Nerbun, Wirth
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b) Discussion of **RESOLUTION 3882** - A Resolution Approving the Revised City of Mequon Ward Plan and Map

City Clerk Fochs announced that **RESOLUTION 3882** will approve a new ward map for the City of Mequon. This map will be in effect for the 2022 spring elections until the year 2031. The current process began with the census in 2020. Mequon now has a population of 25,142, an increase of approximately 2,000 residents. Some districts gained population, some lost population. Due to the premise of equal representation in legislative bodies we have to redraw the county supervisory and aldermanic districts to rebalance and create substantially equal districts. The County approved 26 supervisory districts in mid-September. Mequon now has to create wards within those new supervisory boundaries. The proposed ward map divides the city into twenty wards within the county district lines. The parameters to create the districts are as follows: 1) Each ward must be drawn to include 600 to 2100 residents; 2) must be comprised of whole census blocks; 3) they must be compact, contiguous and preserve community interests; 4) they must be drawn within the set supervisory boundaries; and 5) as much as possible follow natural and manmade boundaries, i.e., rivers, freeways. Due to COVID this process was condensed down to a matter of weeks. The goal tonight is for Council to reach a consensus and approve the ward map so that the County can finalize our ward plan next week at a public hearing and do their final approval of their supervisory districts.

Assistant Community Development Director Zader presented the maps to Council.

Alderman Bushee presented a ward map option to the Council, however, Mr. Zader stated that Mr. Bushee's map would not follow all of the supervisory district lines and therefore would create non-compliant wards.

Council discussion ensued on the need to preserve the rural character, ability to work with County again to fine-tune our map, time limitations, and population shifts.

Motion to recommend **RESOLUTION 3882** to the Common Council for approval.

RESULT:	Approved by Roll Call Vote [5 to 4]
MOVED BY:	Alderman Mayr
SECONDED BY:	Alderman Parrish

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

c) Reconvene as the Common Council

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

9) **Ordinances:** None.

10) **Resolutions:**

- a) **RESOLUTION 3882** - A Resolution Approving the Revised City of Mequon Ward Plan and Map.

RESULT: **Approved by Roll Call Vote [5 to 3]**
MOVED BY: Alderman Schneider
SECONDED BY: Alderman Nerbun

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

- b) **RESOLUTION 3883** - A Resolution Authorizing Staff to Exceed \$25,000 for the Financial Consulting Services of Tom Watson, Prior City of Mequon Finance Director.

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

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

- c) **RESOLUTION 3884** - A Resolution Approving the Award of a Contract for Development of an Organizational Strategic Plan with SBrand Solutions of Fort Collins, Colorado in the Amount of \$11,650.

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

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

- d) **RESOLUTION 3885** - A Resolution Authorizing the Engagement of Attorney William Cole of Axley Brynerson, LLP, Madison, Wisconsin, for the Purpose of Reviewing and Updating the City of Mequon's Sign Code.

The Finance-Personnel Committee recommended this 3-0 with the amendment that the law firm of Axley Brynerson, LLP complete their review and updating of the City's Sign Code in order to present it to Council within sixty (60) days. Discussion ensued on the need to contract with an outside attorney. It will be important to remain impartial, keep things non-political, install confidence in the process, and meet a deadline. Council discussion ensued on the pros and cons of having a third-party review and recommend or just identify the holes in our sign code to our staff, ability to meet the deadline. Council recommended the added amendment that the cost will-not-exceed \$12,500 and will report their progress to us at next

month's Finance-Personnel Committee meeting and City staff will work in tandem with the consultant.

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

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

- e) **RESOLUTION 3886** - A Resolution in Support of an All-Way Stop at the Intersection of Wasaukee and Freistadt Roads.

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

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

- f) **RESOLUTION 3887** - A Resolution Approving a Temporary Construction Easement for the Wisconsin Department of Transportation I-43 Expansion Project.

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

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

- g) **RESOLUTION 3888** - A Resolution Awarding a Contract to LW Allen of Madison, Wisconsin for the Replacement of Four Sanitary Sewer Lift Station Pumps in the Amount of \$143,300.

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

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

11) Specified Unfinished Business From Prior Meetings: None.

12) Specified New Business:

Mayoral Appointment: Milwaukee River Advisory Committee: Alternate Member, Perry Robinson

Motion to approve the Mayoral Appointment to the Milwaukee River Advisory Committee.

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

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

13) Adjourn

Motion to adjourn at 9:11 PM.

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

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

Respectfully Submitted,
Kathy Andrykowski

**ARCHITECTURAL BOARD MINUTES****Monday, September 13, 2021****6:00 PM****Lower-Level Conference Room****Minutes****1. Call to Order, Roll Call**

Present: Chairman Scott Reed

Members at Large: Paul Apfelbach, John Mikkelson

Aldermanic District Members: Curtis Helm, Janet Ehn, Dawn Sederholm

Building Inspector: Mike Hadley

2. Meeting Minutes

Minutes from the August 9, 2021, meeting were approved and seconded unanimously by all present board members.

3. Application Submittals:

No.	Alder. District /Time	Type of App	Owner(s) / Project Address	Contractor
1)	Dist. 1 6:00 pm	Detached Garage	Rick Genrich 624 W. Revere Road Subd: Shore Acres	Cont: JD Griffiths Co., Inc. Arch: JD Griffiths Co., Inc.
Moved to Approve: <u>Helm</u> Seconded by: <u>Ehn</u> Approved: <u>Yes</u> Vote: <u>4-0</u>				
Conditions: Plans were approved as submitted with the following conditions: 1. Add one window to the South and West elevations to match those on house. 2. Add shutters.				

2)	Dist. 6 6:10 pm	Addition: Sunroom	Sean & Keri Patterson 10507 N. Magnolia Drive	Cont: Jude Tindall Const.
			Subd: Magnolia Manor	Arch: S.E. WI Sunrooms

Moved to Approve: Ehn
 Seconded by: Sederholm
 Approved: Yes
 Vote: 5-0

Conditions: Plans approved as submitted with the following conditions:
 1. Addition should match the existing roof shingles, siding, soffit and fascia.
 2. Skirt addition should be white to match the existing house.

3)	Dist. 8 6:20 pm	Addition: Screened Porch	John & Christina Rater 10232 N. Kenilworth Circle	Cont: Summit Construction
			Subd: Kenilworth	Arch: Nathan Remitz

Moved to Approve: Sederholm
 Seconded by: Ehn
 Approved: Yes
 Vote: 5-0

Conditions: Plans approved as submitted.

4)	Dist. 4 6:30 pm	Detached Garage	Chris & Sylvia Paulsen 4927 W. Elmdale Road	Cont: Design Group Three
			Subd: Little Farms	Arch: Matthew Krier

Moved to Approve: _____
 Seconded by: _____
 Approved: _____
 Vote: _____

Conditions:

CANCELED

5)	Dist. 4 6:40 pm	New Single-Family Residence	Veridian Homes LLC 10588 N. Coneflower Court Subd: The Enclave	Cont: Veridian Homes LLC Arch: Veridian Homes LLC
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Moved to Approve: Mikkelson
 Seconded by: Sederholm
 Approved: Yes
 Vote: 5-0

Conditions: Plans approved as submitted with the following conditions:

1. Add a single hung window to right elevation (Bedroom #2) to match existing single hung window.
2. Add grids to patio door on rear elevation to match windows.

6)	Dist. 4 6:45 pm	New Single-Family Residence	Veridian Homes LLC 10603 N. Coneflower Court Subd: The Enclave	Cont: Veridian Homes LLC Arch: Veridian Homes LLC
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Moved to Approve: Mikkelson
 Seconded by: Ehn
 Approved: Yes
 Vote: 5-0

Conditions: Plans approved as submitted with the following conditions:

1. Add a single hung window on left elevation (Flex Room), first floor with grids.
2. Add grids to patio doors and picture window on rear elevation to match all other windows/grids.

7)	Dist. 4 6:50 pm	Resubmittal: Addition: Sunroom	Judy Wilder 8540 W. Highlander Drive Subd: Highlander Estates	Cont: Great Day Improvements Arch: James A. Clancy
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Moved to Approve: Mikkelson
 Seconded by: Sederholm
 Approved: Yes
 Vote: 5-0

Conditions: Resubmitted plans approved with the following conditions:

1. Add a skirt to porch/deck on both sides.
2. Roof addition (foam roof) should be shingled to match existing house.

4. **Action:**

Chairman, Scott Reed made a motion to adjourn the meeting.
District Four Representative, Dawn Sederholm seconded the motion.
A vote was taken; vote passed 5-0

Meeting adjourned at 6:40 p.m.



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ECONOMIC DEVELOPMENT BOARD
Tuesday, September 28, 2021
8:00 AM
Christine Nuernberg Hall

Minutes

1) Call to Order, Roll Call

Present:

Chair Timothy Carr
Alderman Brian Parrish
Board Member James Baka
Alt. Board Member Dennis Engel
Board Member Daniel Gannon
Board Member Tracy Johnson
Board Member Michael Kramer
Board Member Jeff McLean
Board Member Bruce Sipiora
Board Member Andrew Petzold – **Absent**

Mayor Wirth was in attendance.

Chairman Carr called the meeting to order at 8:00 a.m. As this was the first in person meeting since new members joined the Board, he asked that everyone go around the table and introduce their self.

2) Approval of Meeting Minutes from July 27,2021

Action

Member Johnson made a motion to approve the meeting minutes from July 26, 2021.

Member Baka seconded the motion.

A voice vote was taken; vote passed (8-0)

RESULT:	Approved [Unanimous]
MOVED BY:	Board Member Johnson
SECONDED BY:	Member Baka
AYES:	Carr, Parrish, Baka, Gannon, Johnson, Kramer, McLean, Sipiora
ABSENT:	Petzold

3) Port Washington Road Redevelopment

Asst. Dir. Zader reviewed the options proposed at the last meeting:

- 1) Modification of the Fast-Track Formula.
- 2) Incentive based on selected priority sites.
- 3) Incentive based on facade improvements (rather than overall improvement value).
Possible grant matching program.
- 4) Use available excess funds for beautification efforts along Port Washington Road (medians, street trees, etc.).

He reiterated that staff is seeking feedback and direction from the Board regarding existing incentive options that should possibly be amended or new incentives they want to have offered. He reviewed the examples on page 9 of the Board packet of previous sites that have received incentives.

The Board encouraged staff to continue to move forward with the proposed incentives.

4) Guest Speaker; Mark Flaherty, Managing Partner, Jackson Street Holdings, LLC

Guest speaker, Mark Flaherty, Managing Partner from Jackson Street Holdings LLC, spoke to the Board about the process of attracting a hotel to the community and he talked through some of the criteria needed to be successful.

There was discussion from the Board about different sites that are most desirable for a possible hotel.

Dir. Tollefson stated she will take the next step to inquire about obtaining the Star Report recommended by Mr. Flaherty as to the marketability of a hotel in Mequon.

5) Staff Updates

Member Kramer communicated that the Chamber was very thankful to staff and the City for the emergency loan fund they received during the pandemic which enabled them to retain their staff and continue to offer services to businesses in our community.

6) Announcements

The next meeting is Tuesday, October 26, 2021, at 8:00 a.m. in person at City Hall.

7) Adjourn

Action

Member Engel made a motion to adjourn the meeting.

Member Kramer seconded the motion.

A voice vote was taken; vote passed (8-0)

Respectfully Submitted,

Kim Tollefson

Director of Community Development



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FESTIVALS COMMITTEE
Thursday, September 2, 2021
6:30 PM
South Conference Room

Minutes

1) Call to Order, Roll Call

Present:

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

Also Present: Staff Liaison Enea

2) Approval of Meeting Minutes

a. August 11 Minutes

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

MOVED BY: Committee Member Fussell

SECONDED BY: Committee Member McLean

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

3) Vendor Updates

New vendors since last time are Yummy Bones, Homestead Boosters, and Mequon Nature Preserve will be providing us with a butterfly take-home craft.

- Space Numbers
- Vendor Spaces

4) Review Map Layout

Chair Nerbun and Staff Liaison Enea will meet with City Staff next Friday to review the final map, set-up, and the Emergency Response Plan that was put together by the Sheriff's Office.

- Map

5) Schedule and Duties

We still need volunteers. We'll plan for an 8am arrival and we will all get radios and yellow safety vests to wear. We can maybe look into a yellow neon hat to wear next time.

- a. Volunteer Signup
- b. Event Schedule

6) Children's Area

Bridget King will be bringing art area supplies and will work the 1st hour to train other volunteers. Piggly Wiggly mascot is available. Committee member Luchins will contact and see if they can fill the 2-4pm time slot.

7) 9-11 Remembrance

Still have not heard back from the American Legion. Hoping to open the ceremony with the Color Guard, then Mayor's remarks, and then the Homestead Band will play Star Spangled Banner and God Bless America.

8) Next Meeting Date and Time

October 14, 2021 at 6:30 PM

9) Adjourn

Chair Nerbun moved to adjourn at 7:16 PM. Committee Member Fussell seconded.

Respectfully Submitted,

Carrie Enea



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Office of the City Administrator

FINANCE-PERSONNEL COMMITTEE

Tuesday, September 14, 2021

6:00 PM

North Conference Room

Minutes

1) Call to Order

Present:

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

Also present: William Jones, City Administrator, Finance Director, Jennifer Engroff, Assistant to the Finance Director, Marie Keyser, Assistant City Administrator, Justin Schoenemann and City Clerk, Caroline Fochs.

2) Approve Meeting Minutes

a. August 10, 2021 Finance & Personnel Meeting Minutes

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

MOVED BY: Alderman Hansher

SECONDED BY: Alderman Strzelczyk

AYES: Hansher, Bushee, Strzelczyk

3) License Applications

a. September 2021 Licenses

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

MOVED BY: Alderman Strzelczyk

SECONDED BY: Alderman Bushee

AYES: Hansher, Bushee, Strzelczyk

4) Vouchers for Payment

a. August 2021 Voucher Approval List

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

MOVED BY: Alderman Strzelczyk
SECONDED BY: Alderman Hansher

AYES: Hansher, Bushee, Strzelczyk

5) Resolutions

- a. **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)

Assistant City Administrator/HR Director Justin Schoenemann explained that the City lost its 0.7 FTE HR Assistant in July 2021. The City went to market to try to recruit for another part time HR Assistant and received only one qualified candidate and extended an offer to them. The candidate declined due to the pay and cost of health insurance for a part time employee. Director Schoenemann explained the increase in demand for HR professionals during the pandemic and the shortage of qualified workers. He also told the Committee what the usefulness of a full time HR Coordinator would be to the City. The City has been able to get its Workers Compensation Mod factor down from a 1.00 to 0.81 in the past five to six years. That is a considerable cost savings for the City. There are also other processes that could get accomplished with a full time employee as well as re-bidding contracts to make sure the City is getting the best deal.

Aldermen Bushee and Strzelczyk both had some general questions regarding how many full time City employees there are and if this could stay at part time. Mr. Schonemann explained the nature of the job market right now and the lack of applicants when the part time job was posted in the summer.

RESULT: Approved by Voice Acclamation [Unanimous]

MOVED BY: Alderman Hansher

SECONDED BY: Alderman Strzelczyk

AYES: Hansher, Bushee, Strzelczyk

- b. **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

RESULT: Approved by Voice Acclamation [Unanimous]

MOVED BY: Alderman Strzelczyk

SECONDED BY: Alderman Bushee

AYES: Hansher, Bushee, Strzelczyk

6) Discussion Items

a. Finance & Personnel Work Plan

7) Adjourn

A motion to adjourn was moved by Alderman Bushee and seconded by Alderman Strzelczyk at 6:10PM. All voted in favor "aye."

Respectfully Submitted,

Marie Keyser

Assistant to the Finance Director

Mequon Fire Department Monthly Report – July 2021



Calls for Service

Call Type	July 2021	YTD 2021	YTD 2020
EMS	184	966	940
Fire	47	252	239
Interfacility Transports	12	190	48
Total	243	1408	1227

Response Times

Call Type	Average Response Time
First Responder	4:47
Ambulance	9:11
Fire	13:09

Fire Calls

Type/Cause	Number
Fire (structure, car or vegetation)	6
Rescue/EMS (water/ice rescue or search for lost person)	13
Hazardous Condition (no fire, chemical/electrical problem, gas leak)	5
Service Call (smoke removal, mutual aid standby)	3
Good Intent Call (cancelled enroute to alarm or smoke mistaken for fire)	3
False Alarm/False Call (fire alarm, co alarm, or malfunction of system)	16
Severe Weather	1
Monthly Total	47

EMS Calls – By Dispatch Reason/Most Common

Type/Cause	Number
Fall Victim	16
Breathing Problem	13
Unconscious Person	11
Lift Assist	11
Stroke/CVA	10
Sick	10
Traffic Accident	6
Altered Mental Status	5
Chest Pain	5
Seizures	5

Monthly Training

Type	Average Attendance
Fire/EMS	27
Dive/Tech Rescue	9

Community Education

Activity	Number
Department Tours, Birthday Party, Community Event	3
Fire Prevention, CPR Training Sessions	1

Administrative

Activity	Number
False Alarm Charges	3
Burn Permits Issued	22
Fire Inspections	NA

Mequon Fire Department

Monthly Report – August 2021



Calls for Service

Call Type	August 2021	YTD 2021	YTD 2020
EMS	200	1166	1066
Fire	55	307	287
Interfacility Transports	1	191	63
Total	256	1664	1416

Response Times

Call Type	Average Response Time
First Responder	4:12
Ambulance	8:08
Fire	11:49

Fire Calls

Type/Cause	Number
Fire (structure, car or vegetation)	2
Rescue/EMS (water/ice rescue or search for lost person)	6
Hazardous Condition (no fire, chemical/electrical problem, gas leak)	20
Service Call (smoke removal, mutual aid standby)	3
Good Intent Call (cancelled enroute to alarm or smoke mistaken for fire)	4
False Alarm/False Call (fire alarm, co alarm, or malfunction of system)	20
Severe Weather	0
Monthly Total	55

EMS Calls – By Dispatch Reason/Most Common

Type/Cause	Number
Fall Victim	20
Breathing Problem	17
Unconscious Person	8
Lift Assist	15
Stroke/CVA	11
Sick	11
Traffic Accident	8
Altered Mental Status	8
Chest Pain	6
Seizures	4

Monthly Training

Type	Average Attendance
Fire/EMS	25
Dive/Tech Rescue	5

Community Education

Activity	Number
Department Tours, Birthday Party, Community Event	3
Fire Prevention, CPR Training Sessions	0

Administrative

Activity	Number
False Alarm Charges	1
Burn Permits Issued	15
Fire Inspections	58

Mequon Fire Department

Monthly Report – September 2021



Calls for Service

Call Type	September 2021	YTD 2021	YTD 2020
EMS	165	1331	1220
Fire	37	344	313
Interfacility Transports	0	191	67
Total	202	18966	1600

Response Times

Call Type	Average Response Time
First Responder	4:35
Ambulance	9:38
Fire	12:06

Fire Calls

Type/Cause	Number
Fire (structure, car or vegetation)	2
Rescue/EMS (water/ice rescue or search for lost person)	16
Hazardous Condition (no fire, chemical/electrical problem, gas leak)	3
Service Call (smoke removal, mutual aid standby)	4
Good Intent Call (cancelled enroute to alarm or smoke mistaken for fire)	4
False Alarm/False Call (fire alarm, co alarm, or malfunction of system)	8
Severe Weather	0
Monthly Total	37

EMS Calls – By Dispatch Reason/Most Common

Type/Cause	Number
Fall Victim	18
Breathing Problem	16
Unconscious Person	9
Lift Assist	12
Stroke/CVA	6
Sick	6
Traffic Accident	8
Altered Mental Status	4
Chest Pain	6
Seizures	2

Monthly Training

Type	Average Attendance
Fire/EMS	32
Dive/Tech Rescue	13

Community Education

Activity	Number
Department Tours, Birthday Party, Community Event	6
Fire Prevention, CPR Training Sessions	1

Administrative

Activity	Number
False Alarm Charges	1
Burn Permits Issued	13
Fire Inspections	91



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Public Works Department

Joint Mequon-Thiensville Bike and Pedestrian Way Commission
Thursday, September 9, 2021
9:00 AM
North Conference Room

Minutes

1. Call to Order, Roll Call
Chair Azinger called the meeting to order at 9:04am.

Present:

Chair T. Azinger
Commissioner Jim Doornek
Commissioner Ron Heinritz
Commissioner Rob Holyoke
Commissioner John Liegeois
Commissioner Kristin Wade

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

2. Approval of Meeting Minutes
 - a. August 12, 2021 Minutes

RESULT: **Approved [Unanimous]**
MOVED BY: Commissioner Wade
SECONDED BY: Commissioner Heinritz

AYES: Azinger, Doornek, Heinritz, Holyoke, Liegeois, Wade
--

3. Resident Communications
Chair Azinger noted no one present for this item.

4. Discussion/Action Items

Discussion and Possible Action

- a. 2021 Approval of 2010-2030 Bike and Pedestrian Way Commission Recommendations Prioritization

Staff noted that there was an error in the list included in the packet. The error will be corrected and presented for approval at the October meeting. No Action Taken by the Commission.

- b. OIT Crossing/Mequon Road Corridor Pedestrian and Bicycle Enhancements

The board discussed each question on the OIT Crossing/Mequon Road Corridor and made recommendations.

1. Installation of a traffic signal or a restricted median access on Mequon Road at Weston Drive.

The board recommended in favor 6-0 of the installation of a traffic signal.

2. Narrowing the cross section of the corridor by 8', with exceptions for turn lanes.

The board recommended in favor 6-0 of narrowing 3' with a designated 5' bike lane.

3. Requested lengths of turn lane.

No Action Taken.

4. Installation of Rectangular Rapid-Flashing Beacons (RRFB) at the OIT crossing.

The board recommended 5-1 to appeal WisDOT and require beacon lights at the OIT Crossing.

5. Elimination of the median opening by MTC1.

No Action Taken.

6. "Do Not Stop on Tracks" signage shall be installed east of the railroad crossing for the westbound traffic on the east approach.

No Action Taken.

- c. 2010-2030 Bikeway Plan Update and Potential Budget Request

The board discussed putting together a budget request letter to turn into the City Administrator and Mayor requesting funds to hire a consultant to create a 2010-2030 Bikeway Plan. The board agreed to request for \$15,000 in funding for the plan. Chair Azinger stated he would put a formal letter together from the Commission and submit it for the budget discussions.

5. Other Business

6. Adjourn

- a. Motion to Adjourn at 10:40am.

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

MOVED BY: Holyoke

SECONDED BY: Commissioner Wade

AYES:	Azinger, Doornek, Heinritz, Holyoke, Liegeois, Wade
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Respectfully Submitted,

Casey Deuster



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Water Utility
Taped and Televised

MEQUON MUNICIPAL WATER UTILITY COMMISSION

Thursday, September 9, 2021

7:00 PM

Christine Nuernberg Hall

Minutes

1) Call to Order, Roll Call

Commissioner Wirth called the meeting to order at 7:03 PM.

Present:

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

Also present were City Administrator Jones, City Clerk Fochs, Director of Public Works/City Engineer Lundeen, Water Utility/City Water LLC Director of Operations Voigt, Director of Engineering/City Water LLC, and Administrative Assistant Deuster.

2) Approval of Meeting Minutes

a. August 10, 2021 Minutes

RESULT: **Approved [Unanimous]**

MOVED BY: Commissioner Strzelczyk

SECONDED BY: Commissioner Schneider

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

NOT PRESENT: Mayr

3) Action Item

Discussion and Action

- a. Authorizing a Contract to Relocate the Water Main near County Line Road for the I-43 Expansion Project to MJ Construction Inc not to exceed the amount of \$863,233.35

- b. Award a Contract to Relocate the Water Main near County Line Road for the I-43 Expansion Project to MJ Construction not to exceed the amount of \$863,233.35.

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

MOVED BY: Commissioner Nerbun

SECONDED BY: Commissioner Hansher

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

- c. Temporary Land Easement for WisDOT I-43 Water Main Relocation

- d. Award Temporary Land Easement for WisDOT I-43 Water Main Relocation.

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

MOVED BY: Commissioner Strzelczyk

SECONDED BY: Commissioner Parrish

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

4) Adjourn

- a. Motion to Adjourn at 7:04 PM.

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

MOVED BY: Commissioner Schneider

SECONDED BY: Commissioner Nerbun

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

Respectfully Submitted,

Casey Deuster
Administrative Assistant



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Water Utility
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MEQUON MUNICIPAL WATER UTILITY COMMISSION

Tuesday, October 12, 2021

7:30 PM

Christine Nuernberg Hall

Minutes

1) Call to Order, Roll Call

Commissioner Wirth called the meeting to order at 7:33 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, City Attorney Sajdak, City Clerk Fochs, Director of Public Works/City Engineer Lundeen, Deputy Director of Utilities Driscoll, Water Utility/City Water LLC Director of Operations Voigt, and Administrative Assistant Deuster.

2) Approval of Meeting Minutes

a. September 9, 2021 Minutes

RESULT: **Approved [Unanimous]**

MOVED BY: Commissioner Mayr

SECONDED BY: Commissioner Schneider

AYES:	Wirth, Strzelczyk, Bushee, Mayr, Hansher, Gierl, Parrish, Schneider, Nerbun
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3) Action Item

Discussion and Action

- a. Authorizing a Contract to Relocate the Water Main under I-43 at Highland Rd Bridge to Globe Contractors, Inc., not to exceed the amount of \$606,000

- Motion to Authorize a Contract to Relocate the Water Main under I-43 at Highland Road Bridge to Globe Contractors, Inc., not to exceed the amount of \$606,000.

Commissioner Nerbun inquired if this counts toward the funding we signed up a few years ago?

Director of Public Works/City Engineer Lundeen clarified this does not, it is a part of the 90/10 cost share. The agreement was previously approved this is the administration. This is a reimbursable so the Water Utility will pay in full and then be reimbursed later.

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

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

4) Adjourn

- a. Motion to Adjourn at 7:36 PM.

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

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

Respectfully Submitted,

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Office of Parks and Operations

PARK AND OPEN SPACE BOARD
Wednesday, September 29, 2021
6:30 PM
South Conference Room

Minutes

- 1) Call to Order, Roll Call
Vice Chair Cain called the meeting to order at 6:30 PM.

Present:

Vice Chair Jason Cain
Board Member Peter Bratt
Board Member James Lysaught
Alderman Kathleen Schneider
Board Member Anton Usowski
Board Member Gerald Vite
Board Member Joseph Branch -- **Absent**
Board Member Breanne Plier -- **Absent**
Alternate Alderman Brian Parrish -- **Excused**

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

- 2) Approval of Meeting Minutes

- a. July 21, 2021 Minutes

RESULT: **Approved [Unanimous]**

MOVED BY: Board Member Lysaught

SECONDED BY: Board Member Vite

AYES: Cain, Bratt, Lysaught, Schneider, Usowski, Vite

- 3) Discussion Item

Discussion and Possible Action

- a. Ulao Creek Neighborhood Linear Park

Parks and Forestry Superintendent Gies provided an overview on the Ulao Creek Neighborhood Linear Park. The board gave support for the Ulao Creek Linear Park and included the following feedback and questions on the project.

- POSB is not in support of the use of impact fees to install Park and Ride.
- The board asked for a list of future encumbrances with projected timeframes for those needs.
- Will there be reserve funds allocated for future maintenance?
- What is the total acreage/mileage of the linear system?
- What maintenance requirements will be needed from Park staff?
- Will there be a policy in place for expected maintenance along commercial and residential portions of trail?
- What is the gateway feature, maintenance expectations?
- Winter maintenance needs, possible 3 season use

b. 2021 Annual Report

Parks and Forestry Superintendent Gies supplied the board with the 2021 Annual Report for review and feedback.

The feedback provided by the board included

- how many acres of open space does the city have
- moving the completed list of 2020 to before the proposed 2021 list
- a note from the board of the priorities
- include the 2019-2020-2021 rentals to show more of a comparison to the years.
- review the article in leisure and travel on Mequon and seeing if it should be included in the report
- providing a percentage of parks being used for rentals

4) Parks and Forestry Superintendent Report

a. Parks and Forestry Superintendent Report

Parks and Forestry Superintendent Gies updated the board on the budget letter from the Park and Open Space board, summarized the 1840 Brewing Events along with their plan for 2022. He updated the board on the Capital Improvement Updates for North Reuter and River Barn, Jewish Food Festival Recap, and the status for Lions Fest in 2022.

b. 2021 Work Plan

Parks and Forestry Superintendent Gies provided the board with the 2021 work plan for review.

5) Motion to Adjourn at 8:15 PM.

RESULT: Approved by Voice Acclamation [Unanimous]
MOVED BY: Board Member Lysaught
SECONDED BY: Board Member Vite

AYES: Cain, Bratt, Lysaught, Schneider, Usowski, Vite

Respectfully Submitted,
Casey Deuster
 Administrative Assistant



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Department of Community Development
Taped and Televised

PLANNING COMMISSION
Regular Meeting
Monday, September 27, 2021
6:00 PM
Christine Nuernberg Hall

Minutes

1) Call to Order, Roll Call

Present:

Chair John Wirth
Alderman Robert Strzelczyk
Alternate Greg Bach
Commissioner Dan Gentges
Commissioner Joe Goldberger
Alternate Stephanie Hawley
Commissioner Rick Lemke
Commissioner Rebecca Schaefer
Commissioner John Stoker
Commissioner Martin Choren - **Absent**
Commissioner James Schaefer - **Absent**

Mayor Wirth called the meeting to order at 6:00 p.m.

a) **Approval of Meeting Minutes from July 27, 2021**

Action

Ald. Strzelczyk made a motion to approve the meeting minutes from July 26, 2021.
Commissioner Lemke seconded the motion.
A voice vote was taken; vote passed (8-0)

RESULT:	APPROVED [8 TO 0]
MOVER:	Robert Strzelczyk, Alderman
SECONDER:	Rick Lemke, Commissioner
AYES:	Wirth, Strzelczyk, Bach, Gentges, Hawley, Lemke, Schaefer, Stoker
ABSENT:	Choren, J. Schaefer

2) Consent

- a) Emily and Mike Hallam. The applicant is seeking minor request for an accessory structure greater than 1,000 sq. ft. approval to allow for a 2,016 sq. ft. agricultural building for the property located at 13800 N. Wasaukee Road.

Action

Ald. Strzelczyk made a motion to approve the five items from the Consent Agenda.

Commissioner Stoker seconded the motion.

A voice vote was taken; vote passed (8-0)

RESULT:	APPROVED [8 TO 0]
SECONDER:	Robert Strzelczyk, John Stoker
AYES:	Wirth, Strzelczyk, Bach, Gentges, Hawley, Lemke, Schaefer, Stoker
ABSENT:	Choren, J. Schaefer

- b) Patricia and George Kashou. The applicant is seeking certified survey map approval to allow for a 3-lot land division for the property located a 10425 N. Granville Road.

Action

Ald. Strzelczyk made a motion to approve the five items from the Consent Agenda.

Commissioner Stoker seconded the motion.

A voice vote was taken; vote passed (8-0)

RESULT:	APPROVED [8 TO 0]
MOVER:	Robert Strzelczyk, Alderman
SECONDER:	John Stoker, Commissioner
AYES:	Wirth, Strzelczyk, Bach, Gentges, Hawley, Lemke, Schaefer, Stoker
ABSENT:	Choren, J. Schaefer

- c) Ewald Toldt. The applicant is seeking certified survey map approval to allow for a 2-lot land division for the property located at 9900 N. Granville Road and 9733 W. Hunt Club Drive.

Action

Ald. Strzelczyk made a motion to approve the five items from the Consent Agenda.

Commissioner Stoker seconded the motion.

A voice vote was taken; vote passed (8-0)

RESULT: **APPROVED [8 TO 0]**
MOVER: Robert Strzelczyk, Alderman
SECONDER: John Stoker, Commissioner
AYES: Wirth, Strzelczyk, Bach, Gentges, Hawley, Lemke, Schaefer, Stoker
ABSENT: Choren, J. Schaefer

- d) Walter Buildings for Dean Schoessow. The applicant is seeking minor request approval for an accessory structure greater than 1,000 sq. ft. to allow for a 3,888 sq. ft. agricultural building for the property located at 11805 N. Farmdale Road and rezoning recommendation approval to R-1/OA for 11805 N. Farmdale and R-3 for 11915 N. Farmdale Road to keep consistent zoning for a proposed boundary line adjustment.

Action

Ald. Strzelczyk made a motion to approve the five items from the Consent Agenda.

Commissioner Stoker seconded the motion.

A voice vote was taken; vote passed (8-0)

RESULT: **APPROVED [8 TO 0]**
MOVER: Robert Strzelczyk, Alderman
SECONDER: John Stoker, Commissioner
AYES: Wirth, Strzelczyk, Bach, Gentges, Hawley, Lemke, Schaefer, Stoker
ABSENT: Choren, J. Schaefer

- e) Karen and Fred Bersch. The applicant is seeking certified survey map approval to allow for a 2-lot land division for the property located at 600 W. Bonniwell Road.

Action

Ald. Strzelczyk made a motion to approve the five items from the Consent Agenda.

Commissioner Stoker seconded the motion.

A voice vote was taken; vote passed (8-0)

RESULT: **APPROVED [8 TO 0]**
MOVER: Robert Strzelczyk, Alderman
SECONDER: John Stoker, Commissioner
AYES: Wirth, Strzelczyk, Bach, Gentges, Hawley, Lemke, Schaefer, Stoker
ABSENT: Choren, J. Schaefer

3) Public Hearing

- a) Dream Acres Agility, LLC. The applicant is seeking conditional use grant approval to allow for dog agility training business for the property located at 8349 W. Pioneer Road (Public Hearing).

Action

Commissioner Stoker made a motion to open a public hearing.

Commissioner Schaefer seconded the motion.

A voice vote was taken; vote passed (8-0)

No public comment.

Action

Commissioner Stoker made a motion to close the public hearing.

Commissioner Bach seconded the motion.

A voice vote was taken; vote passed (8-0)

Asst. Dir. Zader stated that this is request is for conditional use grant approval for a dog agility training facility which falls under a kennel use. He explained there will be two distinct uses on site. One is for the applicant's own personal use; up to six dogs are allowed, which requires a kennel conditional use grant and the second is for dog agility training. All the activities for the commercial portion of the use will take place indoors an existing large horse barn on the site. The pasture areas will only be used for personal use and will remain as it. Some conditions are included including:

- The daily operations will be between 7:00 a.m, - 8:00 p.m.
- Covered and concealed dumpster to be picked up weekly.

Staff finds the use to be harmonious with the surrounding area and is supportive of the request for approval.

Action

Ald. Strzelczyk made a motion to approval the conditional use grant with the added condition of no overnight outdoor kenneling allowed.

Commissioner Hawley seconded the motion.

A voice vote was taken; vote passed (8-0)

RESULT:	APPROVED WITH CONDITIONS [8 TO 0]
MOVER:	Robert Strzelczyk, Alderman
SECONDER:	Stephanie Hawley, Alternate
AYES:	Wirth, Strzelczyk, Bach, Gentges, Hawley, Lemke, Schaefer, Stoker
ABSENT:	Choren, J. Schaefer

4) Regular Business

a) City of Mequon - Ulao Creek Neighborhood Zoning Districts. The City of Mequon is requesting approval of the Ulao Creek Neighborhood Zoning Districts (Neighborhood Commercial, Mixed-Use Commercial, Senior Housing and Residential Cluster Zoning), Land Use Plan Map amendment for Ulao Creek and Zoning Map amendment for Ulao **Creek**

(generally the area bound by I-43 to east, Highland Road to south, Oriole Lane / Ulao Creek to west and Pioneer Road to north). The City of Mequon is requesting approval of the Ulao Creek Outdoor Storage Permit requirements.

Commissioner Goldberger recused himself from this item.

Mayor Wirth stated that the recommendation of this item from the Planning Commission will go to the Common Council for first reading on October 12th and the final vote will be at the Council meeting in November.

Dir. Tollefson stated that many of the Commissioners have been on the Policy Subcommittee that worked on constructing the four new zoning districts along with outdoor storage standards. She explained that there was significant public outreach throughout the process including:

- Individual meetings with property owners affected by the changes.
- Many property owners attended the monthly Subcommittee meetings.
- Open House was held.
- 2 most recent City surveys were considered.
- Market analysis and desired land uses vetted for 2013 were considered.

She added that the neighborhood will not be served by public sewer, but it is in the designated water service area which is available for expansion.

Mayor Wirth stated that two residents registered as opposing this item but did not wish to speak:

1. Stuart Shih - 2010 W. Bonniwell Road
2. Elizabeth Tsug – 2322 W. Bonniwell Road

Mayor Wirth stated that he does not agree with all of the aspects of these new zoning districts but he will support them.

Action

Commissioner Stoker made a motion to recommend approval of the four items to the Common Council.

Commissioner Bach seconded the motion.

A roll call vote was taken; vote passed (8-0)

RESULT:	APPROVED [8 TO 0]
MOVER:	John Stoker, Commissioner
SECONDER:	Greg Bach, Alternate
AYES:	Wirth, Strzelczyk, Bach, Gentges, Hawley, Lemke, Schaefer, Stoker
ABSTAIN:	Goldberger
ABSENT:	Choren, J. Schaefer

- b) Jones Sign Company, Inc. for QAB Enterprises, LLC. The applicant is seeking waiver approval to allow for a 38 sq. ft. wall sign for the property located at 11065 N. Cedarburg Road (Crash Champions).

Planner Vang stated that the request is for a sign waiver and reminded the Commission that the sign code allows for 1 wall sign not to exceed 2.5% of the building wall area or 60 square feet; whichever is smaller. The previous tenant was in front of the Commission in 2019 to request approval for a 27 sq. ft. wall sign, which was approved along with the smokestack sign. Due to a tenant change, the applicant is requesting a 38 sq. ft. wall sign as well as proposing to paint over the smokestack sign and not to replace signage there.

Staff did use the entire north elevation when calculating the allowable wall sign which is 27 sq. ft. and matches what the Commission previously approved. Staff believes this size is in scale with the building and recommends denial of the proposed 38.8 square foot wall sign.

The applicant was represented by the contractor, Alex Kaligarcic with KDN Signs, who stated that they will be eliminating the smokestack sign. They are not going to install a monument sign due to the small layout of the site. They are requesting allowance for the 38 sq. ft. sign as it will be their only signage on site.

Staff stated that this site is allowed a monument sign, although a sign waiver would be required as it would not meet the 10-foot setback requirement.

Mayor Wirth stated that the existing sign stands out very well as it is close to the road. He is not favorable to sign waivers as it sets precedent for all businesses to request one and thus dilutes the effectiveness of the standards of the sign code. He does believe a monument sign waiver at this location is appropriate at the site because the size and shape propose a hardship.

There was discussion about the size of the proposed sign and possible solutions for smaller signage to be closer to the previously approved 27 sq. ft. sign.

Action

Commissioner Bach made a motion to deny the request for a sign waiver.

Ald. Strzelczyk seconded the motion.

A voice vote was taken; vote passed (8-0)

RESULT:	DENIAL [8 TO 0]
MOVER:	Greg Bach, Alternate
SECONDER:	Robert Strzelczyk, Alderman
AYES:	Wirth, Strzelczyk, Bach, Gentges, Hawley, Lemke, Schaefer, Stoker
ABSENT:	Choren, J. Schaefer

- c) Graphic House, Inc. for Alliance Bible Church. The applicant is seeking approval for a master sign plan amendment to allow for 3 wall signs, 2 directional signs exceeding 4-feet in height and a monument sign and lighting plan amendment for the property located at 13939 N. Cedarburg Road.

Planner Vang stated that this applicant was before the Commission earlier this year for a master sign plan amendment and was approved for three wall signs. Per code they are also permitted one monument sign and four directional signs. The requested amendment is for two directional signs at 16 square feet in size and 6 feet in height. The code permits 4 feet in height and 3 square feet in size. Staff does not believe there is a site-specific hardship to warrant the requested amendments. The site configuration consists of one main building and one main drive entrance with one parking area. Allowances have been made at other sites when there are various parking lots and additional directional signs for vehicular traffic were needed. Staff does not recommend approval of the master sign plan amendment but does support the lighting plan amendment for the site subject to meeting the lighting code requirements as well as the conditions in the staff report.

The applicant was represented by Troy Schounard from the Graphic House Sign Company and the architect Don Stauss. They stated that the church is concerned with visitors to the site navigating the correct area to park, especially in the winter months when it is dark early. They believe the current directional signs are small and not well lit.

Action

Commissioner Stoker made a motion to deny the master sign plan amendment and to approve the lighting plan.

Ald. Strzelczyk seconded the motion.

A voice vote was taken; vote passed (8-0)

RESULT:	DENIAL [8 TO 0]
MOVER:	Rebecca Schaefer, Commissioner
SECONDER:	Robert Strzelczyk, Alderman
AYES:	Wirth, Strzelczyk, Bach, Gentges, Hawley, Lemke, Schaefer, Stoker
ABSENT:	Choren, J. Schaefer

- d) Expedite The Diehl, LLC for Mequon Medical, LLC. The applicant is seeking master sign plan approval to allow for 5 wall signs and 2 monument signs for the property located at 12831 N. Port Washington Road.

Planner Vang stated that the property is considered a multi-tenant building consisting of three tenants (per the floor plan). Per the code they are allowed one wall sign per tenant up to 30 square feet. The approval request is for five wall signs and two monument signs. She explained the proposed signs per elevation:

- 2 wall signs facing the northwest parking lot. The one in the center is associated with the main entrance, the other one is not associated with an entrance.
- 2 wall signs facing the northeast parking lot & Port Washington Road. One is associated with an entrance, and one is not.
- The fifth wall sign facing the intersection and it is associated with an entrance.

The two proposed monument signs are supported by staff due to the two separate and distinct

drive entrances to the site which both face public streets. The signs meet the 50 square foot and 10-foot in height requirement.

Staff recommends three wall signs up to 30 sq. ft. at any of the following locations:

- The two proposed location on northeast elevation facing Port Washington Road.
- The location on southeast elevation facing the intersection.
- Additional option from staff is facing Highland Road on the southwest elevation gable.

In summary, staff recommends approval of the two monument signs at each drive entrance and recommends approval subject to the conditions in the staff report.

The applicant was represented by Tara Pentaseca from Expedite the Deal sign company and Corey Patten from AGI sign manufacturer and representing Ascension. They stated due to this being a medical facility and visitors to the site being in distress, it is very important that the signage is clearly visible. The monument signs are clear for entrance identification but do not take place of the wall signs, as the monument signs may be blocked by traffic.

Their justification for the five wall signs:

- E01 and E05 have the same artwork “Ascension Medical Group” at 52 sq. ft. for legibility. These two signs face opposite sides of the building.
The applicant showed the Commission superimposed images of the signs at 30 sq. ft. and 52 sq. ft. for comparison. They feel the larger size is necessary for legibility and proportionate aesthetics.
- E03 and E04 have the same artwork “Premier Radiology”. These signs are each on a different façade and face a different parking lot. They feel these signs are important to direct visitors to the correct entrance.
- E02 is the just the logo and they feel it is an aesthetic touch as well as branding.

The applicant stated their hierarchy of signs:

- E01 & E05 to identify the main entrances. They request these signs be 50 sq. ft. so that they are legible from a distance. They believe E05 at the intersection is very difficult to see at the smaller size.
- They would consider removing E04 and E02 if allowed to keep the other three signs at the larger size.

The feedback from the Commission is that there are many medical facilities in that area that all have signs that meet the sign code. In consideration of future residential properties that will surround this area, it is important to maintain the appropriate size and number of signs at this site. It was noted that both this facility and the hospital are Ascension and extra-large signage may confuse visitors of which building is the actual hospital with the emergency room.

Mayor Wirth stated that he will not support E01 as it faces a future residential neighborhood. He does not believe E05 is illegible at the 30 sq. ft. and it does not need to be seen at a great distance. He does not believe there are any hardships at this site that warrant amendments to the sign code.

Action

Commissioner Schaefer made a motion to approve per recommendations by staff and subject to conditions in the staff report.

Commissioner Lemke seconded the motion.

A roll call vote was taken; vote passed (7-1)(No: Stoker)

RESULT:	APPROVED [7 TO 0]
MOVER:	Rebecca Schaefer, Commissioner
SECONDER:	Rick Lemke, Commissioner
AYES:	Wirth, Strzelczyk, Bach, Hawley, Lemke, Schaefer, Gentges
NO:	Stoker
ABSENT:	Choren, J. Schaefer

- e) Creative Sign Company, Inc. for Froedtert Health. The applicant is seeking master sign plan approval to allow for 2 wall signs, 4 illuminated awning signs, 3 directional signs, and a monument sign for the property located at 11421 N. Port Washington Road (Froedtert Community Hospital).

Planner Vang stated the proposed wall sign is slightly larger than allowed per the code at 58.2 square feet as well as exceeding the height requirement. The proposed sign is 25 feet in height and the code requires the sign not to exceed 20 feet in height. Staff does not support the proposed design of the wall sign as it appears to staff that it has two different signs; the cabinet sign design is different than the channel letters as well as the alignment of both signs. Staff recommends redesigning the wall sign to better incorporate them as one sign while meeting the size and height requirement of the code.

The applicant is proposing a 4-S.F. wall sign over the main entrance that faces Port Washington Road. Staff does not believe there is a hardship that warrants the approval of a secondary wall sign in that area. This is the only entrance on this elevation and the main wall sign is already proposed on this elevation.

The proposal includes four illuminated awning signs. The code permits awning signs under 4-square feet if they are not illuminated. Planner Vang explained the applicant can request illuminated awning signs through a master sign plan. The applicant is proposing one awning sign at 8 square feet while the other signs are 4 square feet. Staff supports one awning sign per canopy for a total of two signs (on the north elevation). Staff does support one larger awning at 8 square feet due to the nature of the use and the public service aspect at the more prominent location of entry and the 4 square foot awning on the smaller, west canopy.

She added that the applicant is requesting directional signs at 5 feet in height and 8 square feet in size, both exceed the size and height requirements of the code. Staff does not believe there is a hardship on this 1.7-acre site and does not recommend these directional signs for approval.

Staff recommends approval for two illuminated awning signs, one wall sign and one monument sign and directional signs as allowed per the code based on the conditions in the staff report.

The applicant, represented by Tracy Burkel, stated that they will resubmit their proposal based on staff recommendations. The only item of concern is regarding the ambulance & emergency entrances and the main entrance in which they request awning signs at all locations (east and north sides). The applicant explained that there are new DHS requirements that all hospital entrances must be identified. Due to the recent Covid-19 pandemic there is an effort not to co-mingle emergency patients with regular patients and visitors. She stated they will provide support of this from the DHS to staff.

Action

Ald. Strzelczyk made a motion to approve the sign waiver per recommendations by staff and the applicant should work with staff based on verification of DHS signage requirement.

Commissioner Stoker seconded the motion.

A roll call vote was taken; vote passed (8-0)

RESULT:	APPROVED WITH CONDITIONS [8 TO 0]
MOVER:	Robert Strzelczyk, Alderman
SECONDER:	John Stoker, Commissioner
AYES:	Wirth, Strzelczyk, Bach, Gentges, Hawley, Lemke, Schaefer, Stoker
ABSENT:	Choren, J. Schaefer

- f) P2 Development Company, LLC. The applicant is seeking rezoning recommendation approval from Town Center zoning to Town Center/PUD (Planned Unit Development) zoning for the properties located at 11040 & 11110 N. Buntrock Avenue.

Asst. Dir. Zader stated the request is for a rezoning and concept plan approval for 46 apartment units located within the Town Center zoning district. He reminded the Commission that in 2017 the Common Council made a change to the Town Center zoning code not to allow multi-story stacked apartment buildings, so this plan is the only residential option for multiple units as the code requires individual entrances. The concept plan shows 11- and 12-unit buildings with individual entrances off Buntrock Avenue. Staff worked with the applicant to meet some of the Town Center standards. Staff requested the on-street parking also be added to the backside of the development which the applicant incorporated. Staff has a concern regarding the location of the dumpster and recommends that it be relocated so that it is not visible from Buntrock Avenue.

He stated that staff is supportive of the proposal as there is a large green section in the middle of the development, a gazebo and public area; this area will also be used for storm water management. One issue staff is working with the applicant on is the driveway entrance which is parallel to the Artesa apartments entrance. The applicant is working on some solutions to possibly make it a shared access point. There is not an easement there so staff is unable to make it a requirement, but it would be beneficial to both parties if there could be a shared in and out access there.

Staff is asking for a floating easement on the south end of the development so that if the parcel to the south gets developed there will not be a similar issue there and can required a connection off of that site to the existing ingress/egress.

The concept plan shows that the buildings will be 1 and 2 story units with individual entrances. The only item that will require a waiver is the width of the units as the Town Center requires a 20-foot minimum and the proposed units are 16-feet wide. The 20-foot width requirement was based off of the difficulty in sectioning portions for 1-story units. Staff supports the 16-foot width waiver as the proposed units will have an open-floor concept on the first floor and the bedrooms will be located upstairs. The units do exceed the 1,000 sq. f.t minimum size requirement.

In summary, staff recommends approval of the concept plan subject to some recommendations and also recommendations approval of the rezoning to the Common Council.

The applicant, Robert Bach, owner of P2 Development Company, stated this development will compliment the other existing high-end residential developments in Foxtown (Artesa and West House). He explained that there is co-mingling of activities for the residents of these buildings which he believes contributes to creating a community. He does not believe these apartments will negatively impact the condo development across the street on Buntrock. He explained that the 24 2-bedroom units will require the variance, but the 22 3-bedroom units will meet the 20-foot width requirement.

There was discussion regarding the required variance and the reasoning the 20-foot width requirement was incorporated and that it was based on a 1-story unit and the amount of space needed to partition off living space and separate bedroom space. That standard does not apply to the proposed development as the units are multi-floor and do not have the spacing issue.

Mayor Wirth made a suggestion regarding the architecture and that he prefers that the units all look like more consistent and not look like duplexes.

Action

Mayor Wirth made a motion to approve subject to conditions by staff.

Commissioner Lemke seconded the motion.

A roll call vote was taken; vote passed (8-0)

RESULT:	APPROVED [8 TO 0]
MOVER:	John Wirth, Chair
SECONDER:	Stephanie Hawley, Alternate
AYES:	Wirth, Strzelczyk, Bach, Gentges, Hawley, Lemke, Schaefer, Stoker
ABSENT:	Choren, J. Schaefer

- g) RINKA+ for Midland Commercial Development Group. The applicant is seeking a consultation to allow for a +/- 5,000 sq. ft. single-story retail branch bank for the property located at 10365 N. Port Washington Road (Sobelman's).

Asst. Dir. Zader stated that this is a consultation for a financial institution for the current Sobelman's location. Financial institutions are a permitted use in the B-2 zoning district. Staff recommended a consultation as there have been past conversations about the redevelopment of

this site. The proposal would be to tear down the existing structure and build a new 3,500 sq. ft. branch bank on the site. The setback from Donges Bay overlaps the south side offset. He explained that technically there is no buildable area on this site and any new project will require some level of waiver approvals from the Commission. The proposed development would require numerous waivers. The applicant did move the building back out of the right-of-way (the current building is in the ultimate road right-of-way) in case there are any future road improvements. The development would require waivers for the north and south offsets as well as the parking lot offset.

Asst. Dir. Zader outlined the options for this site:

1. Keep the existing building and reuse it with a similar use. It is an older building and probably difficult to retrofit for a different commercial type of use (it is not a historic Landmark building).
2. Combine this parcel with the parcel to the south (hotel) if there is opportunity which could receive a TIF Fast Track incentive; but this is market driven.
3. Tear the building down and redevelop the site, which staff does support.

The code does allow the applicant the ability to obtain waivers on substandard parcels through the conditional use process. Staff does support the location of the proposed building and the driveway located across from Ferrante's. The concern is the second access point required from Donges Bay Road for the financial institution ATM and the bank drive-thru which add to the reduction in the setback and offset. This may be too intense of a use at this site. The engineering department has concerns about the crown from the Donges Bay Road bridge and the location of the second access. A traffic analysis would most likely be required if the project moves forward.

Overall staff is supportive of a new use at this site, the waivers and the financial institution, but have concerns about the number of waivers necessary and the narrowness of the lot and the small size of the parcel to adequately accommodate the needs of this project.

The applicant, Audrey Grill, architect from RINKA, stated that the proposed plan is the best use of the site for a financial institution. They considered all the existing conditions on the site, and they believe that the proposed layout would allow for a successful operation.

There was mixed feedback from the Commission:

- It was stated that the parking stalls could be reduced by about 5 stalls.
- Some Commissioners stated that this is a very busy corner, and the site is challenging, especially for this type of use.
- Some concern about the drive-thru at this location and the impact of the traffic.
- Some believe this is not the right fit/wrong site and that the area has a more neighborhood feel.
- Some Commissioners agree the site is a challenging one but believe that this is a great use and that waivers are going to be required for any use at this location.

Mayor Wirth is conflicted about this proposal. He stated that if this project proceeds forward, he would like to see examples of similar sized lots with the same use and a drive-thru to see if there have been any concerns from communities where they are located. He added that it is already a

challenging site to park at and he is not certain if the proposed development makes the situation there better or worse. He stressed that he feels strongly that the architecture be appealing and fit well into the neighborhood.

There was added discussion from staff about the traffic concerns, the setbacks and the two access points.

5) **Announcements**

The next meeting is Monday, October 25, 2021, at 6:00 p.m.

6) **Adjourn**

Action

Commissioner Stoker made a motion to adjourn the meeting.

Commissioner Lemke seconded the motion.

A voice vote was taken; vote passed (8-0)

Respectfully Submitted,

Jac Zader



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Office of the City Administrator

PUBLIC WELFARE COMMITTEE

Tuesday, September 14, 2021

5:30 PM

Lower Conference Room

Minutes

1) Call to Order, Roll Call

Present:

Alderman Glenn Bushee

Alderman Kathleen Schneider

Chair Mark Gierl -- **Absent**

Also Present: Mayor Wirth, City Administrator Jones, Assistant City Administrator Schoenemann, City Clerk Fochs, City Attorney Sajdak, Alderman Parrish, Alderman Mayr, Alderman Strzelczyk, and Executive Assistant Enea

2) Approval of Meeting Minutes

a. August Meeting Minutes

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

3) Discussion Items

a. City of Mequon Redistricting Discussion

City Clerk Fochs provided an overview of the redistricting process. Redistricting happens every 10 years after the census concludes. Mequon had an increase of 2,000 residents, so the districts needed to be rebalanced. This cycle's redistricting process was significantly delayed due to the impacts of COVID-19 and resulted in a compressed timeline for the City to complete its part of the redistricting process.

City Clerk Fochs explained wards are required to be equal sizes and abide by set criteria. Staff tried to use natural boundaries, like the Milwaukee River, when drawing new lines. The county provides the city with a recommended map to draw the wards. Two maps were provided for consideration. A discussion then took place about how it would be an adjustment because each alderman would lose some residents that they have formed relationships with during their terms in office. The Committee expressed a preference for Exhibit One. City Clerk Fochs will bring back a recommendation next month for approval, along with updated information from the county.

b. Composting Plan

4) Ordinances

Action requested: review and recommend approval

1. Electronic Meetings for Common Council and Planning Commission

Moved to Special Meeting on 9/21 at 5:15 P.M.

- 5) Information Items
 - a. Work Calendar

- 6) Adjourn

Alderman Bushee moved to adjourn at 6:00 P.M. and was seconded by Alderwoman Schneider.

Respectfully Submitted,

Carrie Enea



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Office of the City Administrator

PUBLIC WELFARE COMMITTEE
Tuesday, September 21, 2021
5:15 PM
Lower Conference Room

Minutes

1) Call to Order, Roll Call

Present:

Chair Mark Gierl
Alderman Glenn Bushee
Alderman Kathleen Schneider

Also Present: Mayor Wirth, City Attorney Sajdak, Assistant City Administrator Schoenemann, and Executive Assistant Enea

2) Ordinances

Action requested: review and recommend approval

a. Electronic Meetings for Common Council and Planning Commission

A discussion took place regarding city meetings being hybrid and if the public, consultants, and/or Aldermen could participate electronically. Alderman Bushee stated that 25% of Mequon's population were Seniors and not easily mobile during the winter. Alderwoman Schneider stated that hybrid meetings are less functional and harder to communicate. If a resident could not attend, they could send their neighbor to read their comments. Alderman Gierl would like the public to attend if they were interested, but understood that it could be difficult for them. The Committee decided to leave it as is, the public must come in to participate. For all committees, quorum must be in person. For the Common Council, 6 must be in person and 2 can dial-in. Aldermen can electronically attend 2 meetings per year, no reason needed, first come-first serve. They must submit the request in writing, which can be email. Mayor Wirth inquired if emergency meetings could be virtual without calling a declared emergency. City Attorney Sajdak would make edits and present at the next meeting.

3) Adjourn

Alderwoman Schneider moved to adjourn at 5:54 P.M. Alderman Bushee seconded.

Respectfully Submitted,

Carrie Enea



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Public Works Department

PUBLIC WORKS COMMITTEE
Tuesday, September 14, 2021
6:00 PM
South Conference Room

Minutes

1) Call to Order, Roll Call

Present:

Chair Dale Mayr
Alderman Andrew Nerbun
Alderman Brian Parrish

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

2) Approval of Minutes

a. August 10, 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 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

Director of Public Works/City Engineer Lundeen stated the increase is due to the increase in cost of supplies.

RESULT: **Approved [Unanimous]**

MOVED BY: Alderman Parrish

SECONDED BY: Alderman Nerbun

AYES: Mayr, Nerbun, Parrish

4) Discussion Items

a. 2021 Work Plan (9.14.21)

Director of Public Works/City Engineer Lundeen updated the committee on the 2021 Work Plan.

5) Adjourn

a. Motion to Adjourn at 6:05 PM.

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

MOVED BY: Alderman Nerbun

SECONDED BY: Alderman Parrish

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, October 12, 2021

7:30 PM

Christine Nuernberg Hall

Minutes

1) Call to Order, Roll Call

Commissioner Wirth called the meeting to order at 7:36 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, City Attorney Sajdak, City Clerk Fochs, Director of Public Works/City Engineer Lundeen, Deputy Director of Utilities Driscoll, and Administrative Assistant Deuster.

2) Approval of Meeting Minutes

a. August 10, 2021 Minutes

RESULT: **Approved [Unanimous]**

MOVED BY: Commissioner Strzelczyk

SECONDED BY: Commissioner Bushee

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

Action requested: review and recommend approval

- a. **RESOLUTION 3888** A Resolution Awarding a Contract to LW Allen of Madison, Wisconsin for the Replacement of Four Sanitary Sewer Lift Station Pumps in the Amount of \$143,300

Commissioner Strzelczyk inquired regarding the qualifications of the company with the lowest cost.

Commissioner Wirth questioned the reputation of the firm.

Director of Public Works/City Engineer Lundeen stated they have all completed work for the City successfully in the past.

RESULT: **Approved [Unanimous]**

MOVED BY: Commissioner Schneider

SECONDED BY: Commissioner Strzelczyk

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

- b. **RESOLUTION 3887** A Resolution Approving a Temporary Construction Easement for the Wisconsin Department of Transportation I-43 Expansion Project

Commissioner Schneider clarified with the Temporary Easement Period, the City has access to our sewer that is in the area, is there a risk to damage to those structures during that time.

Director of Public Works/City Engineer Lundeen stated yes but there is always risk in any portion of the project they are working on.

RESULT: **Approved [Unanimous]**

MOVED BY: Commissioner Mayr

SECONDED BY: Commissioner Strzelczyk

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

4) Motion to Adjourn at 7:39 PM.

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

MOVED BY: Commissioner Strzelczyk

SECONDED BY: Commissioner Nerbun

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

Respectfully Submitted,

Casey Deuster
Administrative Assistant



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Office of Engineering

TO: Common Council
FROM: Kim Tollefson, Director of Community Development
DATE: November 9, 2021
SUBJECT: RESOLUTION 3889 A Resolution Approving a Development Agreement for The Woods at Highland Park Phase 2 Consisting of 10 Dwelling Units Located at the Corner of Green Bay Road and Woods Court

Background

The applicant is requesting development agreement approval for Phase 2 consisting of 10 units on the property located at the corner of Green Bay Road and Woods Court. The rezoning recommendation, concept plan, and preliminary condo plat were approved at the July 23, 2018, meeting. The final plat and certified survey map were approved at the January 13, 2020, meeting.

Analysis

The developer utilized the template development agreement, which was modified and submitted to staff. Staff subsequently modified the document, per Phase 1 requirements and that final version is included in packets. The development agreement provides the opportunity to construct one (1) principal structure model building prior to final plat approval with the understanding that the unit can't be sold or title transferred until the associated plat is recorded. This is consistent with the table approved as a part of the template document.

The sanitary sewer connects to the Village of Thiensville's sanitary sewer system which is part of an Inter-Governmental Agreement. The specific language included in the Inter-Governmental Agreement was included in the draft Development Agreement for the project.

The site plans for Phase 1 and Phase 2 were reviewed and approved by the Engineering Division on November 14, 2018.

Fiscal Impact

The fiscal impact is neutral.

Recommendation

Staff recommends that the Finance-Personnel Committee favorably endorse and the Common Council approve the resolution approving the development agreement for Phase 2 of the Woods at Highland Park and authorize the execution thereof. The development agreement was unanimously approved by the Planning Commission.

Attachments:

Development Agreement_Woods at Highland Park Phase 2 (PDF)

COMMON COUNCIL
OF THE
CITY OF MEQUON

RESOLUTION 3889

A Resolution Approving a Development Agreement for The Woods at Highland Park Phase 2
Consisting of 10 Dwelling Units Located at the Corner of Green Bay Road and Woods Court

RECITALS

A. Phase 2 of The Woods at Highland Park development consists of 10 condominium units to be located generally at the corner of Green Bay Road and Woods Court.

B. Pursuant to the Development Agreement for Phase 1 of the development, a new development agreement is required for Phase 2.

C. The Planning Commission recommended approval of the Development Agreement for the property on October 28, 2021.

D. The Development Agreement provides for the installation of improvements and the payment of fees in accordance with the City Engineer's report.

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

1. The Development Agreement for The Woods at Highland Park Phase 2 project is approved subject to any technical, clerical and/or legal changes deemed necessary and appropriate by the City Attorney.

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

Approved by: John Wirth, Mayor

Date Approved: November 9, 2021

I certify that the foregoing Resolution was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on November 9, 2021.

Caroline Fochs, City Clerk

Document Number	DEVELOPMENT AGREEMENT Document Name	
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THIS DEVELOPMENT AGREEMENT (“Agreement”) is made as of _____, 20__, by _____ (the “Developer”) and the City of Mequon, a municipal corporation (the “City”).

RECITALS

A. The Developer desires to improve and develop the property described on the attached Exhibit A (the “Property”). The Woods at Highland Park Phase 2

B. Wisconsin Statutes Section 236.13(2) and Sections 58-634(c) and 58-637 of the Mequon Code of Ordinances (the “Code”) provide that, as a condition of approval, the City shall require that the Developer make and install or have made and installed any reasonably necessary improvements.

C. This Agreement describes the Public Improvements, as defined below, that are necessary to complete the Developer’s proposed development on the Property (the “Development”), the Private Improvements, as defined below, and other terms and conditions of the Development.

D. The schedule for the City’s Public Works Department, and the City’s budget, do not provide for installation of the Public Improvements, and absent this Agreement, there would be a considerable delay in the installation of the Public Improvements.

E. The orderly, planned development of the Development will best promote the health, safety and general welfare of the community.

AGREEMENTS

NOW, THEREFORE, in consideration of the foregoing recitals and the following agreements, and for other good and valuable consideration, the receipt and sufficiency of which the parties acknowledge, the parties agree:

1. Improvements. As defined in this Agreement, the following terms and phrases have the following meanings:

“Improvements” means the Private Improvements and the Public Improvements.

“Private Improvements” means all improvements in the Development required by this Agreement other than the Public Improvements.

Recording Data

Name and Return Address

City Engineer
11333 N Cedarburg Road
Mequon, WI 53092

Parcel Identification Number

“Public Improvements” means all public streets, sidewalks, paths and required appurtenances to the foregoing, including without limitation street name signs, regulatory/public safety signs (speed limit signs, stop signs and so forth) and bollards; sanitary sewer facilities and water supply facilities that connect to the public sewer or public water systems, but in each instance only those portions up to and including stubs of laterals; street trees and any required landscaping in rights of way; street trees and other landscaping in easement areas dedicated to the City for that purpose, but only to the extent specified in such easements; items specified in the Plans, as defined below and approved by the City, as Public Improvements; and items specified in the Code or state statutes as Public Improvements.

2. Proposed Development Plan. The Development as proposed is depicted on the Developer’s proposed development plan.

The proposed development plan was granted Preliminary Plat approval by the Planning Commission on _____. The Preliminary Plat is an expression of approval or conditional approval of the layout submitted and is a guide to the preparation of the Final Plat which will be subject to further consideration by the Planning Commission at the time of its submission.

PLANS AND SPECIFICATIONS

3. Plans and Specifications. The Developer shall, at its expense, have plans and specifications (collectively, the “Plans”) prepared for the Improvements. The Plans shall include those plans that are customary in the industry for similar developments, including a site plan, grading, drainage and erosion control plans, stormwater drainage plans, landscaping and open space plans, street plans, utility plans and construction details, including those construction details described in this Agreement. The Plans shall be subject to review and approval of the City Engineer and any regulatory body or other staff person specified below. The Developer shall not commence the Improvements until the Plans are reviewed and approved. Plans and specifications for Phase I and 2 were approved by the City Engineering Department on November 14, 2018.

4. Corrections to Plans. The City Engineer may, at any time prior to Final Plat approval, require changes to approved Plans for any of the Improvements to the extent such changes are necessary to correct oversights, omissions or errors, to compensate for changing site conditions or to complete fully the work in accordance with sound engineering practice. The Developer shall perform the work necessitated by any such change entirely at its expense without any claim for reimbursement.

5. Standards. The Plans and design of the Improvements shall comply with the requirements of the current edition of the City’s Standard Specifications for Land Development and all applicable provisions of the Code and state and federal laws (each a “Regulation”) in place at the time of preliminary approval of the Plans and design. Additionally, the Plans shall satisfy the requirements set forth below. In the event of a conflict between the Standard Specifications and this Agreement, the terms of this Agreement shall control. In the event of a conflict between any Regulations, the more stringent requirement shall apply unless otherwise addressed within the Regulation.

6. Changes in Regulations. Should any Regulation change within two years of the preliminary approval, the Developer may choose which version of the Regulation to follow if material work on the applicable Improvement has commenced. Where work on an Improvement affected by the changed Regulation has not commenced, the Developer shall comply with the revised Regulation.

7. Sanitary Sewer System Plans. Phase I and 2 plans were approved by the Village of Thiensville and the City of Mequon on November 14, 2018.

The Development will have a public sanitary sewer system.

(a) An Owner's Agreement with the Village of Thiensville is required to define the specifics of the Sanitary Sewer requirements.

(b) Installation of a sanitary sewer system designed to meet the ultimate needs of this development, in accordance with the Village of Thiensville's sanitary sewer system plan. Installation of one sewer lateral from the sanitary sewer main to the limits of the sanitary sewer utility easement or, road right-of-way.

(c) Sanitary sewer plans/profile shall conform to the Village of Thiensville requirements and Sewer and Water Construction in Wisconsin and additional requirements of the Milwaukee Metropolitan Sewerage District (MMSD) shall apply.

(d) The Village of Thiensville shall approve all sanitary sewer connections.

(e) Connection to the existing sanitary sewer shall be done in accordance with the Village's specifications.

(f) The lateral locations shall not deviate from the approved plan unless approved by the Village and the City.

(g) Sanitary sewer main and lateral connections shall be installed in Phase I.

8. Water System Plans. Phase I and 2 plans were approved by the City of Mequon on November 14, 2018.

CONSTRUCTION REQUIREMENTS

9. Construction of Improvements. The Developer shall construct or have constructed, at its expense, all of the Improvements.

10. General Standards; Strict Compliance with Plans. All construction shall conform to the City's Standard Specifications for Land Development, latest edition. Construction will strictly conform to the Plans. The City may require the Developer to replace all the Improvements that deviate from the Plans unless the Developer seeks and obtains prior written approval from the City for such deviations.

11. Direction by City Engineer. The Improvements shall be constructed in strict accordance with the requirements and direction of the City and the City Engineer or the City Engineer's authorized representative and shall be under and subject to constant inspection by the City Engineer or the City Engineer's representative.

12. Responsibility for the Improvements. The Developer shall be fully responsible for the Improvements, all appurtenances to the Improvements and the acts and omissions of its contractors, subcontractors, material suppliers, delivery services and agents. The Developer shall repair or replace, at the Developer's cost, any damage that occurs to the Improvements and appurtenances to the Improvements during the period of the construction of the Improvements and until certification by the City Engineer, approval of the Improvements, acceptance of dedication by the City and Final Plat approval.

13. Lien Waivers. As a condition of final certification by the City Engineer, and approval, acceptance and dedication of the Improvements by the City, the Developer shall provide to the City paid receipts and lien waivers from all contractors and material suppliers performing work or supplying materials for the installation of the Improvements.

14. No Lot Assessments for Improvements. The costs and value of the Improvements will become an integral value of the abutting property; therefore, the Developer shall not make any future lot assessment for the Improvements.

15. Additional Grading and Drainage Requirements. The Developer shall (a) rough grade as necessary to establish lot grades in accordance with future building grades, top-soiling, seeding and mulching as required, to all exposed ground surfaces to prevent erosion; (b) keep grading and filling to a minimum, including in individual building envelopes; and (c) spread and maintain topsoil, seed and mulch over all exposed ground surfaces to prevent erosion, including surfaces disturbed by utility contractors.

16. Wetlands. Wetland boundaries shall be identified and marked in the field and verified by the DNR. The wetlands and setbacks shall be identified on the plat. Wetland boundary markers shall be maintained, and setbacks observed, during all phases of land disturbance and construction. No wetland shall be filled without prior approval of the DNR.

17. Additional Erosion and Runoff Control Requirements.

(a) With respect to erosion and sedimentation control, the Developer shall install and construct the Improvements in compliance with the requirements of the Ozaukee County Land Conservation Guidelines (SCS) and the DNR's "Wisconsin Construction Site Best Management Practice Handbook," latest edition, requirements. Temporary stormwater quality measures during construction activities shall include, at a minimum, the installation of silt fence and temporary sediment basins.

(b) The Developer shall install the drainage system, including roads (unpaved, but with gravel surface), first. The swale and ditches shall be sodded or planted with fast growing grasses immediately after grade certification by the City or its designated agent. The City may request temporary mulching if ground is exposed for more than seven days. Straw, hay bales, check dams or silt fences shall be placed in the drainage system as sediment traps in accordance with established best management practices. The City will decide whether sod is appropriate and whether the sediment trap method to be used.

(c) The Developer may not commence land disturbing activities until all erosion control measures are installed and approved by the City. An erosion control permit must be approved which requires the Developer to construct in conformance with the City's erosion control ordinance.

(d) The Developer shall protect all exposed soils with mulches, temporary annual grasses or erosion matting.

(e) The Developer shall not pile or permit excavated soil to be piled near the drainage system. A topsoil stockpile area shall be identified and used, complete with appropriate erosion control measures.

(f) The Developer will periodically inspect the above-described systems and control measures, including after each rain event, and shall promptly maintain, repair and replace them to their originally approved condition.

18. Topsoil. Excess topsoil shall only be removed from the Development by means of end-loading (no screening allowed on site) and trucking from the site. The Developer shall not disrupt topsoil where it is unnecessary, and the final arbiter of necessity shall be the City.

19. Additional Stormwater Drainage Requirements. Stormwater facilities shall be installed before impervious surfaces.

20. Additional Street and Street Signage Requirements.

(a) Prior to the commencement of any construction activity, the Developer shall meet with City Engineering and Public Works staff to identify and agree to a specific “haul” route for all construction equipment and material supplies associated with the Development. The Developer shall agree to confine the movement of its construction equipment to the approved route unless approved otherwise by the City Engineer. The Developer shall provide the Street Wear Financial Guarantee, as defined below. The City shall videotape and perform a road evaluation of the agreed to haul route. This evaluation, known as a service condition rating or “SCR”, shall be used as the base line for establishing the level of damage that occurs as a result of the Development. At the conclusion of the construction activity and prior to the recording of the Final Plat, the City will again videotape and perform a post development SCR of the Developer’s “haul” route. The road evaluation is only applicable to that portion of the approved haul route that lies within the corporate limits of the City. Prior to the City acceptance of the Public Improvements, the Developer will repair the road or pay to the City the cost, as determined by the City, for the estimated repairs, including without limitation labor, material and costs regularly charged by the City for its staff’s time for inspections, shouldering, streets, curbs, gutters, failures, base repairs, defects and utility adjustments.

(b) If the surface course of a street cannot be constructed prior to October 15, the Developer shall provide the Surface Completion Letter of Credit, as defined below.

(c) At the time of any extension of any street in the Development for which a temporary turnaround was constructed, the Developer shall remove the temporary turnaround and restore the area.

(d) The roadside sidewalk shall be installed at the time of street construction. Until Final Plat approval, the Developer shall maintain (including snow and ice removal) such roadside sidewalks and repair and replace them as necessary.

(e) The Developer shall provide and install street name signs and regulatory/public safety signs required by the Plans in the form required by the City.

21. Additional Utility Requirements. All required easements were approved by the City of Mequon on November 22, 2019 and subsequently recorded.

(a) The Developer shall provide proof of payment in full for installation of all required utilities prior to Final Plat approval.

(b) Underground utility installations shall be subject to review and approval by the City Engineer and shall be made without any street pavement removal, unless otherwise specifically approved by the City Engineer.

(c) The Developer and the City shall enter into a Water Services Agreement in form and content customarily required by the City prior to connection to the City’s water system. The Water Services Agreement was executed by the City of Mequon on October 1, 2018.

22. Lot Pipe Certification. The Developer shall, prior to Final Plat approval, provide to the City a lot pipe certification stamped and signed by a professional land surveyor, registered in the State of Wisconsin. The form and content of the lot pipe certification shall be acceptable to the City Engineer.

MODEL HOMES

23. Model Homes.

(a) Subject to satisfaction of all other requirements for a building permit, the City will issue a building permit for 1 principal structures to be used as sales models prior to approval and recording of the Final Plat.

(b) If the Developer is unable, despite reasonable efforts, as determined by the City in its sole discretion, to satisfy the paving requirements of Section 3.6 of the Standard Specifications for Land Development, the City will, upon application of the Developer and satisfaction of all other requirements for a building permit, issue a building permit for one model home prior to the installation of the binder course of asphalt in the adjacent dedicated public road or private access easement. The City shall not issue the building permit for such model home until stone base is installed and such stone base has successfully passed a proof roll. The stone base shall allow, as determined by the City in its sole discretion, access for inspections and emergency personnel. The City may cancel inspections if adequate access is not provided to inspections staff.

(c) The Developer shall not transfer title to any lot containing a model home until the Final Plat is approved and recorded as described below.

ASSOCIATION; COVENANTS, CONDITIONS AND RESTRICTIONS; ONGOING AGREEMENTS

24. The Association. The Developer shall, prior to the sale of any property within the Development, create or cause to be created an entity (the “Association”) with a perpetual existence under the laws of the State of Wisconsin to control and maintain the common areas and facilities of the Development and to assume the obligations of the Association set forth in this Agreement. The Developer shall provide the City a description of the organization of the proposed Association, together with copies of its governing documents, including all documents governing ownership, maintenance and use restrictions for common facilities or common elements, including commonly owned outlots. Such documents shall be subject to review and approval of the City for consistency with the requirements of this Agreement. The Association shall be operating (with financial subsidization by the Developer, if necessary) before the sale of any part of the Development. All owners of any property in the Development, including the Developer, shall be members of the Association solely by virtue of such ownership and shall be jointly responsible for its obligations, which obligations shall be assessable as against such members. The Association shall have the power and authority to assess property owners for their proportionate share of costs associated with the responsibilities of the Association set forth in this Agreement. The governing documents for the Association shall confer legal authority on the Association to place a lien on the property of any member who falls delinquent in dues or assessments. Such dues and assessments shall be paid with accrued interest before the lien may be lifted. If at any time the Association does not exist or fails to satisfy its obligations, the owners of the Property shall be jointly and severally liable, with rights of contribution, for the Association’s responsibilities under this Agreement and all agreements that run with the land that impose responsibilities on the Association.

25. Obligations of the Association. The Association shall be obligated to maintain in good condition and repair, and replace as necessary, all of the following, if any, that are required and approved as part of the Development: (a) roadside sidewalks (including snow and ice removal); (b) pedestrian and bike paths and appurtenances to such paths, including without limitation any signage and bollards; (c) monument and entrance signs; (d) roadside bollards; and (e) all landscaping and related elements (except those on private lots), including street trees, open areas and stormwater facilities. Such obligations shall be memorialized in one or more documents that shall be recorded against the Property. The documents memorializing such obligations shall specify that, if at any time the Association does not exist or fails to satisfy its obligations, all owners of the Property shall be jointly and severally liable, with rights of contribution, for such responsibilities. . The

documents memorializing such obligations shall be subject to review and approval of the City, and the provisions requiring the foregoing may not be amended without the prior written approval of the City.

26. Temporary Turnarounds. If any street constructed as part of the Development has a temporary turnaround for any future extension of the street beyond the Development, the Association shall remove such turnaround and restore the area in a manner acceptable to the City at the time the street is extended beyond the Development.

27. Stormwater Best Management Practices Maintenance Agreement was executed by the City of Mequon on November 22, 2019. The Developer and the City entered into an agreement as described below to ensure that the Development's stormwater facilities are maintained to meet or exceed the standards to which they were constructed so that, in the future, the stormwater facilities continue to accommodate the appropriate volume and manage flow through and within the Development and meet applicable performance standards for storage and release. Accordingly, the following requirements are applicable to the Development:

(a) All stormwater drainage and storage facilities, including detention basins and ponds (whether one or more), shall be maintained and cared for by the Developer until such time as the Developer passes control of the stormwater elements of the Development and responsibility for maintenance of such stormwater elements to the Association, at which time such responsibility shall pass to the Association. In the event that the Developer transfers any portion of the Development prior to the construction, installation and approval of any required stormwater facilities, the Developer shall be released from responsibility for the installation and maintenance of the stormwater facilities only upon the City's approval, in its sole discretion, of the form of the successor in interest's assumption of the Developer's responsibilities under this Agreement; however, the transferee shall be jointly and severally responsible with the Developer until the completion of the construction, installation and approval of such facilities.

(b) The following minimum standards for future care and maintenance of the stormwater drainage and storage facilities, including detention basins and ponds (whether one or more), shall be adhered to by Developer and Developer's assigns and successors in interest:

(i) Provide normal and customary cleaning and maintenance to the detention basins and ponds (whether one or more) located in the Development including, but not be limited to, weed and algae control, dam stabilization, emergency overflow, outlet structure (including trash rack), dredging and biological control.

(ii) Dredging of the storm water facilities shall require permits and approvals under Wisconsin Statutes Section 30.20 to remove materials from the bed of a pond ultimately connected to Lake Michigan from the DNR.

(iii) All weed, algae and other biological control utilizing chemical treatments shall be made consistent with the regulatory requirements that apply to the use of EPA/State Registered Chemicals in detention basins and ponds or lakes and regulations of the DNR. With few exceptions, a permit must be filed with, and approved by, the DNR prior to chemical treatment. In certain circumstances, a representative of the DNR will monitor or supervise the chemical treatment. Developer should contact the DNR for additional information.

(iv) To guarantee performance of all of the foregoing obligations concerning the private stormwater drainage and storage facilities, including detention basins and ponds, the Developer shall, in accordance with Section 58-677(b) of the Code, deposit a performance bond, letter of credit or cash deposit (the "Stormwater Guarantee") to guarantee the good faith execution of the approved control plan and any permit conditions. The Stormwater Guarantee shall be in an amount equal to 125% of the estimated cost of construction and maintenance of the storm water management practices. The City will release the portion of the

Stormwater Guarantee less any costs incurred by the City to complete installation of the facilities upon submission of a certification in accordance with Section 58-678(h) of the Code.

(v) Not less than 90 days prior to the final expiration of the Developer's Stormwater Guarantee obligations, or at such time as the Developer shall convey the outlots or common areas in or on which are located the stormwater drainage and storage facilities, including detention basins and ponds, to the Association or other assigns or successors in interest, whichever is later, the Developer shall have the detention basins and ponds recertified as described above.

(vi) At any time in the future, if, in the opinion of the City, either the Developer (in keeping with the limitations upon its responsibility as expressed in this Section), the Association or any other assigns or successors in interest, shall fail to install or maintain the stormwater drainage and storage facilities, including detention basins and ponds, the City, at its option, may give the Developer, the Association or other assigns or successors in interest, as may be interested, written notice requiring any or all of them within 30 days of the date of notice, to cure the failure and to maintain and to provide the required care. If the notified party fails to comply with the demands of the notice, the City shall have the right, but not the obligation, to perform the work necessary to correct the deficiency, and to charge the cost of such work, including administrative charges, to the Developer, the Association or other assigns and successors in interest, or any combination of them, by drawing upon the Stormwater Guarantee and/or by imposing such charge as a special charge for services pursuant to Wisconsin Statutes Section 66.0627. If such charge is not promptly paid by the party to whom the charges were invoiced, the charges shall constitute a lien and special charge on the applicable property (whether one or more). The City may also draw on the Stormwater Guarantee upon the occurrence of an Event of Default, as defined below,

(vii) The City Engineer has the authority to stop work, amend or alter remediation measures to the detention basins and ponds. Failure to comply will result in the issuance of a municipal citation with a forfeiture as prescribed by law, an action for injunction or mandatory injunction, or any combination of remedies. Each day a violation exists shall constitute a separate offense.

(viii) The Association shall be responsible for recertifying the detention basins and ponds as and when required under the Code, to correct all deficiencies in such facilities and to comply with all other provisions of the Code related to such facilities.

(ix) The agreement and all of its covenants are and shall be covenants running with the land, and shall encumber the Development, and shall bind the Developer and its heirs, personal representatives, successors and assigns, including without limitation the Association. The agreement shall specifically include this language and shall not be incorporated by reference. The agreement shall be recorded with the Ozaukee County Register of Deeds.

28. Additional Covenants, Conditions and Restrictions. Prior to Final Plat approval, the Developer shall record the following additional covenants, conditions and restrictions against the Property (the "Covenants"). The Covenants shall be subject to review and approval by the City. The Covenants shall:

(a) Prohibit, without the express written consent from the City Engineer and approval by the Planning Commission, future property owners from (a) removing any berms, landscaping or amenities installed on the Development as a condition of landscaping, open space, grading or drainage plans, and (b) placing landscape features, berms or plantings which disrupt flow of run-off in drainage ways or courses approved as a condition of the grading and drainage plans.

(b) Notify future lot owners of the obligations set forth below.

OBLIGATIONS OF BUILDER/LOT OWNER

29. Compliance with Grading Plan. Any person who constructs a building in the Development shall be responsible for siting the principal building and rough and fine grading the building pad to comply with the master grading plan.

30. Sump Pump Discharge and Roof Drainage Plan. Any person who constructs a building in the Development shall submit, at the time of architectural review and approval, a sump pump discharge and roof drainage plan in accordance with Storm Water Management Plan approved by the City Engineer.

31. Impact Fees. The City will assess impact fees pursuant to Sections 58-138 et seq. of the Code. Such impact fees shall be paid by the Developer or the purchaser of the lot prior to obtaining a building permit. The City retains the right to amend and modify its impact fee ordinance, the methodology by which impact fees are calculated or the numerical component values of the impact fee calculation in the future. The impact fees payable shall be based upon the impact fee calculation in effect at the time of the issuance of any building permit.

32. Sanitary Sewer Laterals. If the Development is served by public sewer, lateral locations shall not deviate from the approved plan unless first approved by the City and the Village of Thiensville.

WARRANTIES AND INDEMNIFICATIONS

33. Warranty of the Public Improvements. All of the Public Improvements shall be warranted against defects due to faulty materials or workmanship which appear within one year from the date of the City's acceptance of the dedication, and Developer shall assign to the City applicable contractor warranties for the Public Improvements. If any defect should appear during the warranty period, the City shall first seek to enforce any applicable contractor warranty; however, the Developer guarantees the Public Improvements and shall indemnify the City to the extent of any default or failure of any contractor to honor the warranty. The Developer guarantees each repair or replacement performed pursuant to this paragraph for one year from completion. This warranty survives any provision of this Agreement that purports to discharge or release the Developer.

34. Environmental Indemnification. The Developer shall indemnify, defend and hold the City and its officers harmless from any and all claims, demands, causes of action, losses, damages, and liabilities asserted against the City or its officers, together with related costs and expenses (including reasonable attorneys', consultants' and experts' fees, costs and expenses) that arise as a result of the presence or suspected presence in or on the real property dedicated or conveyed to the City by, under, pursuant to, or in connection with the Final Plat or this Agreement including, but not limited to street rights of way, of any toxic or hazardous substances arising from any activity occurring prior to the acceptance of dedication of the Public Improvements. Without limiting the generality of the foregoing, the indemnification by Developer shall include costs incurred in connection with any site investigation or any remedial, removal or restoration work required by any local, state, or federal agencies because of the presence or suspected presence of toxic or hazardous substances in, on or under the real property, whether in the soil, groundwater, air or any other receptor. The City will notify the Developer of the discovery of any contamination or of any facts or circumstances that reasonably indicate that such contamination may exist in, on or under the real property. Following notification to Developer that contamination may exist, the City shall make reasonable accommodations to allow the Developer to examine the real property and conduct such clean-up operations as may be required by appropriate local, state or federal agencies to comply with applicable laws. This indemnification survives any provision of this Agreement that purports to discharge or release the Developer.

35. Claims by Third Parties. The Developer shall indemnify, defend and hold the City and its officers harmless from any and all claims, demands, causes of action, losses, damages, and liabilities asserted against the City or its officers, together with related costs and expenses (including reasonable attorneys',

consultants' and experts' fees, costs and expenses) brought in connection with any damage suffered by third parties, including personal injury or property loss, resulting from construction of the Improvements or development of the Development regardless of any asserted negligence of the City asserted in connection with inspection of work performed or materials supplied by or on behalf of the Developer or its contractors, subcontractors or agents. This indemnification survives any provision of this Agreement that purports to discharge or release the Developer.

36. Street Damage. The Developer shall be responsible for all damage done to streets within the City, street landscaping, street trees, curbs, utilities, light poles and other property of the City as a result of construction activities associated with the Development, including without limitation street damage as a result of excessive hauling operations or installation of the Improvements. This covenant survives any provision of this Agreement that purports to discharge or release the Developer.

FINANCIAL OBLIGATIONS

37. Costs Incurred by the City. The Developer will pay all reasonable costs incurred by the City in connection with the Development, including without limitation costs of attorneys, landscape architects, outside engineers and other consultants and costs regularly charged by the City for its staff's time and materials used in (a) reviewing and approving the Plans (including without limitation engineering and landscaping plans), (b) inspecting the construction and/or installation of the Improvements, (c) installing street signs, and (d) reviewing and approving record drawings for City files. The Developer will also pay any other costs that may be incurred by the City in connection with the installation of the Improvements. Costs will include the costs of labor, equipment, materials, engineering, inspection and overhead costs incidental to the Improvements. The City will send invoices for the costs to the Developer periodically, as costs are incurred or as the Improvements are completed. The Developer will pay the City's invoices within 30 days after the date sent by the City. The City may, in its discretion, add a late payment charge of 1.5% per month, computed from the date of the original invoice until paid, for any amount not paid when due.

38. Special Assessments. No special assessments are contemplated in connection with the Development.

39. Landscaping Completion Letter of Credit. If the City agrees to Final Plat approval despite landscaping and/or hardscape amenities, including the installation of required street trees, not being completed (the City shall not be obligated to grant Final Plat approval under such circumstances), the Developer shall provide to the City bids, contracts or other evidence sufficient, in the sole opinion of the City, to demonstrate the cost of completing such work, including the costs of labor and materials. The evidence of cost shall be subject to review and approval by the City. The Developer shall, prior to Final Plat approval, provide to the City a letter of credit in an amount equal to 125% of such costs. The letter of credit shall be issued by a local financial institution on the International Chamber of Commerce form or its equivalent. The form and content shall be acceptable to the City Attorney. The Developer shall pay all costs of completing the work, including with limitation labor, material and costs regularly charged by the City for its staff's time. If the work is not completed to the satisfaction of the City on or before June 30 of the year following Final Plat approval, or upon the occurrence of an Event of Default, as defined below, the City may draw on demand the full amount of the letter of credit to defray the costs of finishing the work. The City shall hold such funds and apply them as costs are incurred. The City shall refund the balance, if any, after the work is completed. If the funds are inadequate to defray the costs, the Developer shall owe the balance to the City.

40. Landscaping Survival Letter of Credit. The Developer shall, prior to Final Plat approval, provide to the City a letter of credit in an amount equal to 25% of the costs of labor and materials in installing landscaping and hardscape amenities (excluding street trees and any other landscaping that is a Public Improvement). Such costs shall be determined by the City based its review of the Developer's contracts and paid receipts. The letter of credit shall insure the cost of labor and materials to replace landscaping that dies

within three years of installation. The letter of credit shall be issued by a local financial institution on the International Chamber of Commerce form or its equivalent. The form and content shall be acceptable to the City Attorney. The Developer or its assign shall pay all costs of replacing any dead or dying landscaping. If the responsible person fails to replace such landscaping within 30 days of demand, or upon the occurrence of an Event of Default, as defined below, the City may replace the landscaping and draw on the letter of credit on demand for the cost of the work, including without limitation labor, material and costs regularly charged by the City for its staff's time. If the letter of credit is inadequate to defray the costs, the Developer shall owe the balance to the City.

41. Street Tree Survival Guarantee. The Developer shall, prior to Final Plat approval, provide to the City a performance bond, letter of credit or cash deposit in an amount equal to 25% of the costs of labor and materials in installing street trees and any other landscaping that is a Public Improvement. Such costs shall be determined by the City based its review of the Developer's contracts and paid receipts or as otherwise required by Wisconsin Statutes Section 236.13. The letter of credit shall insure the cost of labor and materials to replace such landscaping that dies within 14 months of installation. The letter of credit shall be issued by a local financial institution on the International Chamber of Commerce form or its equivalent. The form and content shall be acceptable to the City Attorney. The Developer or its assign shall pay all costs of replacing any dead or dying landscaping. If the responsible person fails to replace such landscaping within 30 days of demand, or upon the occurrence of an Event of Default, as defined below, the City may replace the landscaping and draw on the letter of credit on demand for the cost of the work, including without limitation labor, material and costs regularly charged by the City for its staff's time. If the letter of credit is inadequate to defray the costs, the Developer shall owe the balance to the City.

42. Surface Completion Letter of Credit. If the surface course of a street cannot be constructed prior to October 15, the Developer shall provide to the City an estimate of the final surface cost, including the costs of inspections, shouldering, streets, curbs, gutters, failures, base repairs, defects and utility adjustments. The estimate shall be subject to review and approval by the City Engineer. The Developer shall, prior to October 15, provide to the City a letter of credit in the amount of the approved estimate. The letter of credit shall be issued by a local financial institution on the International Chamber of Commerce form or its equivalent. The form and content shall be acceptable to the City Attorney. The Developer shall pay all costs of completing the work. If the work is not completed to the satisfaction of the City on or before June 30 of the immediately following year, or upon the occurrence of an Event of Default, as defined below, the City may draw on demand the full amount of the Surface Completion Letter of Credit to defray the costs of finishing the work, including without limitation labor, material and costs regularly charged by the City for its staff's time. The City shall hold such funds and apply them as costs are incurred. The City shall refund the balance, if any, after the work is completed. If the funds are inadequate to defray the costs, the Developer shall owe the balance to the City.

43. Street Wear Financial Guarantee. Prior to commencement of any construction activity, the Developer shall provide to the City a performance bond, letter of credit or cash deposit in an amount equal to \$1,000 per lot or unit in the Development (the "Street Wear Financial Guarantee"). The Street Wear Financial Guarantee is to provide security for compensation to the City for wear and tear and accelerated deterioration of the City's streets as a result of infrastructure improvement associated with the hauling of stone and asphalt attributable to the Development. Wear and tear shall be determined as described above. The form and content of the Street Wear Financial Guarantee shall be acceptable to the City Attorney. If the Street Wear Financial Guarantee is in the form of a letter of credit, the requirements shall be substantially similar to the requirements of other letters of credit provided in this Agreement. If the Developer does not make the repairs as and when required, but in any event on or before the 60th day after written demand from the City, or upon the occurrence of an Event of Default, as defined below, the City may draw on demand the full amount of the Street Wear Financial Guarantee to defray the costs of the street repairs, including without limitation labor, material and costs regularly charged by the City for its staff's time for inspections, shouldering, streets, curbs, gutters, failures, base repairs, defects and utility adjustments. The City shall hold such funds and apply them as costs are

incurred. The City shall refund the balance, if any, after the work is completed. If the funds are inadequate to defray the costs, the Developer shall owe the balance to the City.

44. Stormwater Guarantee. The Developer shall provide the Stormwater Guarantee, as defined above, prior to the commencement of any construction activities. The form and content of the Stormwater Guarantee shall be acceptable to the City Attorney. If the Stormwater Guarantee is in the form of a letter of credit, the requirements shall be substantially similar to the requirements of other letters of credit provided in this Agreement.

45. Developer's Election. To the extent that any letter of credit required by this Agreement shall be determined to be for a public improvement, as that term is used in Wisconsin Statutes Section 236.13(2)(am), this Agreement constitutes the Developer's election to use a letter of credit under Wisconsin Statutes Section 236.13(2)(am)1m.a.

46. Maintenance of Guarantees. Unless otherwise specified in this Agreement or state statutes, letters of credit and other financial guarantees shall be maintained for the periods required by the Code. The Developer shall provide any renewal of any letter of credit to the City prior to its expiration. Failure to do so shall be an Event of Default without notice.

FINAL PLAT APPROVAL; DEDICATION; RELEASE

47. Final Plat Approval

(a) The Common Council shall grant Final Plat approval upon certification by the City Engineer that (i) all of the Improvements have been satisfactorily inspected by the City Engineer and the Department of Community Development which have found that the Improvements have been satisfactorily constructed, installed and completed in accordance with this Agreement; (ii) the Developer has satisfied its financial obligations, including providing required letters of credit and other guarantees; and (iii) the Developer has satisfied all other requirements of this Agreement and the Development and Final Plat meet the requirements of this Agreement, the Code and applicable state laws.

(b) The Common Council may, but shall not be required to, grant Final Plat approval despite certain of the Improvements not being completed provided escrows have been established or guarantees provided that are adequate, as determined by the Common Council in its discretion, to ensure completion.

48. Dedication. Title to the Public Improvements, together with the land on which they are located, unless located within a dedicated easement, shall be dedicated and given in fee simple by the Developer to the City upon recording the Final Plat, as provided by Wisconsin law, and without recourse, and free and clear of all liens, claims and encumbrances. The lien waivers required above shall be a condition precedent of recording of the Final Plat. The Public Improvements shall have access from a dedicated street, where necessary.

49. Continuing Obligations through Dedication. The Developer shall not be released or discharged from its obligations under this Agreement until final inspection and certification of all the Improvements has been made by the City Engineer in writing, and the Improvements have been approved and their dedication accepted by the City.

DEFAULTS

50. Events of Default. The occurrence of any of the following shall constitute an "Event of Default":

(a) Payments. The Developer fails to pay any amounts payable under this Agreement to the City when due.

(b) Non-Monetary. The Developer fails to observe or perform as and when required or breaches any of the covenants or agreements contained in this Agreement and, except as described below, such failure continues for 15 days after notice from the City of the failure (except as described for letters of credit). The City shall not be required to provide notice, or may shorten or eliminate the 15-day cure period, if the City determines in its discretion that the failure constitutes an imminent danger to health or safety or would constitute such an imminent danger in less than 15 days. The City may, in its sole discretion, provide in the notice for a cure period of longer than 15 days if the City determines that such longer cure period is warranted.

(c) Bankruptcy and Similar Actions. The Developer (i) is liquidated or ceases to exist; (ii) makes a general assignment for the benefit of creditors; (iii) admits in writing its, his or her inability to pay debts as they become due; (iv) files a petition by which it, he or she becomes the subject of bankruptcy or insolvency proceedings; (v) is adjudicated bankrupt or insolvent; (vi) files a petition seeking any reorganization, arrangement, composition, readjustment, liquidation, dissolution or similar relief under any present or future statute, law or regulation; (vii) files an answer admitting or fails to contest the material allegations of a petition against it, him or her in any such proceeding; or (viii) seeks, consents to or acquiesces in the appointment of any trustee, receiver or liquidator for the Developer or the Development.

(d) Creditors' Actions. Any involuntary proceeding is filed against the Developer that seeks any reorganization, bankruptcy, arrangement, composition, readjustments, liquidation, dissolution, receivership or similar relief under any present or future statute, law or regulation that is not dismissed within 30 days of the date filed.

51. Remedies. Upon the occurrence of an Event of Default, without notice other than that required above, the City may exercise any one or more of the following remedies without waiving any rights or remedies available to it:

- (a) Immediately suspend performance under this Agreement.
- (b) Issue a stop work order.
- (c) Issue citations to the extent the Event of Default constitutes a violation under any provision of the Code for which citations may be issued.
- (d) Withdraw or withhold occupancy permits for any structures in the Development.
- (e) Commence any legal or administrative action, in law or in equity, which may appear necessary or desirable to enforce performance and observance of any obligation, agreement or covenant of the Developer under this Agreement.
- (f) Perform or have performed any work, and have supplied any necessary equipment, goods, materials and services, to complete all or any part of the Developer's work, all at the Developer's cost.
- (g) Draw any letter of creditor and exercise the City's remedies under any other financial guarantee.
- (h) Exercise all other rights and remedies available to it at law or in equity,

52. Remedies Cumulative. The rights and remedies granted to the City under this Agreement are in addition to and cumulative of any other rights or remedies the City may have under the Code or state law. A delay or failure by the City in exercising any right or remedy shall not operate as a waiver of any such right or

remedy or as an acquiescence of any default. No single or partial exercise of any right or remedy shall preclude any other or further exercise of a right or remedy or the exercise of any other right or remedy.

53. Attorneys' Fees. The Developer shall pay the City's costs of enforcement of this Agreement, including reasonable attorneys' fees and costs.

GENERAL PROVISIONS

54. Adequate Provision. Execution of this Agreement shall be accepted by the City as adequate provision for improvements within the meaning of Wisconsin Statutes Sections 236.01 236.13 and 236.45(1).

55. Assignment. No assignment of this Agreement by the Developer shall be effective without the prior written consent of the City, and no assignment without such consent shall relieve the Developer of its obligations under this Agreement.

56. Effect of Acceptance. This Agreement binds and inures to the benefit of the Developer and the City and their respective heirs, legal representatives, successors and assigns. Regardless of who prepared the original draft of this Agreement, both parties have had significant input into its terms and content and, accordingly, no presumption shall be made against the drafter.

57. Modifications. Neither this Agreement nor any provision of this Agreement may be waived, modified, amended, discharged or terminated except by an instrument in writing signed by the party against whom the enforcement of such waiver, modification, amendment, discharge or termination is sought, and then only to the extent set forth in such instrument. No waiver by either party of any failure or refusal to comply with its obligations shall be deemed a waiver of any other or subsequent failure or refusal to so comply.

58. Partial Invalidity. If any term or provision of this Agreement shall, to any extent, be invalid or unenforceable, the remainder of this Agreement shall not be affected, and each term and provision of this Agreement shall be valid and be enforced to the fullest extent permitted by law.

59. Headings. The headings in this Agreement are for convenience only and do not limit or expand the terms and conditions of this Agreement.

60. Governing Law. This Agreement shall be governed by and construed in accordance with the internal laws of the State of Wisconsin.

61. Requirement to Commence Construction. In accordance with Section 58-635(3)(e) of the Code, if the Developer fails to commence construction within two years of approval of this Agreement, this Agreement shall be null and void.

[SIGNATURE PAGES TO FOLLOW]

[CITY SIGNATURE PAGE TO DEVELOPMENT AGREEMENT]

CITY OF MEQUON

By: _____
 John Wirth
 Mayor

By: _____
 Caroline Fochs
 Clerk

STATE OF WISCONSIN)
) SS
 OZAUKEE COUNTY)

The foregoing instrument was acknowledged before me on _____,
 20____, by John Wirth, Mayor of the City of Mequon.

 Name: _____
 Notary Public, Ozaukee County, Wisconsin
 My Commission (expires) (is) _____

STATE OF WISCONSIN)
) SS
 OZAUKEE COUNTY)

The foregoing instrument was acknowledged before me on _____,
 20____, by Caroline Fochs, Clerk of the City of Mequon.

 Name: _____
 Notary Public, Ozaukee County, Wisconsin
 My Commission (expires) (is) _____

Approved by: _____
 Brian C. Sajdak, City Attorney

[DEVELOPER SIGNATURE PAGE TO DEVELOPMENT AGREEMENT]

By: _____

Name: _____

Title: _____

STATE OF WISCONSIN)
) SS
 COUNTY)

The foregoing instrument was acknowledged before me on _____,
 20____, by _____, as _____ of _____.

Name: _____

Notary Public, Ozaukee County, Wisconsin

My Commission (expires) (is) _____

**EXHIBIT A
to the
DEVELOPMENT AGREEMENT
BETWEEN THE CITY OF MEQUON AND**

Error! Reference source not found.

Legal Description



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

www.ci.mequon.wi.us

Office of Community Development

TO: Common Council
FROM: Kim Tollefson, Director of Community Development
DATE: November 9, 2021
SUBJECT: ORDINANCE 2021-1605 An Ordinance Amending Chapter 58 Zoning Map from R-3 (Residential) to IPS (Institutional Public Service) and Land Use Plan Map Amendment from Residential 1-1.5 acres to Institutional for the Center of Jewish Life Located at 2233 West Mequon Road

Background

On June 8, 2021, the Common Council adopted Ordinance 2021-1591 which, among other things, made changes to the permitted conditional uses in all the residential zoning districts. As a result of this ordinance change, there are several uses including schools, daycares, and religious institutions, that are no longer permitted in residential zoning districts. At the time of the ordinance adoption, staff identified several existing uses that would become legal nonconforming due to these changes and committed to process a rezoning recommendation for each of the impacted sites.

Analysis

The property at 2233W Mequon Road is currently the site of the Center for Jewish Life which includes a synagogue and a daycare. The conditional use for the synagogue was approved in 1987. By rezoning the site to IPS, the use will be considered permitted as a religious institution and any future changes to the building or the site will need to comply with all applicable district standards. Any existing site conditions that were previously approved as part of a conditional use grant that conflict with current IPS district standards will be allowed to remain as is.

Fiscal Impact

The text amendment is fiscally neutral.

Recommendation

The Planning Commission recommended approval at the October 28, 2021, meeting by a vote of 7-0

Attachments:

Exhibit A: Zoning Map (PDF)

COMMON COUNCIL
OF THE
CITY OF MEQUON

ORDINANCE 2021-1605

An Ordinance Amending Chapter 58 Zoning Map from R-3 (Residential) to IPS (Institutional Public Service) and Land Use Plan Map Amendment from Residential 1-1.5 acres to Institutional for the Center of Jewish Life Located at 2233 West Mequon Road

RECITALS

A. On June 8, 2021, the Common Council adopted Ordinance 2021-1591 which, among other things, made changes to the permitted conditional uses in all the residential zoning districts.

B. As a result of this change, there are several uses including schools and religious institutions, that are no longer permitted in the residential zoning districts.

C. The property at 2233 W. Mequon Road is the site of the Center for Jewish Life which includes a synagogue and a daycare. The conditional use for the synagogue was approved in 1987.

D. By rezoning the site to IPS, the use will be considered permitted as a religious institution.

F. Future changes to the building or the site will need to comply with all applicable district standards and be subject to Building and Site Plan Review by the Planning Commission.

G. The Planning Commission recommended approval of the rezoning on October 28, 2021.

H. Based upon the Planning Commission's recommendation and following the public hearing before the Common Council on November 9, 2021, the Common Council has determined that an amendment to the City's Zoning Map and Land Use Plan Map within Chapter 58 of the Mequon Municipal Code, is appropriate.

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

SECTION I

The City of Mequon Zoning Map and Land Use Map is hereby amended so as to change the zoning classification of the property located at 2233 W. Mequon Road to IPS (Institutional and Public Service) and land use to Institutional, subject to the conditions of approval by the Planning Commission's action of October 28, 2021.

Any existing site condition that was previously approved and constructed as part of a conditional use grant that is in conflict with current IPS district standards shall be allowed to remain.

SECTION II

The terms and provision of this ordinance are severable. Should any term of 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 be in full force and effect upon its passage and on the day after its publication

Approved by: John Wirth, Mayor

Date Approved: November 9, 2021

I certify that the foregoing Ordinance was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on November 9, 2021.

Caroline Fochs, City Clerk

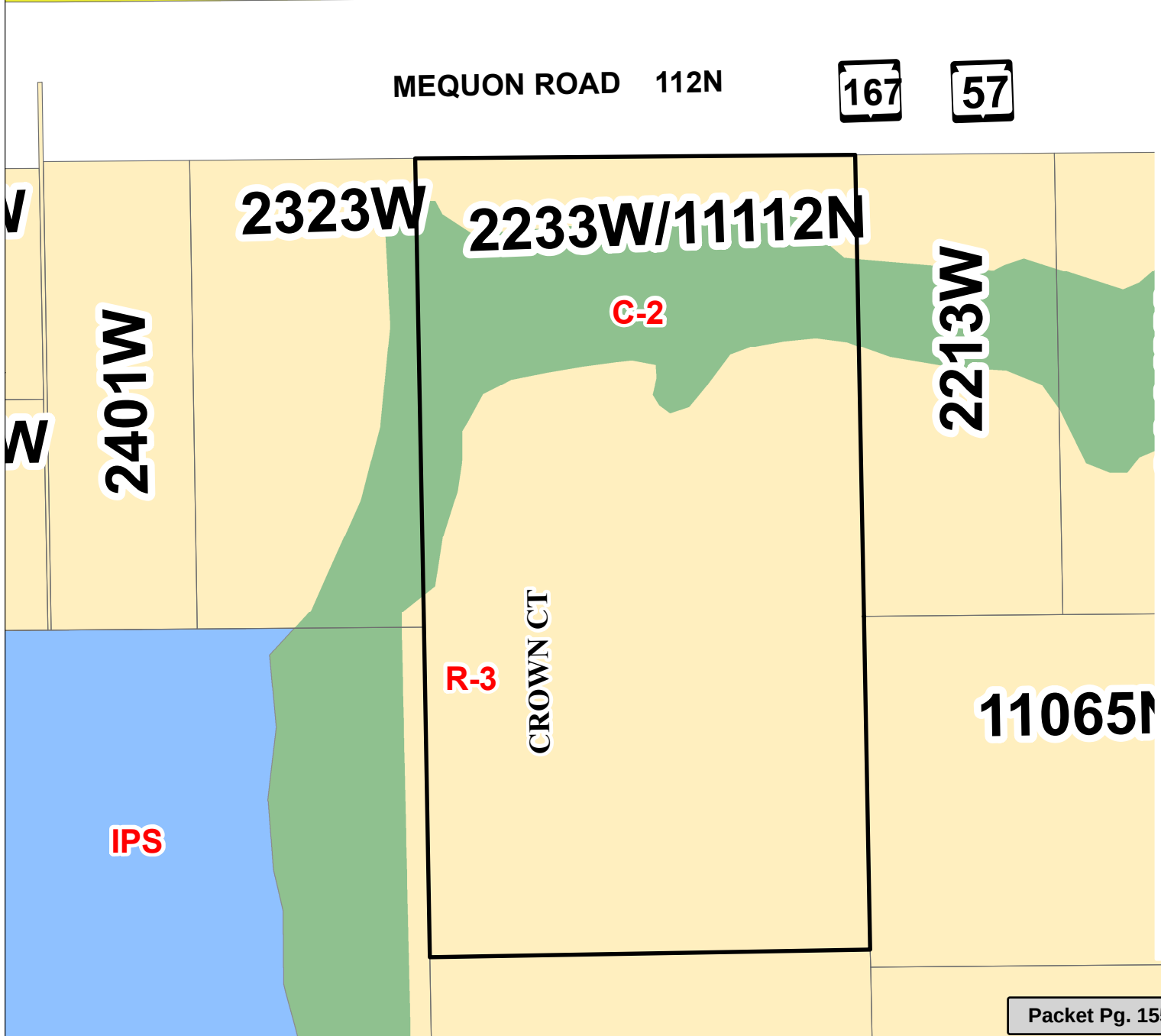
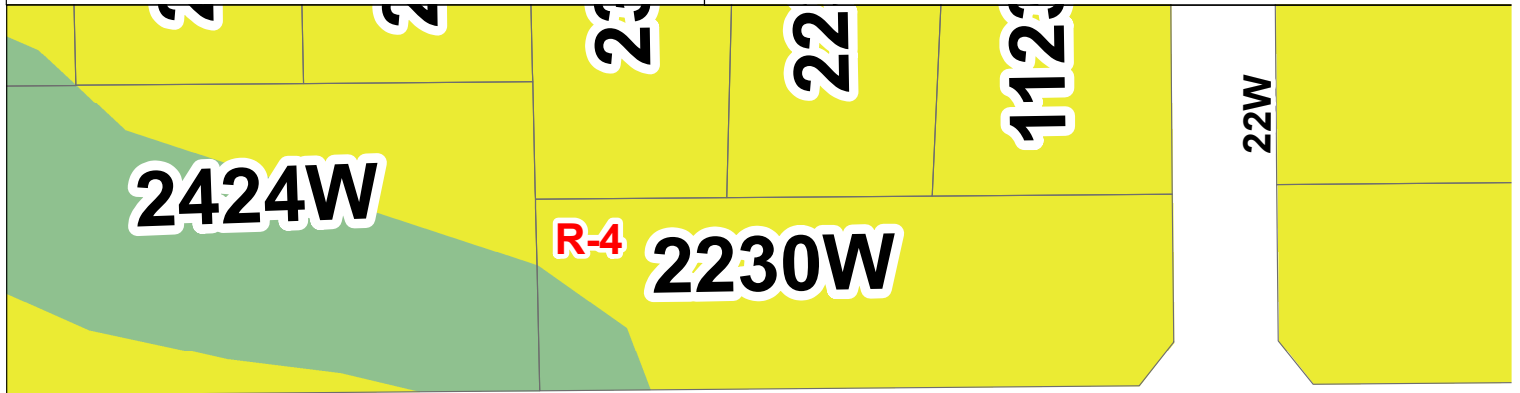
Published: _____

Center for Jewish Life

AC Arrival Corridor
A-1 Agricultural Preserve
A-2 General Agricultural
B-1 Neighborhood Business
B-2 Community Business
B-3 Office & Service Business
B-4 Business Park
B-5 Light Industrial
B-6 Rural Industrial
B-7 Rural Business
C-1 Shoreland/Wetland Conservancy
C-2 General Conservancy
CGO Central Growth Overlay
FFO Flood Fringe Overlay
FW Floodway
IPS Institutional & Public Service

LTD Limited Use
OA Agricultural Overlay
PUD Planned Unit Development Overlay
P-1 Park & Recreation
R-1 Single-Family Residential (5 Ac. Min.)
R-1B Single-Family Residential (2.5 Ac. Min.)
R-2 Single-Family Residential (2.0 Ac. Min.)
R-2B Single-Family Residential (1.5 Ac. Min.)
R-3 Single-Family Residential (1.0 Ac. Min.)
R-4 Single-Family Residential (3/4 Ac. Min.)
R-5 Single-Family Residential (1/2 Ac. Min.)
R-6 Single-Family Residential (4 du/Ac)
RM Multi-Family Residential
TC Town Center
TDR Transfer of Development Rights

8.o.2.a



Attachment: Exhibit A: Zoning Map (ORDINANCE 2021-1605 : Center For Jewish Life)



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

www.ci.mequon.wi.us

Office of Community Development

TO: Common Council
FROM: Kim Tollefson, Director of Community Development
DATE: November 9, 2021
SUBJECT: ORDINANCE 2021-1606 An Ordinance Amending Chapter 58 Zoning Map from R-3 (Residential) to IPS (Institutional Public Service) and Land Use Plan Map Amendment from Residential 1-1.5 Acres to Institutional for Congregation Anshai Lebowitz Located at 2415 West Mequon Road.

Background

On June 8, 2021, the Common Council adopted Ordinance 2021-1591 which, among other things, made changes to the permitted conditional uses in all the residential zoning districts. As a result of this ordinance change, there are several uses including schools and religious institutions, that are no longer permitted in residential zoning districts. At the time of the ordinance adoption, staff identified several existing uses that would become legal nonconforming due to these changes and committed to process a rezoning recommendation for each of the impacted sites.

Analysis

The property at 2415 W Mequon Road is currently the site of the Congregation Anshai Lebowitz synagogue which was approved for a conditional use in 1998. Prior to that it was the Kingdom Hall of the Jehovah's Witnesses. By rezoning the site to IPS, the use will be considered permitted as a religious institution and any future changes to the building or the site will need to comply with all applicable district standards. Any existing site conditions that were previously approved as part of a conditional use grant that conflict with current IPS district standards will be allowed to remain as is.

Fiscal Impact

The text amendment is fiscally neutral.

Recommendation

The Planning Commission recommended approval at the October 28, 2021, meeting by a vote of 7-0.

Attachments:

Exhibit A: Zoning Map (PDF)

COMMON COUNCIL
OF THE
CITY OF MEQUON

ORDINANCE 2021-1606

An Ordinance Amending Chapter 58 Zoning Map from R-3 (Residential) to IPS (Institutional Public Service) and Land Use Plan Map Amendment from Residential 1-1.5 Acres to Institutional for Congregation Anshai Lebowitz Located at 2415 West Mequon Road.

RECITALS

A. On June 8, 2021, the Common Council adopted Ordinance 2021-1591 which, among other things, made changes to the permitted conditional uses in all the residential zoning districts.

B. As a result of this change, there are several uses including schools and religious institutions, that are no longer permitted in the residential zoning districts.

C. The property at 2415 W. Mequon Road is the site of the Congregation Anshai Lebowitz synagogue which was approved for a conditional use in 1998.

D. By rezoning the site to IPS, the use will be considered permitted as a religious institution.

F. Future changes to the building or the site will need to comply with all applicable district standards and be subject to Building and Site Plan Review by the Planning Commission.

G. The Planning Commission recommended approval of the rezoning on October 28, 2021.

H. Based upon the Planning Commission's recommendation and following the public hearing before the Common Council on November 9, 2021, the Common Council has determined that an amendment to the City's Zoning Map and Land Use Plan Map within Chapter 58 of the Mequon Municipal Code, is appropriate.

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

SECTION I

The City of Mequon Zoning Map and Land Use Map is hereby amended so as to change the zoning classification of the property located at 2415 W. Mequon Road to IPS (Institutional and Public Service) and land use to Institutional, subject to the conditions of approval by the Planning Commission's action of October 28, 2021.

Any existing site condition that was previously approved and constructed as part of a conditional use grant that is in conflict with current IPS district standards shall be allowed to remain

SECTION II

The terms and provision of this ordinance are severable. Should any term of 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 be in full force and effect upon its passage and on the day after its publication.

Approved by: John Wirth, Mayor

Date Approved: November 9, 2021

I certify that the foregoing Ordinance was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on November 9, 2021.

Caroline Fochs, City Clerk

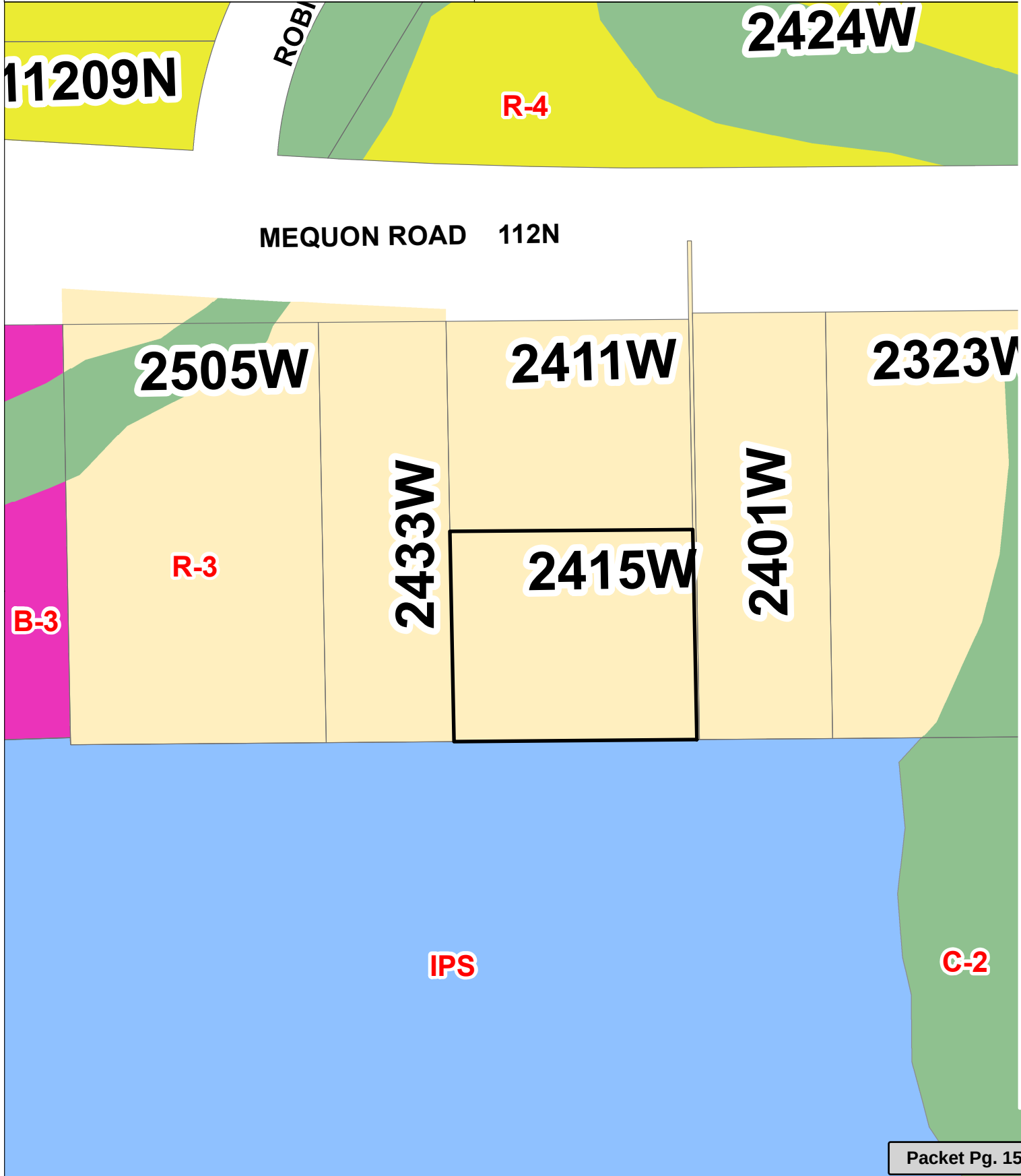
Published: _____

Congregation Anshai Lebowitz

AC Arrival Corridor
A-1 Agricultural Preserve
A-2 General Agricultural
B-1 Neighborhood Business
B-2 Community Business
B-3 Office & Service Business
B-4 Business Park
B-5 Light Industrial
B-6 Rural Industrial
B-7 Rural Business
C-1 Shoreland/Wetland Conservancy
C-2 General Conservancy
CGO Central Growth Overlay
FFO Flood Fringe Overlay
FW Floodway
IPS Institutional & Public Service

LTD Limited Use
OA Agricultural Overlay
PUD Planned Unit Development Overlay
P-1 Park & Recreation
R-1 Single-Family Residential (5 Ac. Min.)
R-1B Single-Family Residential (2.5 Ac. Min.)
R-2 Single-Family Residential (2.0 Ac. Min.)
R-2B Single-Family Residential (1.5 Ac. Min.)
R-3 Single-Family Residential (1.0 Ac. Min.)
R-4 Single-Family Residential (3/4 Ac. Min.)
R-5 Single-Family Residential (1/2 Ac. Min.)
R-6 Single-Family Residential (4 du/Ac)
RM Multi-Family Residential
TC Town Center
TDR Transfer of Development Rights

8.o.3.a



Attachment: Exhibit A: Zoning Map (ORDINANCE 2021-1606 : Congregation Anshai Lebowitz)



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

www.ci.mequon.wi.us

Office of Community Development

TO: Common Council
FROM: Kim Tollefson, Director of Community Development
DATE: November 9, 2021
SUBJECT: ORDINANCE 2021-1607 An Ordinance Approving a Chapter 58 Zoning Map Amendment and Land Use Plan Map Amendment for Vessels of Honour Church from R-1 (Residential) to IPS (Institutional Public Service) located at 10055 N Wauwatosa Road

Background

On June 8, 2021, the Common Council adopted Ordinance 2021-1591 which, among other things, made changes to the permitted conditional uses in all the residential zoning districts. As a result of this ordinance change, there are several uses including schools and religious institutions, that are no longer permitted in the residential zoning districts. At the time of the ordinance adoption, staff identified several existing uses that would become legal nonconforming due to these changes and committed to process a rezoning recommendation for each of the impacted sites.

Analysis

The rezoning will not change the current use of the site. The property at 10055 N Wauwatosa Road is currently the site of Vessels of Honour Church. Per existing records, the property received Conditional Use Grant approval for a church on March 7, 1966. Planning Commission approved building, site and operational plan in October 1967, and the building was constructed by 1970 according to orthophotos. The church received approval for Conditional Use Grant amendment on September 23, 1991 for a preschool, on July 11, 1994 for an addition and on October 24, 1994 for a childcare center.

By rezoning the site to IPS, the use will be permitted as a religious institution, public or private schools and child daycare facility. Any future changes to the building or the site will need to comply with all applicable district standards and subject to Building and Site Plan approval by the Planning Commission.

Fiscal Impact

The fiscal impact is neutral.

Recommendation

The Planning Commission recommend approval by a vote of 7 to 0.

Attachments:
 Map (PDF)

COMMON COUNCIL
OF THE
CITY OF MEQUON

ORDINANCE 2021-1607

An Ordinance Approving a Chapter 58 Zoning Map Amendment and Land Use Plan Map Amendment for Vessels of Honour Church from R-1 (Residential) to IPS (Institutional Public Service) located at 10055 N Wauwatosa Road

RECITALS

A. The Common Council has determined that an amendment to the City's Zoning Map and Land Use Plan Map within Chapter 58 of the Mequon Municipal Code, is appropriate.

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

SECTION I

The City of Mequon Zoning Map and Land Use Map is hereby amended so as to change the zoning classification of the property to IPS (Institutional and Public Service) and land use to Institutional, subject to the conditions of approval by the Planning Commission's action of October 28, 2021.

SECTION II

The terms and provision of this ordinance are severable. Should any term of 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 be in full force and effect upon its passage and on the day after its publication.

Approved by: John Wirth, Mayor

Date Approved: November 9, 2021

I certify that the foregoing Ordinance was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on November 9, 2021.

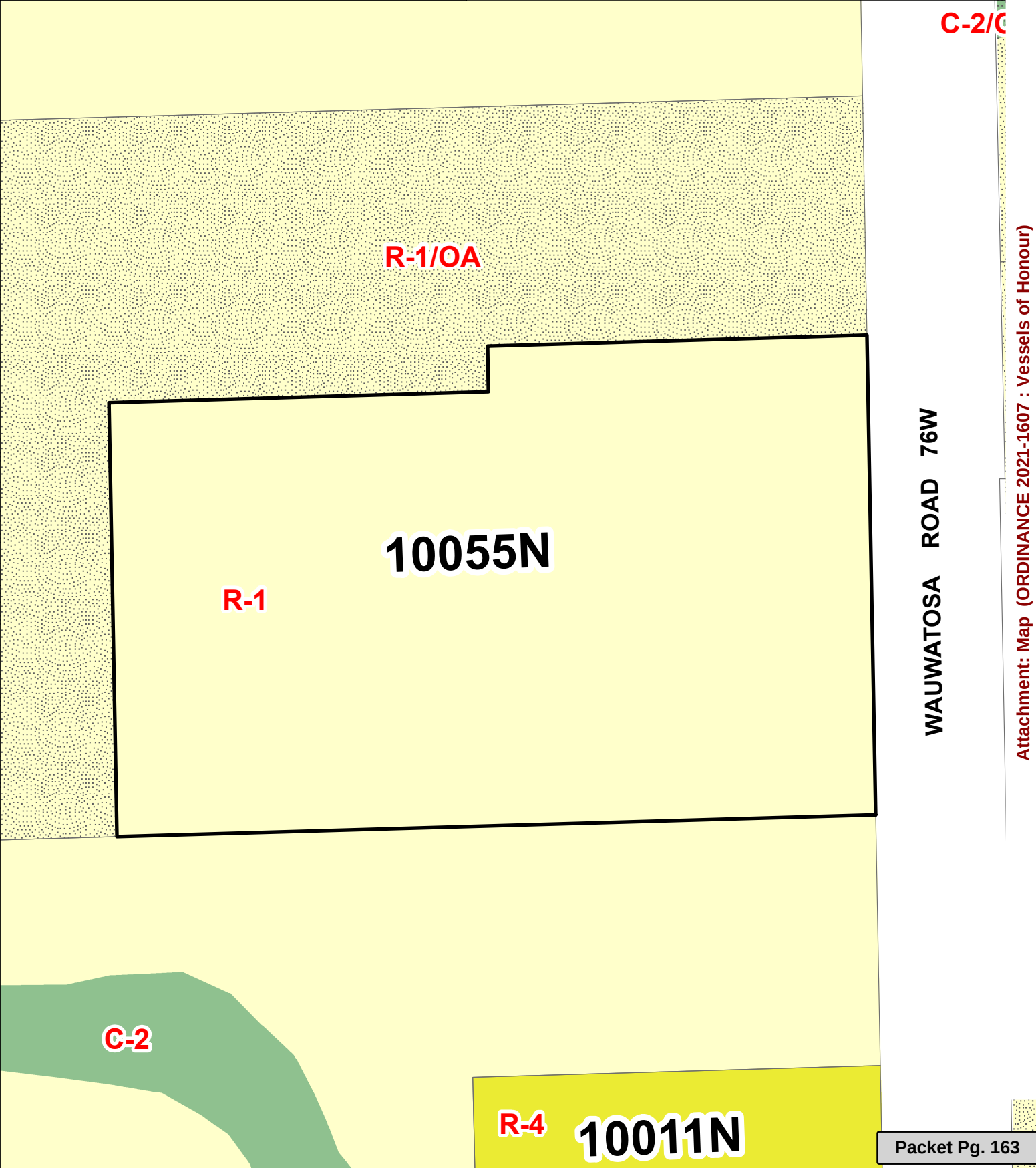
Caroline Fochs, City Clerk

Published: _____

Vessels of Honour Church

AC	Arrival Corridor	LTD	Limited Use
A-1	Agricultural Preserve	OA	Agricultural Overlay
A-2	General Agricultural	PUD	Planned Unit Development Overlay
B-1	Neighborhood Business	P-1	Park & Recreation
B-2	Community Business	R-1	Single-Family Residential (5 Ac. Min.)
B-3	Office & Service Business	R-1B	Single-Family Residential (2.5 Ac. Min.)
B-4	Business Park	R-2	Single-Family Residential (2.0 Ac. Min.)
B-5	Light Industrial	R-2B	Single-Family Residential (1.5 Ac. Min.)
B-6	Rural Industrial	R-3	Single-Family Residential (1.0 Ac. Min.)
B-7	Rural Business	R-4	Single-Family Residential (3/4 Ac. Min.)
C-1	Shoreland/Wetland Conservancy	R-5	Single-Family Residential (1/2 Ac. Min.)
C-2	General Conservancy	R-6	Single-Family Residential (4 du/Ac)
CGO	Central Growth Overlay	RM	Multi-Family Residential
FFO	Flood Fringe Overlay	TC	Town Center
FW	Floodway	TDR	Transfer of Development Rights
IPS	Institutional & Public Service		

8.o.4.a



Attachment: Map (ORDINANCE 2021-1607 : Vessels of Honour)



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

www.ci.mequon.wi.us

Office of Community Development

TO: Common Council
FROM: Kim Tollefson, Director of Community Development
DATE: November 9, 2021
SUBJECT: ORDINANCE 2021-1608 An Ordinance Amending Chapter 58 Zoning Map and Land Use Plan Map Amendment from R-2B (Residential) to IPS (Institutional Public Service) for North Shore Congregation of Jehovahs Witness Located at 7420 West Donges Bay Road

Background

On June 8, 2021, the Common Council adopted Ordinance 2021-1591 which, among other things, made changes to the permitted conditional uses in all the residential zoning districts. As a result of this ordinance change, there are several uses including schools and religious institutions, that are no longer permitted in the residential zoning districts. At the time of the ordinance adoption, staff identified several existing uses that would become legal nonconforming due to these changes and committed to process a rezoning recommendation for each of the impacted sites.

Analysis

The property at 7420 W Donges Bay Road is the site of North Shore Congregation of Jehovah's Witnesses. The site was approved for building plan and conditional use for a religious institution on January 24, 1994 and site plan on April 11, 1994. According to orthophotos, the new building was constructed sometime after 1995.

By rezoning the site to IPS, the use will be considered permitted as a religious institution and any future changes to the building or the site will need to comply with all applicable district standards and be subject to Building and Site Plan Review by the Planning Commission.

Fiscal Impact

The fiscal impact is neutral.

Recommendation

The Planning Commission recommended approval by a vote of 7 to 0.

Attachments:
 Map (PDF)

COMMON COUNCIL
OF THE
CITY OF MEQUON

ORDINANCE 2021-1608

An Ordinance Amending Chapter 58 Zoning Map and Land Use Plan Map Amendment from R-2B (Residential) to IPS (Institutional Public Service) for North Shore Congregation of Jehovahs Witness Located at 7420 West Donges Bay Road

RECITALS

A. On June 8, 2021, the Common Council adopted Ordinance 2021-1591 which, among other things, made changes to the permitted conditional uses in all the residential zoning districts.

B. As a result of this change, there are several uses including schools and religious institutions, that are no longer permitted in the residential zoning districts.

C. The property at 7420 W Donges Bay Road is the site of North Shore Congregation of Jehovah's Witnesses. The site was approved for building plan and conditional use for a religious institution on January 24, 1994 and site plan on April 11, 1994. According to orthophotos, the new building was constructed sometime after 1995.

D. By rezoning the site to IPS, the use will be considered permitted as a religious institution.

F. Future changes to the building or the site will need to comply with all applicable district standards and be subject to Building and Site Plan Review by the Planning Commission.

G. The Planning Commission recommended approval of the rezoning on October 28, 2021.

H. Based upon the Planning Commission's recommendation and following the public hearing before the Common Council on November 9, 2021, the Common Council has determined that an amendment to the City's Zoning Map and Land Use Plan Map within Chapter 58 of the Mequon Municipal Code, is appropriate.

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

SECTION I

The City of Mequon Zoning Map and Land Use Map is hereby amended so as to change the zoning classification of the property located at 7420 W. Donges Bay Road to IPS (Institutional and Public Service) and land use to Institutional, subject to the conditions of

approval by the Planning Commission's action of October 28, 2021.

Any existing site condition that was previously approved and constructed as part of a conditional use grant that is in conflict with current IPS district standards shall be allowed to remain

SECTION II

The terms and provision of this ordinance are severable. Should any term of 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 be in full force and effect upon its passage and on the day after its publication.

Approved by: John Wirth, Mayor

Date Approved: November 9, 2021

I certify that the foregoing Ordinance was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on November 9, 2021.

Caroline Fochs, City Clerk

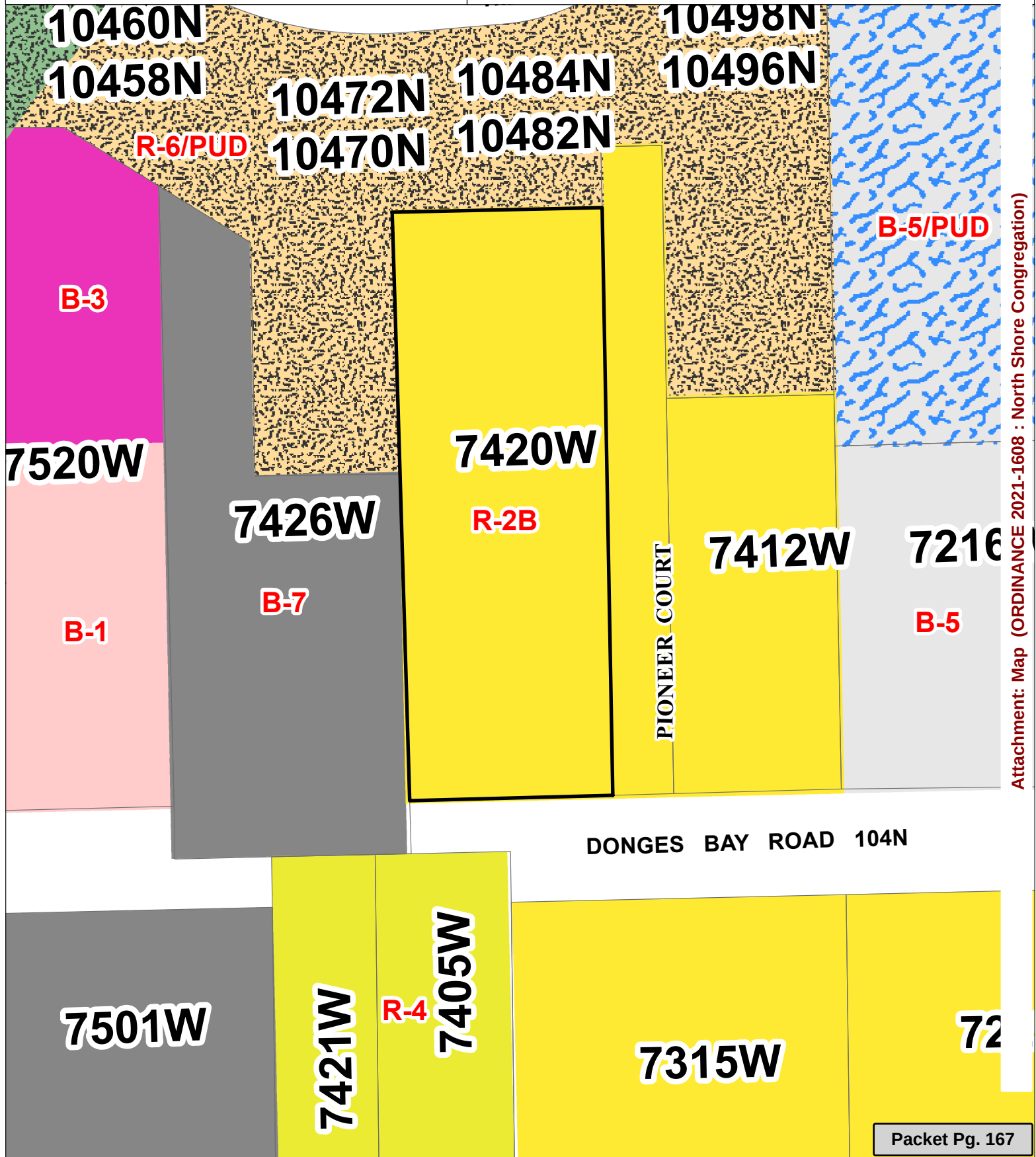
Published: _____

North Shore Congregation of Jehovahs Witnesses

AC Arrival Corridor
A-1 Agricultural Preserve
A-2 General Agricultural
B-1 Neighborhood Business
B-2 Community Business
B-3 Office & Service Business
B-4 Business Park
B-5 Light Industrial
B-6 Rural Industrial
B-7 Rural Business
C-1 Shoreland/Wetland Conservancy
C-2 General Conservancy
CGO Central Growth Overlay
FFO Flood Fringe Overlay
FW Floodway
IPS Institutional & Public Service

LTD Limited Use
OA Agricultural Overlay
PUD Planned Unit Development Overlay
P-1 Park & Recreation
R-1 Single-Family Residential (5 Ac. Min.)
R-1B Single-Family Residential (2.5 Ac. Min.)
R-2 Single-Family Residential (2.0 Ac. Min.)
R-2B Single-Family Residential (1.5 Ac. Min.)
R-3 Single-Family Residential (1.0 Ac. Min.)
R-4 Single-Family Residential (3/4 Ac. Min.)
R-5 Single-Family Residential (1/2 Ac. Min.)
R-6 Single-Family Residential (4 du/Ac.)
RM Multi-Family Residential
TC Town Center
TDR Transfer of Development Rights

8.o.5.a



Attachment: Map (ORDINANCE 2021-1608 : North Shore Congregation)



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Office of Community Development

TO: Common Council
FROM: Kim Tollefson, Director of Community Development
DATE: November 9, 2021
SUBJECT: ORDINANCE 2021-1609 An Ordinance Amending Chapter 58 Zoning Code Related to Permitted Uses in Table 58-301-1 of the Town Center Zoning District and to Table 58-571 (C) of Division 11 (Animals and Animal Related Uses) to Allow Animal Hospitals and Veterinary Clinics

Background

The applicant is requesting a text amendment to allow Animal Hospitals and Veterinary Clinics to be permitted in the Town Center zoning district. This request is due to interest from a prospective tenant to locate in the MTC 1 development. Currently, veterinary clinics are permitted in the Neighborhood Commercial and Arrival Corridor zoning districts and conditional in the B-2 and B-7 zoning district. There are specific design considerations for animal hospitals and veterinary clinics as follows:

(a) Animal hospitals and veterinary clinics. An animal hospital or veterinary clinic is an establishment that provides medical services to animals and limited boarding facilities and shall comply with the following:

(1) Such an establishment may not be located adjacent to any existing restaurant, grocery or food service within the same building.

(2) Such an establishment shall provide one or more designated outdoor areas for the animals as they arrive and leave the facility and for any walks. These outdoor areas shall be properly signed and maintained daily, screened from public view and any adjacent residential use and located within close proximity to the parking area. The size of these outdoor areas shall be determined by the size of the facility, number of staff members and number of animals served.

(3) All boarding shall be enclosed within the building.

Analysis

The applicant states that the text amendment is compatible with the Town Center zoning district since many of the recently constructed living units are pet friendly and cater to pet owners. Several of the apartments include amenities for pets such as pet washing stations and fenced in dedicated play areas. The area also includes Central Bark Dog Daycare and Foxtown has regular pet festivals in the Annex parking lot. When the zoning district was created, the use was not included in the TC since it was created for pedestrian type uses and services. With the influx of all the new residential units that are pet friendly, there will be a local demand for such a use. Staff is supportive of the proposed text amendment and believes the specific design standards

listed above will mitigate negative impacts of the use tenants in the same building or on surrounding properties.

Fiscal Impact

The text amendment is fiscally neutral.

Recommendation

The Planning Commission recommended approval at the October 28, 2021 meeting by a vote of 8-0.

Attachments:

Exhibit A (DOCX)

Exhibit B (DOCX)

COMMON COUNCIL
OF THE
CITY OF MEQUON

ORDINANCE 2021-1609

An Ordinance Amending Chapter 58 Zoning Code Related to Permitted Uses in Table 58-301-1 of the Town Center Zoning District and to Table 58-571 (C) of Division 11 (Animals and Animal Related Uses) to Allow Animal Hospitals and Veterinary Clinics

RECITALS

A. The Common Council of the City of Mequon previously adopted a Zoning Code that is presently codified in Chapter 58 of the Mequon Municipal Code.

B. On October 28, 2021, the Planning Commission recommended changes to Chapter 58 as it relates to Permitted Uses in the Town Center Zoning District.

C. The Common Council wishes to amend the Zoning Code as it relates to the Permitted Use Table 58-301-1 in the Town Center Zoning District (as attached in Exhibit A) and Table 58-317 (C) of Division 11 Animals and Animal Related Uses.

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

SECTION I

Chapter 58 of the Municipal Code as it relates to Permitted Uses in the Town Center Zoning District as shown in the attached Exhibits A and B.

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 repealed.

SECTION IV

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

Approved by: John Wirth, Mayor

Date Approved: November 9, 2021

I certify that the foregoing Ordinance was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on November 9, 2021.

Caroline Fochs, City Clerk

Published: _____

Sec. 58-301. TC town center district.

- (f) *Permitted and conditional uses.* Table 58-301-1, Uses in the Town Center District, lists all the permitted and conditional uses.

Table 58-301-1 Uses in the Town Center District		
Use	Town Center	Specific Development Standards
Office & Clinic:		
Office	P	
Medical clinics	P	
Financial institutions	P	✓
Institutional & Public Uses:		
Public libraries	P	
Public parks	P	
Public administrative offices and service buildings	P	
Performing arts school and studios of 2,000 sq. ft. or less	P	
Public and private schools of 2,000 sq. ft. or less	P	
Private lodges and clubs	C	
Community center	C	
Public parking facilities, non-accessory	C	✓
Residential Uses:		
Home occupations	P	
Artist's live/work units	P	✓
Multiple-family dwellings, eight units or less, if part of a mixed-use development	P	✓
Multiple-family dwellings, nine units to 16, if part of a mixed-use development* ¹	C	✓
Bed and breakfast	C	✓
Planned residential development	PUD	✓
Retail & Services:		
Stationary stores	P	
Antiques, collectibles, gift or florist stores	P	✓
Toy, hobby or game store	P	
Graphic design	P	
Interior design services	P	
Paint/wallpaper store	P	
Luggage and leather goods store	P	
Art supply, artistic studios or galleries	P	
Camera and photography supply store	P	
Music and musical instrument store	P	
Optical/vision center	P	
Dry cleaning and tailors	P	
Apparel and accessories/repair	P	
Photocopying, film development, printing and publishing, packaging store of 4,000 sq. ft. gross floor area or less	P	
Video stores of 4,000 sq. ft. gross floor area or less	P	
Bookstores and newsstands of 2,000 sq. ft. gross floor area or less	P	

Home furnishings/accessories 4,000 sq. ft. or less	P	
Bicycle repair and sales	P	
Computer and software store	P	
Electronic goods store	P	
Child daycare facilities and preschools	C	✓
Planned commercial development	PUD	✓
Salon and spas	P	
Sports and fitness centers of 3,000 sq. ft. or less	P	
Farmers market	P	✓
Confectionary (chocolate, ice cream, candy) 2,000 sq. ft. or less	P	
Specialty food stores	P	
Tobacco, cigar or nicotine product/e-cigarette shop 2,000 sq. ft. or less	P	
Beer, wine or liquor store	P	
Convenience store w/o gas	C	
Grocery store	C	
Car wash facility	C	✓
Animal Hospitals and Veterinary Clinics	P	✓
Food & Beverage:		
Catering services	P	
Bakeries, retail	P	
Coffeeshop of 2,000 sq. ft. gross floor area or less	P	✓
Delicatessen of 2,000 sq. ft. gross floor area or less	P	✓
Fast-food restaurant	P	✓
Sit-down restaurants, if part of a mixed-use development	P	✓
Nightclubs	C	
Town center breweries, micro-distilleries, micro-wineries	C	✓

P = Permitted uses.

C = Conditional uses.

PUD = Planned Unit Development.

*1 = excluding density bonuses per section 58-301(i)(2).

Sec. 58-517. Permitted and conditional uses.

- (c) *Other animal-related uses, structures and businesses.* No person shall maintain any animal-related use, structure or business except as set forth on Table 58-517(c) or unless otherwise specifically provided for in this division. Each zoning district in which an animal-related use, structure or business may be maintained is set forth on Table 58-517(c), together with, for each category, whether such use is permitted or conditional, the minimum parcel size on which such use may be maintained, any required permit or license and an indication of any specific requirements set forth below for that category. Notwithstanding the foregoing, structures marked below with an (*) may be kept at legal non-conforming residential properties in other zoning districts provided they would be otherwise allowed if the property were a residentially zoned property of a similar size and all other conditions for such structures are satisfied.

Table 58-517(c)

Animal-related uses, structures and businesses	Minimum Lot Size	Zoning Districts	Size	Permitted or Conditional	Permit or License Required	Specific Requirements
Animal hospitals and veterinary clinics	None	Town Center, Arrival Corridor, Neighborhood Commercial		Permitted	None	✓
Animal hospitals and veterinary clinics	None	B-2, B-7	Per conditional use permit	Conditional	Conditional use permit	✓
Bee hives (*)	None	R-1 to R-5, A-1, A-2, OA, P-1	Two hives for 1/4 acre and one additional hive for each additional half acre	Permitted	None	✓
Commercial fish hatcheries	None	A-1, A-2	Per conditional use permit	Conditional	Conditional use permit	
Dog houses and dog runs (*)	None	R-1 to R-4, A-1, A-2, OA	Per specific requirements	Permitted	None	✓
Kennels	None	A-1, A-2, OA, B-2, B-4, B-5	Per conditional use permit	Conditional	Conditional use permit;	✓
Stables, barns, poultry houses, riding arenas and other similar structures for animals (*)	1.5 acres	R-1 to R-4, OA, A-1, A-2	1,000 square feet or less	Permitted	None	✓
Stables, barns, poultry houses, riding arenas and other similar structures for animals (*)	1.5 acres	R-1 to R-4, OA, A-1, A-2	Over 1,000 square feet	Permitted	None	✓

Pet daycares	None	B-4, B-5, Arrival Corridor, NC	Per conditional use permit	Conditional	Conditional use permit	✓
Pet stores	None	LTD	Per conditional use permit	Conditional	Conditional use permit	
Pet supply stores and pet grooming facilities	None	B-4, B-5, Arrival Corridor, NC	Per conditional use permit	Conditional	Conditional use permit	✓
Riding academies	None	A-1, A-2, OA	Per conditional use permit	Conditional	Conditional use permit	
Riding stables	None	A-1, A-2, OA	Per conditional use permit	Conditional	Conditional use permit	



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Office of City Attorney

TO: Common Council
FROM: Brian Sajdak, City Attorney
DATE: November 4, 2021
SUBJECT: ORDINANCE 2021-1610 An Ordinance Amending to Section 2-19 of the Mequon Code of Ordinances Related to Meetings of the Common Council to Allow for Electronic Meeting Attendance

Background and Discussion

During recent discussions related to the return to in person meetings, members of the Council and this Committee have suggested a desire to provide for some level of electronic meetings for the Council and Planning Commission meetings, the two primary bodies that Code does not currently allow to meet electronically. You had asked that I prepare a preliminary draft of a Code amendment for you to utilize as the basis of discussion. That draft was subsequently amended over the course of a couple of meetings. The proposed Code amendment before you reflects the previous changes recommended by the Committee. The difference is that this is in formal ordinance form for final review and recommendation to the Council.

Highlighting a few of the primary changes that this ordinance makes to the code:

First, it creates exceptions to the general rule that meetings be held at City Hall. As it relates specifically to electronic meetings, section 2-19(e)(2)d authorizes a fully virtual meeting where “the topic(s) of the meeting are anticipated to be of a perfunctory nature such that a fully virtual or electronic meeting would be more convenient for the attendees of the meeting.” Since this section would be amended as part of this process, I have also included other situations where the need to hold a meeting at other than City Hall may arise to the list of authorized exceptions to the general rule. For example, the City of Wauwatosa last summer held at least one Council meeting at the stadium in Hart Park to address concerns related to racism and police conduct. The proposed amendment would authorize meeting in such a location.

Second, section 2-19(f) specifies specific rules related to electronic attendance including identification of participants, technical issues, and handling closed sessions. One note on the closed session issue, note that Wis. Stat. § 19.89 provides “[n]o duly elected or appointed member of a governmental body may be excluded from any meeting of such body. Unless the rules of a governmental body provide to the contrary, no member of the body may be excluded from any meeting of a subunit of that governmental body.” It is unclear whether that would apply to an individual member attending an otherwise in-person meeting electronically, so the proposed code language addresses it with the committee of the whole language.

Recommendation

Recommendation forthcoming by the Public Welfare Committee on November 9, 2021.

Attachments:

Exhibit A - Ordinance re Council Electronic meetings (PDF)

COMMON COUNCIL
OF THE
CITY OF MEQUON

ORDINANCE 2021-1610

An Ordinance Amending to Section 2-19 of the Mequon Code of Ordinances Related to
Meetings of the Common Council to Allow for Electronic Meeting Attendance

RECITALS

A. The Common Council previously adopted section 2-19 of the Mequon Municipal Code which establishes certain rules related to the conduct of Common Council meetings.

B. The Common Council desires to amend those rules to allow for members to attend meetings electronically.

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

SECTION I

Section 2-19 of the Mequon Municipal Code is amended as shown in the attached Exhibit A (NOTE: Added text is double underlined, deleted text is ~~struck through~~).

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: November 9, 2021

I certify that the foregoing Ordinance was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on November 9, 2021.

Caroline Fochs, City Clerk

Published: _____

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.

(e) Location.

(1) All meetings of the common council shall be held in city hall except as otherwise provided in this section.

(2) A meeting of the common council may be held in a location other than city hall when, in the opinion of the mayor, an off-site location is necessary and appropriate because:

a. The interest in an agenda item is of significant interest to the community such that city hall will be unable to accommodate the anticipated attendance from members of the public;

b. There is a need for the council to be physically present in another location to assist the members in its understanding of an agenda item (e.g., a "site visit");

c. The council is meeting jointly with another governmental entity;

d. The topic(s) of the meeting are anticipated to be of a perfunctory nature such that a fully virtual or electronic meeting would be more convenient for the attendees of the meeting; or

e. A temporary location of government is authorized under Wis. Stat. § 323.52(1) during a state of emergency.

(f) *Electronic Attendance.* The mayor and aldermen shall attend meetings of the common council in person except for a fully virtual or electronic meeting under sub. (e)(2)d or as follows:

(1) Individual Requests. Provided that a quorum of members is physically present at a meeting of the common council, the mayor or any alderman is qualified to attend such meeting electronically.

a. Any member of the common council may not electronically attend more than two meetings of the common council in any calendar year.

b. Procedure for electronic attendance.

1. Notice to the city clerk. The member must notify the City Clerk in writing at least 24 hours prior to the meeting in which the member desires to attend electronically unless

advance notice is impractical due to family or other emergency. If the member is unable to give the required written notice prior to the meeting, the member shall notify the clerk by other means prior to the meeting and shall submit the required written notice as soon as practicable.

2. Determination of authorization of electronic attendance. Upon receipt of the notice, the clerk shall promptly forward the notice to the mayor or, in the case of a notice by the mayor, the common council president. After establishing that a quorum of the common council is physically present at the meeting at which a member has requested to attend electronically, the presiding officer shall state that (i) a notice was received by a member of the common council in accordance with this policy, and (ii) the member will be deemed authorized to attend the meeting electronically unless a motion objecting to the member's electronic attendance is adopted by two-thirds of the members of the council physically present at the meeting. If no such motion is adopted, then the request by the member to attend the meeting electronically shall be deemed approved and the chair shall declare the requesting member present. After such a declaration by the chair, the question of a member's electronic attendance may not be reconsidered.

(2) Effect of electronic attendance. A member attending a meeting of the common council electronically shall be considered present at the meeting and shall be entitled to vote on any matter before the council as if the member were physically present at the meeting.

(3) The following provisions shall supplement all other applicable rules and procedures identified in this article II, and are applicable for any meeting of the common council at which a member has been authorized to attend electronically. In the event of a conflict between rules, the provisions below shall control.

a. Identification and recognition of electronic attendees. Members attending electronically must identify themselves each time the member wishes to speak and must be recognized by the presiding officer prior to addressing the council.

b. Public access to meeting. The speech of a member attending electronically shall be amplified in such a manner that it is generally audible to members of the council and the public who are physically present at the meeting. Any video image of a member attending electronically shall be projected in such a manner that the member's video image is generally visible and audible to members of the council and the public who are physically present at the meeting. Votes of any member attending electronically shall be audible and expressly acknowledged by the chair.

c. Minutes. The minutes for the meeting shall identify which members of the common council attended electronically and the means by which the member attended the meeting.

d. Announcements of attendance; Quorum calls. Any member attending a meeting of the common council electronically shall announce their arrival at the first opportunity to do so without interrupting a speaker. If any such member needs to depart the meeting prior to adjournment they shall announce their departure without interrupting a speaker. Any member of the common council attending the meeting in person may request a quorum call at any time to ensure a quorum is in attendance.

e. Technical malfunctions. Each member is responsible for their electronic connection to any meeting of the common council that they attend electronically, and they attend electronically at their own risk. No action shall be invalidated on the grounds that any member attending electronically loses or otherwise has a poor connection to the meeting.

The presiding officer may order the disconnection or muting of a member's electronic connection to the meeting if it is causing undue interference with the orderly proceedings of the meeting. The decision to so disconnect or mute a member's connection shall be announced during the meeting and may be overturned by a vote of two-thirds of the members physically present. The minutes shall reflect the action taken.

- f. Closed session exclusion. A member attending a meeting of the common council electronically shall not be able to continue to participate in the meeting when it moves into closed session unless the member is attending via a video connection and can establish the lack of presence of third parties with the member which would be detrimental to the purposes of utilizing a closed session. In the event that such member is unable to satisfy this requirement, the council shall convene as a committee of the whole to comply with the requirements of Wis. Stat. § 19.89.
- (4) Emergency and disaster situations. The provisions of this ordinance can be waived by the City of Mequon in the event of a bona fide disaster, as determined by the city or other governing body, such as the county, state, federal government.



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Office of City Attorney

TO: Common Council
FROM: Brian Sajdak, City Attorney
DATE: November 4, 2021
SUBJECT: ORDINANCE 2021-1611 A Charter Ordinance Amending the Provisions of the Mequon Code of Ordinances that Establish the Planning Commission to Allow for Electronic Meeting Attendance

Background and Discussion

During recent discussions related to the return to in-person meetings, members of the Council indicated a desire to provide for some level of electronic meetings for the Council and Planning Commission meetings, the two primary bodies that Code does not currently allow to meet electronically. Following a review of the proposed rules related to the Common Council, it was suggested that the same rules would apply to the Planning Commission. Because the Planning Commission language is contained in a Charter Ordinance, a new Charter Ordinance would be required to make these changes, which is why there are two separate ordinances for your consideration.

Recommendation

Recommendation forthcoming by the Public Welfare Committee on November 9, 2021.

COMMON COUNCIL
OF THE
CITY OF MEQUON

ORDINANCE 2021-1611

A Charter Ordinance Amending the Provisions of the Mequon Code of Ordinances that Establish
the Planning Commission to Allow for Electronic Meeting Attendance

THE COMMON COUNCIL OF THE CITY OF MEQUON, OZAUCKEE COUNTY,
STATE OF WISCONSIN, ORDAINS AS FOLLOWS:

SECTION I

Charter Ordinance Article IV is repealed and recreated to read as follows:

ARTICLE IV. - PLANNING COMMISSION

Sec. IV.01. - Creation.

The city shall have a commission known as the "City of Mequon Planning Commission."

Sec. IV.02. - Purpose.

The commission shall, in accordance with Wis. Stats., §§ 62.23 and 66.1001 and chapter 58 of this code, carry out planning and oversight for the orderly physical development of the city and areas of its extra-territorial jurisdiction.

Sec. IV.03. - Membership.

- (a) The commission shall consist of the following eight voting members:
- (1) The chair, as determined as set forth below;
 - (2) Six citizen members nominated by the mayor; and
 - (3) One aldermanic representative.
- (b) At least one of the six citizen members shall be a registered architect. The mayor shall consider nominating as one of the six citizen members, but shall not be required to so nominate, a member of the park and open space board, or a person with recognized qualifications and experience in landscape architecture, horticulture, environmental science or a similar discipline.
- (c) No more than two citizen members may reside in any one aldermanic district, and no more than one aldermanic district may have two citizen members unless a registered architect resides in the same district as another citizen member, in which case no more than two aldermanic districts may have two citizen members.
- (d) Whenever the common council adopts a resolution by which it asserts extraterritorial zoning authority pursuant to Wis. Stats., § 62.23(7a), or whenever the common council undertakes to amend the land use plan, zoning classifications or zoning regulations for lands in the extraterritorial jurisdiction of the city, the mayor may nominate up to three additional alternate members. Such appointees shall serve until the earlier of:

- (1) The rescission by the common council of the resolution providing notice of intent to assert extraterritorial zoning authority, or
- (2) The adoption or amendment by the common council of a land use plan and zoning classifications and regulations for the lands in the extraterritorial jurisdiction, or discontinuance of such effort to enact or amend the land use plan or zoning classifications or regulations previously enacted for lands in the extraterritorial jurisdiction of the city, or
- (3) The expiration of two years after the effective date of an interim zoning ordinance enacted by the common council pursuant to Wis. Stats., § 62.23(7a)(b), or one year after the effective date of any extension of any such ordinance.

Sec. IV.04. - Chair and Vice-Chair.

- (a) The mayor shall either serve as the chair or shall, at the organizational common council meeting, appoint one additional citizen member to serve as the chair. If the mayor appoints a chair other than himself or herself, the chair shall serve until the organizational common council meeting following appointment. If the mayor appoints a chair other than himself or herself, and a vacancy occurs in such office, the mayor shall fill the vacancy either by serving as chair or by appointing a replacement chair for the balance of such term.
- (b) The aldermanic member shall serve as the vice-chair.

Sec. IV.04. - Chapter 2, article IX, division 1.

The provisions of chapter 2, article IX, division 1 shall apply to the commission as if fully set forth in this ordinance except as follows:

- (a) Notwithstanding any contrary provision of Robert's Rules of Order Revised, as made applicable to the planning commission by section 2-424(e), the following rules of order shall apply:
 - (1) A commissioner 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 planning commission shall be subject to a motion to reconsider after material legal rights (other than those rights granted by the planning commission 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 planning commission on the 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 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 application or an intervening event that changes the circumstances originally considered.
- (b) Section 2-430 shall not apply. In lieu of Section 2-430, the rules under sections 2-19(e) and (f) shall apply to the planning commission, and any reference to the common council shall apply to the planning commission.

To the extent of any inconsistency between any provision of this ordinance and a provision of chapter 2, article IX, division 1, the provision in this ordinance shall govern.

Sec. IV.05. - Powers and duties.

The commission shall have the powers and duties set forth in Wis. Stats., § 62.23.

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, postage 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: November 9, 2021

I certify that the foregoing Ordinance was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on November 9, 2021.

Caroline Fochs, City Clerk

Published: _____



11333 N. Cedarburg Road
 Mequon, WI 53092-1930
 Phone: 262-242-3100
 Fax: 262-242-9655

www.ci.mequon.wi.us

Office of City Attorney

TO: Common Council
FROM: Brian Sajdak, City Attorney
DATE: October 20, 2021
SUBJECT: ORDINANCE 2021-1612 An Ordinance Amending Section 2-803 of the Mequon Municipal Code Relating to the Term of Office for the Municipal Court Judge

Background

When the City joined the Mid-Moraine municipal court system, Wis. Stat. § 755.02 set the default term of office for the municipal court judge at two years. As part of a review of the statutes governing municipal courts in Wisconsin, the legislature amended that section to make the default term of office for the municipal court judge four years. During the recent review of the city's bond schedule, it was identified that the City's code had not been updated to reflect the change in the statute.

Analysis

The proposed ordinance makes the City's code consistent with the statute and with the provisions of the codes in other member communities in the Mid-Moraine court system.

Fiscal Impact

None

Recommendation

Forthcoming from the Public Safety Committee on November 9, 2021.

COMMON COUNCIL
OF THE
CITY OF MEQUON

ORDINANCE 2021-1612

An Ordinance Amending Section 2-803 of the Mequon Municipal Code Relating to the Term of Office for the Municipal Court Judge

RECITALS

A. The Common Council previously adopted section 2-803 of the Mequon Municipal Code which establishes the eligibility for, and the term of office of, the office of municipal court judge.

B. Section 755.02 of the Wisconsin Statutes was amended to change the default term of office for municipal court judge from two to four years.

C. The Common Council wishes to update section 2-803 of the municipal code to ensure that it is compliance with state law.

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

SECTION I

Section 2-803(a) of the Mequon Municipal Code is amended to read as follows (NOTE: Deleted text is ~~struck through~~; Added text is **bolded and underlined**):

Sec. 2-803. - Municipal court judge; operation.

(a) The municipal court shall be under the jurisdiction of and presided over by a municipal judge, who shall be an attorney licensed to practice law in Wisconsin and who resides in any of the member municipalities as defined in the agreement. The judge shall be elected at large within the member communities in the spring election for a term of ~~two~~**four** years commencing on May 1 of the year of his election. The governing bodies of the member municipalities shall provide for a primary election in the event that more than two candidates file nomination papers for the position of municipal judge.

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: November 9, 2021

I certify that the foregoing Ordinance was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on November 9, 2021.

Caroline Fochs, City Clerk

Published: _____



11333 N. Cedarburg Road
 Mequon, WI 53092-1930
 Phone: 262-236-2913
 Fax: 262-242-9655

www.ci.mequon.wi.us

Office of Sewer Utility District Commission

TO: Common Council
FROM: Jennifer Engroff, Finance Director
DATE: October 21, 2021
SUBJECT: ORDINANCE 2021-1613 An Ordinance Appropriating the Necessary Funds from the City of Mequon's Sewer Utility District for the Year 2022 for Capital Charge Payments to the Milwaukee Metropolitan Sewerage District (MMSD) and City of Mequon Capital Debt Service Requirements

Background

An ordinance is required in order to appropriate the necessary funds for the City of Mequon Sewer Utility District to cover the 2022 capital charge payment to MMSD and the 2021 City of Mequon capital debt service requirements. As is the case every year, the MMSD annual capital charge to pay for capital infrastructure and watercourse improvements is an estimate, as the actual amount will not be available in time to set the levy and generate the tax roll and tax bills for 2021. The estimated MMSD capital charge is also adjusted for the difference between estimated and actual amounts incurred from the preceding year. It is then reduced by revenue received during the year from several tax-exempt organizations that have entered into separate sewer service agreements and payment in lieu of taxes (PILOT) agreements with the City.

Analysis

The 2022 estimated MMSD capital charge is projected to be \$4,911,405 which is 0.6% higher than 2021. Despite a small increase in the amount of MMSD's Capital Charge in 2022, this portion of the sewer levy decreased due to the prior year estimate to actual adjustment. Projections from MMSD indicate that expected billing rates for 2023 through 2027 will increase an average of \$0.02 per \$1,000 of equalized value per year.

The capital debt service component of the tax rate is associated with the East Trunk Sewer project spanning 2018-2020 which was funded in 2018 by issuing \$19.4M in general obligation bonds. The Utility's recent history of debt service obligations (since 2013) is as follows:

Year	Existing Debt Service
2022	\$1,861,893
2021	\$1,865,247
2020	\$1,699,051
2019	\$2,062,650
2018	\$1,981,513
2017	\$1,706,250
2016	\$1,798,000
2015	\$1,885,000

2014	\$1,935,500
2013	\$2,037,000

The remaining levy capacity of \$934,000 has been allocated towards the Sewer Utility Capital Project Fund in order to reduce future borrowing for major projects.

To summarize, the breakdown of the recommended 2022 appropriation for the Sewer Utility District is as follows:

2021 Sewer Levy (Payable in 2022)	
Estimated 2021 MMSD Capital Charge (net)	\$4,415,570
City of Mequon Capital Debt Service Requirements (net)	\$1,864,386
Capital Improvement Projects	<u>\$934,000</u>
Total	<u>\$7,213,956</u>

2020 Sewer Levy (Payable in 2021)	
Estimated 2020 MMSD Capital Charge (net)	\$4,500,678
City of Mequon Capital Debt Service Requirements (net)	\$1,807,797
Capital Improvement Projects	<u>\$755,000</u>
Total	<u>\$7,063,475</u>

Presented below is a history of tax rates in the Sewer Utility District:

Levy Year	Mill Rate per \$1,000 of Assessed Value (TID Out)
2021	\$1.68 (Proposed Estimate)
2020	\$1.81
2019	\$1.81
2018	\$1.94
2016	\$1.89
2015	\$1.90
2014	\$1.88
2013	\$1.76
2012	\$1.79
2011	\$1.87

Fiscal Impact

Under the proposed tax levy for 2021 that is payable in 2022, a Mequon home located in the Sewer Utility District assessed at \$400,000, will pay approximately \$672 in utility taxes, which represents a 7.2% decrease from prior year. The proposed tax rate represents a significant decrease from a year ago due to the City-wide revaluation which is consistent with the reduction experienced in the general fund budget.

Recommendation

City staff recommends that the Mequon Sewer Utility District Commission favorably endorse and the Common Council adopt the ordinance appropriating the necessary funds for the City of Mequon Sewer Utility District to cover the 2022 capital charge payment to MMSD and the 2022 City of Mequon capital debt service requirements.

COMMON COUNCIL
OF THE
CITY OF MEQUON

ORDINANCE 2021-1613

An Ordinance Appropriating the Necessary Funds from the City of Mequon's Sewer Utility District for the Year 2022 for Capital Charge Payments to the Milwaukee Metropolitan Sewerage District (MMSD) and City of Mequon Capital Debt Service Requirements

THE COMMON COUNCIL OF THE CITY OF MEQUON, OZAUKEE COUNTY,
STATE OF WISCONSIN, DO ORDAIN AS FOLLOWS:

SECTION I

There is hereby appropriated out of the tax receipts of the City of Mequon's Sewer Utility District for the year 2022, the amount set forth in the total of:

Total Amount of Tax Levy	\$7,213,956
--------------------------	-------------

SECTION II

There is hereby levied a tax of \$7,213,956 upon all taxable property within the City of Mequon Sewer Utility District as returned by the Assessor in 2021 for the purposes set forth in said budget.

SECTION III

The City Clerk be and hereby is authorized and directed to spread the said tax upon the current tax roll of the City of Mequon Sewer Utility District.

SECTION IV

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

SECTION V

The terms and provision of this ordinance are severable. Should any term of 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 VI

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

Approved by: John Wirth, Mayor

Date Approved: November 9, 2021

I certify that the foregoing Ordinance was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on November 9, 2021.

Caroline Fochs, City Clerk

Published: _____

TO: Common Council
FROM: Kim Tollefson, Director of Community Development
DATE: November 9, 2021
SUBJECT: A Consultation for Residential Development Consisting of 55 Single-Family Homes and 116 Plex Homes Located on 107 Acres West of Baehr Road, South of Donges Bay Road and North of Lily Lane Nature Preserve

Background

Miller Marriot Constructions Company, LLC, is seeking Common Council input regarding the development of the 107 acre parcel located immediately north of 10007 N Baehr Road. The parcel is undeveloped and spans the west side Baehr Road industrial businesses and Lily Lane Preserve (a 12 acre city owned nature preserve). In staff discussions, and under consultation with the Mayor, it was decided that preliminary feedback from the Common Council is warranted for this project. The current proposal will require a zoning change and the subject site is in an area relatively unchanged and consisting of a mix of industrial/office uses and single-family homes. The parcel is currently zoned B5 (Light Industrial), R2-B (Residential 1.5 Acres), R1 (Rural Residential 5 Acre), OA (Agricultural Overlay) and Critical Environmental. An introduction to Miller Marriot, their work and this project's narrative is attached (a developer introduction including the company's staff bios is available from the Department of Community Development).

Development Proposal

The parcel contains environmental features including woodlands, open fields, wetlands and floodways, making an ideal cluster, conservation style development. Much of the property is located within the sewer service area however the southwest portion of the parcel is outside of the boundary. The parcel does have access to public water. The proposal includes the following highlights:

- 55 Single-Family homes (.25 acres/lot)
- 116 Plex Homes
- 78 Acres Open Space
- Access and Trail Connection to Lily Lane Nature Preserve

Based on the proposed concept plan (see attached), the proposal would require a rezoning to R-4 (Single-Family $\frac{3}{4}$ acre) and R-6 (Suburban Residential Attached). There would be a Planned Unit Development (PUD) initiated for the entire development that would provide for shared access storm water facilities, common open space amenities and consistent lighting and landscaping.

To determine the total, allowable single-family lots, the developer must submit a yield plan based on the R-4 zoning standards. The Zoning Code does not authorize density bonuses under the PUD process. The proposed single-family lots are approximately .25 acres/lot, which is small compared to recent single-family residential developments such as Central Growth (.33 - .50 acres/lot). The overall development density is 1.6 dwelling/acre. The R-6 zoning requires a minimum dwelling size of 1,200 (2 bedroom)–1,400 (3 bedroom) square feet, which the proposal does meet.

As shown, the single-family portion of the site has a density of 1.6 units/acre. The density of the plex home portion is 2.91 units/acre, less than that permitted in the R-6 zoning, which is 4 units/acre. Plex developments with similar density include Cedar Ridge, Eastbrook Estates and Willowbrook Estate.

A wetland delineation is required prior to action on the rezoning request.

A sewer service area boundary amendment is required and typically takes 6-9 months. The City Engineering Division expects the developer to evaluate the feasibility of a gravity sewer due to the topographic challenges of the site. In addition, based upon the minimum required fire flow, connection may be required both on Enterprise Drive and Donges Bay Road. The connection on Enterprise Drive requires a water main extension to the property and the construction of water main along the full extent of the property line on Baehr Road is the responsibility of the developer. Stormwater management is required, and access will be subject to acceleration-deceleration lanes.

Fiscal Impact

At full build-out, the total estimated value of the project is \$68 million resulting in a City annual tax base of approximately \$214,200.

Summary

The project team and staff would like to present the Common Council with an opportunity to learn more about the current proposal and its land uses as well as ask questions and provide feedback and direction.

Attachments:

Concept Plan (PDF)

Yield Plan (PDF)

Project Narrative (PDF)



THE SANCTUARY OF LILLY LANE

CONCEPT SITE PLAN



teska
associates
627 Grove Street
Evanston, Illinois



TRIO
CIVIL ENGINEER
SURVEYOR



miller marriott
CONSTRUCTION
248 PAWLING AVE.
SUITE 201
HARTLAND WI 53029

LAND PLANNER
LANDSCAPE ARCHITECT



0 150' 300' 600'

September 28, 2021

Mequon, Wisconsin



PROPOSED YIELD
R-4 = 49
R-2B = 4
R-1 = 2
<u>TOTAL = 55</u>

LOT CHARACTERISTICS

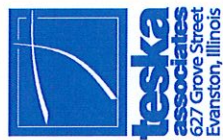
THE SANCTUARY OF LILLY LANE
YIELD PLAN

Mequon, Wisconsin

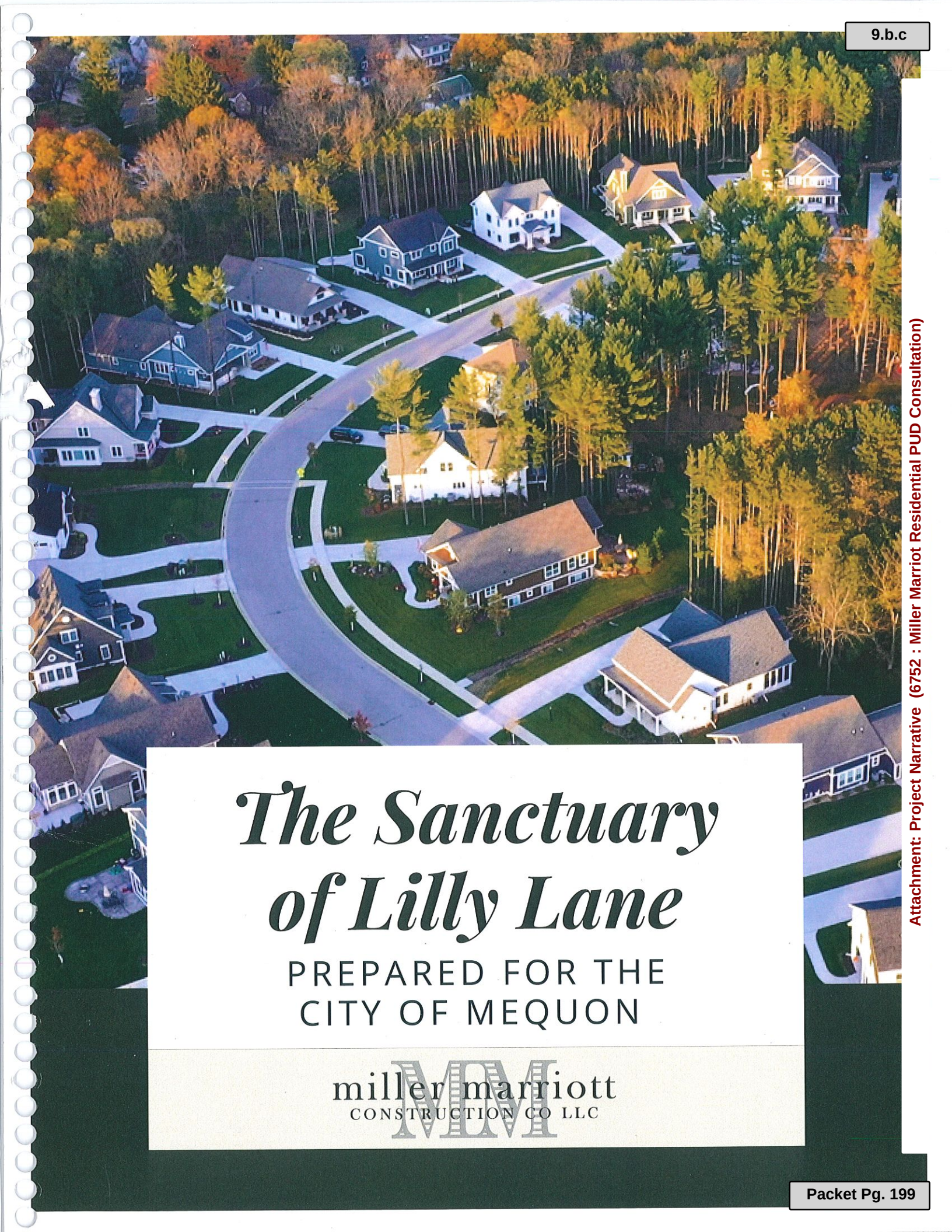


4100 N CALHOUN ROAD,
SUITE 300
BROOKFIELD WI 53005

CIVIL ENGINEER
SURVEYOR

LAND PLANNER
LANDSCAPE ARCHITECT

November 3, 2021



The Sanctuary of Lilly Lane

PREPARED FOR THE
CITY OF MEQUON

miller marriott
CONSTRUCTION CO LLC





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Mequon SANCTUARY OF LILLY LANE

THE SANCTUARY OF LILLY LANE IS A PROPOSED RESIDENTIAL "NEIGHBORHOOD" WITH 55 SINGLE-FAMILY HOMES AND A SINGLE-FAMILY RENTAL COMMUNITY CONTAINING 116 RESIDENCES, ALL SUPPORTED BY AN ABUNDANCE OF OPEN SPACE AND COMMON AREA AMENITIES

THE SANCTUARY OF LILLY LANE HAS BEEN ARTFULLY CREATED TO FOSTER A STRONG SENSE OF NEIGHBORHOOD, WITH ALL AREAS HAVING ACCESS TO OPEN SPACES AND INTERCONNECTED TRAIL SYSTEMS. ALL ELEMENTS OF THE DEVELOPMENT WILL REFLECT THE HIGH-QUALITY CONSTRUCTION AND ARCHITECTURAL STYLE THAT MILLER MARRIOTT IS KNOWN FOR, CREATING A TIMELESS, BEAUTIFUL COMMUNITY IN THE CITY OF MEQUON.

THE SITE PROVIDES A PRIVATE COMMUNITY FEEL WHILE OFFERING CONVENIENT PROXIMITY TO THE INTERURBAN TRAIL AND A HOST OF AREA AMENITIES, INCLUDING NEARBY FOXTOWN BREWING, MEQUON MARKETPLACE, AND THE MEQUON ROAD & CEDARBURG ROAD HUB. AN APPEALING ARCHITECTURAL THEME WILL BE MAINTAINED THROUGHOUT ALL AREAS OF THIS DEVELOPMENT, WITH MILLER MARRIOTT PROVIDING THE DESIGN VISION FOR EACH HOME AND RESIDENCE.

SITE SUMMARY

116 TOTAL RENTAL UNITS

55 SINGLE FAMILY LOTS
(85'x125')

UNIT TYPES & QUANTITIES



NORTHERN SINGLE FAMILY RENTAL RESIDENCES

THE NORTHERN 39.8 ACRES OF THE SITE IS HOME TO A PROPOSED RENTAL COMMUNITY WITH 116 UNITS OF SINGLE FAMILY RESIDENCES IN CLUSTERS AROUND A LOOPED PRIVATE ROAD SYSTEM.

THE PLAN PROPOSES FOUR (4) DIFFERENT STYLES OF RESIDENCES, WITH A VARIETY OF CLUSTER COMBINATIONS OF CONNECTED AND STAND-ALONE SINGLE-FAMILY BUILDINGS FOR ARCHITECTURAL DIVERSITY. EVERY DRIVEWAY AND GARAGE PRESENTS TO THE CLUSTER, PROVIDING A VISUALLY ATTRACTIVE STREETScape FOR THE PRIVATE LOOP ROAD. THE OVERALL DENSITY OF THIS NEIGHBORHOOD IS 2.91 UNITS/ACRE.



A LEASING OFFICE WILL GREET RESIDENTS AS THEY ENTER FROM THE BOULEVARD ENTRANCE TO BAEHR ROAD. RESIDENTS WILL ALSO HAVE ACCESS TO THE COMMON AREA WITH A ROBUST HOST OF AMENITIES.

THE MILES OF WALKING TRAILS AND SIDEWALKS WILL PROVIDE AMPLE OPPORTUNITY FOR RESIDENTS TO ENJOY AND EXPERIENCE THE OPEN SPACES AND AMENITIES THROUGHOUT THIS SITE.

A 50' WIDE BERMED AND LANDSCAPED PERIMETER WOULD BE PROVIDED ALONG BAEHR ROAD, AND A 40' WIDE LANDSCAPE BUFFER IS PROPOSED ALONG THE PERIMETER INDUSTRIAL LANDS. THIS WILL GIVE THE NEIGHBORHOOD A SENSE OF PRIVACY AND IDENTITY.

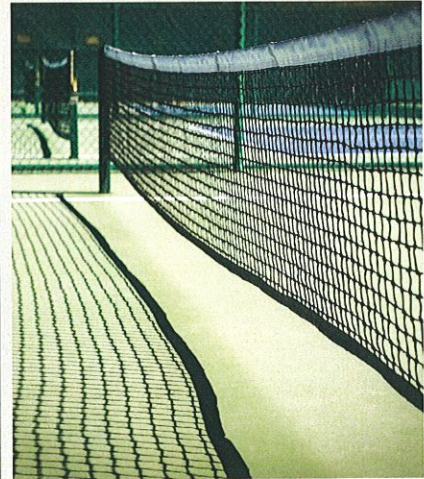
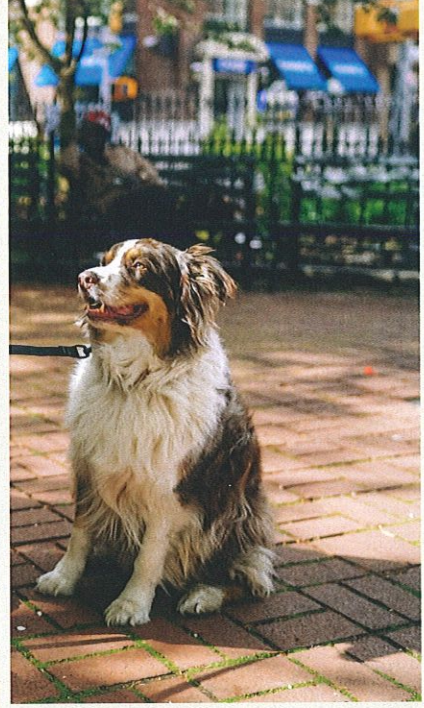


COMMON AREA AMENITIES

BOTH NEIGHBORHOODS WITHIN THE SANCTUARY OF LILLY LANE WILL ALLOW RESIDENTS ACCESS TO A VARIETY OF AMENITIES, INCLUDING:

- A CLUBHOUSE/LODGE
- PICKLEBALL COURT
- DOG PARK & PAVILION
- RAISED GARDENS
- FIRE PIT
- OUTDOOR KITCHEN

THE MILES OF WALKING TRAILS AND SIDEWALKS WILL PROVIDE AMPLE OPPORTUNITY FOR RESIDENTS TO ENJOY AND EXPERIENCE THE OPEN SPACES AND AMENITIES THROUGHOUT THIS SITE.



CENTRAL SINGLE FAMILY LOTS

THE 34.1 ACRE SINGLE FAMILY SUBDIVISION PROVIDES A SWEEPING CURVED PUBLIC ROAD THROUGH THE CENTRAL FIELDS ENDING IN A LARGE PUBLIC LOOP ROAD, WITH AN EMERGENCY VEHICLE ACCESS TRAIL CONNECTION TO ENTERPRISE DRIVE.

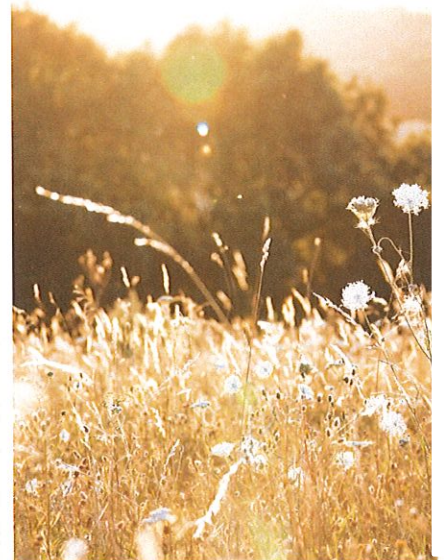
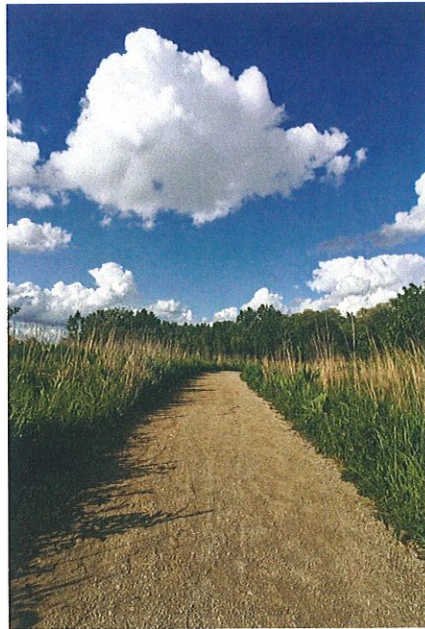
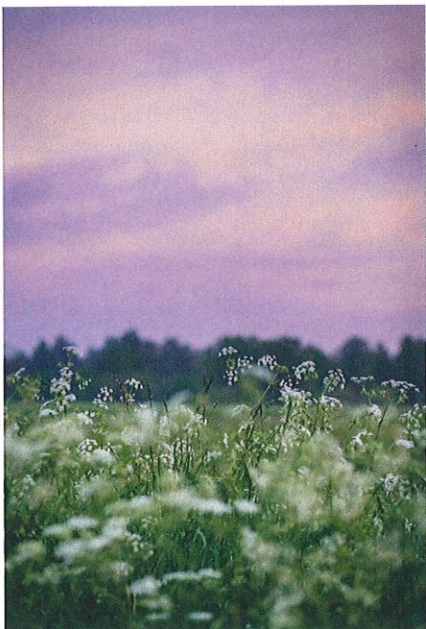


THE SUBDIVISION IS BORDERED BY THE CENTRAL WOODED AREA AND THE EXPANDED LILLY LANE NATURE PRESERVE TO THE SOUTH. THE SINGLE FAMILY LOTS ARE PROPOSED TO BE 85' WIDE, THAT WILL PROMOTE A SENSE OF COMMUNITY WHILE RETAINING OPEN SPACE AREAS TO BE COMMUNITY OWNED WITH ACCESS TO ALL.

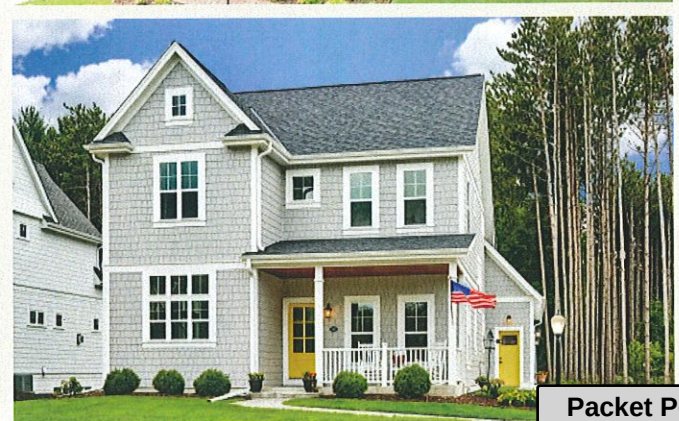
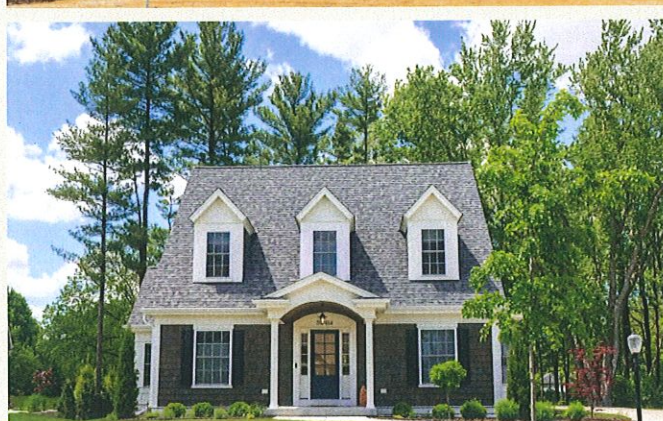
THE SUBDIVISION PROPOSES A PUBLIC SIDEWALK ON ONE SIDE OF THE STREET, WITH SEVERAL CONNECTION POINTS TO THE WALKING TRAIL SYSTEM. THE OVERALL DENSITY OF THIS SINGLE-FAMILY NEIGHBORHOOD IS 1.6 UNITS/ACRE.

A 50' WIDE BERMED AND LANDSCAPED BUFFER WILL BE PROVIDED ALONG BAEHR ROAD TO CREATE A SENSE OF ARRIVAL AND PRIVACY FOR THE SINGLE-FAMILY SUBDIVISION ENTRANCE.

lilly nature preserve



ARCHITECTURAL STYLE FOR CENTRAL AREA



SOUTH OPEN SPACE AREA

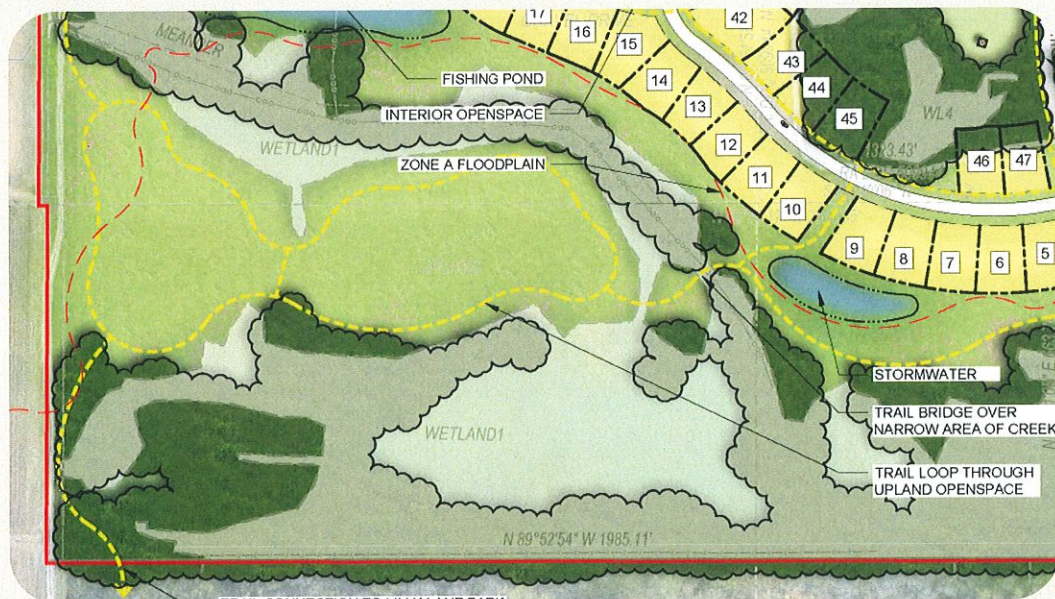
THE SOUTHERN 33.2 ACRES OF THE DEVELOPMENT IS PROPOSED TO BE AN OPEN SPACE EXPANSION OF THE LILLY LANE NATURE PRESERVE.

THE AREA CONTAINS FARM FIELDS, FALLOW WETLAND AREAS, FARMSTEAD RUINS, AND A GRAVEL DRIVE TO DONGES BAY ROAD.

THE PROJECT PROPOSES TO PROVIDE PUBLIC ACCESS TO THE LILLY LANE NATURE PRESERVE VIA:

- A) THE PUBLIC STREET ACCESS POINTS IN THE PROPOSED SINGLE FAMILY SUBDIVISION
- B) THE SOUTH END OF ENTERPRISE DRIVE
- C) A TRAIL TO DONGES BAY ROAD, THROUGH A 33' WIDE SLIVER OF LAND WEST OF THE ENTERPRISE DRIVE PROPERTIES

THE GENERAL VISION FOR THIS AREA IS PASSIVE PARK SPACE, WITH AN OPPORTUNITY FOR FUTURE CONNECTIONS TO THE CITY'S LARGER OPEN SPACE AND TRAIL SYSTEM PLAN ALONG THE SOUTHERN PERIMETER OF THE CITY.



NORTHERN SINGLE FAMILY RENTAL RESIDENCES

OVERALL AREA	39.8 ACRES
DENSITY	116 UNITS / 39.8 ACRES = 2.91 UNITS/ACRE
LOT COVERAGE	9.64 ACRES (25% OF AREA)
BUILDINGS & CLUBHOUSE	4.94 ACRES
PRIVATE ROADS & DRIVEWAYS	4.7 ACRES
COMMON OPEN SPACE	30.16 ACRES (75% OF AREA)
PRIVATE ROAD LENGTH	3,871 LN. FT.
PROPOSED ZONING	R-6 PUD

CENTRAL SINGLE FAMILY LOTS

OVERALL AREA	34.1 ACRES
DENSITY	55 UNITS / 34.1 ACRES = 1.61 UNITS/ACRE
MINIMUM LOT SIZE	10,500 SF (~ 0.25 ACRE)
MINIMUM LOT WIDTH	85'
PROPOSED SETBACKS	
FRONT	25'
SIDE	10'
REAR	25'
COMMON OPEN SPACE	15 ACRES (44% OF AREA)
PUBLIC ROAD LENGTH	3,203 LN. FT.
PROPOSED ZONING	R-4 OR 5 PUD

SOUTH OPEN SPACE AREA

OPEN SPACE = 33.2 ACRES

OVERALL SITE STATISTICS

- TOTAL AREA = 107.1 ACRES
- TOTAL DWELLING UNITS = 171 UNITS
- OVERALL DENSITY = 171 / 107.1 = 1.6 UNITS/ACRE
- COMBINED OPEN SPACE = 78.36 ACRES (73% OF THE OVERALL SITE)

project examples

OUR DEVELOPMENTS

THE MILLER MARRIOTT TEAM HAS AN ESTABLISHED RECORD OF SUCCESS CREATING TIMELESSLY BEAUTIFUL NEIGHBORHOODS IN OTHER HIGHLY REGARDED COMMUNITIES SIMILAR TO THE CITY OF MEQUON INCLUDING THE CITY OF DELAFIELD, VILLAGE OF HARTLAND, AND THE VILLAGE OF ELM GROVE, AND IS EAGER TO DO SO HERE. THE ACCOMPANYING SITE PLAN, MILLER MARRIOTT CONSTRUCTION BIOGRAPHY, AND SAMPLING OF IMAGERY OF MILLER MARRIOTT HOMES AND COMMUNITIES, PROVIDE DETAILED INFORMATION ON THE PROPOSED PROJECT.



SANCTUARY OF HARTLAND

- ☐ 34 SINGLE-FAMILY DEVELOPMENT
- ☐ CONSTRUCTION START DATE: 2015
- ☐ DATE OF COMPLETION: 2018



ELM GROVE

- ☐ 21 SINGLE-FAMILY DEVELOPMENT
- ☐ PLANNED START DATE: 2022

SANCTUARY OF HARTLAND

THE SANCTUARY OF HARTLAND CONTAINS 34 SINGLE-FAMILY, CUSTOM HOMES WITH AN AVG LOT SIZE AT 1/3 ACRE. THIS NEIGHBORHOOD IS 27 ACRES LOCATED IN THE VILLAGE OF HARTLAND, WALKABLE TO THE DOWNTOWN AREA.



CLICK ABOVE TO
PLAY A DRONE VIDEO

ELM GROVE DEVELOPMENT

START DATE PENDING FOR 2022

THIS IS A 21 SINGLE FAMILY DEVELOPMENT IN THE HEART OF ELM GROVE. THE LOTS WILL TRANSITION FROM THE EXISTING SINGLE FAMILY HOMES TO A NEW MULTI-FAMILY PROJECT.

Attachment: Project Narrative (6752 : Miller Marriot Residential PUD Consultation)



What We Do

ABOUT US

Miller Marriott Construction Company is a full-service custom home builder and land developer located in Hartland, Wisconsin with over 18 years of design/build experience.

We provide a unified flow, teamwork & transparency from initial concept through completion of construction. Our architecture, interior design & construction teams work together to create an enjoyable design experience and high-quality home that are both uniquely yours. Every beautiful home we create is custom to each client. We know every client lives differently, has their own lifestyle needs & style. We embrace these differences, not only in the actual home but in the process to create it.

As a full-service provider, Miller Marriott lends experience in finding land, full-home remodeling, and designing & building new homes. We believe everything we do is to enhance the experience for our client, including: interior design, land entitlement, 3D modeling and construction. Additionally, we are able to provide real estate services for marketing, buying and selling properties.

Our core values include vetted & experienced subcontractors, the use of high-quality materials, and reputable vendors. All these values work together in an effort to produce classically beautiful architecture that makes Mequon an ideal spot for Miller Marriott homes.



Attachment: Project Narrative (6752 : Miller Marriot Residential PUD Consultation)

PREFERRED QUALITY & BUILD STANDARDS

THERE IS SO MUCH MORE TO "PRICE PER SQUARE FOOT" THAN A NUMBER.

There is an associated level of quality. We invest a great deal of time and research into these standards. They are key to establishing and maintaining your homes long-term quality and beautiful aesthetic. This is where we start....

PROCESS TOOLS

1 Year MBA Home Warranty
3D Computer Modeling on Every House
Licensed & Degreed Architects on Staff
Licensed Real Estate Professional
Dedicated Interior Design Associate
Free Home Market Analysis
Real Estate Services Including Buying, Selling or Staging a Home
Miller Marriott Preferred Selections Guidebook
Professional Selection Management Assistance
Design & Construction Cloud-Based Management Software

FOUNDATION & FLAT-WORK

9 ft Poured Concrete Walls with Anchor Bolts & Rebar Reinforcing Steel Beams
Form-A-Drain Drain Tile System
Tuff-N-Dri Tar Damp Proofing, With 15 yr Manufacturer Warranty
3 1/2 Inch Poured Basement Floor Over 6 MIL Thick Poly Sheeting
(1) Egress Window in Basement

FRAMING, ROOFING & EXTERIOR

Panelized Wall Construction & Engineered Roof Trusses
2x6 Exterior Wall Framing, 16" on Center with 7/16" OSB and Tyvek House Wrap
2x4 Interior Framing, 2x6 Pocket Door Framing
Quality #2 Lumber or Better (Spruce, Pine & Fir)
Owen's Corning Duration Roof Shingles
Grace Ice and Water Shield Per Plan
Pre-Finished Metal Valleys
Pre-Finished 5" Aluminum Gutters
LP SmartSide Primed Siding with LP SmartSide Trim
Two Finish Coats of Paint on Exterior Siding & Trim

WINDOWS AND EXTERIOR DOORS

Sierra Pacific 8000 Series Premium Vinyl Windows, Double Hung, with White Interior & Exterior, Primed Jamb, Grills in the Glass
Standard Tilt-In & Wash
White Hardware
Full Screens with Windows
Fir Exterior Front Door
Flush Birch 20 Min Fire Rated Door From Garage to House
ThermaTRU Fiberglass Service Door

GARAGE

Poured Concrete Floor with Welded Wire Mesh Reinforcing
5/8" Drywalled Firewalls, Taped and Finished
8 ft Tall Steel Insulated Garage Doors
WiFi Compatible Openers

INSULATION

R-21 Fiberglass with 4 MIL Vapor Barrier
R-50 Blown-In Ceiling Insulation with 4 MIL Vapor Barrier
2" Rigid Foam Insulation at Foundation Walls
All Windows and Doors Foamed and Caulked
Box Sills and Joist Ends Sprayed with 3" of Closed Cell Foam

PLUMBING

50 Gallon Power Vent Water Heater
2 Frost Proof Hose Bibs
Shut Off Valves Provided at Each Plumbing Fixture Location
PEX Tubing Supply Lines
Gas to Necessary Appliances & Fireplace
Roughed for a Future Water Softener
Basement Roughed for Future Half Bath
Passive Radon System
1/3 Horsepower Sump Pump with Crock
1/3 Horsepower Garbage Disposal
33" Kohler Whitehaven Apron Front Kitchen Sink

ELECTRIC

200 AMP Service
GFI Protected Outlets per Code
Smoke/Carbon Monoxide Detectors, Hardwired with Battery Backup
5" LED Recess Cans
White Toggle Switches
Smart Doorbell
WiFi Ready House

HVAC

Armstrong Furnace 96% Efficiency, Two Stage, Variable Speed
Armstrong Air Conditioner – 13 Seer, Mounted on Brackets
Honeywell Whole Home Power Humidifier
Honeywell High Efficiency Air Filter System
Comfort Sync Programmable Thermostat

MILLWORK & INTERIOR DOORS

Custom Cabinetry Throughout Home
Controlled Environment Factory Finish with Professional Installation
Full Extension Dovetail Drawers
Soft-close Cabinetry Drawers & Doors
Miller Marriott "Train Station" Casing and Trim Package
All Window/Door Casing Options & Baseboards in Paint Grade Wood
Stile Choice MDF 90% Recycled, Solid Core Interior Doors
Emtek Hardware Package on Interior Doors
Matte Black Hinges on Interior Doors
Professionally Designed Custom Mantel
Painted Millwork and Doors
Closet Designs Per Plan, with Premium Melamine Shelves
Staircases to 2nd Floor Includes:
6.25" Box Newell
1.25" Beech Square Balusters
Beech Handrail
Carpeted Treads & Risers

FIREPLACE UNIT

Direct Vent, Sealed Unit, with Custom Surround

INTERIOR & EXTERIOR UNIQUE FINISHES

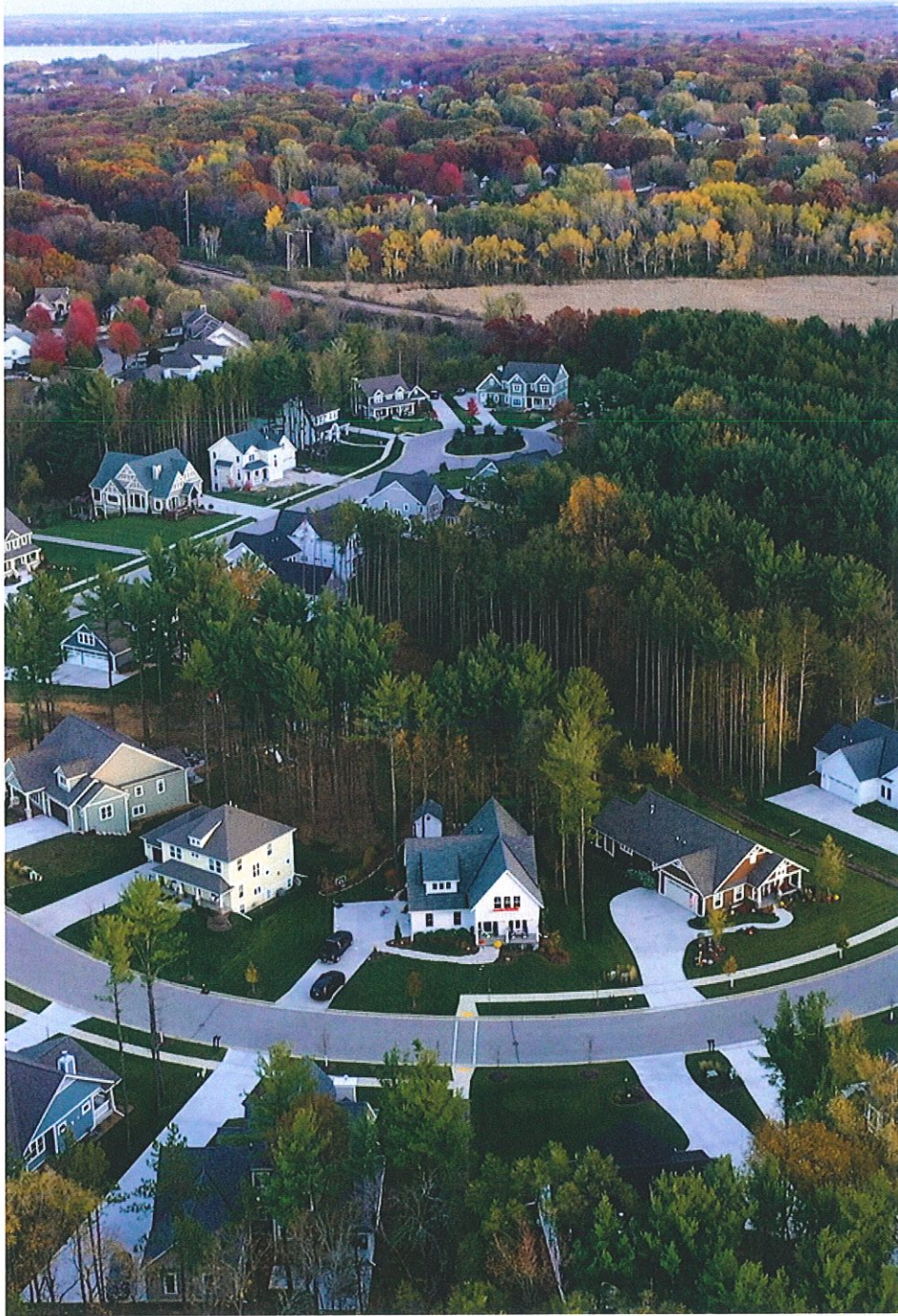
Light Orange Peel Drywall Finish with Square Bead
Quartz Countertops in Kitchen, Laundry & Bathrooms
2 Coats of Primer, 2 Coats of Rolled Paint on Interior Walls
1 Coat of Primer, 2 Coats of Sprayed Finish Paint on all Millwork
Ceilings & Closets Primed & Sprayed in Sherwin Williams Alabaster
Professional Install of Towel Bars, Paper Holders & Vanity Mirrors
Custom Closet Design with Melamine Shelves & Poles
Semi-Frameless Shower Door in Master Shower

TILE, CARPET & FLOORING

Tile Standard in the following areas:
Laundry, Bathroom Floors, Master Shower Surround, Kitchen Backsplash
Carpet Per Plan, Includes an 8 lb. Pad
Hardwood Floors Per Plan, Finished on Site – 3.25" width

PROFESSIONALLY GUIDED SELECTIONS WITH PREMIUM LOCAL VENDORS

Appliance Package Includes:
GE Cafe Series: 36" Fridge, 24" Dishwasher, 30" Slide-In Range, 30" Zephyr Hood



miller marriott

CONSTRUCTION CO LLC

249 Pawling Avenue, Ste. 201
Hartland, WI 53029

THE SANCTUARY OF LILLY LANE

A Residential Community

PROJECT: The Sanctuary of Lilly Lane
OWNER: Miller Marriott Construction Co.
DATE: October 8, 2021

Dear City of Mequon,

We are excited to bring forward to you our plan for *The Sanctuary of Lilly Lane*, a proposed residential “neighborhood” with 55 single-family homes and a single-family rental community containing 116 residences, all supported by an abundance of open space and common area amenities, located on a sprawling 107.1-acre site on the west side of Baehr Road, south of Donges Bay Road and adjacent to the Lilly Lane Nature Preserve. The site provides a private community feel while offering convenient proximity to the Interurban Trail and a host of area amenities, including nearby Foxtown Brewing, Mequon Marketplace, and the Mequon Road & Cedarburg Road hub. An appealing architectural theme will be maintained throughout all areas of this development, with Miller Marriott providing the design vision for each home and residence.

The Miller Marriott team has an established record of success creating timelessly beautiful neighborhoods in other highly regarded communities similar to the City of Mequon including the City of Delafield, Village of Hartland, and the Village of Elm Grove, and is eager to do so here. The accompanying Site Plan, Miller Marriott Construction biography, and sampling of imagery of Miller Marriott homes and communities, provide detailed information on the proposed project.

WHY THIS IS THE RIGHT LOCATION

The City of Mequon provides a unique quality of life for *The Sanctuary of Lilly Lane*, with a thoughtful balance of high development standards, prudent planning, and preservation of expansive open space. The project is located near the southern extents of the City, with convenient access to vibrant areas of Mequon and the surrounding metro area, and landscape buffering to nearby communities. The following outlines many of the elements that we are confident makes this the right location for *The Sanctuary of Lilly Lane*:

- The property abuts the Lilly Lane Nature Preserve and offers the opportunity to enjoy and expand the Preserve and provide public access to it.
 - The City may have future opportunities to connect the Preserve to the Milwaukee River and Interurban Trail system to the east and Mequon Nature Preserve to the west.
 - An industrial or commercial use may disturb more of the natural landscape than the proposed residential development.
- The project abuts Baehr Road, a local street that provides convenient access to other thoroughfares.
 - The proposed residential development benefits from this quieter setting.
 - An industrial or commercial user would be negatively affected by this access.
- The site is close to vibrant Mequon business areas, with the opportunity for connections to the Interurban Trail.
- The City has an abundance of vacant industrial zoned land outside of this site, and has historically had a vacancy of users for this type of land use.
 - This project provides an alternative that provides a high tax base land value while offering a residential transition buffer for this area.
- Single-family rental residences are an alternative to traditional senior / multi-family apartments providing a buffer to the surrounding industrial uses.
- Single-family rental residences provide the lifestyle elements of a single-family residence without the burden of a mortgage or maintenance requirements.
 - There is high demand for this type of living in the City of Mequon, as evidenced by the success at Windsor Estates and Mequon Trail.
- The City has adequate sanitary sewer capacity and public water service for this development.

DESCRIPTION OF THE PROPOSED PROJECT

The Sanctuary of Lilly Lane has been artfully created to foster a strong sense of neighborhood, with all areas having access to open spaces and interconnected trail systems. All elements of the development will reflect the high-quality construction and architectural style that Miller Marriott is known for, creating a timeless, beautiful community in the City of Mequon. The following sections provide additional details for the proposed project:

Current Site Condition

The project site is a 107.1 acre assemblage of vacant land with a combination of open fields, central wooded area with pocket wetlands, farmstead ruins (on the west side of the site) with narrow gravel drive to Donges Bay Road, and southern fields, wetlands and floodplain with adjacency to the Lilly Lane Nature Preserve. Some historic grading and Baehr Road landscaping was completed on the northern portion of a site. The northern majority of the site is currently zoned B-5, the southern portion of the site is comprised of a mixture of residential, conservancy and environmental area. The current land use plan generally reflects the current zoning.

Project Summary

The Sanctuary of Lilly Lane creates two neighborhoods within the overall development, with each neighborhood having a distinct identity. The central wooded area provides a natural buffer between the communities, with the walking trails and connected open spaces providing connectivity throughout.

Northern Single Family Rental Residences

The northern 39.8 acres of the site is home to a proposed rental community with 116 units of single family residences in clusters around a looped private road system. The plan proposes four (4) different styles of residences, with a variety of cluster combinations of connected and stand-alone single-family buildings for architectural diversity. Every driveway and garage presents to the cluster, providing a visually attractive streetscape for the private loop road. The overall density of this neighborhood is 2.91 units/acre.

A leasing office will greet residents as they enter from the boulevard entrance to Baehr Road. The neighborhood will include a robust host of amenities, including the Clubhouse/Lodge on the north side of the central wooded area, with a Pickleball Court, Dog Park and Pavilion, and other recreational activities, all available to the residents. The miles of walking trails and sidewalks will provide ample opportunity for residents to enjoy and experience the open spaces and amenities throughout this site.

A 50' wide bermed and landscaped perimeter would be provided along Baehr Road, and a 40' wide landscape buffer is proposed along the perimeter industrial lands. This will give the neighborhood a sense of privacy and identity.

Central Single Family Lots

The 34.1 acre single family subdivision provides a sweeping curved public road through the central fields ending in a large public loop road, with an emergency vehicle access trail connection to Enterprise Drive. The subdivision is bordered by the central wooded area and the expanded Lilly Lane Nature Preserve to the south. The single family lots are proposed to be 85' wide, that will promote a sense of community while retaining open space areas to be community owned with access to all. The subdivision proposes a public sidewalk on one side of the street, with several connection points to the walking trail system. The overall density of this single-family neighborhood is 1.6 units/acre.

A 50' wide bermed and landscaped buffer will be provided along Baehr Road to create a sense of arrival and privacy for the single-family subdivision entrance.

South Open Space Area

The southern 33.2 acres of the development is proposed to be an open space expansion of the Lilly Lane Nature Preserve. The area contains farm fields, fallow wetland areas, farmstead ruins, and a gravel drive to Donges Bay Road. The project proposes to provide public access to the Lilly Lane Nature Preserve via: a) the public street access points in the proposed single family subdivision; b) the south end of Enterprise Drive; and c) a trail to Donges Bay Road, through a 33' wide sliver of land west of the Enterprise Drive properties. The general vision for this area is passive park space, with an opportunity for future connections to the City's larger open space and trail system plan along the southern perimeter of the City.

Storm Water Management

The site has a generally level topography that gently slopes from north to south. Storm water management ponds will be integrated into the overall development plan as an aesthetic amenity while also providing storm water peak flow and water quality controls required by the City and MMSD. Storm water ponds will be situated within the rental residences and central open space areas where topography is most ideal, with additional storm water ponds serving as a border along the south perimeter of the single family residences.

SITE DATA TABLES**North Single Family Rental Residences**

- Overall Area = 39.8 acres
- Density = 116 units / 39.8 acres = 2.91 units/acre
- Lot Coverage = 9.64 acres (25% of area)
 - Buildings & Clubhouse Structures = 4.94 acres
 - Private Roads and Driveways = 4.7 acres
- Common Open Space = 30.16 acres (75% of area)
 - Includes all open spaces and trails
- Private road length = 3,871 ln. ft.
- Proposed Zoning = R-6 PUD

Central Single Family Lots

- Overall Area = 34.1 acres
- Density = 55 units / 34.1 acres = 1.61 units/acre
- Minimum Lot Size = 10,500 sf (~ 0.25 acre)
 - Minimum Lot Width = 85'
 - Proposed Setbacks
 - Front = 25'
 - Side = 10'
 - Rear = 25'
- Common Open Space = 15 acres (44% of area)
 - Includes all open spaces and trails
- Public road length = 3,203 ln. ft.
- Proposed Zoning = R-4 or 5 PUD

South Open Space

- Open Space = 33.2 acres

Overall Site Statistics

- Total Area = 107.1 acres
- Total Dwelling Units = 171 units
- Overall Density = 171 / 107.1 = 1.6 units/acre
- Combined Open Space = 78.36 acres (73% of the overall site)

BENEFITS TO THE CITY OF MEQUON

In addition to creating a beautiful and desirable neighborhood in the City of Mequon, *The Sanctuary of Lilly Lane* residential community will provide the following benefits to the City:

- A substantial expansion of the Lilly Lane Nature Preserve public area, currently envisioned by City staff as a passive use park area with walking trails, fields and passive amenities.
- Public access to the Lilly Lane Nature Preserve where none exists today.
- Clustering of homes and residential areas to provide an extensive amount of preserved and/or common open space throughout this property.
- Privately owned and maintained roads within the single family rental community; the professionally managed community will be responsible for all maintenance.
- Public trails will be maintained by the project's management group.
- Storm water management facilities created by this development will be naturalized with the surrounding environment and improve storm water control to downstream facilities.
- The development will contain high quality homes and single family rental residences, with home lot package values expected to start at ~\$500,000- \$600,000+ per lot and the rental residences valued at ~\$350,000 each. This will improve and increase the tax base for the City by \$68,000,000+ as currently designed.

NEXT STEPS

Working with you, we understand the process for design, approval and development of this project is expected to entail and include:

- Neighborhood meeting and/or open house
- Comprehensive Plan amendment with public hearing
- Sanitary Sewer Service Area amendment with SEWRPC to adjust the current sewer service area line to include the entirety of the project (it currently bisects the south part of the single family area, the entire north area is already in the service area).
- Rezoning and Planned Unit Development approval
- Site Plan approval and Subdivision Platting

Overall, *The Sanctuary of Lilly Lane* will create a highly desirable residential community with an abundance of open space and site amenities, providing an attractive neighborhood in this conveniently located part of the City. Our team looks forward to continuing to work with everyone at the City to bring this development to fruition.

Thank you,

Chris Miller, Owner
Miller Marriott Construction Co.
(262) 337-4130



11333 N. Cedarburg Road
 Mequon, WI 53092-1930
 Phone: 262-236-2914
 Fax: 262-242-9655

www.ci.mequon.wi.us

Office of City Clerk

TO: Common Council
FROM: Caroline Fochs, City Clerk
DATE: October 29, 2021
SUBJECT: ORDINANCE 2021-1598 An Ordinance Implementing Aldermanic Redistricting as a Result of the 2020 Census

Background

Every ten years a census is conducted nationwide. Once the data is compiled it is released to each of the states to draw new political lines for elected officials to reflect changes in population. The objective of redistricting at the local level is to balance aldermanic districts due to population increases and decreases. Below is a summary of the population change per district from 2010 - 2020 in the City of Mequon.

Aldermanic District	2010 Population	2020 Population	Change
1	2,864	2,892	0.98%
2	2,735	2,892	5.74%
3	3,027	3,491	15.33%
4	3,026	3,613	19.40%
5	2,928	3,413	16.56%
6	2,851	2,992	4.95%
7	2,815	2,972	5.58%
8	2,886	2,877	-0.31%
Total	23,132	25,142	8.69%

Analysis

The City of Mequon has gained 2,010 residents in the past 10 years and population shifts have impacted districts in varying ways, per the table above. Due to the increases and decreases, the aldermanic districts must be re-balanced. The City's 20 wards were approved and adopted at the October 12, 2021, Common Council meeting. Per Wis. Stats. § 62.08(1):

“Within 60 days after the wards have been readjusted under s. 5.15 (1) and (2) the common council of every city, ... shall redistrict the boundaries of its aldermanic districts, by an ordinance introduced at a regular meeting of the council, published as a class 2 notice, under ch. 985, and thereafter adopted by a majority vote of all the members of the council, so that all aldermanic districts are as compact in area as possible and contain, as nearly as practicable by combining contiguous whole wards, an equal number of inhabitants according to the most recent decennial

federal census of population.”

By grouping whole contiguous wards, eight aldermanic districts were drawn to the specifications above and comply with the desired deviation which is +/- 5%. The table below illustrates this:

Aldermanic District	2021 Proposed District Population (Ideal Population 3,143)	Deviation
1	3,029	-3.63
2	3,229	2.74
3	3,155	0.38
4	3,206	2.00
5	3,139	-.13
6	2,998	-4.61
7	3,090	1.69
8	3,296	4.87
Total	25,142	

The County approved the City’s wards at the November 1, 2021 County Board meeting and the 20 wards have been assigned to the following Aldermanic Districts:

- District 1 Wards 1, 2, 3
- District 2 Wards 4, 5
- District 3 Wards 6, 7, 8
- District 4 Wards 9, 10, 11
- District 5 Wards 12, 13
- District 6 Wards 14, 15, 16
- District 7 Wards 17, 18
- District 8 Wards 19, 20

Fiscal Impact

There is no fiscal impact to the City.

Recommendation

A recommendation is forthcoming from the Committee of the Whole on November 9, 2021.

Attachments:

Exhibit #1 Aldermanic Map (DOCX)

COMMON COUNCIL
OF THE
CITY OF MEQUON

ORDINANCE 2021-1598

An Ordinance Implementing Aldermanic Redistricting as a Result of the 2020 Census

RECITALS

A. Wis. Stat. § 62.08 provides that the Common Council shall redistrict the boundaries of its aldermanic districts within sixty (60) days after its ward boundaries have been readjusted as required by Wis. Stat. § 5.15.

B. Ward boundaries have been readjusted as required by law, pursuant to Resolution 3882 that was adopted on October 12, 2021.

C. Wis. Stat. § 62.08 further specifies, among other things, that aldermanic districts must contain, as nearly as practicable, an equal number of inhabitants according to the most recent decennial federal census of population.

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

SECTION I

The aldermanic district map established and maintained in effect heretofore, is hereby repealed and recreated to readjust and relocate the boundaries of the City's eight (8) aldermanic districts as shown on the map attached hereto and incorporated herein by reference.

SECTION II

With the adoption of this ordinance, the City of Mequon will now have accomplished the preparation of a plan for division of the City into wards, and for redistricting the aldermanic districts, in accordance with State statutes, and such plan will become effective on January 1, 2022, and shall apply to all elections thereafter (including the 2022 spring primary if applicable and the spring election) until officially changed by the Common Council.

SECTION III

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 IV

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

SECTION V

This ordinance shall be in full force and effect upon its passage and on the day after December 31, 2021.

Approved by: John Wirth, Mayor

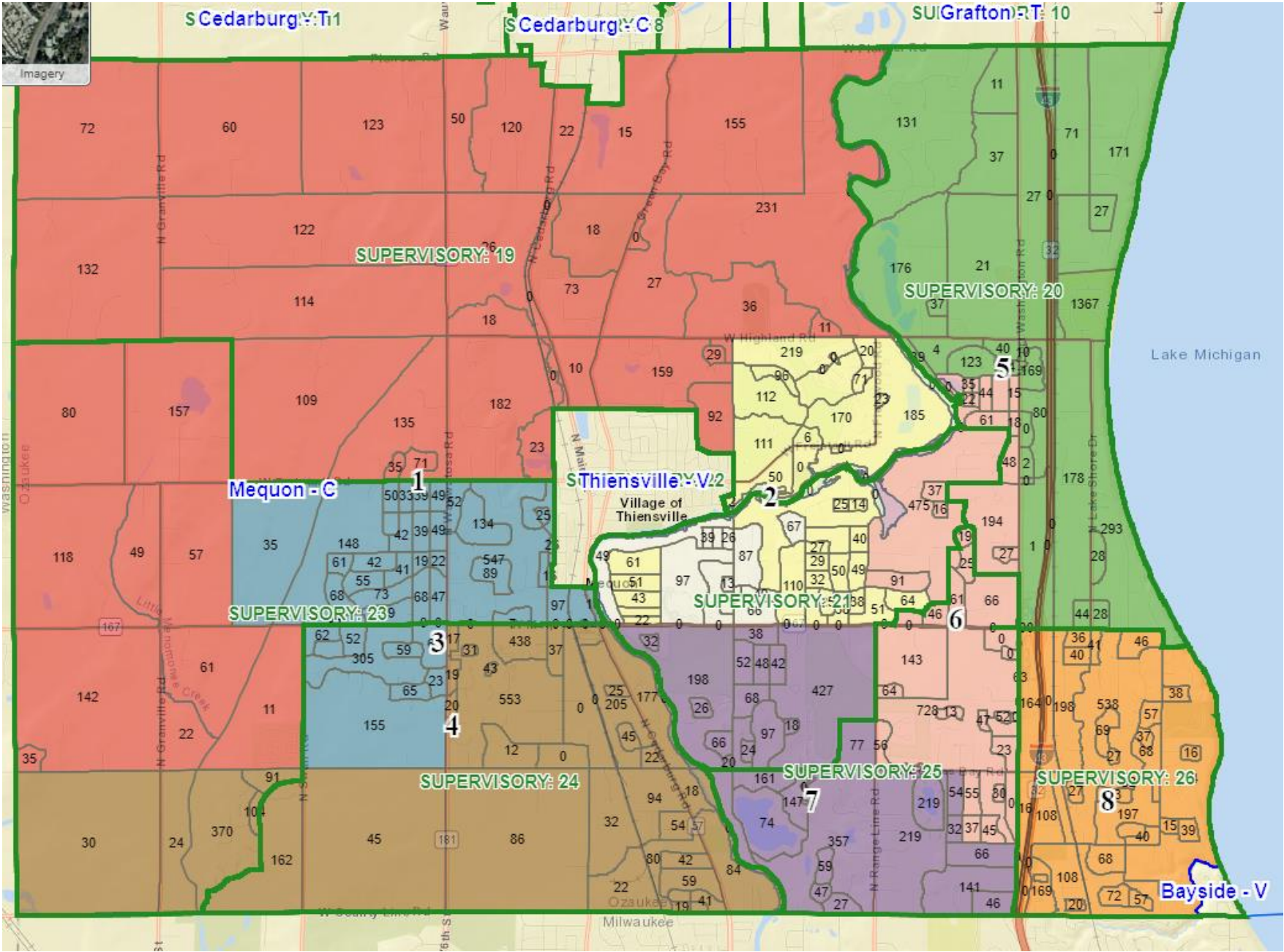
Date Approved: November 9, 2021

I certify that the foregoing Ordinance was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on November 9, 2021.

Caroline Fochs, City Clerk

Published: _____

Exhibit #1 Aldermanic Map



Attachment: Exhibit #1 Aldermanic Map (ORDINANCE 2021-1598 : Aldermanic Districts)



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Mequon, WI 53092
Phone: 262-236-2913
Fax: 262-242-9655

www.ci.mequon.wi.us

Office of Sewer Utility District Commission

TO: Common Council
FROM: Kevin Driscoll, Deputy Director of Utilities
DATE: September 30, 2021
SUBJECT: RESOLUTION 3892 A Resolution Rejecting All Bids for the Rehabilitation of Various Sanitary Manholes, Sewer Mains and Building Sewer Laterals in the Riverdale Park and Riverland Drive Lift Station Areas

Background

The 2021 Sanitary Sewer Budget was adopted on October 27, 2020 and included a number of capital improvements. Much of the work is a continuation of prior years' improvements and upgrades to the sanitary sewer collection system and lift stations as components age and deteriorate. The Riverdale Park Lift Station 'F' area and Riverland Drive Lift Station 'H' area were identified in the 2019 report as prioritized concerns, based on frequency of sanitary sewer overflows as a result of wet weather.

In 2020, the Sewer Utility District awarded a contract to investigate the sewer mains, manholes and building sewer laterals in these areas. Flow meters were installed on gravity sewer mains and lift stations, and examinations of the pipes were completed. The exams found active infiltration in both mainline sewer and building sewer laterals. On May 11, 2021, the Sewer Utility District commission authorized staff to enter into a funding agreement with the Milwaukee Metropolitan Sewerage District to address infiltration from private property sources. That funding agreement was secured in August in the amount of \$888,000 for building sewer lateral work. In addition, the Sewer Utility dedicates funding to work on sanitary sewer mains and manholes.

The contract included grouting 14,859 feet of sanitary sewer mains to plug active infiltration and signs of leaky pipe joints, 873 feet of cured-in-place pipe to rehabilitate structural defects in pipes and the rehabilitation of 71 sanitary manholes. In addition, the contract included work on 285 of the 310 building sewer laterals that are eligible for rehabilitation.

Analysis

The Sanitary Sewer Rehabilitation work described above is critical to the operation of the City of Mequon sanitary sewer system and to reduce the frequency of sanitary sewer overflows that are a violation of the Wisconsin Department of Natural Resources general permit, WI-B057681-05-0. Staff advertised notice to bidders for the Rehabilitation of the Sanitary Manholes, Mains and Building Sewer Laterals. In addition, staff requested proposals from qualified consulting engineers for specialized inspection and construction management services.

Staff opened bids from two pre-qualified companies for the Rehabilitation of the Sanitary Manholes, Mains and Building Sewer Laterals. The following bids summaries are attached in Exhibit A and summarized on the next page.

Contractor	Total Price Bid
Visu-Sewer	\$2,332,222
National Power Rodding	\$3,193,294

*Great Lakes was also pre-qualified to complete the specialized grouting work but did not submit a bid due to scheduling and project backlogs.

Fiscal Impact

The fiscal impact is differentiated into two categories: City Obligation for Sanitary Manhole and Sewer Mains, and the second category is for Building Sewer Laterals where that work is Eligible for MMSD Reimbursement, as summarized below.

The work on 71 sanitary manholes and nearly 3 miles of sanitary sewer mains was bid at \$738,910 by Visu-Sewer. The fiscal year 2021 budget included \$734,000 in the capital budget for mainline rehabilitation work and \$70,000 for manhole sealing. The City of Mequon Sewer Utility obligation for the sanitary manhole and sewer main work was available in the amount of the 738,910.

Of 310 building sewer laterals eligible, 285 laterals were included in the work scope. The amount bid for the sewer lateral work was \$1,593,312. On average that is \$5,590 per lateral. That amount exceeds the estimate of \$3,000 per lateral. That estimate was used as the basis for the funding agreement with MMSD, and the funding agreement was in the amount of \$888,000. The amount bid for the sewer lateral work exceeded the funding agreement executed in August.

Prior to recommending rejection of the bids, staff contacted MMSD regarding the potential of an amendment to the funding agreement to accommodate the increased project cost. MMSD staff stated that upon review of the funding agreement value and terms, the bidding documents, the bids received, the additional information provided, the historic prices for lateral rehabilitation work, and the current economic conditions (including labor and material resource shortages), they will not be able to promote the requested amendment to the Commission agenda for consideration. In short, MMSD cannot justify a change order of this magnitude.

The PPII fund balance (610669-740006) available for reimbursement from MMSD remains at \$2,168,892. Based on staff communications with the MMSD, an amendment to the funding agreement can extend the funding schedule, and Staff can restructure the bid documents and re-bid the work.

Recommendation

Staff recommends that the Sanitary Utility District Commission reject the bids to complete rehabilitation of the sanitary manholes mains and building sewer laterals. This work cannot be prolonged indefinitely. Staff anticipates restructuring the bid, separating the City work into a base bid and lateral work into additive bids for contract award. The expectation is that the rebid will result in more reasonably priced bids for the sewer main work, as well as the sewer lateral work in the Riverdale Park Lift Station 'F' area and Riverland Drive Lift Station 'H' areas, respectively.

Attachments:

1 - Bid Summary (3566-21) (PDF)

COMMON COUNCIL
OF THE
CITY OF MEQUON

RESOLUTION 3892

A Resolution Rejecting All Bids for the Rehabilitation of Various Sanitary Manholes, Sewer Mains and Building Sewer Laterals in the Riverdale Park and Riverland Drive Lift Station Areas

RECITALS

A. A number of capital improvement projects were identified as part of the FY2021 Sanitary Sewer budget adopted by the Common Council on October 28, 2020.

B. The Sewer Utility advertised and received bids for the Rehabilitation of Various Sanitary Manholes, Sewer Mains and Building Sewer Laterals.

C. Staff has reviewed the various bids and contractor qualifications for the contracts.

D. Staff has determined that the bids received are not in accordance with the estimates and workplan to accomplish the work and on that basis has made a recommendation to reject all bids to the Sewer Utility District Commission.

E. The Sewer Utility District Commission at its meeting on October 28, 2021, endorsed staff's recommendations.

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

1. The bids for the Rehabilitation of Various Sanitary Manholes, Sewer Mains and Building Sewer Laterals are rejected.

2. Staff is authorized to re-advertise and solicit bids for the project.

Approved by: John Wirth, Mayor

Date Approved: November 9, 2021

I certify that the foregoing Resolution was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on November 9, 2021.

Caroline Fochs, City Clerk



**MEQUON SEWER
UTILITY**

11.a.a

BIDS RECEIVED FOR:

Rehabilitation of Sanitary Manholes, Mains and Sewer Laterals, 3566-21

BID OPENING: 9/30/2021 2:30 PM
DATE TIME

BIDDER	PRE-QUAL	BID BOND	ADDENDUM No. 1	ADDENDUM NO. 2	BASE BID	ADD BID
National Power Rodding	x	x	x	x	\$2,848,294.10	\$345,000.00
Visu-Sewer, Inc.	x	x	x	x	\$2,221,484.50	\$110,737.50

Attachment: 1 - Bid Summary (3566-21) (RESOLUTION 3892 : Rejecting a Contract for Rehabilitation of



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Office of Sewer Utility District Commission

TO: Common Council
FROM: Kevin Driscoll, Deputy Director of Utilities
DATE: November 2, 2021
SUBJECT: RESOLUTION 3894 A Resolution Adopting the Fiscal Year 2022 Sanitary Sewer Budget and Establishing the 2022 Sanitary Sewer User Fee Schedule

Background

The City's sanitary sewer budget, the basis for establishing sanitary sewer user charges, is administered separately from the City's general operating and capital budgets. This is based on the City's original determination to treat sanitary sewer operations as an enterprise operation. The following materials include a proposed 2022 budget for review and recommendation by the Sewer Utility District Commission (SUDC). Please note that following the SUDC discussion on October 28, 2021 that minor clerical changes were made to Exhibit B, Exhibit C and the cash flow analysis table 2.

Attached to this staff report are three exhibits - A, B & C:

- Exhibit A details the capital funds as proposed for the sewer utility.
- Exhibit B provides the calculation for the establishment of the user rate.
- Exhibit C provides the budgeting and financial data based on the chart of accounts for the Sewer Utility.

Analysis

The sanitary sewer budget is comprised of two parts: property taxes and user charges. The property tax portion of the budget pays for MMSD annual capital charges. This portion of the budget establishes the mil rate of \$1.68 per \$1,000 assessed value. The tax levy will also generate \$1,350,000 in capital funding. The user charge portion of the budget funds annual operation and maintenance expenses and several ongoing capital needs.

FY2021 Accomplishments:

The City's sewer utility manages, maintains and operates all of the City's sanitary sewer mains, 23 lift stations, manholes and siphons. In 2021, the Sewer Utility accomplished a number of objectives including:

- Continued efforts toward compliance with the Compliance Maintenance Annual Report (CMAR) and Capacity, Management, Operation and Maintenance (CMOM) programs to reduce the number and magnitude of releases from the sanitary sewers to the environment, while protecting sewage collection and treatment facilities from high flows.
- Continued commercial sewer meter replacements and improvements.
- Of nearly 3,800 structures, inspected 649 manholes and rehabilitated 41 with grouting;

applied external seals as part of a preventive maintenance program and Inflow/Infiltration (I/I) reduction on manholes in conjunction with the roadway maintenance program.

- Of approximately 183 miles of sewer pipeline, continued the Sewer Utility's 5-year maintenance cycle (water jet cleaned 134,000 feet, televised 20,700 feet of mainline sewer to date due to CCTV equipment issue).
- Completed condition assessments of sewer lift stations (G, F, E).
- Continued to collect and update City infrastructure data and incorporate into GIS.
- Installed 4,680 feet of 36-inch diameter sanitary cured-in-place pipe lining in Cedarburg Road from River Barn Park to County Line Road.
- Prepared a contract to repair sewer laterals in Cedarburg Road from County Line Road to Mequon Road.
- Finalized design of flow equalization in Cedarburg Road at Donges Bay Road and Sherwood Drive, and established a funding agreement for the WisDOT STH 57 paving contract, anticipated for 2022 (based on 2011 Sanitary Sewer System Evaluation).
- Completed condition evaluations for 4,200 feet of sanitary collection system for planning and programming any necessary rehabilitation, and contracted rehabilitation of 4,200 feet of cured-in-place pipe rehabilitation in Country Club Drive, Cedarburg Road and in the easement west of Port Washington Road south of Glen Oaks Lane.
- Contracted for pump replacements at 4 locations: River Road Lift Station C, Grace Avenue Lift Station D, Riverland Drive Lift Station H and Juniper Lane Lift Station L.
- Installed a new standby generator at the Parkview Drive Lift Station B.
- Replaced Ranch Road Lift Station "E" pump #1 and repaired Lift Station pump #3.
- Completed a Site Evaluation to replace Ranch Lift Station E to address the SSOs in the East Trunk Area.
- Monitored meters and reviewed monthly metering reports for the East Trunk Relief Sewer operations and PPI/I Priority areas (LS E, F, H) following wet weather events.
- Secured an \$888,000 Funding Agreement with MMSD and prepared a contract for Sewer Lateral Work to grout 192 laterals that includes 9,500 linear feet. Finished 170 Clear Water Compliance Inspections for 250 volunteer participants in the Riverdale Park Lift Station F and Riverland Drive Lift Station H areas.
- Secured a \$600,000 Funding Agreement with MMSD to begin the investigation phase of Sewer Lateral Work in the Lift Station E area generally bounded by Port Washington Road, Mequon Road, Riverland Road and the Milwaukee River to examine, clean roots and to complete Clear Water Compliance Inspections.
- Installed flow meters at 3 locations: Station O, Station R, Station Q.
- Replaced County Line Road Lift Station Q force main (1,400 feet previously made of cast iron).
- Prepared a Planning Study for West Trunk System improvements to the Huntington Park sanitary collection system and to the Tamerlane Drive Lift Station O and Concord Drive Lift Station R cast iron force main replacement with road work.

FY2022 Projects and Objectives:

The following detail are projects and elements that will influence the 2022 budget:

- Secure any easements and/or land acquisition for the Ranch Lift Station E replacement as

part of the Site Selection process, and begin Preliminary Design.

- Continue efforts toward compliance with the CMAR, CMOM and MMSD Chapter 13 programs.
- Perform required upgrades, modifications and/or improvements and maintenance on the public sanitary sewer system to provide a consistent level of service in all but the most extreme and unfavorable conditions.
- Perform preventive maintenance on manholes and sewer pipes on regular intervals.
- Ensure that appropriate condition assessments are conducted on sewer assets.
- Confirm the existence of any sanitary system components that do not function according to established reliability standards.
- Continue collection system staff training on operations and potential hazards, and provide proper equipment and safety gear.
- Continue to collect and update City's infrastructure data, easement records and incorporate into GIS.
- Construct flow equalization in Cedarburg Road at Donges Bay Road and Sherwood Drive.
- Begin Decommissioning Studies for 2 lift stations and replace with gravity sewer extensions to reduce life cycle operation costs for Port Washington Road Lift Station P and Huntington Park Lift Station O.
- Verify the West Trunk municipal intercepting sewer flow allocation and verify capacity.
- Contract for the assessment of Heritage Siphon, the River Road Lift Station D iron pipe crossing under the Milwaukee River, and Lac du Cours cast iron laterals.
- Add onsite generators to lift stations that currently do not have any and replace older obsolete generators (Finalize easements, address any zoning requirements and award contracts for generator installations at lift stations H, Q & K).
- Install flow meters on lift stations to monitor sewersheds.
- Install gravity flow meters on the Central Trunk system to monitor infill development.
- Evaluate SCADA upgrades.
- Release an RFP for a planning study of Central Trunk sewers that can allow for future development and infill, including flow equalization at Mequon Road (STH 167 & STH 57 intersection).
- Complete lateral repairs in Cedarburg Road prior to STH 57 resurfacing in 2022.
- Complete Sewer Lateral Work, Manhole and Mainline Rehabilitation in the Riverdale Park Lift Station F and Riverland Drive Lift Station H areas.
- Complete the investigation phase of Sewer Lateral Work in the Lift Station E area generally bounded by Port Washington Road, Mequon Road, Riverland Road and the Milwaukee River.

Fiscal Impact

The proposed FY2022 Sewer Utility budget is attached to this memo. The mil rate was lowered due to re-valuation of property assessments to keep tax bills level. The opportunity to keep the mil rate level provides additional capital funding and would reduce future borrowing to address projects such as Replacing Lift Station E along Ranch Road that reduce WDNR overflow violations. Please see the historic charges chart in Table 1.

Table 1 - Historic Charges Chart

	2017	2018	2019	2020	2021	2022
Residential User Charge (Quarterly):	\$70.00	\$71.00	\$72.00	\$73.00	\$73.00	\$74.00
Non-Residential User Charge Rate:	\$5.534/ 1,000gal	\$5.887/ 1,000gal	\$6.343/ 1,000gal	\$6.765/ 1,000gal	\$6.765/ 1,000gal	\$6.844/ 1,000gal
Sewer District Tax Rate:	\$1.89/ \$1,000	\$1.89/ \$1,000	\$1.90/ \$1,000	\$1.81/ \$1,000	\$1.81/ \$1,000	\$1.68/ \$1,000

- **Residential User Charge (per Quarter):** Fixed charge based upon capacity of service and maintenance of the sewer system for a residential equivalent unit.
- **Non-Residential User Charge Rate:** Variable charge based on volume to address increased operations and maintenance charges due to volume of flow.
- **Sewer District Tax Rate:** Fixed charge based upon the cost of annual capital charges from the Milwaukee Metropolitan Sewerage District (MMSD).

Table 2 - Cash Flow Analysis*

Cash Flow Analysis	2020 Actual	2021 Budgeted	2021 Projected	2022 Proposed
Cash/Cash Equivalents Balance (January 1st)	\$8,135,447	\$7,902,120	\$7,902,120	\$7,928,210
Net Income	2,027,028	1,492,153	1,611,732	1,555,000
Plus: Depreciation	996,143	1,200,000	1,200,000	1,200,000
Less: Debt Payments	(1,325,000)	(1,355,000)	(1,355,000)	(1,405,000)
Less: Capital Projects	(1,869,156)	(2,504,000)	(1,368,000)	(3,006,000)
Less: Amort on Bond Premium	(62,342)	(62,342)	(62,342)	(62,342)
Net Change in Cash/Cash Equivalents	(233,327)	(1,229,189)	26,090	(1,718,342)
Cash/Cash Equivalents Balance (December 31st)	\$7,902,120	\$6,672,931	\$7,928,210	\$6,209,868
Restricted Unspent Bond Proceeds	-	-	-	-
Reserved for Capital Projects	4,913,643	3,973,241	4,895,343	3,239,343
Unassigned	2,988,477	2,699,690	3,032,867	2,970,525

* Additional budget detail of Capital Improvements Projects is found in Exhibit A. This includes estimated construction cost in the amount of \$5,000,000 to replace lift station E, based on the 2020 Condition Assessment. An easement and/or acquisition of land is anticipated prior to beginning design, estimated at 10% of construction cost. The first step is Site Selection for the new lift station location, because the existing lift station is in the floodplain and has site

constraints where 4 feet of fill would encroach on adjacent parcels in addition to logistical operational challenges during construction activities (and potential wet weather responses). In addition, the current budget is not enough for self-funding and borrowing is anticipated.

Mil Rate Evaluation

In consideration of the mil rate, the Sewer Utility District Commission may review and discuss the appropriate rate given increased costs and anticipated capital needs. The mil rate for the sewer levy has varied over time, with increases and decreases. These adjustments may be considered modest or significant, and sewer users' tax bills have gone up and down proportionately. Staff recommends striving towards a mil rate that can sustain modest increases in costs from MMSD and other expenditures to address system needs, with a goal to self-fund projects to avoid the cost of borrowing, and to provide adequate funding in years where costs vary. Note that historically Mil Rates for the Sanitary Tax have ranged from 1.76 to 1.90 over the last decade, with the goal to keep rates relatively stable for adequate funding.

- In the past 10 years, the mil rate for the sewer tax levy has decreased overall by 3%.
- Within that timeframe, the change in mil rate year over year has decreased as much as \$0.12 and increased as much as \$0.09. However, the mil rate in 2011 was \$1.86 and in 2021 was \$1.81, which has less variation over the 10 years.
- As recently as 2019, the mil rate was \$1.90. When the Utility opted out of the Green Infrastructure Program, the mil rate decreased by \$0.08.
- In addition, MMSD capital and operational costs have increased over time and those costs are passed on to the Sewer Utility District and absorbed.
- An incremental \$0.012 (or 1.2 cent) increase to the mil rate yields \$50,000 of capital funding.
- For an average residential property valued at \$400,000, a \$0.01167 (or 1.17 cent) increase in the mil rate yields a \$4.67 increase in the respective tax bill.
- At the time of presenting the FY2022 budget, staff projects a \$4.9M deficit if the Ranch Road/Lift Station E is replaced in 2023.

Listed below are several options that the Commission may wish to consider for adjusting the proposed mil rate for FY2022 (\$1.68) to account for additional capital expenses that are anticipated in the coming years. As outlined in the table, variations on the 2022 rate of \$1.68 include increases equivalent to \$0.01, \$0.03, \$0.07 and \$0.13, respectively.

2022 Mil Rate	Adjustment	Revised Mil Rate	Annual Revenue
1.68	0.01	1.69	\$42,845
1.68	0.03	1.71	\$128,535
1.68	0.07	1.75	\$299,914
1.68	0.13	1.81	\$556,984

Recommendation

Staff recommends that the Sanitary Utility District Commission favorably endorse, and the Common Council approve the resolution adopting the Fiscal Year 2022 Sanitary Sewer Budget and establishing the 2022 Sanitary Sewer User Fee Schedule.

Attachments:

Exhibit A - 2022 Capital Fund Details (PDF)

Exhibit B - 2022 User Rate Data (PDF)

Exhibit C - 2022 Sewer Operating Budget (PDF)

COMMON COUNCIL
OF THE
CITY OF MEQUON

RESOLUTION 3894

A Resolution Adopting the Fiscal Year 2022 Sanitary Sewer Budget and Establishing the 2022
Sanitary Sewer User Fee Schedule

A. The City's sanitary sewer operations are administered within an enterprise/utility type accounting system, separate from the City's general operating and capital budgets.

B. The establishment of an equitable schedule of sewer user charge rates for January 1 through December 31, 2022, requires that an operating budget for the sanitary sewer operations be adopted.

C. The Sewer Utility District Commission at their meeting on October 28, 2021, has reviewed a schedule of sewer user fee rates for 2022 necessary to support the sewer budget and has recommended approval of such.

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

1. The 2022 Sanitary Sewer Budget attached hereto is adopted.
2. The following schedule of sewer user charge rates is established for the year 2022:

Residential (non-metered):	\$74.00 per quarter per unit / \$296 per year
Residential and Commercial Metered:	\$6.844 / 1,000 gallons

Approved by: John Wirth, Mayor

Date Approved: November 9, 2021

I certify that the foregoing Resolution was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on November 9, 2021.

Caroline Fochs, City Clerk

2022 SEWER CAPITAL PROJECT FUND

The Sewer Utility applies user fees to provide capital self-funding. The types of projects included in the Sewer Capital Project Fund are based upon an expected life-cycle of greater than 10 years, where a depreciable asset value is established.

The utility has been successful in self-funding a number of projects. These projects are improvements to extend the service life of the system, add capacity and provide efficiency in addition to keeping the collection system functional and avoiding non-compliance. In the last decade, past projects funded from reserves include lift station pump and force main replacements, all three phases of the Cedarburg Road Mequon-Thiensville Interceptor Rehabilitation, and various subdivision gravity sewer pipe rehabilitation projects, including grouting and cured-in-place pipe lining installations. By providing capital funding for these projects, user rates have remained stable.

Table 1 – History of Self-Funded Capital Budgets

	2016	2017	2018	2019	2020	2021
Self-Funding Capital	\$500,000	\$1,000,000	\$1,040,000	\$720,000	\$1,420,000	\$1,350,000

In 2019, accounts were established for consolidation into five universal sinking fund accounts. This accounting format replaced individual accounts of specific projects for various reasons. The new categorical accounts allow the Sewer Utility to meet long-term needs rather than being project specific. In addition, the funds formed by periodically setting aside money for the replacement of assets give the Sewer Utility the long-term financial ability to perform required capital projects. These sinking funds earmark or reserve funds for specific purposes and categories, rather than only for specific projects. The overall funding levels remain unchanged, only the allocation of funds was modified.

Table 2 – Self-Funded Capital Funds

Account Name	2022	2023	2024	2025	2026
1. Gravity Sanitary Sewer Fund	\$500,000	\$500,000	\$500,000	\$500,000	\$500,000
2. Sanitary Lift Station Fund	\$630,000	\$650,000	\$650,000	\$550,000	\$550,000
3. Sanitary Force Main Fund	\$150,000	\$150,000	\$150,000	\$250,000	\$200,000
4. Asset Management Fund	\$20,000	\$15,000	\$15,000	\$15,000	\$25,000
5. Equipment Replacement	\$50,000	\$35,000	\$35,000	\$35,000	\$75,000
TOTALS	\$1,350,000	\$1,350,000	\$1,350,000	\$1,350,000	\$1,350,000

These self-funded capital accounts are established as sinking funds to provide for level budgeting and long-term funding. The Sewer Utility has also identified specific projects for this funding. For some projects, the respective account requires funding over a multi-year budget cycle in order to achieve adequate financing. For example, the replacement of the City's largest lift station, Ranch Road or LS E, is estimated at \$4.8~\$6.2M and that could require five years of annual allocations unless borrowed money was used*. The scale or proportion of funding established for each account category is intended to address the priorities of the Sewer Utility. The sinking funds are required for various types of projects. The funds are to address any regulatory requirements and projects identified as a part of a study for system improvements.

** In the 2021 Sewer Utility Budget, remaining bond proceeds from the East Trunk Relief Sewer Project in the amount of \$3,404,000 were reallocated to replace the Ranch Road Lift Station E.*

2022 SEWER CAPITAL PROJECT FUND

1. Gravity Sanitary Sewer Fund

The Gravity Sewer Fund is required for relay and replacement of over 165 miles of sewer main and over 3,800 manhole structures that will require renewal over anticipated life cycles. Methods of sewer installation include open-cut trenching and trenchless technologies such as guided boring, micro-tunneling, and cured-in-place pipe (CIPP) installation. Capital grouting of sewer mains is another method implored to reduce infiltration into the collection system. Methods for manhole rehabilitation are cementitious or epoxy lining or grouting; otherwise sectional or complete replacement is required. CMOM (Capacity Management, Operations and Maintenance annual report required by the Milwaukee Metropolitan Sewerage District) and CMAR (Compliance Maintenance Annual Report required by the Wisconsin Department of Natural Resources) regulatory requirements for system upgrades are planned, such as reducing inflow and infiltration during wet weather to reduce sanitary sewer overflows and bypass events in locations near the river. As part of the East Trunk System north of Mequon Road, hydraulic modeling is planned for a new relief sewer from the Lift Station E at Ranch Road that extends along Oriole Lane north to Glen Oaks Lane. In addition, a 20-year planning study for the West Trunk was completed in 2021, and improvements to the capacity for the Huntington Park subdivision were identified.

Prioritized projects include:

- Sanitary Flow Equalization in Cedarburg Road, STH 57 (\$175,000)
- Sanitary Flow Equalization in Mequon Road, STH 167 (\$250,000)
- Sanitary Exams in STH 167/Mequon Rd from Parkview Dr to Port Washington Rd (\$125,000)
- Sanitary Sewer Main Rehabilitation for PPI/I Priority Area “H” (\$250,000)
- Sanitary Sewer Main Rehabilitation for PPI/I Priority Area “F” (\$500,000)
- Sanitary Sewer Main Rehabilitation for PPI/I Priority Area “E” (\$750,000)
- Sanitary Sewer Main Rehabilitation for Lift Station Areas A, B and D (\$850,000)
- East Trunk Sewer north of Mequon Road Hydraulic Modeling Updates (\$200,000)
- Oriole Lane Relief Sewer Design (\$150,000)
- Oriole Lane Relief Sewer Extension from Ranch Rd to Glen Oaks Ln Construction (\$2,000,000)
- Sanitary Building Sewer Laterals Lac du Cours Cast Iron Public Lateral Cleaning (\$75,000)
- Design Granville Road Sewer Extension to Huntington Drive (\$200,000)
- Sanitary Extension from Granville Rd across Little Menomonee to Huntington Dr (\$1,250,000)

2022 SEWER CAPITAL PROJECT FUND

2. Sanitary Lift Station Fund

The Sanitary Lift Station Fund is required for various types of projects for the 23 stations including the expansion or replacement of existing lift stations and their appurtenances, as well as the construction of new stations. The funds are also utilized for projects identified as part of condition assessment studies, such as replacing pumps and transfer switches for safety. In addition, CMOM and CMAR regulatory requirements are addressed to minimize sanitary sewer overflows and optimize the system by upsizing pumps, increasing wet well capacity, and upgrading SCADA (system for controls and data acquisition) based on magnetic flow meters. In the event the replacement of a lift station requires funding that exceeds the sinking fund balance, such as for replacement of the Ranch Road Lift Station E, borrowed funds will be necessary to plan, design, and construct improvements or fully replace a station to limit additional sanitary sewer overflows. This infrastructure funding also allows for improvements to Fieldwood Drive LS G that is part of the East Trunk System north of Mequon Road.

Prioritized projects include:

- Site Selection and Appraisal for Easement and/or Land Acquisition for Replacing the Ranch Road Lift Station E* (\$300,000)
- Design Replacement for Ranch Road Lift Station E* (\$500,000)
- Construct Replacement of Ranch Road Lift Station E* (\$5,000,000)
- Design Study Report for Fieldwood Drive Lift Station G Capacity Improvements (\$100,000)
- Fieldwood Drive Lift Station G Improvements (\$750,000)
- Replace Pumps, Valves, Motors at Lift Stations F,O,R,S,K (\$50,000/each)
- Install Magnetic Flow Meters at Lift Stations B,C,D,O,R (\$15,000/each)
- Install Emergency Generators at Lift Stations K,H,Q,J,M (\$50,000/each)
- Install Lift Station Transfer Switches at Lift Stations K,H,Q,J,M (\$10,000/each)
- Replace Control Panels (\$10,000/each)
- Replace Cathodic Protection (\$10,000/each)
- Lift Station Pumping Energy Study (\$10,000)
- Replace and Upgrade Transducers (\$5,000/each)
- Decommissioning Studies – Lift Stations O, P, E** (\$25,000)

** In the 2021 Sewer Utility Budget, bond proceeds from the East Trunk Relief Sewer Project in the amount of \$3,404,000 were reallocated for the Ranch Road or Lift Station E replacement. The LS E Condition Assessment completed in 2020 estimated replacement costs ranging from \$4.8M to \$6.2M.*

***The decommissioning study will evaluate replacing (or augmenting) lift station operations with gravity sewer extensions, where feasible.*

2022 SEWER CAPITAL PROJECT FUND

3. Sanitary Force Main Fund

The Sanitary Force Main Fund is required for the design, replacement, new construction, retrofits, and large-scale cleaning of over 20 miles of sanitary force main. Prioritized projects outlined below were identified as part of systematic replacement of cast iron force mains, the 2018 force main maintenance study, and 2021 Condition Assessments for Fieldwood Drive LS G and Riverdale Park LS F that are part of the East Trunk System north of Mequon Road. CMOM and CMAR require collection system upgrades and maintenance to maintain and keep the sewer system in compliance with WDNR requirements.

Prioritized projects include:

- Fieldwood Drive Lift Station G Force Main Design Improvements (\$200,000)
- Fieldwood Drive Lift Station G Force Main Construction (\$1,100,000)
- Install Force Main Access Ports from Ranch Road Lift Station E for Maintenance (\$25,000)
- Perform Large Diameter Force Main Cleaning from Lift Stations A&E (\$250,000)
- Clean Small Dia. Force Mains under the Milw. River Lift Stations N,V,T (\$75,000)
- Replace Cast Iron Force Main in Huntington Park Lift Station R (\$180,000)
- Huntington Park Lift Station O Force Main Capacity Improvements (\$250,000)

4. Asset Management Fund

The Asset Management Fund is a sinking fund utilized to upgrade, install and expand the SCADA (System Control And Data Acquisition) equipment at the utility, and improve/add supply equipment and facilities. Proposed projects include replacing commercial remote access meters, valves, SCADA upgrades, maintaining a computer server for sewer exam records, GIS (geographic information system) upgrades for CMAR and CMOM reporting, evaluation of system life costs and projections, a 20-year planning study of all three major sewersheds, and others. Additional upgrades include installation of new sewer meters.

Prioritized projects include:

- SCADA Study for Sewer Utility (\$25,000)
- Commercial Sewer Meter Replacements (\$10,000)
- Upgrades to Asset Management Geographic Information Systems (\$25,000)
- 20-Year Sewer Planning Study with Hydraulic Analysis (\$150,000)
- Flow Meter Installations and Monitoring in Collection System (\$100,000)
- CCTV Camera Software and Hardware Upgrades (\$25,000)

2022 SEWER CAPITAL PROJECT FUND

5. Equipment Replacement Fund

The Equipment Replacement Fund is a sinking fund for the replacement of sewer equipment. It has been utilized previously for the purchase of the City's sewer vacuum truck and camera truck that is shared with Shorewood and Brown Deer. The camera incurs nearly constant operation that requires routine maintenance. Typically this piece of equipment, last acquired in 2015, is planned for replacement on a 10-year cycle. Other routine equipment replacement includes portable back-up generators for lift stations, portable pumps for bypass operations, and sewer main cleaning equipment such as hoses and jet nozzles. Previous years purchases have included acquisitions to replace pick-up trucks for the sewer maintenance crew, and that sinking fund will continue. Other anticipated purchases include replacement of the hose reel camera or acquisition of a new lateral evaluation televising system (LETS) camera for lateral inspections. This equipment is required to meet CMOM and CMAR required routine cleaning, inspection and condition assessments to maintain system compliance with WDNR requirements.

Prioritized projects include:

- Portable Back-up Generators Replacement (\$15,000)
- Portable Back-up Pumps Replacement (\$10,000)
- Lateral Inspection Camera Acquisition (\$35,000)
- Manhole Inspection Camera Acquisition (\$25,000)
- Maintenance Crew Pick-up Trucks Replacement (\$40,000)
- CCTV Camera Replacement (\$100,000)
- Camera Truck Replacement (\$200,000)

6. Private Property Infiltration and Inflow Reimbursable Fund

The PPI/I Fund is for sewer lateral work. This work can be done in stand-alone contracts or in combination with work on the public sewer main contracts. The sewer lateral work has historically been performed in the right-of-way and on private property, where per Code, the City is responsible for the lateral within the right-of-way. The budget available as of February 2021 was \$2,168,872, and an additional annual allocation of approximately \$220,000 is anticipated for the 2021-2030 funding cycle.

Prioritized projects include:

- Sanitary Lateral Rehab Contract (PPI/I Targeted Areas) LS F&H (\$888,000)
 - Cleaning and Exam Contract completed in 2020-2021
 - Sonde Contract, Clean-out Installation Contract, Grouting Contract
- Sanitary Lateral Exam Contract (PPI/I Targeted Areas) LS E (\$600,000)
 - Cleaning and Exam Contract in 2022
- Sanitary Lateral Rehab Contract (PPI/I Targeted Areas) LS E (\$700,000)
 - Sonde Contract anticipated for late 2022 or early 2023
 - Clean-out Installation Contract, Grouting Contract

The implementation of sewer lateral rehabilitation in Riverdale Park LS F and Riverland Drive LS H is being rebid due to rejection of \$1.5M bid over the \$888,000 funding agreement.

2022 SEWER CAPITAL PROJECT FUND

The 5-year project plan is shown in Table 3. The accumulation of capital funds allows for level funding and minimizes fluctuations in user rates. Some capital projects require large-scale funding and/or several years' worth of funding prior to utilization of the funds.

Table 3 – 5 Year Project Plan

	2022	2023	2024	2025	2026
Mequon Rd Flow Equalization @ STH 57			\$25,000	\$125,000	\$125,000
STH167 Exams CTH W to Milw. River	\$125,000				
Cedarburg Road Flow Equalization	\$175,000				
Sewer Main Improvements in Area 'H'	\$250,000				
Sewer Main Improvements in Area 'F'	\$500,000				
Sewer Main Improvements in Area 'E'		\$250,000	\$250,000	\$250,000	
ETS n/o STH 167 Update Hydraulic Model	\$150,000				
LS E Relief Sewer Design Study Report	\$150,000				
LS E Relief Sewer Construction		\$2,000,000			
Lac du Cours Lateral Cleaning in ROW	\$75,000				
Heritage Estates Siphon Design Study	\$15,000				
River Rd at Milw. River Design Study	\$15,000				
Huntington Park Sanitary Easement & Capacity Improvements (LS O4) Design		\$200,000			
Huntington Park Sanitary System Capacity Improvements (LS O4) Construction			\$1,250,000		
Sewer Main Rehabilitation (A,B,C,D)			\$250,000	\$250,000	\$350,000
Gravity Sanitary Sewer Fund (Category 0001) TOTALS	\$1,505,000	\$2,450,000	\$1,775,000	\$625,000	\$475,000
Ranch Rd LS E Easement / Site Acquisition	\$300,000				
Ranch Rd Lift Station E Design	\$500,000				
Ranch Rd Lift Station E Construction		\$5,000,000			
Fieldwood Drive Lift Station G Design Study Report for Improvements	\$100,000				
Fieldwood Drive Lift Station G Construct Capacity Improvements		\$750,000			
Lift Station Pump Replacements (U,O,R,T)			\$100,000	\$50,000	\$50,000
Condition Assessments (A,X)			\$40,000	\$50,000	
Replacement and Generator Installations			\$50,000	\$50,000	\$50,000
Huntington Park Subdivision Capacity Improvements (LS O2)	\$85,000	\$250,000			
Decommissioning Studies (LS O, P, E)	\$40,000				
Lift Station Fund (Category 0002) TOTALS	\$1,025,000	\$6,000,000	\$1,775,000	\$150,000	\$100,000
Lift Station G Forcemain Design	\$200,000				
Lift Station G FM Capacity Improvements		\$1,100,000			
Concord Drive LS R FM Replacement				\$50,000	\$200,000
Retrofit Force Mains w/ Access Ports			\$20,000	\$10,000	\$10,000
Sanitary Force Main Cleaning (A,E,T,V)			\$150,000	\$75,000	\$75,000
Forcemain Fund (Category 0003) TOTALS	\$200,000	\$1,100,000	\$170,000	\$135,000	\$285,000

Exhibit A

2022 SEWER CAPITAL PROJECT FUND

	2022	2023	2024	2025	2026
Flow Metering - Gravity (East, Central, and West Trunk)	\$25,000	\$25,000	\$10,000		
Flow Metering-Lift Stations(A,D,U,O,R,T)	\$6,000	\$6,000	\$6,000	\$6,000	\$6,000
GIS Improvement - Sewer Lateral Tools	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000
SCADA Study and Upgrades				\$100,000	
Asset Management Fund (Category 0004) TOTALS	\$41,000	\$41,000	\$26,000	\$116,000	\$16,000
Equipment Replacement (Truck, CCTV, Back Up Pumps)	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000
Equipment Replacement Fund (Category 0005) TOTALS	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000
TOTALS (Categories 1 to 5)	\$2,821,000	\$9,641,000	\$2,211,000	\$1,026,000	\$926,000
Riverland Dr LS H and Riverdale Park LS F Area Investigation (ME10003ME04)					
Riverland Dr LS H and Riverdale Park LS F Area Implementation (ME10005ME01)	\$888,000				
Ranch Road LS E Area Investigation (M10005ME02)	\$600,000				
Ranch Road LS E Area Implementation (M10005ME03)		\$900,000			
Continue Priority Sewer Lateral Allocation			\$220,000	\$220,000	\$220,000
Private Property Inflow Infiltration Reduction (Category 0006) TOTALS	\$1,488,000	\$900,000	\$220,000	\$220,000	\$220,000
TOTALS (Categories 1 to 6)	\$4,309,000	\$10,541,000	\$2,431,000	\$1,246,000	\$1,146,000

2022 SEWER CAPITAL PROJECT FUND

The Capital Funding Analysis is shown in Table 4. The available budget with respect to the sinking fund accumulation of capital funds identifies potential shortfalls for capital projects requiring large scale funding.

Table 4 – Capital Funding Analysis

	2021	2022	2023	2024	2025	2026
Budget Available (Jan.1)*	\$4,913,643	\$4,895,343	\$3,424,343	(\$4,866,657)	(\$5,727,657)	(\$5,403,657)
Capital Funding	\$1,350,000	\$1,350,000	\$1,350,000	\$1,350,000	\$1,350,000	\$1,300,000
Total Funds Available	\$6,263,643	\$6,245,643	\$4,774,343	(\$3,516,657)	(\$4,377,657)	(\$4,053,657)
Capital Expenses	\$1,368,300	\$2,821,000	\$9,641,000	\$2,211,000	\$1,026,000	\$926,000
End of Year Balance**	\$4,895,343	\$3,424,343	(\$4,866,657)	(\$5,727,657)	(\$5,403,657)	(\$4,979,657)

*Includes the \$3.404M debt proceeds \$19.4M from the East Trunk Sewer project financing minus \$15.9M in expenditures.

**In 2023 the capital funding analysis year-end balance is projected as a deficit that would require borrowing to complete the Replacement of the Lift Station E along Ranch Road. This work at LS E as part of the East Trunk Sewer work north of Mequon Road, in addition to the Fieldwood Drive LS G Improvements and relief sewer extension from LS E. The estimate for this ETS work north of Mequon Road is \$10.3M, as itemized in Table 3.

2022 CALCULATION OF SEWER USER CHARGE RATES

Exhibit B

<u>Rate Components</u>	<u>Annual Cost</u>	<u>Total (1,000 gals)</u>	<u>2022 Rate (1,000 gals)</u>	<u>2021 Rate (1,000 gals)</u>	<u>Change</u>	
MMSD O&M	\$1,492,138	489,162	\$3.050	\$2.878	0.173	
Mequon O&M	\$1,439,473	489,162	\$2.943	\$2.731	0.212	
Self Funded Capital	\$416,000	489,162	\$0.850	\$1.162	(0.311)	
Capital Debt Service	\$0	489,162	0.000	\$0.000	0.000	
Totals:	\$3,347,611		\$6.844	\$6.767	0.073	1.1%

Quarterly Flat Rate

<u>Customer Type</u>	<u>Rate (1,000 gals)</u>	<u>MMSD ROF</u>	<u>MMSD ERU</u>	<u>Days</u>	<u>2022</u>	<u>2021</u>	<u>Change</u>
Residential	\$6.844	2.37	50.0	365	\$74.00	\$73.00	1.4%
		43,253					

Estimated Flow Volume:

<u>Customer Type</u>	<u>Customers</u>	<u>MMSD ROF</u>	<u>MMSD ERU</u>	<u>Days</u>	<u>Total 2022 (1,000 gals)</u>	<u>2021</u>	<u>2022 Revenues</u>
Residential	7,451	2.38	49.0	365	317,162	319,376	\$2,170,517
Commercial	480	N/A	N/A	N/A	172,000	167,000	\$1,177,094
Totals:	7,931				489,162	486,376	\$3,347,611

MMSD O&M Charges

	<u>2022</u>	<u>2021</u>	<u>Change</u>	<u>% Change</u>
Estimated User Charge Billings Provided from MMSD	\$1,492,138	\$1,399,693	\$92,445	6.60%

Mequon O&M Charges

<u>Expense Type</u>	<u>2022</u>	<u>2021</u>	<u>Change</u>
Total Operating Costs	\$7,899,316	\$7,711,717	\$187,599
* Less - MMSD O&M	(\$1,492,138)	(\$1,399,963)	(\$92,175)
** Less - MMSD Capital	(\$4,911,405)	(\$4,940,141)	\$28,736
*** Less - Other Income	(\$56,300)	(\$101,300)	\$45,000
Totals:	\$1,439,473	\$1,270,313	\$169,160

* MMSD O&M costs are calculated as a separate component and need to be deducted in order not to be counted twice.

** MMSD sewer capital charges are paid through the tax levy and should not be included in the amount needed to be covered through user fees.

*** Interest, Late fees, and Misc revenues reduce the amount of the Mequon O&M charges needed to be covered through user fees.

	<u>2022</u>	<u>2021</u>	<u>Change</u>
Tax Exempt Capital Rate			
Budgeted MMSD Capital Costs	\$4,911,405	\$4,882,149	
(CSM, MATC, Concordia)	<u>489,162</u>	<u>486,376</u>	
Calculated rate per 1,000 gallons	\$10.04	\$10.04	0.0%

Attachment: Exhibit B - 2022 User Rate Data (RESOLUTION 3894 : 2022 Sewer Budget)

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PROJECTION: 622 2022 SEWER AND WATER UTILITY BUDGETS

FOR PERIOD 99

ACCOUNTS FOR:

Sewer	UT	Fund	2020 ACTUAL	2021 ORIG BUD	2021 REVISED BUD	2021 ACTUAL	2021 PROJECTION	2022 DEPT HEAD	COMMENT
35	TAXES								
610669	435101	Prop Tax	.00	.00	.00	.00	.00	.00	
	TOTAL TAXES		.00	.00	.00	.00	.00	.00	
45	GENERAL FEES								
610669	445106	Misc Rev	.00	.00	.00	.00	.00	.00	
	TOTAL GENERAL FEES		.00	.00	.00	.00	.00	.00	
55	SPECIAL ASSESSMENTS								
610669	455102	Special As	-100,110.42	-2,000.00	-2,000.00	.00	-2,000.00	-2,000.00	
610669	455103	S/A Intere	-28,915.23	-300.00	-300.00	37.81	-300.00	-300.00	
	TOTAL SPECIAL ASSESSMENTS		-129,025.65	-2,300.00	-2,300.00	37.81	-2,300.00	-2,300.00	
58	OTHER REVENUE								
610669	458201	LTDebtPrd	.00	.00	.00	.00	.00	.00	
610669	458203	Amort - BP	-62,341.65	-62,341.65	-62,341.65	.00	-62,341.65	-62,342.00	
610669	458301	PILOT Rev	-44,887.03	-45,000.00	-45,000.00	-47,195.16	-11,000.00	-11,000.00	
610669	458302	Prior Year	.00	.00	.00	.00	.00	.00	
610669	458303	RevReduct	.00	.00	.00	.00	.00	.00	
610669	458501	OtherGrant	.00	.00	.00	.00	.00	.00	
	TOTAL OTHER REVENUE		-107,228.68	-107,341.65	-107,341.65	-47,195.16	-73,341.65	-73,342.00	
59	INVESTMENT REVENUE								
610669	459101	Interest	-97,206.03	-75,000.00	-75,000.00	-14,493.68	-30,000.00	-30,000.00	
610669	459102	PrdcsCapLe	.00	.00	.00	.00	.00	.00	
	TOTAL INVESTMENT REVENUE		-97,206.03	-75,000.00	-75,000.00	-14,493.68	-30,000.00	-30,000.00	
60	SEWER - OPERATING								
610669	460201	ResMeas	-927,813.95	-815,000.00	-815,000.00	-713,107.56	-900,000.00	-799,734.00	
610669	460202	PubAuth	.00	.00	.00	.00	.00	.00	
610669	460203	ComMeas	-1,019,676.96	-1,125,000.00	-1,125,000.00	-908,281.98	-1,071,000.00	-1,177,094.00	
610669	460204	SrvMMSDCap	.00	.00	.00	.00	.00	.00	
610669	460205	ResFlat	-1,352,033.00	-1,352,000.00	-1,352,000.00	-1,014,992.00	-1,353,000.00	-1,370,783.00	
610669	460206	TaxExptCap	-333,500.21	-350,000.00	-350,000.00	-323,129.08	-420,000.00	-420,000.00	
610669	460208	Misc Opera	-28,688.44	-15,000.00	-15,000.00	-12,384.59	-15,000.00	-15,000.00	
	TOTAL SEWER - OPERATING		-3,661,712.56	-3,657,000.00	-3,657,000.00	-2,971,895.21	-3,759,000.00	-3,782,611.00	
61	SEWER - NON OPERATIN								
610669	461101	Sewer Prop	-7,033,788.00	-7,063,475.00	-7,063,475.00	-7,063,475.00	-7,063,475.00	-7,213,956.00	

Attachment: Exhibit C - 2022 Sewer Operating Budget (RESOLUTION 3894 : 2022 Sewer Budget)

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PROJECTION: 622 2022 SEWER AND WATER UTILITY BUDGETS

FOR PERIOD 99

ACCOUNTS FOR:

Sewer UT Fund	2020 ACTUAL	2021 ORIG BUD	2021 REVISED BUD	2021 ACTUAL	2021 PROJECTION	2022 DEPT HEAD	COMMENT
610669 461102 Sewer Gran	.00	.00	.00	.00	.00	.00	
610669 461302 Int S/A	.00	.00	.00	.00	.00	.00	
TOTAL SEWER - NON OPERATIN	-7,033,788.00	-7,063,475.00	-7,063,475.00	-7,063,475.00	-7,063,475.00	-7,213,956.00	
63 WATER - OTHER OPERAT							
610669 463701 LatePnlty	-6,872.78	-9,000.00	-9,000.00	-6,140.76	-9,000.00	-9,000.00	
610669 463702 TaxCertFee	.00	.00	.00	.00	.00	.00	
TOTAL WATER - OTHER OPERAT	-6,872.78	-9,000.00	-9,000.00	-6,140.76	-9,000.00	-9,000.00	
64 WATER - NON OPERATIN							
610669 465421 ContrCap	.00	.00	.00	.00	.00	.00	
TOTAL WATER - NON OPERATIN	.00	.00	.00	.00	.00	.00	
69 PROJECT FUNDING							
610669 469009 TransferIn	-9,413,031.87	.00	.00	.00	.00	.00	
TOTAL PROJECT FUNDING	-9,413,031.87	.00	.00	.00	.00	.00	
70 SALARIES							
610669 670101 Salaries	405,621.65	490,729.00	490,729.00	296,078.42	394,771.00	514,141.00	
610669 670104 Vacation	.00	.00	.00	.00	.00	.00	
610669 670105 Sick Pay	.00	.00	.00	.00	.00	.00	
610669 670106 CompTime	20,273.35	15,000.00	15,000.00	14,608.14	15,000.00	15,000.00	
610669 670201 OverTime	6,255.57	6,000.00	6,000.00	2,168.09	6,000.00	6,000.00	
610669 670202 Stand By	15,814.90	16,000.00	16,000.00	7,311.55	16,000.00	16,000.00	
610669 670205 FMLA	.00	.00	.00	.00	.00	.00	
610669 670206 EmergLeave	3,631.52	.00	.00	.00	.00	.00	
610669 670301 Longevity	.00	.00	.00	.00	.00	.00	
610669 670401 MuniSupSvs	182,299.63	150,000.00	150,000.00	.00	150,000.00	179,000.00	
TOTAL SALARIES	633,896.62	677,729.00	677,729.00	320,166.20	581,771.00	730,141.00	
73 FRINGE BENEFITS							
610669 673101 Social Sec	34,763.34	36,632.00	36,632.00	25,049.68	36,632.00	38,425.00	
610669 673102 Retirement	32,416.83	34,611.00	34,611.00	23,773.38	34,611.00	33,161.00	
610669 673103 W/C Insure	15,291.19	15,697.00	15,697.00	15,325.55	15,697.00	16,089.00	
610669 673104 UnempComp	.00	.00	.00	.00	.00	.00	
610669 673201 Health Ins	128,244.66	137,277.00	137,277.00	97,695.81	137,277.00	139,494.00	
610669 673202 Dental Ins	5,468.71	5,963.00	5,963.00	4,094.93	5,963.00	5,962.00	
610669 673203 Life Ins	1,504.34	1,809.00	1,809.00	1,074.04	1,809.00	1,501.00	
610669 673204 Disability	1,799.17	2,250.00	2,250.00	1,309.16	2,250.00	2,250.00	

Attachment: Exhibit C - 2022 Sewer Operating Budget (RESOLUTION 3894 : 2022 Sewer Budget)

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PROJECTION: 622 2022 SEWER AND WATER UTILITY BUDGETS

FOR PERIOD 99

ACCOUNTS FOR:

Sewer UT Fund	2020 ACTUAL	2021 ORIG BUD	2021 REVISED BUD	2021 ACTUAL	2021 PROJECTION	2022 DEPT HEAD	COMMENT
TOTAL FRINGE BENEFITS	219,488.24	234,239.00	234,239.00	168,322.55	234,239.00	236,882.00	
75 OTHER STAFF COSTS							
610669 675101 Uniforms	2,199.38	2,100.00	2,100.00	.00	2,100.00	2,250.00	
TOTAL OTHER STAFF COSTS	2,199.38	2,100.00	2,100.00	.00	2,100.00	2,250.00	
76 ADMIN & GENERAL EXP							
610669 676205 OPEB Pen	-18,888.00	7,000.00	7,000.00	.00	.00	7,000.00	
TOTAL ADMIN & GENERAL EXP	-18,888.00	7,000.00	7,000.00	.00	.00	7,000.00	
80 MATERIALS & SUPPLIES							
610669 680101 Office Sup	65.86	1,000.00	1,000.00	155.99	250.00	1,000.00	
610669 680301 WS-Admin	17,158.14	20,000.00	20,000.00	20,729.89	18,000.00	20,000.00	
610669 680402 Motor Fuel	7,501.90	15,000.00	15,000.00	8,541.34	12,500.00	15,000.00	
610669 680504 Telephone	1,576.38	2,000.00	2,000.00	1,307.94	1,641.00	2,000.00	
610669 680505 Postage	9,358.93	13,000.00	13,000.00	10,776.42	14,351.00	14,500.00	
TOTAL MATERIALS & SUPPLIES	35,661.21	51,000.00	51,000.00	41,511.58	46,742.00	52,500.00	
83 PURCHASED SERVICES							
610669 683101 Cnsult-Gen	20,402.54	22,000.00	22,000.00	24,676.75	24,380.00	25,000.00	
610669 683201 Cntrct-Gen	21,932.49	22,000.00	22,000.00	21,645.00	22,130.00	23,000.00	
610669 683202 Cntrct-Mnt	2,348.41	5,000.00	5,000.00	3,200.00	2,455.00	5,000.00	
610669 683401 Liab Ins	19,937.65	20,000.00	20,000.00	.00	20,000.00	20,000.00	
610669 683402 Auto Insur	5,075.45	5,500.00	5,500.00	4,081.60	5,500.00	5,500.00	
610669 683501 Train/Conf	5,461.69	6,000.00	6,000.00	1,390.00	5,889.00	7,500.00	
610669 683702 Misc.Servs	.00	.00	.00	.00	.00	.00	
610669 683901 Contingenc	.00	.00	.00	.00	.00	.00	
TOTAL PURCHASED SERVICES	75,158.23	80,500.00	80,500.00	54,993.35	80,354.00	86,000.00	
88 EQUIPMENT / LEASES							
610669 688120 Rentals	60,951.00	58,000.00	58,000.00	.00	57,142.00	61,000.00	
TOTAL EQUIPMENT / LEASES	60,951.00	58,000.00	58,000.00	.00	57,142.00	61,000.00	
95 OPERATING EXPENSES							
610669 695102 Power/Fuel	85,380.48	100,000.00	100,000.00	71,306.18	84,285.00	100,000.00	
610669 695103 SystemReh	154,376.87	135,000.00	135,000.00	11,492.50	118,892.00	135,000.00	
610669 695104 TV Equip	12,080.18	14,000.00	14,000.00	7,519.68	10,000.00	15,000.00	
610669 695105 System Rep	73,671.65	60,000.00	60,000.00	44,524.15	53,705.00	60,000.00	

Attachment: Exhibit C - 2022 Sewer Operating Budget (RESOLUTION 3894 : 2022 Sewer Budget)

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NEXT YEAR / CURRENT YEAR BUDGET ANALYSISP
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PROJECTION: 622 2022 SEWER AND WATER UTILITY BUDGETS

FOR PERIOD 99

ACCOUNTS FOR:

Sewer	UT	Fund	2020 ACTUAL	2021 ORIG BUD	2021 REVISED BUD	2021 ACTUAL	2021 PROJECTION	2022 DEPT HEAD	COMMENT
610669	695108	SewageO&M	1,388,919.56	1,400,000.00	1,400,000.00	1,405,143.00	1,399,693.00	1,492,138.00	
610669	695109	SewageCap	4,880,525.00	4,882,149.00	4,882,149.00	4,935,663.00	4,940,141.00	4,911,405.00	
610669	695111	Transport	1,478.41	5,000.00	5,000.00	1,896.35	2,529.00	5,000.00	
610669	695114	Equip Repl	1,506.24	5,000.00	5,000.00	8,877.03	3,377.00	5,000.00	
610669	695201	TranCapRes	.00	.00	.00	.00	.00	.00	
TOTAL OPERATING EXPENSES			6,597,938.39	6,601,149.00	6,601,149.00	6,486,421.89	6,612,622.00	6,723,543.00	
96	NON-OPERATING EXPENS								
610669	686604	BadDebt	.00	.00	.00	1,259.59	.00	.00	
610669	696101	Depreciati	996,142.91	1,200,000.00	1,200,000.00	.00	1,200,000.00	1,200,000.00	
610669	696201	Amortizati	.00	.00	.00	.00	.00	.00	
610669	696204	Amort Bond	.00	.00	.00	.00	.00	.00	
610669	696401	Principal	.00	.00	.00	.00	.00	.00	
610669	696501	Interest	552,535.40	510,247.00	510,247.00	383,921.19	510,415.00	456,893.00	
TOTAL NON-OPERATING EXPENS			1,548,678.31	1,710,247.00	1,710,247.00	385,180.78	1,710,415.00	1,656,893.00	
TOTAL Sewer UT Fund			-11,293,782.19	-1,492,152.65	-1,492,152.65	-2,646,565.65	-1,611,731.65	-1,555,000.00	
TOTAL REVENUE			-20,448,865.57	-10,914,116.65	-10,914,116.65	-10,103,162.00	-10,937,116.65	-11,111,209.00	
TOTAL EXPENSE			9,155,083.38	9,421,964.00	9,421,964.00	7,456,596.35	9,325,385.00	9,556,209.00	
GRAND TOTAL			-11,293,782.19	-1,492,152.65	-1,492,152.65	-2,646,565.65	-1,611,731.65	-1,555,000.00	

** END OF REPORT - Generated by Jennifer Engroff **

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DEPARTMENT BUDGET REQUESTSP
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BUDGET PROJECTION 622 2022 SEWER AND WATER UTILITY BUDGETS

ORG	OBJECT PROJ	ACCOUNT DESCRIPTION	CURRENT ADJ BUDGET	PROJECTED ACTUAL	DEPT HEAD	PERCENT CHANGE
610669	435101	General Property Tax	.00	.00	.00	.00
	0610-10-669-000-435101-					
610669	445106	Miscellaneous Rev.	.00	.00	.00	.00
	0610-10-669-000-445106-					
610669	455102	Special Assessment Rev	-2,000.00	-2,000.00	-2,000.00	.00
	0610-10-669-000-455102-					
610669	455103	S/A Interest	-300.00	-300.00	-300.00	.00
	0610-10-669-000-455103-					
610669	458201	Long Term Debt Prcds	.00	.00	.00	.00
	0610-10-669-000-458201-					
610669	458203	Amort - Bond Premium	-62,341.65	-62,341.65	-62,342.00	.00
	0610-10-669-000-458203-					
610669	458301	PILOT Revenue	-45,000.00	-11,000.00	-11,000.00	-75.56
	0610-10-669-000-458301-					
	PILOT Revenue		1.00	11,000.00	-11,000.00	
610669	458302	Prior Years Expense	.00	.00	.00	.00
	0610-10-669-000-458302-					
610669	458303	Revenue Reduction	.00	.00	.00	.00
	0610-10-669-000-458303-					
610669	458501	Other Grants / Donations	.00	.00	.00	.00
	0610-10-669-000-458501-					
610669	459101	Interest-Investments	-75,000.00	-30,000.00	-30,000.00	-60.00
	0610-10-669-000-459101-					
610669	459102	Proceeds - Capital Lease	.00	.00	.00	.00
	0610-10-669-000-459102-					
610669	460201	Residential-Measured	-815,000.00	-900,000.00	-799,734.00	-1.87
	0610-10-669-000-460201-					
610669	460202	Public Authority	.00	.00	.00	.00
	0610-10-669-000-460202-					
610669	460203	Commercial-Measured	-1,125,000.00	-1,071,000.00	-1,177,094.00	4.63
	0610-10-669-000-460203-					
610669	460204	Service-MMSD Capital	.00	.00	.00	.00
	0610-10-669-000-460204-					

Attachment: Exhibit C - 2022 Sewer Operating Budget (RESOLUTION 3894 : 2022 Sewer Budget)

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BUDGET PROJECTION 622 2022 SEWER AND WATER UTILITY BUDGETS

ORG	OBJECT PROJ	ACCOUNT DESCRIPTION	CURRENT ADJ BUDGET	PROJECTED ACTUAL	DEPT HEAD	PERCENT CHANGE
610669	460205	Residential-Flat Rate	-1,352,000.00	-1,353,000.00	-1,370,783.00	1.39
	0610-10-669-000-460205-					
610669	460206	Tax Exempt Capital Fees	-350,000.00	-420,000.00	-420,000.00	20.00
	0610-10-669-000-460206-					
610669	460208	Misc Operating Revenue	-15,000.00	-15,000.00	-15,000.00	.00
	0610-10-669-000-460208-					
610669	461101	Sewer Property Tax	-7,063,475.00	-7,063,475.00	-7,213,956.00	2.13
	0610-10-669-000-461101-					
610669	461102	Sewer Grant Revenue	.00	.00	.00	.00
	0610-10-669-000-461102-					
610669	461302	Interest-S/A	.00	.00	.00	.00
	0610-10-669-000-461302-					
610669	463701	Late Penalty Revenue	-9,000.00	-9,000.00	-9,000.00	.00
	0610-10-669-000-463701-					
610669	463702	Tax Certification Fees	.00	.00	.00	.00
	0610-10-669-000-463702-					
610669	465421	Capital Contributions	.00	.00	.00	.00
	0610-10-669-000-465421-					
610669	469009	Transfers In	.00	.00	.00	.00
	0610-10-669-000-469009-					
610669	670101	Salaries	490,729.00	394,771.00	514,141.00	4.77
	0610-10-669-000-670101-					
	JACOBSON, JOEL(100073)		1.00	65,766.00	65,766.00	
	WEINRICH, JEREMY J(100097)		1.00	68,906.00	68,906.00	
	BRAUN, JAMES A(100098)		1.00	65,766.00	65,766.00	
	BERNHARDT, WAYNE D(100108)		1.00	81,698.00	81,698.00	
	SZYMANSKI, PAMELA J(100131)		.50	51,318.00	25,659.00	
	DRISCOLL, KEVIN R(100498)		.50	85,778.00	42,889.00	
	BERGHUIS, JARED R(100543)		1.00	49,228.00	49,228.00	
	WELLSKOPF, DANIEL M(100646)		1.00	48,716.00	48,716.00	
	BEILFUSS ROBERT @ 50%		1.00	36,393.00	36,393.00	
	INTERNS		1.00	29,120.00	29,120.00	

Attachment: Exhibit C - 2022 Sewer Operating Budget (RESOLUTION 3894 : 2022 Sewer Budget)

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BUDGET PROJECTION 622 2022 SEWER AND WATER UTILITY BUDGETS

ORG	OBJECT PROJ	ACCOUNT DESCRIPTION	CURRENT ADJ BUDGET	PROJECTED ACTUAL	DEPT HEAD	PERCENT CHANGE
610669	670104	Vacation	.00	.00	.00	.00
	0610-10-669-000-670104-					
610669	670105	Sick Pay	.00	.00	.00	.00
	0610-10-669-000-670105-					
610669	670106	Comp Time	15,000.00	15,000.00	15,000.00	.00
	0610-10-669-000-670106-					
610669	670201	OverTime	6,000.00	6,000.00	6,000.00	.00
	0610-10-669-000-670201-					
610669	670202	Stand By Pay	16,000.00	16,000.00	16,000.00	.00
	0610-10-669-000-670202-					
610669	670205	Medical Leave	.00	.00	.00	.00
	0610-10-669-000-670205-					
610669	670206	Emergency Medical Leave	.00	.00	.00	.00
	0610-10-669-000-670206-					
610669	670301	Longevity	.00	.00	.00	.00
	0610-10-669-000-670301-					
610669	670401	Municipal Support Services	150,000.00	150,000.00	179,000.00	19.33
	0610-10-669-000-670401-					
610669	673101	Social Security	36,632.00	36,632.00	38,425.00	4.89
	0610-10-669-000-673101-					
	JACOBSON, JOEL(100073)		.00	.00	3,860.00	
	JACOBSON, JOEL(100073)		.00	.00	903.00	
	WEINRICH, JEREMY J(100097)		.00	.00	3,868.00	
	WEINRICH, JEREMY J(100097)		.00	.00	905.00	
	BRAUN, JAMES A(100098)		.00	.00	3,770.00	
	BRAUN, JAMES A(100098)		.00	.00	882.00	
	BERNHARDT, WAYNE D(100108)		.00	.00	4,759.00	
	BERNHARDT, WAYNE D(100108)		.00	.00	1,113.00	
	SZYMANSKI, PAMELA J(100131)		.00	.00	1,516.00	
	SZYMANSKI, PAMELA J(100131)		.00	.00	355.00	
	DRISCOLL, KEVIN R(100498)		.00	.00	2,441.00	
			.00	.00	571.00	

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BUDGET PROJECTION 622 2022 SEWER AND WATER UTILITY BUDGETS

ORG	OBJECT PROJ	ACCOUNT DESCRIPTION	CURRENT ADJ BUDGET	PROJECTED ACTUAL	DEPT HEAD	PERCENT CHANGE
		DRISCOLL, KEVIN R(100498)			2,787.00	
		BERGHUIS, JARED R(100543)	.00	.00	652.00	
		BERGHUIS, JARED R(100543)	.00	.00	2,761.00	
		WELLSKOPF, DANIEL M(100646)	.00	.00	646.00	
		WELLSKOPF, DANIEL M(100646)				
		BEILFUSS ROBERT @ 50%	1.00	2,708.00	2,708.00	
		FICA/MEDICARE ON OT & STANDBY PAY	1.00	1,700.00	1,700.00	
		INTERNS	1.00	2,228.00	2,228.00	
610669	673102	Retirement	34,611.00	34,611.00	33,161.00	-4.19
	0610-10-669-000-673102-					
		JACOBSON, JOEL(100073)	.00	.00	4,275.00	
		WEINRICH, JEREMY J(100097)	.00	.00	4,479.00	
		BRAUN, JAMES A(100098)	.00	.00	4,275.00	
		BERNHARDT, WAYNE D(100108)	.00	.00	5,311.00	
		SZYMANSKI, PAMELA J(100131)	.00	.00	1,668.00	
		DRISCOLL, KEVIN R(100498)	.00	.00	2,788.00	
		BERGHUIS, JARED R(100543)	.00	.00	3,200.00	
		WELLSKOPF, DANIEL M(100646)	.00	.00	3,167.00	
		BEILFUSS ROBERT @ 50%	1.00	2,513.00	2,513.00	
		WRS ON STANDBY/OT	1.00	1,485.00	1,485.00	
610669	673103	Worker's Comp Insurance	15,697.00	15,697.00	16,089.00	2.50
	0610-10-669-000-673103-					
610669	673104	Unemployment Compensation	.00	.00	.00	.00
	0610-10-669-000-673104-					
610669	673201	Health Insurance	137,277.00	137,277.00	139,494.00	1.61
	0610-10-669-000-673201-					
		JACOBSON, JOEL(100073)	.00	.00	9,237.00	
		WEINRICH, JEREMY J(100097)	.00	.00	23,513.00	
		BRAUN, JAMES A(100098)	.00	.00	23,513.00	
		BERNHARDT, WAYNE D(100108)	.00	.00	23,513.00	
		SZYMANSKI, PAMELA J(100131)	.00	.00	4,618.00	

Attachment: Exhibit C - 2022 Sewer Operating Budget (RESOLUTION 3894 : 2022 Sewer Budget)

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BUDGET PROJECTION 622 2022 SEWER AND WATER UTILITY BUDGETS

ORG	OBJECT PROJ	ACCOUNT DESCRIPTION	CURRENT ADJ BUDGET	PROJECTED ACTUAL	DEPT HEAD	PERCENT CHANGE
		DRISCOLL, KEVIN R(100498)	.00	.00	11,757.00	
		BERGHUIS, JARED R(100543)	.00	.00	9,237.00	
		WELLSKOPF, DANIEL M(100646)	.00	.00	22,692.00	
		BEILFUSS ROBERT @ 50%	1.00	11,414.00	11,414.00	
610669	673202	Dental Insurance	5,963.00	5,963.00	5,962.00	- .02
	0610-10-669-000-673202-		.00	.00	349.00	
		JACOBSON, JOEL(100073)	.00	.00	1,018.00	
		WEINRICH, JEREMY J(100097)	.00	.00	1,018.00	
		BRAUN, JAMES A(100098)	.00	.00	1,018.00	
		BERNHARDT, WAYNE D(100108)	.00	.00	174.00	
		SZYMANSKI, PAMELA J(100131)	.00	.00	509.00	
		DRISCOLL, KEVIN R(100498)	.00	.00	349.00	
		BERGHUIS, JARED R(100543)	.00	.00	1,018.00	
		WELLSKOPF, DANIEL M(100646)	1.00	509.00	509.00	
		BEILFUSS ROBERT @ 50%				
610669	673203	Life Insurance	1,809.00	1,809.00	1,501.00	-17.03
	0610-10-669-000-673203-		.00	.00	225.00	
		JACOBSON, JOEL(100073)	.00	.00	69.00	
		WEINRICH, JEREMY J(100097)	.00	.00	225.00	
		BRAUN, JAMES A(100098)	.00	.00	449.00	
		BERNHARDT, WAYNE D(100108)	.00	.00	177.00	
		SZYMANSKI, PAMELA J(100131)	.00	.00	48.00	
		DRISCOLL, KEVIN R(100498)	.00	.00	46.00	
		BERGHUIS, JARED R(100543)	.00	.00	51.00	
		WELLSKOPF, DANIEL M(100646)	1.00	211.00	211.00	
		BEILFUSS ROBERT @ 50%				

Attachment: Exhibit C - 2022 Sewer Operating Budget (RESOLUTION 3894 : 2022 Sewer Budget)

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BUDGET PROJECTION 622 2022 SEWER AND WATER UTILITY BUDGETS

ORG	OBJECT PROJ	ACCOUNT DESCRIPTION	CURRENT ADJ BUDGET	PROJECTED ACTUAL	DEPT HEAD	PERCENT CHANGE
610669	673204	Long Term Disability	2,250.00	2,250.00	2,250.00	.00
	0610-10-669-000-673204-					
610669	675101	Uniforms & Clothing	2,100.00	2,100.00	2,250.00	7.14
	0610-10-669-000-675101-					
610669	676205	OPEB & Supp Pension Expense	7,000.00	.00	7,000.00	.00
	0610-10-669-000-676205-					
610669	680101	Office Supplies	1,000.00	250.00	1,000.00	.00
	0610-10-669-000-680101-					
610669	680301	Work Supplies-Admin	20,000.00	18,000.00	20,000.00	.00
	0610-10-669-000-680301-					
610669	680402	Motor Fuels & Lubricant	15,000.00	12,500.00	15,000.00	.00
	0610-10-669-000-680402-					
610669	680504	Telephone services	2,000.00	1,641.00	2,000.00	.00
	0610-10-669-000-680504-					
610669	680505	Postage	13,000.00	14,351.00	14,500.00	11.54
	0610-10-669-000-680505-					
610669	683101	Consultants - General	22,000.00	24,380.00	25,000.00	13.64
	0610-10-669-000-683101-					
		Facility Plan Reviews, Lockbox Fees,	1.00	17,000.00	17,000.00	
		Condition Assessments, Metering				
		Consultation Kapur	1.00	4,000.00	4,000.00	
		Consultation S.E.H.	1.00	4,000.00	4,000.00	
610669	683201	Contracted Services - General	22,000.00	22,130.00	23,000.00	4.55
	0610-10-669-000-683201-					
		Dumpster Fees, Audit Service Fees	1.00	17,000.00	17,000.00	
		USIC - Locating Services	1.00	5,000.00	5,000.00	
		Conley Media Bid Advertisement	1.00	1,000.00	1,000.00	
610669	683202	Contracted Services - Maint.	5,000.00	2,455.00	5,000.00	.00
	0610-10-669-000-683202-					
		Veolia Storage Tank	1.00	5,000.00	5,000.00	
610669	683401	Liability Insurance	20,000.00	20,000.00	20,000.00	.00
	0610-10-669-000-683401-					
			1.00	20,000.00	20,000.00	
610669	683402	Auto Insurance	5,500.00	5,500.00	5,500.00	.00
	0610-10-669-000-683402-					
			1.00	5,500.00	5,500.00	

Attachment: Exhibit C - 2022 Sewer Operating Budget (RESOLUTION 3894 : 2022 Sewer Budget)

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BUDGET PROJECTION 622 2022 SEWER AND WATER UTILITY BUDGETS

ORG	OBJECT PROJ	ACCOUNT DESCRIPTION	CURRENT ADJ BUDGET	PROJECTED ACTUAL	DEPT HEAD	PERCENT CHANGE
610669	683501	Training/Conferences	6,000.00	5,889.00	7,500.00	25.00
	0610-10-669-000-683501-					
		MUNIS TRAINING FOR PROFESSIONAL STAFF	1.00 2.00	6,000.00 750.00	6,000.00 1,500.00	
610669	683702	Miscellaneous Services	.00	.00	.00	.00
	0610-10-669-000-683702-					
610669	683901	Contingency	.00	.00	.00	.00
	0610-10-669-000-683901-					
610669	686604	Bad Debt Expense	.00	.00	.00	.00
	0610-10-669-000-686604-					
610669	688120	Rentals	58,000.00	57,142.00	61,000.00	5.17
	0610-10-669-000-688120-		1.00	61,000.00	61,000.00	
610669	695102	Power/Fuel - Pumping Stations	100,000.00	84,285.00	100,000.00	.00
	0610-10-669-000-695102-		1.00	100,000.00	100,000.00	
610669	695103	System Rehabilitation	135,000.00	118,892.00	135,000.00	.00
	0610-10-669-000-695103-					
		Giltzer Electric	1.00	25,000.00	25,000.00	
		DF Tomasini	1.00	25,000.00	25,000.00	
		Energenecs	1.00	25,000.00	25,000.00	
		Additional System	1.00	60,000.00	60,000.00	
		Rehabilitation/Maintenance				
610669	695104	TV Equipment	14,000.00	10,000.00	15,000.00	7.14
	0610-10-669-000-695104-		1.00	15,000.00	15,000.00	
610669	695105	System Repairs	60,000.00	53,705.00	60,000.00	.00
	0610-10-669-000-695105-					
		SYSTEM REPAIRS	1.00	60,000.00	60,000.00	
610669	695108	Sewage Treatment-O & M	1,400,000.00	1,399,693.00	1,492,138.00	6.58
	0610-10-669-000-695108-					
		Milwaukee Metro Sewerage District	1.00	1,492,138.00	1,492,138.00	
610669	695109	Sewage Treatment-Capita	4,882,149.00	4,940,141.00	4,911,405.00	.60
	0610-10-669-000-695109-					
		Milwaukee Metro Sewerage District	1.00	4,911,405.00	4,911,405.00	
		Capital Charge				

Attachment: Exhibit C - 2022 Sewer Operating Budget (RESOLUTION 3894 : 2022 Sewer Budget)

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CITY OF MEQUON
DEPARTMENT BUDGET REQUESTS

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BUDGET PROJECTION 622 2022 SEWER AND WATER UTILITY BUDGETS

ORG	OBJECT PROJ	ACCOUNT DESCRIPTION	CURRENT ADJ BUDGET	PROJECTED ACTUAL	DEPT HEAD	PERCENT CHANGE
610669	695111	Transportation	5,000.00	2,529.00	5,000.00	.00
	0610-10-669-000-695111-		1.00	5,000.00	5,000.00	
610669	695114	Equip Replacement	5,000.00	3,377.00	5,000.00	.00
	0610-10-669-000-695114-		1.00	5,000.00	5,000.00	
610669	695201	Transfer to Capital Reserve	.00	.00	.00	.00
	0610-10-669-000-695201-					
610669	696101	Depreciation	1,200,000.00	1,200,000.00	1,200,000.00	.00
	0610-10-669-000-696101-					
610669	696201	Amortization	.00	.00	.00	.00
	0610-10-669-000-696201-					
610669	696204	Amortization-Bond Discount	.00	.00	.00	.00
	0610-10-669-000-696204-					
610669	696401	Principal-Bonds	.00	.00	.00	.00
	0610-10-669-000-696401-					
610669	696501	Interest-Bonds	510,247.00	510,415.00	456,893.00	-10.46
	0610-10-669-000-696501-					
		BUDGET CEILING:			-1,492,152.65	
		TOTALS:	-1,492,152.65	-1,611,731.65	-1,555,000.00	4.21
** END OF REPORT - Generated by Jennifer Engroff **						



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

www.ci.mequon.wi.us

Office of Sewer Utility District Commission

TO: Common Council
FROM: Kevin Driscoll, Deputy Director of Utilities
DATE: October 20, 2021
SUBJECT: RESOLUTION 3895 A Resolution Authorizing the Negotiation of Easement and/or Land Acquisition Agreement(s) within the River Bend and/or Ranch Court Subdivisions, in Connection with Securing Access for the Replacement of Lift Station E

Background

In spring 2020, the SUDC authorized a condition assessment for the sanitary lift station along Ranch Road, located west of Oriole Lane that is commonly referred to as "Lift Station E" (LS E). This assessment report was finalized in January 2021 by Applied Technologies, Inc. (ATI) and filed at City Hall with the recommendation to replace the station due to a number of reasons.

In general, the recommendation for replacement of the lift station is due to historic sanitary sewer overflows and to address capacity concerns. More specifically, the current location and infrastructure limits capacity, limits room to expand with larger pumps, is located in a floodplain, and frequently experiences sanitary sewer overflows.

The consultant hired by the City, ATI, completed a memo dated May 20, 2021 to evaluate replacing the existing station at the existing site. However, 4 feet of fill is required to bring the structure above the floodplain to meet code (NR116) and that fill would encroach onto adjacent parcels outside of the existing easement in that outlot. That memo is attached as Exhibit A.

Replacing the lift station in its current location is difficult and costly. Therefore, Engineering staff in coordination with Community Development staff met and established criteria for evaluating replacement of the station and considered the following requirements for a new lift station location. See Exhibit B for additional parameters, but in general the area requirements are as follows:

- Lift station building with back-up generator building footprint est. 30ft. x 50ft.
- Access to utilities including gas and electric (3 phase)
- Parking for two vehicles, including the vac-truck, est. 40ft. x 30ft.
- Access from a public road at a minimum of 12ft. wide
- Located outside of the floodplain, or the ability to obtain a Letter of FEMA Map Revision

Analysis

This lift station replacement work is part of the Sewer Utility's capital improvement program. Increasing system capacity and reducing infiltration and inflow are priorities to reducing overflows. Reducing or eliminating sanitary sewer overflows are mandated by the EPA and the

WDNR.

Building on the existing site is not preferred due to the construction logistics within the existing easement (50ft. wide) that poses significant challenges and potential liabilities for staging of construction materials and equipment. The functionality of the existing lift station would have to remain in service until switching over to the new station. Four lift stations ultimately discharge into LS E, and that flow would need to continue downstream to avoid backups. Maintaining the functionality would require a complicated and potentially expensive bypassing operation. Trucking the flow is not feasible, as noted in Exhibit A.

Securing a site prior to design is the first step necessary for an efficient design process. Staff worked with ATI and the Department of Community Development to go through a Site Selection Process. That process considered proximity to existing facilities and space to accommodate the area needs and demands for a new lift station that would address capacity issues. See Exhibit B that includes the map and site evaluation criteria memo.

To begin, staff established a radius of 1,000 feet around the existing LS E to evaluate potential sites for the new lift station. The 1,000 foot radius was established based on costs being prohibitive to build new infrastructure too far beyond the existing station, where the new infrastructure still needs to tie into existing facilities. Through a series of evaluations, the site selection evaluation was narrowed down from over 50 parcels within 1,000 feet of LS E. Two main factors were the costs of extending sewer facilities due to proximity to the existing site and available space outside of the floodplain. Parcels entirely within the floodplain were not considered, and other parcels considered buildable for a new (replacement) lift station were evaluated. See Exhibit C.

No vacant parcels were identified that meet these criteria. Securing legal access and rights to construct a new lift station would require the following:

- easement-acquisition,
- floodplain fill, and/or
- demolition to build a new (replacement) lift station.

Eight parcels were further evaluated based on preliminary review to meet the site selection criteria; parcels that allowed room for parking vehicles and have room for a new lift station building footprint that adheres to zoning requirements and adhere to LS E Technical Site Criteria listed above. See Exhibit D.

Fiscal Impact

The proposed resolution requests authorization of expenditures for appraisals pursuant to acquisition of an easement or land for the construction of the new lift station. Acquisition, design and construction costs are not authorized by this resolution.

Based on assessed value and typical anticipated appraisal costs, the estimated costs for easements and/or land acquisition ranges from \$30,000 to \$300,000. It does not include any demolition costs or construction costs to extend infrastructure. Additional considerations of infrastructure extensions (new forcemain, new gravity sewer, road restoration costs) will also be factored in

with a cost estimate at the design stage.

In the 2021 Sewer Utility Budget, remaining bond proceeds from the East Trunk Relief Sewer Project in the amount of \$3,404,000 were reallocated to the Sanitary Lift Station Fund capital account for the Ranch Road (or Lift Station E) replacement project. Additional Utility self-funding is requested annually. Should the combination of these bond proceeds and self-funding not be adequate to cover the replacement cost, staff plans to request future authorization from the SUDC to borrow for the project within the next few years.

Upon securing legal rights for new construction, staff will return to the Sewer Utility District Commission for authorization to contract for design services. Design services will include a construction estimate for the new lift station including infrastructure extensions and road reconstruction costs. Neither the design nor the construction estimates are included in the acquisition costs authorized in this resolution. At this time, the preliminary design and construction estimate ranges from \$4,800,000 to \$6,200,000.

Staff anticipates bringing this item back to SUDC with an update sometime during the first quarter of 2022.

Recommendation

The consultant memos and subsequent staff evaluation identified 8 viable areas for lift station construction. As shown on the Map in Exhibit C these include:

Map ID #1, Parcel 150960002000
 Map ID #2, Parcel 150960001000
 Map ID #3, Parcel 150960003000
 Map ID #4, Parcel 150960008000
 Map ID #5, Parcel 150960009000
 Map ID #19, Parcel 151860006000
 Map ID #45, Parcel 150190800100
 Map ID #47, Parcel 151860005000

Per the attached resolution, staff requests authorization to contact the subject property owners to discuss easement acquisition for the lift station. If the property owner is willing, staff requests authorization to secure an appraisal of the property for either land or easement acquisition. Ultimately the easement declaration document, purchase agreement, and any proposed compensation would return to the Sewer Utility District Commission and Common Council for approval.

If staff is unable to negotiate easements or land acquisitions at these locations, staff will return to the Sewer Utility District Commission for further direction.

Attachments:

Exhibit A - Technical Memorandum_Existing Site (2021-05-20) (PDF)
 Exhibit B - LS E Land Use Site Criteria Memo (2021-05-18) (PDF)
 Exhibit C - Technical Memorandum_Site Evaluation (2021-08-26) (PDF)

Exhibit D - Tech Memo Expanded Site Eval with attachment (2021-10-05)(PDF)

COMMON COUNCIL
OF THE
CITY OF MEQUON

RESOLUTION 3895

A Resolution Authorizing the Negotiation of Easement and/or Land Acquisition Agreement(s) within the River Bend and/or Ranch Court Subdivisions, in Connection with Securing Access for the Replacement of Lift Station E

RECITALS

A. Significant rain events have caused City staff to bypass sewage into waters of the State to avoid residential basement backups and the Federal Clean Water Act and the City's Wisconsin Pollutant Discharge Elimination System Permit prohibits sanitary sewer overflows (bypasses).

B. On February 11, 2020, the Common Council approved a contract to complete the condition assessment report for the Ranch Road Lift Station E, and that report recommended replacement of the station due to site constraints and demand for additional capacity.

C. The 2021 Sewer Utility Budget included an allocation of \$3,404,000 to self-fund capital improvement projects for the Sewer Utility, as a result of the East Trunk Sewer work south of Mequon Road being completed ahead of schedule and under budget.

D. This Lift Station E replacement that lies within the East Trunk System is a continuation of the East Trunk Sewer improvements north of Mequon Road, and is part of ongoing efforts to address the capacity of facilities, including the City's largest lift station, known as LS E along Ranch Road.

E. Expenditures for this project will be charged against the Sanitary Lift Station Fund capital account, which has sufficient balance for the appraisal cost.

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

1. That City staff be authorized to enter into negotiations for easement(s) and/or land acquisition to replace Lift Station E and be in consultation with the City Attorney for this process.

2. If any property owner agrees to an appraisal, staff will consultant with the City Attorney and property owner to execute an appraisal for the proposed acquisition. The cost of multiple appraisals shall not exceed \$10,000.

3. If successful, staff will return to Sewer Utility District Commission for authorization of the easement or land acquisition agreement and compensation, therefore.

Approved by: John Wirth, Mayor

Date Approved: November 9, 2021

I certify that the foregoing Resolution was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on November 9, 2021.

Caroline Fochs, City Clerk

TECHNICAL MEMORANDUM

Date: May 20, 2021 revised 10/21/2021 **Project #:** 6398

To: Kevin Driscoll, P.E.-Deputy Director of Utilities

Organization: City of Mequon

From: William A. Hein, P.E., P.L.S.

Regarding: Existing Site Evaluation Lift Station E

Cc: _____

Built in 1965, Lift Station E (LS E) is the largest City owned sanitary sewer lift station averaging 2.485 MGD. The Station receives flow from stations F, G, H and T. The LS E Condition Assessment completed in January 2021 identified four possible alternative sites for the replacement of LS E. The purpose of this memo is to fully evaluate upgrading the station on the existing site prior to proceeding with detailed analysis of the remaining three sites.

Identified as 2020 West Ranch Road, the existing site consists of a station and appurtenances built within an easement platted within and adjoining Outlot 1 of the River Bend Subdivision located in a part of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ and the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Public Land Survey Section 19, T9N, R22E in the City of Mequon and Ozaukee County, Wisconsin. It is noted that the City does not own the property the station is situated on. The station site lies between residential homes to the east and west, with Outlot to the north and W. Ranch Road to the south. As described in the Condition Assessment, the area to the north is a backwater area tributary to the Milwaukee River, and subject to periodic flooding.

The base flood elevation for the site is approximately 662.5 as indicated on the FEMA Firm panel. Given that the floor elevation was measured at elevation 660.4, this indicates that the station is below the regulatory flood elevation. In accordance with Wisconsin Administrative Code Section NR 116, modifications to the facility which constitute more than 50% of the building value require that the building be floodproofed (floor elevation at least two feet above the regional flood elevation or the levee raised to at least three feet above the regional flood elevation). In addition to the floodproofing required for the building, the access will need to also be raised to be traversable (floodproofed) during a regional flood.

While the existing station is partially enclosed with a levee, floodwaters can and have gone around the levee and the station has flooded as a result. As such, floodproofing the station is necessary to utilize the existing site for the upgraded station. The existing station is surrounded by a levee on the west, north and east sides built to a peak elevation of approximately 664. As indicated above, the base flood elevation is 662.5, and the levee would need to be raised to at least elevation 665.5 to meet the requirements of the Administrative Code. Looking at the survey provided within the evaluation the construction of the levee cannot be completed on the easement property controlled by the City. Additionally, given the location of the backwater to the north, this option is not feasible as it cannot be completed without filling in the backwater.

Another option to be considered is the construction of a waterproof wall around the station to prevent floodwaters from impacting the station. As with the levee, this wall would need to be at elevation 665.5 which means that the top of the wall would be five feet above the floor elevation of the station. While the installation of a five-foot high wall around the station will provide floodproofing, it will present accessibility issues to City staff that have to operate and maintain the station. In addition to accessibility issues, some sort of pumping system would need to be installed within the wall to remove precipitation which falls within the wall, as any sort of gravity drain would allow floodwaters to back up into the enclosure.

Finally, the site can be raised through the placement of fill so as that the building floor is raised to a point at least two feet above the base flood elevation. This would require the floor elevation to be raised 4 ½ feet to comply with the Administrative Code requirements. In addition to the building, dry access is needed to the building which will require the re-construction of the driveway all the way out to W. Ranch Road and will impact neighboring properties. The property to the west (Lot 2 River Bend Subdivision), the property to the east (Lot 3 River Bend Subdivision) and the property to the northeast (Lot 8 River Bend Subdivision) would be impacted by the raising of the site. As the City does not own the property the station is located on, the River Bend Homes Association, Inc. which owns the aforesaid outlot will also be impacted by the work. Significant tree removal on and adjacent to the City easement could be a deterrent to getting permission from the affected properties to improve the site.

While raising the site will floodproof the structures, the assessment also recommended expanding the building to nearly double its current size to accommodate electrical equipment and improved access for maintenance staff. Based on the assessment, the building would need to be expanded 14 feet in length and 6 feet in width increasing the building footprint from 585 square feet to 1,120 square feet. It is noted that the assessment DID NOT contemplate the inclusion of on-site emergency standby power since the current site has multiple electric feeds. The inclusion of on-site generator will increase the footprint necessary for improving on the existing property. Given the electrical requirements of the new station, we anticipate a 500 KW diesel generator which will require another room approximately 12 feet wide to provide sufficient floor area.

Additionally, when evaluating the improvement to the existing site it is noted that there were no improvements intended for the existing wet well. As indicated in the assessment, the wet well is limited due to its lack of size and depth. If the option of expanding on the existing site is ultimately chosen as the preferred alternative, it is recommended that a larger wet well be considered as part of the final design. It is noted however, that the new wet well would have the same floodproofing requirements as the rest of the site improvements.

Another consideration for re-developing the existing site would be inclusion of improved parking for maintenance vehicles and personnel. It is recommended that space for at least two utility vehicles be available on the property.

At a minimum, permission must be obtained from the aforesaid property owners to consider re-developing the site. More likely, easements will need to be obtained or purchased to allow grading on these properties. The minimum area expected to be impacted by the grading will be around one acre. Additional permits and permissions would be required from the Wisconsin Department of Natural Resources, the U. S. Army Corps. Of Engineers, FEMA, the City of Mequon and possibly Ozaukee County. As part of the permitting processes, Historical and Endangered Resources would need to be requested from the State of Wisconsin, City Plan Commission approval which may include building, electrical and fill permits, erosion control permits, zoning

and street opening permits would need to be obtained, utility relocation permits would need to be obtained from WE Energies, AT & T and Spectrum prior to commencing with the work.

Given the complexity of the project, coordination with the four affected property owners and the status of the existing permitting system, it is our estimation that the soonest this project could be ready for construction would be twelve to eighteen months from now assuming that negotiations go well with the property owners and eminent domain is not necessary to obtain the necessary permissions.

It is anticipated that the easterly 40 feet of the aforesaid Lot 2, and the westerly 55 feet of the aforesaid Lot 3 and Lot 8 will be impacted by the work. As stated, permission must also be obtained from the Homes Association as they have title to the outlot. Work will begin near W. Ranch Road and proceed north to the water's edge. Given the current zoning in the area, it is anticipated that property acquisition may not be an option for this project. It is recommended however, that the City obtain permanent easement coverage of all affected property as a part of this project to facilitate future maintenance activities.

The advantage of developing on the existing site is the fact that there is already a facility at this location. As such, additional gravity sewers and force main improvements would not be necessary, other than that work necessary to raise the site. The expansion of the building footprint described in the assessment will be to improve access for the staff and increased room for electrical equipment.

Every precaution will be taken during construction to ensure that the station will continue to operate during construction. There will be times when bypass pumping will be necessary, but safely conveying the influent wastewater will be the responsibility of the contractor during the construction process.



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SEWER UTILITY

MEMORANDUM

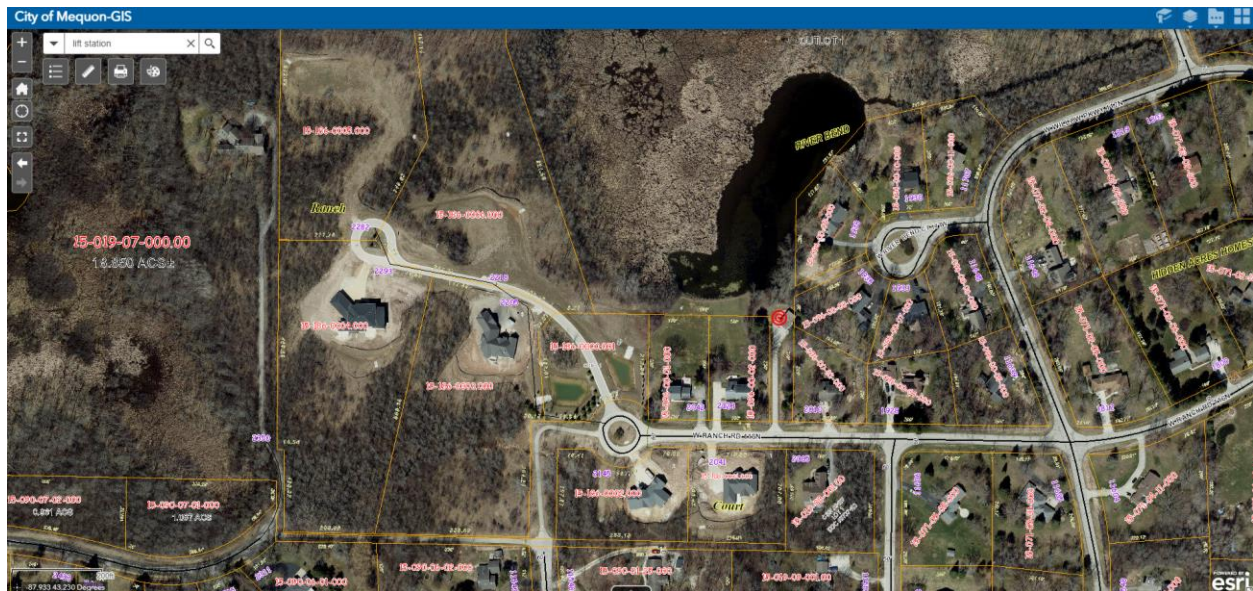
TO: Kim Tollefson, Director of Community Development

FROM: Kevin Driscoll, Deputy Director of Utilities

DATE: May 14, 2021

SUBJECT: Sanitary Lift Station Replacement
Request for Land Use Based Site Selection
Project No. 3616-21-E

In 2020 following SUDC and Common Council authorization, a condition assessment for the existing Ranch Road Lift Station E was completed. For reference, Lift Station E is located within an easement as shown here:



A number of near-term improvements were implemented, however the lift station built in 1969 no longer reliably meets demand during wet weather and the history of the sewer system overflows reflects that. Based on this assessment report, staff is planning for replacement of the Ranch Lift Station “E” and has begun evaluating options and site criteria.

The intent of this memo is to request a land use based site selection for a new lift station. Due to infrastructure constraints, the new lift station must generally be sited within these boundaries:



The following criteria have been drafted for consideration of site selection. Property acquisition is not required; an exclusive easement could be considered as an alternative.

- Area requirements: lift station/generator building at a minimum of 30' x 50'
- Access to utilities including gas and electric (3 phase)
- Parking for two vehicles, including the vac-truck, approximately 40' x 30'
- Access from a public road at a minimum of 12' wide
- Located outside of the floodplain or ability to obtain a CLOMR

Once the land use based site selection is complete, Utility/Engineering staff will utilize that information to complete a technical review of the locations to determine feasibility of construction. The combination of the two selection criteria will be utilized to make a recommendation to the Sewer Utility District Commission.

Technical Site Selection Criteria

Location

1. Is the site in the sewer service area?
2. Is the site within 200ft of the sewer service area?
3. Are specimen trees present on the site that would block SCADA Antenna?
4. How tall are the trees/vegetation 10ft, 20ft, 30ft, 40ft?
5. How tall does the antenna need to be to clear the vegetation: 20ft, 30ft, 40ft, 50ft?
6. Are there any height restrictions on Antennas for current zoning of this parcel?

7. Is the site within Proximity to existing infrastructure?
8. Is the site within 250 feet of the existing Ranch Road Lift Station E?
9. Is the site within 250 feet of the existing LS E Force Main ?
10. Is the site within 250 feet of the existing LS E Gravity Sewers?

11. Is the site within 500 feet of the existing Ranch Road Lift Station E?
12. Is the site within 500 feet of the existing LS E Force Main ?
13. Is the site within 500 feet of the existing LS E Gravity Sewers?

14. Is the site within 1000 feet of the existing Ranch Road Lift Station E?
15. Is the site within 1000 feet of the existing LS E Force Main ?
16. Is the site within 1000 feet of the existing LS E Gravity Sewers?

17. Is the parcel in the Floodplain? Partial or Fully in the floodplain?
18. Can fill be placed to raise the ground elevation two feet above the Base Flood Elevation?



Attachment: Exhibit B - LS E Land Use Site Criteria Memo (2021-05-18) (RESOLUTION 3895 : Authorize Easements to Replace Lift Station E)

TECHNICAL MEMORANDUM



Date: August 26, 2021 revised 10/21/2021 **Project #:** 6398
To: Kevin Driscoll, P.E.-Deputy Director of Utilities
Organization: City of Mequon
From: William A. Hein, P.E., P.L.S.
Regarding: Additional Site Evaluation Lift Station E
Cc: _____

Built in 1965, Lift Station E (LS E) is the largest City owned sanitary sewer lift station averaging 2.485 MGD. The Station receives flow from stations F, G, H and T. The LS E Condition Assessment completed in January 2021 identified four possible alternative sites for the replacement of LS E. The purpose of this memo is to begin additional analysis of all sites proximate to the existing station. A radius of 1,000 feet from the present station is the focus of this memorandum based upon direction received from the City staff.

Identified as 2020 West Ranch Road, the existing site consists of a station and appurtenances built within an easement platted within and adjoining Outlot 1 of the River Bend Subdivision located in a part of the SW ¼ of the NE ¼ and the SE ¼ of the NW ¼ of Public Land Survey Section 19, T9N, R22E in the City of Mequon and Ozaukee County, Wisconsin. The City does not own the property the station is situated on and as recommended in the previous memorandum which evaluated the feasibility of upgrading on the existing site, we are now looking at proximate sites located within 1,000 feet of 2020 W. Ranch Road.

Considerations for site selection include sufficient are for a new station and on-site generator (approximately 1,500 square feet), parking for vehicles (approximately 1,200 square feet), availability of natural gas and electric service is sufficient size and capacity to service the new station, and ability to access a public street with a new driveway. While not mandatory, site acquisition would be preferable to an easement, but at this point, all sites are under consideration.

It is noted that most of the properties located proximate to LS E are zoned R-4. This zoning district requires that buildings be setback from the street right of way at least 50 feet and offset from the side a rear-yards at least 20 feet. In addition, the 15% maximum lot coverage, defined as "that portion of the lot that is covered by buildings, structures, and all other impervious improvements on the ground surface such as paving, driveway, etc." contained within the zoning code will make site acquisition difficult in that a minimum lot area of approximately ½ acre will be necessary to comply with the zoning requirements of the area.

We began looking at properties around the existing station beginning with those within 250 feet and proceeding out to 1,000 feet. There are 8 properties within 250 feet, 10 additional properties from 250-500 feet and 34 additional properties between 500 and 1,000 feet which were considered as part of this effort. A map and spreadsheet containing the properties is attached for reference.

The first consideration considered was the availability of vacant property on which a new station could be constructed. Of the original 52 parcels considered, six are vacant based on a review of the 2020 aerial photograph available on the County GIS site. Of these vacant parcels, all six are at least partially located within mapped floodplain. Of these six vacant parcels, only one has direct access to a public street outside of the mapped floodplain (Outlot 1 of Ranch Court subdivision), three others are located adjacent to a public road, but the public road appears to be inundated during the regulatory flood, and the remaining two are located on a private street.

As described in the previous studies and memos, the base flood elevation for the site is approximately 662.5 as indicated on the FEMA Firm panel. In accordance with Wisconsin Administrative Code Section NR 116, new facilities need to be floodproofed (floor elevation at least two feet above the regional flood elevation). In addition to the floodproofing required for the facility, the access will need to also be traversable during a regional regulatory flood.

Another aspect considered when evaluating the potential sites, was the presence of wetlands. The floodplain is generally more restrictive than the wetlands based on published map information. As such, we will not spend additional effort on wetland quantification other than to say, the presence of wetlands will require additional regulatory permitting once a site has been selected. As part of this effort, staff also reviewed the SEWRPC mapping of the environmental corridors and feels that the published maps are incomplete as they do not fully denote the wetland areas shown on the Ranch Court subdivision plat.

A review of the DNR data base on Remediation and Redevelopment determined that there are not any mapped contaminated sites within the study area.

Also, an Endangered Resources Preliminary Assessment (ERPA) was completed as part of this effort. This effort concluded that there may be state or federally threatened or endangered fauna and flora within one mile of the existing LS E site. Copy of ERPA is attached for reference.

A Historical review was not undertaken as part of this effort but should be considered prior to final site selection and acquisition.

In addition to the vacant parcels described above, there remain seven developed residential parcels within 250 feet of LS E. Of these parcels only two are not encumbered by flood plain. These parcels range in size from 0.50 acres to 0.71 acres. It is noted however, that all these parcels would be suitable for LS E if the property were purchased, and the existing homes demolished to comply with the lot coverage requirement discussed previously. Strictly from a logistical perspective, the most logical acquisition would be either Parcel #1, or Parcel #3 both located on W. Ranch Road. These properties have been selected as the most logical parcels for acquisition because a significant portion of the sites are already elevated above the flood elevation, the properties have frontage on a public street and the sewer work necessary to locate the new station at either location would be minimal being that the properties are immediately adjacent to the LS E site. Based on a review of the tax records, parcel #1 has an estimated value of \$128,400 for the property and another \$238,400 for the improvements, while parcel #3 has estimated values of \$112,400 and \$232,800 respectively. It is noted that the previous technical memorandum which evaluated the existing site indicated that portions of these two properties would be impacted IF the existing site was ultimately used for the new station.

Beyond 250 feet and out to 500 feet, there are an additional 8 parcels ranging in size from 0.69 to 1.25 acres. Even at 1.25 acres, a maximum lot coverage of 15% will likely require that the existing structures and impervious surfaces be

razed if selected for the new station site. Being that the sewer work will be more costly, and the acquisition cost will be similar, it is our opinion that these parcels would be less desirable, as they would also require full acquisition. The one exception would possibly be the Ranch Court outlot located to the west of Parcel 2 and identified as parcel #6. This location was previously discussed in the Condition Assessment for Lift Station E. It is unclear as to the value of this property as there isn't a listed value on the Ozaukee County GIS site. Development of this site will have some challenges including compliance with the setbacks and offsets in the zoning district, potential floodplain fill, hydrology and hydraulic study and possibly a FEMA letter of map amendment. In addition, it is noted that while the outlot fronts on the W. Ranch Road cul-de-sac, a 30' wide private driveway and sanitary sewer easement bisects the property.

Beyond 500 feet out to 1,000 feet there are an additional 31 parcels ranging in size from 0.95 to 4 acres. The most promising parcel is located on W. Ranch Road and is identified as parcel #45. This parcel is 3.73 acres in area and has a sizable area in the southeast corner of the property which has public road frontage, and does not appear to be encumbered with floodplain, wetland, or environmental corridor. The property was recently platted as Lot 3 in the Ranch Court subdivision. This corner of the property is located approximately 1,000 feet to the southwest of LS E. While the sewer work necessary to develop this site will be higher than the previously discussed properties, given the size of the property, the owner may be receptive to entering into an agreement with the City for developing the site in a permanent easement rather than further subdividing the lot. In terms of comparison, this property has an estimated value of \$282,500. As stated previously, we anticipate that the new site for LS E would be approximately ½ acre in area and as such, it is estimated that easement acquisition cost could be estimated accordingly.

Regardless which site is selected, additional permits and permissions would be required from the Wisconsin Department of Natural Resources, the U. S. Army Corps. Of Engineers, FEMA, the City of Mequon and possibly Ozaukee County. As part of the permitting processes, Historical and Endangered Resources would need to be requested from the State of Wisconsin, City Plan Commission approval which may include building, electrical and fill permits, erosion control permits, zoning and street opening permits would need to be obtained, utility relocation permits would need to be obtained from WE Energies, AT & T and Spectrum prior to commencing with the work.

Given the complexity of the project, coordination with any affected property owner and the status of the existing permitting system, it is our estimation that the soonest this project could be ready for construction would be twelve to eighteen months from now assuming that negotiations go well with the property owner and eminent domain is not necessary to obtain the necessary permissions.

Parcels within 250 feet of LS E

Key Number	Flood Plain	Wetland	Parcel Number	Area
150960002000	Yes	No	1	0.71 ac
150960001000	Yes	No	2	0.71
150960003000	Yes	No	3	0.64
150960008000	Yes	No	4	0.66
150960009000	Yes	No	5	0.71
150960000099	Yes	Yes	6	17.82
150960007000	No	No	7	0.50
150960004000	No	No	8	0.64

Note: Parcel 6 was eliminated as it is entirely within the mapped flood plain

Key Number	Flood Plain	Wetland	Parcel Number	Area
151860000001	Yes	No	9	1.16 ac.
151860002000	Yes	No	10	1.25
151860001000	No	No	11	1.02
150190800100	No	No	12	1.00
150710505000	No	No	13	1.14
150960005000	No	No	14	0.77
150960006000	Yes	No	15	0.69
150960010000	Yes	Yes	16	0.81
150960011000	Yes	Yes	17	0.75
150190700000	No	No	18	
151860006000	Yes	No	19	4.91

Note: Parcel 18 is just a strip of land and was discarded.

Parcel 19 is not located on a public street and was not considered.

Parcels beyond 500 feet out to 1,000 feet from LS E

Key Number	Flood Plain	Wetland	Parcel Number	Area
150710204000	Yes	No	20	1.11 ac.
150710203000	Yes	No	21	1.22
150710202000	Yes	No	22	1.21
150710207000	No	No	23	1.39
150710206000	No	No	24	1.39
150710205000	No	No	25	1.36
150710401000	No	No	26	1.89
150710411000	No	No	27	1.16
150710410000	No	No	28	1.19
150710501000	No	No	29	1.07
150710502000	No	No	30	1.25
150710504000	No	No	31	1.15
150710503000	No	No	32	1.30
150190900100	No	No	33	1.00
150190900200	No	Yes	34	1.22
150900101000	No	Yes	35	0.95
150900102000	No	Yes	36	0.93
150900125000	No	No	37	1.05
150900124000	No	No	38	1.03
150900123000	No	No	39	1.00
150900122000	No	No	40	0.98
150900121000	No	No	41	0.95
150900602000	Yes	No	42	0.97
150900603000	No	No	43	0.97
150900604000	No	No	44	0.94
151860003000	Yes	No	45	3.73
151860004000	Yes	No	46	4.00
151860005000	Yes	No	47	4.43
150650506000	Yes	No	48	1.08
150650502000	Yes	No	49	1.00
150650501000	Yes	No	50	1.00
150650404000	Yes	No	51	1.00
150650405000	Yes	No	52	0.99
150190500100	Yes	Yes	53	6.98

Note: Parcel 47 was not considered because it does not abut a public street.

Parcels 48 & 53 are entirely within the flood plain.



Attachment: Exhibit C - Technical Memorandum Site Evaluation (2021-08-26) (RESOLUTION 3895 : Authorize Easements to Replace Lift Station



Date: October 5, 2021 revised 10/21/2021 **Project #:** 6398
To: Kevin Driscoll, P.E.-Deputy Director of Utilities
Organization: City of Mequon
From: William A. Hein, P.E., P.L.S.
Regarding: Expanded Site Evaluation for Lift Station E

Built in 1965, Lift Station E (LS E) is the largest sanitary sewer lift station owned by the City of Mequon, averaging 2.485 MGD and receiving flow from Stations F, G, H and T. The current site, located at 2020 West Ranch Road, consists of a station and appurtenances built within an easement platted within and adjoining Outlot 1 of the River Bend Subdivision. Specifically, it is located in the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ and the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Public Land Survey Section 19, T9N, R22E in the City of Mequon and Ozaukee County. The City does not own this property.

The LS E Condition Assessment completed in January 2021 identified four alternative sites for the station's replacement. Subsequent memoranda provided a broad overview of all parcels located within 1,000 feet of the existing station and identified an additional five parcels that are presently developed and owned by private parties. The purpose of this memo is to further analyze six properties identified by these memoranda and subsequent City staff input, as detailed in Table 1. While not mandatory, site acquisition would be preferable to an easement, but at this point, all sites are under consideration. Please note that the parcel numbers below match those listed within the August 26th memorandum, and a map of these locations is attached to this evaluation.

TABLE 1
Parcels Being Evaluated

Parcel No.	Area (sq ft)
45	162,559
6	50,340
1	31,046
3	27,696
4	28,689
5	30,740

EVALUATION CRITERIA

Considerations for site selection will include:

- Sufficient area for a new station and onsite generator, approximately 1,500 sq ft
- Parking for vehicles, approximately 1,200 sq ft
- Availability of natural gas and electric service in sufficient size and capacity to service the new station
- Access to a public street with a new driveway

Following are other criteria for evaluation of the potential sites.

ZONING

All of the properties outlined in Table 1 have an underlying zoning of R-4. This zoning district requires that buildings be setback from the street right-of-way at least 50 feet and offset from the side and rear-yards at least 20 feet. In addition, it requires 15% maximum lot coverage, defined as “that portion of the lot that is covered by buildings, structures, and all other impervious improvements on the ground surface such as paving, driveway, etc.”

FLOODPROOFING

The base flood elevation for the site is approximately 662.5, as indicated on the FEMA Firm panel. In accordance with Wisconsin Administrative Code Section NR 116, new facilities must be floodproofed with a floor elevation at least two feet above the regional flood elevation. In addition, the access must be traversable during a regional regulatory flood.

WETLANDS

Another aspect for consideration was the presence of wetlands. The floodplain is generally more restrictive than wetlands based on published map information. As such, the extent of wetland evaluation will be an indication of the presence of wetlands requiring additional regulatory permitting once a site has been selected. A review of SEWRPC’s mapping of the environmental corridors led the project team to determine that the published maps are incomplete, as they do not fully denote the wetland areas shown on the Ranch Court subdivision plat.

CONTAMINATION

A review of the DNR’s Remediation and Redevelopment database determined that there are no mapped contaminated sites within the study area.

ENDANGERED RESOURCES

A previous Endangered Resources Preliminary Assessment (ERPA) concluded that there may be state or federally threatened or endangered fauna and flora within one mile of the existing site.

PARCEL EVALUATIONS

The evaluation began with Parcel 2, the outlot located along W. Ranch Road, since it is the only vacant parcel. This lot was removed from further consideration after it was determined that it lacked suitable area outside the setbacks, offsets, wetland, environmental corridor, floodplain and stormwater facilities in which a new station could be built.

IMPERVIOUS SURFACE AREA

Utilizing the Ozaukee County GIS site, the project team evaluated the extent of the existing impervious surfaces on each of the properties described in Table 2. While a field survey will ultimately provide more accurate results, this was the best information available for this evaluation. Table 2 summarizes the measured impervious areas for each parcel and the existing percentage of impervious area related to the lot area.

The percentage of impervious area on Parcel 5, on W. River Bend Court, exceeds the maximum lot coverage as defined in the zoning code. It was also noted that Parcel 1, on W. Ranch Road, is the only parcel possessing sufficient land area for the new station without razing the existing improvements.

TABLE 2
Impervious Areas

Parcel No.	Impervious Area	
	Sq Ft	Percentage
45	8,305	5.11%
6	--	--
1	4,345	14%
3	3,240	11.70%
4	4,455	14.49%
5	4,730	16.49%

HISTORICAL SIGNIFICANCE

Although all parcels under consideration have been disturbed during the development process and any sites of historical significance have likely been altered, a Historical Review should be considered prior to final site selection and acquisition.

PROPERTY VALUES

The property and improvement values were obtained utilizing the Ozaukee County GIS site. Table 3 indicates the value of the property and improvements as contained on the site.

TABLE 3
Property and Improvement Values

Parcel No.	Property	Improvement
45	\$282,500	\$669,800
6	--	--
1	\$128,400	\$238,400
3	\$112,400	\$232,800
4	\$133,800	\$262,900
5	\$118,000	\$259,500

ACQUISITION COSTS

The acquisition costs of Parcels 1, 3, 4, and 5 would range from approximately \$345,000 to \$397,000 in a normal real estate market. Demolition costs would also apply. According to 2017 data from RS Means and Wisconsin DOT unit prices, building demolition would likely cost around \$45,000 per parcel. Given the current real estate market, with property sales often closing at prices 50% higher than fair market value, the improvement portions of the properties are likely higher than reported. Property values have remained fairly consistent throughout the past several years.

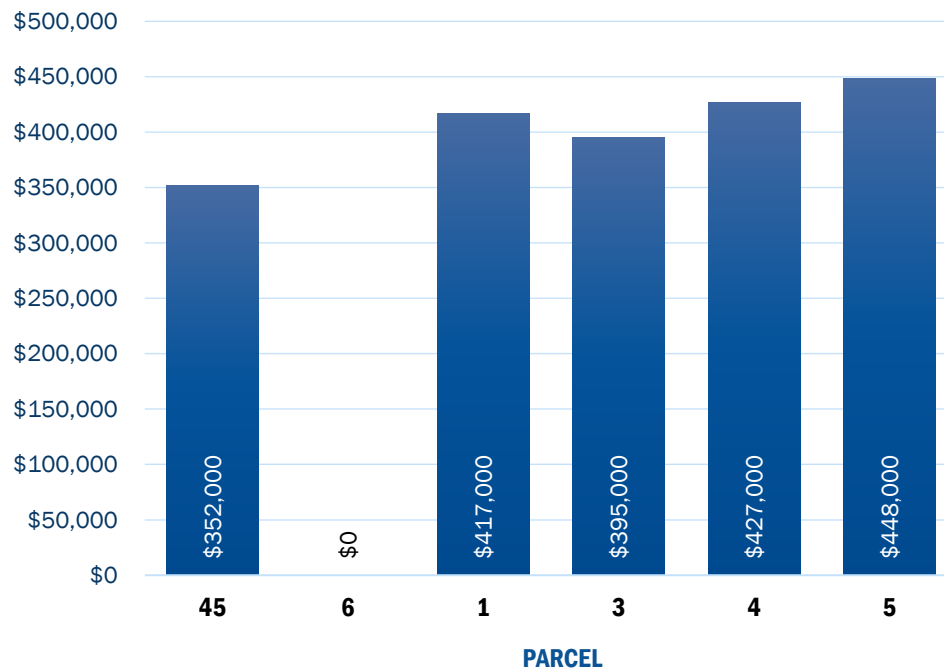
Parcel 45 would be the most logical acquisition from an availability perspective. The area is located at the north end of N. Laguna Drive near the southeast corner of the parcel, as depicted in Figure 1, and consists of approximately 11,000 square feet of usable land outside the flood plain and environmental corridor. Using the highest per foot property value (Parcel 4), the estimated land acquisition cost for this portion of Parcel 45 would be \$52,000. The property is separated from the main household parcel and could be developed on an easement without site demolition. It also provides the desired street access.

The downside to this acquisition is that nearly 950 feet of 30-inch sanitary sewer would need to be installed from Lift Station E to the new site. By comparison, we estimate that 100 feet of 36-inch sanitary sewer pipe would be needed for Parcels 3 and 4, 100 feet of 18-inch pipe for Parcel 5, and 280 feet of 18-inch pipe for Parcel 6. Table 4 contains the estimated sewer reconstruction costs associated with the development of the parcels. Table 5 outlines the total estimated site acquisition costs for each parcel

TABLE 4
Sewer Costs

Parcel No.	Sewer Description			Estimated Cost
	Length (ft)	Diameter (in)	Manholes (Qty)	
45	950	30	4	\$300,000
6	--	--	--	--
1	100	36	1	\$50,000
3	100	36	1	\$50,000
4	100	18	1	\$30,000
5	280	18	2	\$70,000

FIGURE 2
Estimated Site Acquisition Costs



RECOMMENDATION

Based on the estimated costs contained in Figure 2, the best option is to acquire a portion of Parcel 45, in accordance with the attached exhibit. Regardless which site is selected, additional elements will be required:

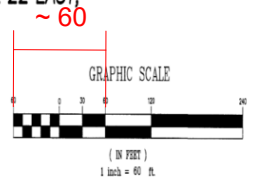
- Permits and permissions from the Wisconsin DNR, U.S. Army Corps of Engineers, FEMA, City of Mequon, and possibly Ozaukee County
- Historical and Endangered Resources review from the State of Wisconsin
- City Plan Commission approval, which may include permits for building, electrical, fill, erosion control, zoning, and street openings
- Utility relocation permits from WE Energies, AT&T and Spectrum

Given the complexity of the project, required property owner coordination, and status of the existing permitting system, the earliest that construction of this project could begin would be 12-18 months from now. This estimate assumes that property owner negotiations go well and eminent domain is not necessary to obtain the necessary permissions.

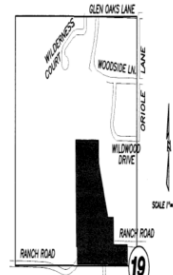
1071043

"RANCH COURT"

PART OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4, OF SECTION 19, TOWN 9 NORTH, RANGE 22 EAST,
IN THE CITY OF MEQUON, OZAUKEE COUNTY, WISCONSIN.



NSE NORTH SHORE ENGINEERING, INC.
Consulting Engineers & Land Surveyors
11439 N. Port Washington Rd., Mequon, Wisconsin, 53092
(262) 241-9400 • FAX: (262) 241-9307
www.northshoreengineering.net



LOCATION MAP
NORTHWEST 1/4 OF SEC. 19-2-22

MAIN CURVE TABLE							
CURVE	LOT REF.	LENGTH	RADIUS	CHORD	TANGENT BEARING IN	TANGENT BEARING OUT	DELTA
A	OUTLOT 1	158.80	75.00	130.81	N17°32'01"E	S4°04'29"E	127°23'30"
B	2	167.19	75.00	134.68	S22°23'52"W	N86°59'40.5"E	127°43'37"
C	3 & 6	139.12	300.00	137.88	S78°12'23"E	N86°58'17"W	28°54'12"
D	DRIVE C/L	152.24	300.00	150.61	S52°38'11"E	N38°05'58"W	52°33'41"

NOTES:

- INTENDED USE & OWNERSHIP FOR OUTLOT 1 AS PART OF THIS SUBDIVISION IS COVERED IN THE "DEVELOPMENT AGREEMENT" AND THE "SUBDIVISION COVENANTS", RECORDED AS SEPARATE DOCUMENTS.
- THE LOTS IN THIS DEVELOPMENT HEREBY HAVE A REED RESTRICTION THAT PROHIBITS ANY LAND DISTURBING ACTIVITY WITHIN THE ENVIRONMENTAL CORRIDOR, INCLUDING REMOVAL OF SPECIMEN TREES, WITHOUT THE APPROVAL OF THE CITY OF MEQUON AND SEMCO.
- REFER TO SHEET 3 OF 4 FOR BASIN EXHIBIT.
- REFER TO SHEET 4 OF 4 FOR WETLAND LINE TABLE INFORMATION.
- REFER TO SHEET 2 OF 4 FOR STORM WATER DRAINAGE EASEMENT CURVE TABLE.

LEGEND:

- Ø - DENOTES 1.315" STEEL PIPE (FOUND)
 - Ø - DENOTES 2.375" STEEL PIPE (FOUND)
 - Δ - DENOTES (WITNESS MONUMENT) 1.315"Ø STEEL PIPE WEIGHING 1.88 LBS. PER LINEAL SET, AT THE INTERSECTION OF THE LOT LINE & THE PRIVATE DRIVE EASEMENT.
 - - DENOTES 2.375"Ø STEEL PIPE WEIGHING 3.65 LBS. PER LINEAL FOOT, SET.
 - () - DENOTES ALSO RECORDED AS DIRECTION OR DISTANCE.
- ALL OTHER LOT AND OUTLOT CORNERS 1.315"Ø STEEL PIPE WEIGHING 1.88 LBS. PER LINEAL FOOT (SET).
- ALL DISTANCES ARE MEASURED TO THE NEAREST ONE HUNDREDTH (0.01') OF A FOOT.
- ALL BEARINGS ARE REFERENCED TO GRID NORTH OF THE WISCONSIN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE, (NAD 83) THE SOUTH LINE OF THE NW 1/4 OF SECTION 19-2-22, WHICH BEARS S89°43'10" W.

- DENOTES BUILDING SETBACK LINE
- DENOTES WETLAND BOUNDARY
- DENOTES WETLAND SETBACK LINE
- DENOTES ENVIRONMENTAL CORRIDOR AND 100 YEAR FLOODPLAIN LINE TOGETHER
- DENOTES AREA WITHIN THE 100 YEAR FLOODPLAIN



Dated this 12th day of September, 2018
Revised this 15th day of October, 2018
Revised this 23rd day of October, 2018

There are no objections to this plat with respect to
Secs. 236.15, 236.16, 236.20 and 236.21(1) and (2),
Wis. Stats. as provided by s. 236.12, Wis. Stats.

Certified *October 23, 2018*
James G. Schneider
Department of Administration

SHEET 1 OF 4 SHEETS



Attachment: Exhibit D - Tech Memo Expanded Site Eval with attachment (2021-10-05) (RESOLUTION 3895 : Authorize Easements to Replace Lift



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: Jennifer Engroff, Finance Director
DATE: October 26, 2021
SUBJECT: RESOLUTION 3890 A Resolution Approving the Allocation of \$37,217 in Federal American Rescue Plan Act Funds to Reimburse the Frank L. Weyenberg Library for Eligible Expenses and Revenue Loss Incurred During the COVID-19 Public Health Emergency

Background

In March of 2020, the CARES Act launched the Coronavirus Relief Fund. One of the measures was to provide immediate assistance for state and local governments which provided a \$430,000 benefit to the City of Mequon which has been fully utilized. To further benefit state and local governments, in March of 2021, the American Rescue Plan Act (ARPA), containing the Local Fiscal Recovery Fund (LFRF) was enacted. The City of Mequon was awarded a total of \$2,552,000, of which \$1,276,000 was received in June of 2021. The remaining \$1,276,000 will be received in June of 2022.

Analysis

The Frank L. Weyenberg Library has accumulated \$20,150.69 of COVID-related expenditures over the course of a 12-month period following the onset of the pandemic. Nearly half was related to providing contact-less service, and the remainder was related to COVID protocol/supplies for protection, sanitation, and social distancing. Also, when comparing their 2020 revenue to 2019, the Library experienced a revenue loss in 2020 of approximately \$17,065.71. The expenditures and revenue loss total \$37,216.40 for which the Library is requesting financial reimbursement from the City.

While final guidance hasn't been issued, broad guidance indicates that ARPA funds can be used for the following:

- Replace lost public sector revenue;
- Provide premium pay for essential workers;
- Invest in water, sewer, and broadband infrastructure;
- Support public health expenditures; and
- Address the negative economic impacts caused by the public health emergency

Based on the above guidance, the request from the Library qualifies under both 1) Replace lost public sector revenue, and 2) Address the negative economic impacts caused by the public health emergency. Previous funding received from the Cares Act allowed the City to provide financial assistance to the Mequon-Thiensville School District, the Mequon-Thiensville Chamber of Commerce, as well as various local businesses.

At the October 5, 2022, Appropriations Committee Meeting, council members approved using ARPA funds to reimburse the Library the exact amount of their financial burden incurred from the global pandemic. Given the City has received the federal funds and knows that these expenditures meet the requirements, the proposed reimbursement is being brought forward for consideration prior to the conclusion of 2021.

Fiscal Impact

There is minimal fiscal impact to the City, but a significant positive impact to the Library. The \$37,216.40 only represents 1.5% of the total ARPA funding received.

Recommendation

Staff recommends allocating \$37,217 of the City's ARPA funding to reimburse the Frank L. Weyenberg Library for eligible expenses and revenue loss incurred during the COVID-19 public health emergency.

Attachments:

Library ARPA Funds Request Email (PDF)

Library ARPA Funds COVID Expense Calculation (PDF)

Library ARPA Funds Revenue Loss Calculation (PDF)

Library ARPA Funds Pickup Window Install Invoice (PDF)

COMMON COUNCIL
OF THE
CITY OF MEQUON

RESOLUTION 3890

A Resolution Approving the Allocation of \$37,217 in Federal American Rescue Plan Act Funds to Reimburse the Frank L. Weyenberg Library for Eligible Expenses and Revenue Loss Incurred During the COVID-19 Public Health Emergency

A. The City has been allocated \$2,552,000 of federal Local Fiscal Recovery Fund monies through the American Rescue Plan Act grant program.

B. To date, the City of Mequon has not spent any of the \$2,552,000 American Rescue Plan Act funds and has until the end of 2024 to fully utilize the funds.

C. The Frank L. Weyenberg Library had \$20,150.69 of unbudgeted COVID-related expenses as well as \$17,065.71 of revenue loss in 2020, both of which are covered under the American Rescue Plan Act.

D. Based on its review, the Finance-Personnel Committee has recommended allocating \$37,216.40 of the City's American Rescue Plan Act funding to assist the Frank L. Weyenberg Library with unbudgeted, unanticipated COVID-related expenses and revenue loss.

BASED UPON THE FOREGOING RECITALS, BE IT RESOLVED by the Common Council of the City of Mequon, Wisconsin, that the Finance Director and City Administrator are authorized to allocate and distribute \$37,217 of the City's American Rescue Plan Act funding to the Frank L. Weyenberg Library to reimburse the Library for eligible expenses and revenue loss it incurred during the COVID-19 public health emergency.

Approved by: John Wirth, Mayor

Date Approved: November 9, 2021

I certify that the foregoing Resolution was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on November 9, 2021.

Caroline Fochs, City Clerk

From: JanaLee Hitchcock <jhitchcock@flwlib.org>
Sent: Tuesday, August 24, 2021 1:48 PM
To: Will Jones <wjones@ci.mequon.wi.us>
Cc: Rachel Muchin-Young <rmuchinyoung@flwlib.org>; Craig Jacobson <cjacobson@flwlib.org>
Subject: ARPA Funds Request

Hello Will,

Thank you for taking the time to speak to me last week.

Attached, please find several documents reflecting Frank L. Weyenberg Library's negative financial impact due to covid. We are hoping that the City will be able to assist us from the ARPA funds the City Received.

The document titled COVID Revenue Losses shows that, in 2020, we incurred a loss of \$17,065.71 in 2020 (compared to 2019). We have also included a comparison of revenue figures from April 13-December 31 of 2019 and 2020, should you find those of interest. Reimbursing for loss of revenue is clearly covered under the purposes of the ARPA funds ("For the provision of government services to the extent of the reduction in revenue due to the COVID-19 public health emergency relative to revenues collected in the most recent full fiscal year prior to the emergency;" (Coronavirus State and Local Fiscal Recovery Funds, 86 Fed. Reg. 26787, May 17, 2021)).

We also believe that the reimbursement of the expenditures incurred to accommodate our patrons and find ways to ensure service during the pandemic qualifies as an acceptable use of funds as a general use of funds used to respond to the public health emergency ("To respond to the public health emergency or its negative economic impacts, including assistance to households, small businesses, and nonprofits..." (Coronavirus State and Local Fiscal Recovery Funds, 86 Fed. Reg. 26787, May 17, 2021)). We understand that the City is awaiting further guidance from the Treasury on this point, but if our interpretation is found acceptable, please note that we incurred expenses in the amount of \$20,150.69. Attached, you will find a spreadsheet of our COVID Expenses and an invoice for labor to install our contact-free quick pick-up window.

The Library was hit hard by the pandemic, just like families, organizations, and people everywhere. We were quick to offer curbside pickup to patrons and eventually re-opened our doors to the public well before several nearby libraries. We increased our reference services to offer specialized book lists based on individual interests to patrons that did not feel comfortable browsing indoors. We increased our online offerings to include live and on-demand programs, increased access to online books, movies, and music, and offered remote access to databases formerly only available within the library. When Spectrum couldn't handle the internet load of portions of the city during

MTSD intermittent periods of virtual schooling for all, we offered free WiFi in the Library parking lot. And the list goes on.

Given all of the above, Frank L. Weyenberg is hoping you will consider providing us with reimbursement in the total amount of \$37,216.40. Should you need any further information, please do not hesitate to ask. Thank you very much!

-Jana

**Frank L. Weyenberg Library
COVID-19 Related Expenses**

11.d.b

Attachment: Library ARPA Funds COVID Expense Calculation (RESOLUTION 3890 : Resolution Approving the Allocation of Federal ARPA

DATE	COMPANY	AMOUNT	DESCRIPTION	CATEGORY	SUBTOTAL
4/24/2020	Amazon	\$ 65.38	Contactless Pickup Holds Board	Building	
5/1/2020	Home Depot	\$ 17.89	Book Drop Padlock	Building	
5/1/2020	Home Depot	\$ 94.93	Contactless Pickup Holds Tent	Building	
5/7/2020	Amazon	\$ 110.73	Social Distancing Floor Vinyl Stickers	Building	
5/8/2020	Monarch	\$ 762.00	Plexiglass Dividers	Building	
5/22/2020	Amazon	\$ 93.33	Public Computers - Floor Cable Covers	Building	
5/26/2020	Amazon	\$ 29.95	Public Computers - Distancing Supplies	Building	
5/28/2020	Amazon	\$ 25.20	Public Computers - Floor Cable Tape	Building	
6/10/2020	Amazon	\$ 25.64	Social Distancing Floor Vinyl Stickers	Building	
6/10/2020	Exhibit Systems	\$ 954.00	Plexiglass Dividers	Building	
6/13/2020	Amazon	\$ 36.82	Public Computers - Floor Cable Covers	Building	
9/16/2020	Exhibit Systems	\$ 868.00	Plexiglass Dividers	Building	
12/15/2020	Amazon	\$ 89.98	Contactless Pickup Shelving	Building	
2/28/2021	Nagele Awning Co	\$ 890.00	Contactless Pickup Awning	Building	\$ 4,063.85
4/27/2020	Zoom	\$ 15.81	Online Meeting Hosting Subscription	Contact	
5/16/2020	Mailchimp	\$ 74.99	Mailing List - Expanded Subscriber Subscription	Contact	
5/24/2020	Zoom	\$ 15.81	Online Meeting Hosting Subscription	Contact	
6/10/2020	Zoom	\$ 95.70	Online Meeting Hosting Annual Subscription	Contact	
6/16/2020	Mailchimp	\$ 74.99	Mailing List - Expanded Subscriber Subscription	Contact	
7/17/2020	Mailchimp	\$ 74.99	Mailing List - Expanded Subscriber Subscription	Contact	
8/16/2020	Mailchimp	\$ 74.99	Mailing List - Expanded Subscriber Subscription	Contact	
9/16/2020	Mailchimp	\$ 74.99	Mailing List - Expanded Subscriber Subscription	Contact	
10/16/2020	Mailchimp	\$ 74.99	Mailing List - Expanded Subscriber Subscription	Contact	
11/16/2020	Mailchimp	\$ 78.99	Mailing List - Expanded Subscriber Subscription	Contact	
12/16/2020	Mailchimp	\$ 78.99	Mailing List - Expanded Subscriber Subscription	Contact	
1/16/2021	Mailchimp	\$ 78.99	Mailing List - Expanded Subscriber Subscription	Contact	
2/16/2021	Mailchimp	\$ 78.99	Mailing List - Expanded Subscriber Subscription	Contact	\$ 893.22
4/22/2020	Wyze Labs	\$ 113.90	Contactless Thermometers	PPE	
4/23/2020	Scan Group	\$ 108.25	PPE Face Shields	PPE	
5/1/2020	Home Depot	\$ 97.64	PPE Gloves	PPE	
5/14/2020	Wyze Labs	\$ 303.74	Thermometers/Disposable Masks/PPE KN95 Masks	PPE	
5/19/2020	Wyze Labs	\$ 316.40	Face Masks	PPE	
6/17/2020	Amazon	\$ 399.80	Face Masks	PPE	
9/14/2020	Amazon	\$ 399.80	Face Masks	PPE	
9/14/2020	Amazon	\$ 162.00	Face Masks	PPE	
9/14/2020	Amazon	\$ 199.00	Face Masks	PPE	\$ 2,100.53
5/27/2020	Amazon	\$ 455.84	Book Bins	Quarantine	
5/27/2020	Amazon	\$ 445.00	Book Cart	Quarantine	
6/24/2020	Amazon	\$ 321.04	Book Bins - Rollers	Quarantine	
8/19/2020	Amazon	\$ 180.25	Book Bins - Rollers	Quarantine	
8/28/2020	Wal-Mart	\$ 267.96	Book Bins	Quarantine	
9/8/2020	NFS Store	\$ 2,070.58	Book Carts (3)	Quarantine	
11/15/2021	Amazon	\$ 556.00	Book Bins - Soft Drop Materials	Quarantine	\$ 4,296.67
5/8/2020	Monarch	\$ 14.16	Disinfectant Wipes	Sanitation	
7/10/2020	CTC Supplies	\$ 101.86	Hand Sanitizer	Sanitation	
7/10/2020	Monarch	\$ 59.00	Disinfecting Wipes	Sanitation	
7/10/2020	Nassco	\$ 104.28	Disinfecting Wipes	Sanitation	
8/10/2020	CTC Supplies	\$ 203.72	Hand Sanitizer	Sanitation	
8/19/2020	CTC Supplies	\$ 282.86	Hand Sanitizer	Sanitation	
9/14/2020	Nassco	\$ 118.51	Hand Sanitizer	Sanitation	
11/15/2020	CTC Supplies	\$ 461.80	Cleaning & Disinfecting Supplies	Sanitation	
12/17/2020	Nassco	\$ 285.08	Hand Sanitizer	Sanitation	
1/15/2021	Amazon	\$ 175.15	Disinfectant Wipes	Sanitation	\$ 1,806.42
			Subtotal Expenses		\$ 13,160.69
			Add: Contact Free Quick Pick-up Window Installation		\$ 6,990.00
			Total COVID Expenses		\$ 20,150.69
			Add: Revenue Loss in 2020		\$ 17,065.71
			Total COVID Financial Impact		\$ 37,216.40

As

ALL YTD			
	<u>Fines & Fees</u>	<u>Book Sales</u>	<u>Total</u>
2019	\$ 28,786.09	\$ 7,567.02	\$ 36,353.11
2020	\$ 13,237.82	\$ 6,049.58	\$ 19,287.40
CHANGE	\$ 15,548.27	\$ 1,517.44	\$ 17,065.71
PARTIAL YTD (APRIL 13 - DECEMBER 31)			
	<u>Fines & Fees</u>	<u>Book Sales</u>	<u>Total</u>
2019	\$ 21,508.34	\$ 5,533.57	\$ 27,041.91
2020	\$ 6,110.75	\$ 4,522.00	\$ 10,632.75
CHANGE	\$ 15,397.59	\$ 1,011.57	\$ 16,409.16

CONTRACT-1111 HOMETOWN GLASS & IMPROVEMENT, INC.

Building Improvements * Mobile Auto Glass * Complete Glass Service

24 Hour Emergency Service

OFFICE AND SHOP: N7171 Raceway Road

Phone: (920) 887-3757 Fax: (920) 887-3338 Beaver Dam WI 53916

CONTRACT SUBMITTED TO:

PHONE: 262 424 2593 Ext 331

EMAIL: muchinyoung@flwlib.org

JOBNAME: Transaction Window

STREET: 11345 North Cedarburg Rd

CITY & STATE: Mequon WI 53092

DATE: 11/18/2020

NAME: Frank L Weyenberg Library

STREET: 11345 North Cedarburg Rd

CITY & STATE: Mequon WI 53092

It is agreed this Contract shall be for the following work and materials:

Furnish and install an exterior aluminum transaction window. See page 2 for details and further scope.

\$6,990.00

Quote includes demo, disposal, labor and freight. Tax was not included.

Permits, if required, are the responsibility of the owner.

1. Contractors shall furnish Buyer with lien waivers in writing from contractors, subcontractors and material suppliers in proportion to the value of all labor, services and products or materials furnished or delivered as of the time payment(s) is (are) made upon request.
2. A copy of manufacturer's warranties on products shall be provided upon completion. Hometown Glass & Improvement, Inc. warrants that all work will be completed in a workmanlike manner according to standard practices. No other warranties are made.
3. All deviations from the above specifications shall be in writing, signed by both parties and specifying any price increase or decrease.
4. Owner shall carry fire, wind and any other insurance owner deems necessary.

AS REQUIRED BY THE WISCONSIN CONSTRUCTION LIEN LAW, BUILDER HEREBY NOTIFIES OWNER THAT PERSONS OR COMPANIES FURNISHING LABOR OR MATERIALS FOR THE CONSTRUCTION ON OWNER'S LAND MAY HAVE LIEN RIGHTS ON OWNER'S LAND AND BUILDINGS IF NOT PAID. THOSE ENTITLED TO LIEN RIGHTS, IN ADDITION TO THE UNDERSIGNED BUILDER, ARE THOSE WHO CONTRACT DIRECTLY WITH THE OWNER OR THOSE WHO GIVE THE OWNER NOTICE WITHIN 60 DAYS AFTER THEY FIRST FURNISH LABOR OR MATERIALS FOR THE CONSTRUCTION. ACCORDINGLY, OWNER PROBABLY WILL RECEIVE NOTICES FROM THOSE WHO FURNISH LABOR OR MATERIALS FOR THE CONSTRUCTION, AND SHOULD GIVE A COPY OF EACH NOTICE RECEIVED TO THE MORTGAGE LENDER, IF ANY. BUILDER AGREES TO COOPERATE WITH THE OWNER AND THE OWNER'S LENDER, IF ANY, TO SEE THAT ALL POTENTIAL LIEN CLAIMANTS ARE DULY PAID.

It is proposed that work shall be completed on or about: _____

It is agreed the above described work will be completed in accordance with the above specifications for the sum of: _____

payable as follows: Net 30 Days

Authorized Signature: _____

* Insert name or representative who solicited or negotiated this contract.

Tim Weisensel

This contract shall be null and void if not accepted on or before: (30 Days From Today's Date) 11/18/2020

ACCEPTANCE OF CONTRACT

Owner hereby agreed to the foregoing specifications, prices, terms and conditions and authorizes Hometown Glass & Improvement, Inc. to proceed. By signing this Acceptance, owner acknowledges receipt of a copy of this contract.

Date: _____

12/15/2020

Signature: _____

-J/f. [Signature]

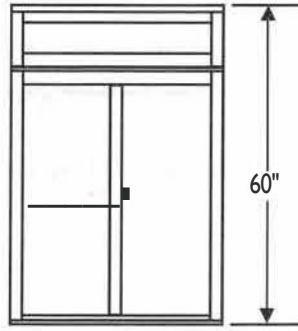
Signature: _____

coNfRAct

HOMETOWN

GLASS & IMPROVEMENT, INC.

r---36"4



(1 of)

Exterior2" x 4 1/2" Aluminum FramesFixed Window Over SliderManual Open / SelfClosing / SelfLockingWhite Painted FinishClear Insulated Glass12" Stainless Steel ShelfPerimeter Caulk



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: William Jones, City Administrator
DATE: November 4, 2021
SUBJECT: RESOLUTION 3891 A Resolution Approving Various Transfers within the City of Mequon's Capital Projects Fund in the Aggregate Amount of \$512,923

Background

In connection with development of the City's annual budget for Fiscal Year 2022, the City Budget Team has been working to address a number of deficit balances in various project accounts within the City's Capital Projects Fund. These account deficits, many of which are specific to a particular project (e.g., Civic Campus Bio-Swale) vs. a particular spending category (e.g., Police Vehicles) have accumulated over several years, with some predating the City's conversion to its current financial reporting system (MUNIS) around 2010. Conversely, a few accounts within the Capital Projects Fund have excess balance amounts that are no longer needed. Accordingly, staff is proposing a number of interfund transfers within the Capital Project Funds to reconcile (or 'zero out') these accounts, as the original projects and/or equipment purchases have long since been completed.

Analysis

In all, there are a total of seventeen project accounts that require reconciliation. Of these, three (3) accounts have excess funds in the aggregate amount of \$1,768.11, while fourteen (14) have a negative balance that when combined, equal \$576,767.99. Of these fourteen accounts that currently have a negative balance:

- Ten (GPS Equipment, Pioneer Road, Police EDP Equipment, Donges Bay Gorge, DPW Small Projects, County Line Bridge, Lemke Park Pavilion, Police Impound Lot, City Campus Water Extension, IT Data Processing Equipment) require additional funding in the aggregate amount of \$331,792.59 to eliminate the identified shortfalls.
- Two (Fire SCBA Equipment, Ambulance Vehicles) require a corresponding transfer of funds in the amount of \$179,362.40 from the Fire Department's Vehicle & Equipment Replacement Project Funds.
- One (Highland Road Interchange) will be eliminated as a result of a planned borrowing in 2022 for the City's share of this jointly funded project.
- One (Community Sign Board) will be retired with future tax proceeds generated from Tax Increment District #3.

A chart depicting the current position (surplus/(deficit) of all twenty referenced accounts is attached as Exhibit A.

Fiscal Impact

The proposed interfund transfers outlined herein are fiscally neutral. Currently, the Capital Projects Fund has unallocated interest income that can be utilized to retire all existing account deficits that cannot otherwise be eliminated through a transfer of funds from existing accounts, or a pledged future revenue source. Accordingly, the attached resolution authorizes Finance Department staff to:

- Transfer surplus funds from three project accounts (Civic Campus Bio-Swale, Garrison's Glen and Mequon Nature Preserve) in the aggregate amount of \$1,768.11 to the City's existing Park Planning & Improvements Capital Projects Account.
- Transfer \$331,792.59 from the Capital Projects Fund's Interest Income Account to eliminate ten identified project account deficits ranging from \$5.40 - \$177,735.82, as described on the preceding page. Notably, interest income has been accumulating in the City's Capital Projects Fund over a number of years, and these proceeds (over \$400,000) have not been allocated to any individual projects due to previous direction from prior Common Councils.
- Transfer funds in the amount of \$179,362.40 from the Fire Department's Vehicle & Equipment Replacement Capital Projects Account to the Fire Department SCBA Equipment Capital Projects Account and the Ambulance Vehicles Capital Projects Account to eliminate these longstanding deficits.

As indicated, the total amount for all of the interfund transfers included in proposed resolution equals \$512,923.

Recommendation

A recommendation is forthcoming from the Finance-Personnel Committee on November 9, 2021.

Attachments:

EXHIBIT A - CAPITAL PROJECTS FUND - 11.9.21 (XLSX)

COMMON COUNCIL
OF THE
CITY OF MEQUON

RESOLUTION 3891

A Resolution Approving Various Transfers within the City of Mequon's Capital Projects Fund in
the Aggregate Amount of \$512,923

A. In conjunction with the development and adoption of the City of Mequon's annual budget for Fiscal Year 2022, City staff has identified a number of capital project accounts with either surplus funds that are no longer required, or deficit balances that need to be reconciled.

B. The Finance-Personnel Committee has reviewed and recommended to the Common Council a series of interfund transfers within the City's Capital Projects Fund to reallocate surplus funds from projects that have been completed and reconcile a number of account deficits for legacy projects or purchases that were initiated and completed several years ago.

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

1. Surplus proceeds in the aggregate amount of \$1,768.11 (as depicted in the attached Exhibit A) be transferred from Capital Projects Fund Accounts #12039 - Civic Campus Bio-Swale; #10075 - Garrison's Glen Capital Projects; and #10823 - Mequon Nature Preserve Parking Lot to Account #10474 - Parks Planning & Improvements.

2. Funds in the aggregate amount of \$334,248.19 be transferred from the Capital Projects Fund Account #459101 - Interest Income, to Accounts #10015 - GPS Engineering Equipment; #10037 - Swimming Pool Equipment; #11006 - Pioneer Road; #10034 - Police EDP Equipment; #12020 - Donges Bay Gorge Project; #10049 - DPW Small Projects; #11003 - County Line Bridge; #10025 - Lemke Park Pavilion; #10112 - Police Impound Lot; #12032 - Civic Campus Water Extension and #10117 - IT Data Processing Equipment (as depicted in the attached Exhibit A).

3. Funds in the aggregate amount of \$179,362.40 be transferred from Capital Projects Fund Account #10236 - Fire & EMS Vehicles to Project Accounts #10014 - Fire Department SCBA Equipment and Account #10136 - Ambulance Vehicles (as depicted in the attached Exhibit A).

Approved by: John Wirth, Mayor

Date Approved: November 9, 2021

I certify that the foregoing Resolution was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on November 9, 2021.

Caroline Fochs, City Clerk

Exhibit A: Proposed Treatment of Certain Capital Project Balances for 2022 Budget

		How to Address:				
	Bal @ 10/27/2021	Cap Project Fund Bal	Internal Transfer	Future Debt Issue	Carry Forward	Adjusted Balance
12039 Civic Campus Bio-Swale	\$ 933.50	(933.50)				-
10075 Garrison's Glen Cap Projects	584.78	(584.78)				-
10823 Mequon Nature Preserve Parking Lot	249.83	(249.83)				-
10015 GPS Engineering Equipment	(5.40)	5.40				-
11006 Pioneer Road 2011	(199.56)	199.56				-
10034 Police EDP Equipment (2011)	(200.00)	200.00				-
12020 Donges Bay Gorge Project (pre-2010)	(3,887.93)	3,887.93				-
10049 DPW Small Projects (pre-2015)	(4,404.69)	4,404.69				-
11003 County Line Bridge (2011)	(4,725.00)	4,725.00				-
12019 Community Sign Board	(5,000.00)				X	(5,000.00)
10009 Highland Road Interchange (2014)	(60,613.00)			60,613.00		-
10025 Lemke Park Pavillion (2013)	(58,556.45)	58,556.45				-
10112 Police Impound Lot (2018)	(60,263.06)	60,263.06				-
10014 Fire Dept SCBA Equipment (pre-2011)	(81,291.22)		81,291.22	(1)		-
10136 Ambulance Vehicles (pre-2011)	(98,071.18)		98,071.18	(1)		-
12032 City Campus Water Extension (pre-2011)	(177,735.82)	177,735.82				-
10117 IT Data Processing Equipment (pre-2011)	(21,814.68)	21,814.68				-
	<u>\$ (574,999.88)</u>	<u>\$ 330,024.48</u>	<u>\$ 179,362.40</u>	<u>\$ 60,613.00</u>	<u>\$ -</u>	<u>\$ (5,000.00)</u>

- (1) Transfer funds from MFD Project #10236 to cover overdrafts
#10236 Balance @ 12/31/20 = \$559,505.02

Note: Accounts with negative balances covered with fund balance should then be locked from future use with the exception of IT Equipment.



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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: October 25, 2021
SUBJECT: RESOLUTION 3893 A Resolution Adopting the 2022 Compensation Plan for Non-Represented Employees

Background

The 2022 General Fund Budget to be adopted by the Common Council at its November 9 meeting provides for a 2.5% cost-of-living wage adjustment among non-represented employees. Furthermore, the Classification and Compensation Study completed by the City in 2014 recommends that annual adjustments be applied to the City's Compensation Plan, so that employee wage rates do not outpace the authorized pay plan. Correspondingly, the 2020 Compensation Plan adjusts all classified pay ranges by a factor of 2.5%.

Due to fiscal restraints in 2021, the current year budget provided for a 1% cost-of-living adjustment with no merit-based adjustment based on individual performance. In light of the limited adjustment in 2021, all staff who successfully complete a performance review before year-end will receive the full 2.5% cost-of-living adjustment in 2022. The proposed Compensation Plan is the first attachment appended to this memo.

In addition, the proposed Compensation Plan for 2022 includes the establishment of an Information Technology Manager position for the IT Division at Pay Grade 13 (\$72,511-\$96,631), in accordance with the Appropriation Committee's direction at its meeting on October 5. Paygrade 13 allows for a market compensative rate, as well as preserves internal equity between the IT Manager's subordinates and the position's supervisor. The proposed job description of the IT Manager is included as the second attachment to this memo.

Lastly, staff will be bringing forward the newly created full-time Paramedic positions in December once the City and the Mequon Fire & EMS Association reach an agreement amending the current Collective Bargaining Agreement to incorporate these positions.

Fiscal Impact

The fiscal impact of a 2.5% wage adjustment will result in an overall increase in personnel wage expenses of \$132,000 across all non-represented staff at the City of Mequon.

Recommendation

A recommendation is forthcoming from the Finance-Personnel Committee on November 9, 2021.

Attachments:

2022 Salary Structure (PDF)

Information Technology Manager Job Description (PDF)

COMMON COUNCIL
OF THE
CITY OF MEQUON

RESOLUTION 3893

A Resolution Adopting the 2022 Compensation Plan for Non-Represented Employees

A. The Finance-Personnel Committee has reviewed and recommended to the Common Council modifications to the City's Compensation Plan that contains all non-represented positions authorized by the City, as well as their pay ranges, which is attached herein as Exhibit A.

B. Additionally, the 2022 Compensation Plan includes the addition of a full-time Information Technology Manager position within the Information Technology Division of the City Administrator's Office at Pay Grade 13 (\$72,511 - \$96,631), as authorized by the Appropriations Committee at its meeting on October 5, 2021.

BASED UPON THE FOREGOING RECITALS, IT IS RESOLVED, by the Common Council of the City of Mequon, Wisconsin, that the 2022 Compensation Plan for non-represented employees is approved with the inclusion of the position of Information Technology Manager within the Information Technology Division at Pay Grade 13.

Approved by: John Wirth, Mayor

Date Approved: November 9, 2021

I certify that the foregoing Resolution was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on November 9, 2021.

Caroline Fochs, City Clerk

**CITY OF MEQUON, WISCONSIN
FY2022 EMPLOYEE COMPENSATION PLAN**

Pay Grades	2022 Pay Ranges					JOB POSITION
	Minimum	Q1	Midpoint	Q3	Maximum	
1	\$28,363	\$30,865	\$33,368	\$35,870	\$38,373	CUSTODIAN
2	\$30,632	\$33,335	\$36,038	\$38,741	\$41,444	
3	\$33,082	\$36,001	\$38,920	\$41,839	\$44,758	
4	\$35,729	\$38,881	\$42,034	\$45,186	\$48,339	
5	\$38,588	\$41,993	\$45,398	\$48,802	\$52,207	
6	\$41,674	\$45,352	\$49,029	\$52,706	\$56,384	ACCOUNTING ASSISTANT ADMINISTRATIVE SECRETARY ASSESSMENT TECHNICIAN DEPUTY CLERK DISPATCHER HUMAN RESOURCES COORDINATOR PERMIT COORDINATOR RECORDS CLERK UTILITY CLERK
7	\$45,009	\$48,980	\$52,951	\$56,922	\$60,893	
8	\$48,609	\$52,899	\$57,188	\$61,477	\$65,766	BUILDINGS MAINTENANCE WORKER EXECUTIVE ASSISTANT FORESTRY WORKER HIGHWAY EQUIPMENT OPERATOR HIGHWAY WORKER HIGHWAY/PARKS WORKER MECHANIC PARKS WORKER SEWER WORKER
9	\$52,499	\$57,131	\$61,763	\$66,395	\$71,027	ENGINEERING TECHNICIAN I HIGHWAY FOREMAN SEWER FOREMAN

Attachment: 2022 Salary Structure (RESOLUTION 3893 : 2022 Comp Plan)

**CITY OF MEQUON, WISCONSIN
FY2022 EMPLOYEE COMPENSATION PLAN**

Pay Grades	2022 Pay Ranges					JOB POSITION
	Minimum	Q1	Midpoint	Q3	Maximum	
10	\$56,697	\$61,700	\$66,703	\$71,706	\$76,709	ADMINISTRATIVE COORDINATOR ENGINEERING FIELD COORDINATOR ENGINEERING TECHNICIAN II INSPECTOR PUBLIC SAFETY IT SPECIALIST PLANNER
11	\$61,234	\$66,637	\$72,040	\$77,443	\$82,846	ASSISTANT TO THE FINANCE DIRECTOR
12	\$66,132	\$71,967	\$77,802	\$83,637	\$89,471	BUILDINGS SUPERINTENDENT FLEET SUPERINTENDENT HIGHWAY SUPERINTENDENT INSPECTIONS SUPERVISOR SEWER SUPERINTENDENT PARKS & FORESTRY SUPERINTENDENT
13	\$72,511	\$78,541	\$84,571	\$90,601	\$96,631	<u>INFORMATION TECHNOLOGY MANAGER</u>
14	\$77,137	\$83,943	\$90,749	\$97,555	\$104,361	BATTALION CHIEF
15	\$79,143	\$87,535	\$95,926	\$104,318	\$112,709	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	\$89,971	\$97,910	\$105,849	\$113,789	\$121,728	
17	\$104,735	\$113,004	\$121,273	\$129,542	\$137,812	DIRECTOR OF COMMUNITY DEVELOPMENT DIRECTOR OF PUBLIC WORKS FINANCE DIRECTOR FIRE CHIEF POLICE CHIEF
18	Established by Employment Contract					CITY ADMINISTRATOR

Attachment: 2022 Salary Structure (RESOLUTION 3893 : 2022 Comp Plan)

Job Description

City of Mequon

<u>Title:</u> Information Technology Manager	<u>ELSA:</u> Exempt
<u>Date:</u> 2021	<u>Present Incumbent:</u>
<u>Department:</u> City Administrator's Office	<u>Division:</u> IT Division
<u>Work Location:</u> All City Buildings	
<u>General Schedule:</u> 8:00 a.m. – 4:30 p.m., Monday-Friday, subject to change due to emergencies, program updates and meetings	
<u>Pay Range:</u> Grade 13	
<u>Represented:</u> No	<u>Bargaining Unit:</u> N/A
<u>Position's Purpose:</u> The IT Manager is responsible for coordinating, planning, and leading information technology (IT) related activities for the organization. Assesses the IT needs and supports IT resources to fulfill the organization's requirements. Help define IT strategy, architecture, and processes for the City. Monitors IT infrastructure and manages IT vendors. Troubleshoots problems and provides software support to end-users. Provides training and technical assistance to City staff. Must be available for limited 24/7 support after normal office hours for IT-related emergencies.	
Description of the Job A. Essential Duties and Responsibilities: <u>55%</u> Administer, support, and manage all hardware, software, equipment, and IT infrastructure at all City buildings with the assistance of IT Division staff and vendors. Monitor performance of IT systems to determine cost and productivity levels, and make recommendations for improving the IT infrastructure. Troubleshoot hardware and software issues related to internal resources. Serve as the main point of contact for vendors and staff for IT projects. <u>15%</u> Research and implement current and emerging industry-specific technology. Work with departments to assess IT needs and provide support to project implementation <u>15%</u> Support City's Help Desk by serving as a point of contact for staff seeking technical assistance. Troubleshooting through diagnostic techniques and pertinent questions to determine the best solution for issues that arise. <u>10%</u> Develop organizational IT skills by identifying educational needs, provide educational resources or tools to support learning, hold training sessions, and maintain self education resources. <u>5%</u> Performs other duties as assigned.	

B. Job Specifications

Required Knowledge: Thorough knowledge of troubleshooting techniques of information technology systems, working knowledge of windows networks; ability to relate all elements of problems into systematic solutions; skill in organizing workflow; considerable ability to operate computer equipment including non-PC related devices.

Required Skills/Abilities:

Technical:

- Proficient knowledge of setup and support of personal computers.
- Working knowledge of Windows Server as well as SQL.
- Knowledge of software interfaces.
- Experience with security camera systems and other recording devices.
- Experience in supporting mobile users.
- Experience in system administration of software programs.
- Experience acting as “help desk” support.
- Experience in website design and maintenance.
- Advanced computer troubleshooting, analysis, critical thinking and problem solving ability.

Communication/Interpersonal:

- Ability to communicate clearly to the end user.
- Ability to stay calm in high-pressure time sensitive situations.
- Ability to be outgoing and personable.
- Skills in time management and workload management.
- Skills in customer service.
- Strong attention to detail.
- Solid understanding of business practices with fundamental understanding of project management methodology.
- Good organizational, analytical, and planning skills.
- Ability to communicate, interact and work effectively and cooperatively with people from diverse ethnic and educational backgrounds.
- Ability to be self-motivated, goal-oriented, and to perform multiple tasks independently with minimum direct supervision.
- Ability to analyze complex issues, anticipate potential issues and organize work activities to minimize problems.

C. Qualifications Required: Five (5) or more years of experience performing high-level IT work; a four- year degree from accredited college in electronics or related field preferred. Any equivalent combination of education and recent experience in network administration that provides the required knowledge, skills and abilities will be considered and may be substituted for the educational requirements. Hold a valid (regular) Wisconsin Driver's License.

Must pass thorough background check; position has access to confidential records.

D. Supervision Received: Reports to the Assistant City Administrator, but exercises significant independence in carrying out duties.

E. Supervision Exercised: Oversee the IT Public Safety Specialist and IT Associate

F. Working Conditions: Generally indoors in an office setting, but may require exposure to outdoor elements for extended periods. While performing the duties of this job, the employee is frequently required to stand; walk; sit; reach with hands and arms; climb or balance; stoop, kneel, crouch, or crawl. Ability to talk and hear. The employee is occasionally required to use hands to finger, handle or feel. Ability to lift 50 pounds and work in confined areas and in squad car and squad garage. Reasonable accommodations can be made as long as the primary duties of the position are not impacted.

G. 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:

Human Resources Manager

Date: _____

Department Head or Designated Representative

Date: _____

Incumbent

Date: _____



11333 N. Cedarburg Road
Mequon, WI 53092
Phone: 262-242-3100
Fax: 262-242-9655

www.ci.mequon.wi.us

Office of City Attorney

TO: Common Council
FROM: Brian Sajdak, City Attorney
DATE: November 4, 2021
**SUBJECT: RESOLUTION 3896 A Resolution Releasing a Stormwater Facilities
Maintenance Easement for the Property Located at 11900 N. Port
Washington Road**

Background and Discussion

In 2014, the City approved a development proposal by Artis Senior Living for the property located at 11900 N. Port Washington Road. As part of that development, Artis had proposed an underground stormwater detention tank as part of its stormwater management plan. As is done with all stormwater facilities, the City entered into a Stormwater Maintenance Agreement and Easement with the owner to allow the City access to the facility in the event that the owner does not properly maintain the facility.

Artis' development on the property never materialized, and they are now looking to sell the property. The buyer has requested that the easement be removed from the property since it is not needed because the underground facility was never constructed and the buyer's proposed stormwater management will be different. For these reasons, staff recommends approving the requested release of easement.

Fiscal Impact

There is little to no fiscal impact to the City as a result of this action.

Recommendation

A recommendation is forthcoming from the Finance-Personnel Committee on November 9, 2021.

Attachments:
Release of Easement

Attachments:
Release of Stormwater Easement (PDF)

COMMON COUNCIL
OF THE
CITY OF MEQUON

RESOLUTION 3896

A Resolution Releasing a Stormwater Facilities Maintenance Easement for the Property Located
at 11900 N. Port Washington Road

RECITALS

A. In 2014, as part of a proposed development on the property located at 11900 N. Port Washington Road by Artis Senior Living, the Common Council approved and accepted a Stormwater Maintenance Easement on the Property.

B. The Easement was to cover a proposed underground stormwater detention tank.

C. The development on the property never proceeded and the underground tank was not constructed.

D. The owner is now looking to sell the property, and the buyer has requested the removal of the easement prior to closing.

E. Because the detention tank was never constructed and the buyer will go through the approval process for its plans on the property, the easement is no longer necessary.

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

1. The Release of Storm Water Facilities Maintenance & Easement Declaration and Agreement in the form attached hereto is approved subject to any clerical, technical and/or legal changes deemed necessary and appropriate by the City Attorney.

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

Approved by: John Wirth, Mayor

Date Approved: November 9, 2021

I certify that the foregoing Resolution was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on November 9, 2021.

Caroline Fochs, City Clerk

This instrument was drafted by
and after recordation should be
returned to:

Derek Taylor, Esq.
Husch Blackwell LLP
511 N. Broadway, Suite 1100
Milwaukee, WI 53202

Tax Parcel I.D. #:
See Exhibit A

**RELEASE OF
STORM WATER
FACILITIES
MAINTENANCE &
EASEMENT
DECLARATION AND
AGREEMENT**

[Above space reserved for recording information]

THIS RELEASE OF STORM WATER FACILITIES MAINTENANCE & EASEMENT DECLARATION AND AGREEMENT (“Release”) is made and entered into effective as of _____, 2021 (the “**Effective Date**”), by and between Artis Senior Living of Mequon, LLC (“**Owner**”) and the City of Mequon (the “**City**”, and collectively with Owner, the “**Parties**”).

RECITALS

WHEREAS, Owner is the fee owner of the real estate located at in the City of Mequon, Wisconsin as more particularly described on Exhibit A attached hereto and incorporated herein (the “**Property**”).

WHEREAS, on October 2, 2014, the Owner and the City entered into that certain Storm Water Facilities Maintenance & Easement Declaration and Agreement affecting the Property, recorded with the Ozaukee County Register of Deeds on November 13, 2014 as Document No. 1009753 (“**Easement Agreement**”).

WHEREAS, Owner is under contract to sell the Property to Matter X, LLC or its assigns (the “**Buyer**”). As part of Buyer’s acquisition and development of the Property, Buyer has requested the Owner and the City release the Easement.

WHEREAS, the Parties desire to release the Easement Agreement.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing Recitals, which are hereby incorporated by reference and made a contractual part hereof, the Parties agree that as of the Effective Date the Property is released from the terms and conditions of the Easement Agreement, and thereafter the Easement Agreement shall have no further force or effect.

This Release may be executed in multiple counterparts, each of which shall be deemed an original document, and all of which shall constitute a single instrument.

[SIGNATURE ON FOLLOWING PAGE]

Dated this _____ day of _____, 2021.

OWNER:

ARTIS SENIOR LIVING OF MEQUON, LLC

By: _____
Name: _____
Title: _____

STATE OF WISCONSIN)
) ss.
COUNTY OF _____)

Before me, a Notary Public, on this ____ day of _____, 2021 personally appeared _____ as _____ of Artis Senior Living of Mequon, LLC, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

(SEAL) Notary Public

Name: _____
Notary Public, State of Wisconsin
My Commission: _____

CITY OF MEQUON

By: _____
Name: John M. Wirth
Title: Mayor

ATTEST:

By: _____
Name: Caroline Fochs
Title: City Clerk

STATE OF WISCONSIN)
) ss.
COUNTY OF _____)

Before me, a Notary Public, on this ____ day of _____, 2021 personally appeared John M. Wirth and Caroline Fochs, as Mayor and City Clerk, respectively, of the City of Mequon, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

(SEAL) Notary Public

Name: _____
Notary Public, State of Wisconsin
My Commission: _____

EXHIBIT A**Property Legal Description**

Located at 11900 North Port Washington Road, City of Mequon, Ozaukee County, Wisconsin.

Part of Lot 2 of Certified Survey Map No. 1902, being a part of the Northwest $\frac{1}{4}$ of Section 20, Town 8 North, Range 22 East, in the City of Mequon, Ozaukee County, Wisconsin.

Tax Key No. 15-020-06-008.00



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: October 25, 2021
SUBJECT: RESOLUTION 3897 A Resolution Approving a Collective Bargaining Agreement Between the City of Mequon and the Mequon Police Association for the Period January 1, 2022 - December 31, 2024

Background

On October 20, negotiations commenced with the Mequon Police Association (MPA) on a new collective bargaining agreement covering 37 police officers, detectives, and sergeants employed by the City. Contract negotiations were completed that same day, and the MPA ratified the tentative three-year agreement, terms of which are discussed below, on November 2. The current agreement between the City and the MPA will expire on December 31, 2021. A redlined copy of the proposed agreement is attached.

Analysis

The proposed three-year agreement, which includes negotiated wage adjustments over the life of the contract, also contains two "housekeeping" modifications, as follows:

- Updates all references of "Patrolman" to "Patrol Officer," to be inclusive and reflect current position references.
- Deletes "(sergeant/detective)" references in line 23 on page 6 to remove reference to the pre-2021 salary table that contained sergeants and detectives in the same pay grade.

While not in the contract, the City proposed and the MPA agreed to meet in the first half of 2022 to review and update drug testing procedures contained within the agreement, to ensure a program in place that reflects best practices and memorializes current procedures. The updated drug testing program will be put in place next year through a side letter, and thereafter, be incorporated into future collective bargaining agreements.

Fiscal Analysis

As noted, the proposed agreement contains negotiated wage adjustments for each year. Effective January 1, 2022, and January 1, 2023, all members of the association will receive a 2.5% cost of living adjustment. It is expected that the additional cost of these proposed wage adjustments will amount to approximately \$77,700 in 2022 and \$79,700 in 2023. In 2024, the agreement provides a 2.75% cost of living adjustment, which is anticipated cost to approximately \$89,000 in that year.

Recommendation

A recommendation is forthcoming from the Finance-Personnel Committee on November 9, 2021.

Attachments:

Redline Mequon Police CBA 2022 - 2024 (PDF)

COMMON COUNCIL
OF THE
CITY OF MEQUON

RESOLUTION 3897

A Resolution Approving a Collective Bargaining Agreement Between the City of Mequon and the Mequon Police Association for the Period January 1, 2022 - December 31, 2024

A. The City has conducted collective bargaining with the Mequon Police Association.

B. A three-year agreement on the terms of a new labor contract has been reached to be effective January 1, 2022 through December 31, 2024, which has been recommended by the Finance-Personnel Committee and ratified by the Mequon Police Association.

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

1. The agreement between the City of Mequon and the Mequon Police Association for January 1, 2022 through December 31, 2024 is approved.

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

Approved by: John Wirth, Mayor

Date Approved: November 9, 2021

I certify that the foregoing Resolution was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on November 9, 2021.

Caroline Fochs, City Clerk

AGREEMENT
BETWEEN
CITY OF MEQUON
AND
MEQUON POLICE ASSOCIATION, INC.

Effective Date: January 1, ~~2021~~2022

Expiration Date: December 31, ~~2021~~2024

Attachment: Redline Mequon Police CBA 2022 - 2024 (RESOLUTION 3897 : MPA CBA 22-24)

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AGREEMENT

THIS AGREEMENT is made and entered into by and between the CITY OF MEQUON, hereinafter referred to as the “Employer,” and the MEQUON POLICE ASSOCIATION, INC., hereinafter referred to as the “Association,” on behalf of and covering only the full-time employees of the Employer’s Police Department employed in the classifications of Sergeant, Detective, and ~~Patrolman~~ Patrol Officer, hereinafter referred to as “Employees.”

ARTICLE I - PURPOSE

Section 1.01: It is the purpose of this Agreement and the desire of both parties to this Agreement to reach an amicable understanding with respect to the employer-employee relationship which exists between them, to enter into a complete agreement covering rates of pay, hours of work and conditions of employment, to allow the Employer to operate and manage its affairs as efficiently as possible, and to implement the provisions of Section 111.70, Wisconsin Statutes.

ARTICLE II - RECOGNITION

Section 2.01: The Employer agrees to recognize the Association as the exclusive bargaining agent for the regular full-time employees of the Mequon Police Department employed in the classifications of Sergeant, Detective and ~~Patrolman~~ Patrol Officer, excluding supervisory employees and all other employees in the City of Mequon, for the purposes of conferences and negotiations with the Employer or its lawful authorized representatives on questions of wages, hours and conditions of employment.

ARTICLE III - NEGOTIATIONS

Section 3.01: Either party may select for itself a negotiator or negotiators for the purposes of carrying on conferences and negotiations under the provisions of Section 111.70, Wisconsin Statutes. The parties shall advise each other of the names of their negotiators.

ARTICLE IV - MANAGEMENT RIGHTS

Section 4.01: The Association recognizes the prerogatives of the Employer, the Police Chief and the Board of Police and Fire Commissioners to operate and manage their affairs in all

1 respects in accordance with their responsibility and in the manner provided by law, and the
2 powers or authority which the Employer, the Police Chief and the Board of Police and Fire
3 Commissioners have not specifically abridged, delegated or modified by other provisions of this
4 Agreement are retained exclusively by the Employer, the Police Chief and the Board of Police
5 and Fire Commissioners. Such powers and authority, in general, include, but are not limited to
6 the following:

- 7 1. To determine its general business practices and policies and to utilize personnel,
8 methods and means in the most appropriate and efficient manner as is possible.
- 9 2. To manage and direct the employees of the Employer, to make assignments of
10 jobs, to determine the size and composition of the work force, to determine the
11 work to be performed by the work force and each employee, and to determine the
12 competence and the qualifications of the employees.
- 13 3. To determine the method and means by which the operations of the Employer are
14 to be conducted.
- 15 4. To utilize temporary, provisional, part-time or seasonal employees when deemed
16 necessary.
- 17 5. To hire and promote employees, to transfer employees within the department, and
18 to make promotions to supervisory positions in the manner most advantageous to
19 the Employer.
- 20 6. To lay off employees.
- 21 7. To discipline, suspend, demote and discharge employees for just cause.
- 22 8. To establish or alter the number of shifts, hours of work, work schedules, methods
23 and processes.
- 24 9. To schedule overtime work when required in the manner most advantageous to
25 the Employer.
- 26 10. To create new positions or departments, to introduce new or improved operations
27 or work practices, to terminate or modify existing positions, departments,
28 operations or work practices, and to consolidate existing positions, departments or
29 operations.
- 30 11. To make and alter rules and regulations for the conduct of its business and of its
31 employees.

12. To subcontract or contract out work when deemed necessary.

The Employer shall be under no duty to bargain at any time concerning the exercise or the decision to exercise the above powers or authority.

Section 4.02: The parties agree that each employee shall perform all the duties of their classifications and it is understood by the parties that every incidental duty connected with operations enumerated in any job description is not always specifically described. Nevertheless, it is intended that all such duties shall be performed by the employee.

ARTICLE V - WORK RULES

Section 5.01: The Employer has the right to promulgate reasonable rules and regulations provided that any rules and regulations which are mandatory subjects of bargaining shall be provided to the Association at least thirty (30) days prior to implementation, except in an emergency. The Association shall review the proposed change and indicate in writing whether or not it intends to negotiate the issue within fifteen (15) days of receipt of the proposed change. If the Association requests to bargain the proposed change the Employer shall not implement the change until the negotiation process has been completed including arbitration if necessary. If an impasse is reached, the parties will submit the issue to final and binding arbitration pursuant to 111.77.

ARTICLE VI - ASSOCIATION ACTIVITY

Section 6.01: The Association shall furnish the names of the officers of the Association to the Employer.

Section 6.02: All Association members shall be allowed to attend Association meetings regardless of whether they are on duty, provided that three (3) uniformed Association members remain on patrol duty during the meetings. All on-duty Association members attending an Association meeting shall remain on call for emergency services.

The City reserves the right to assign which three (3) uniformed Association members shall be on patrol duty during an Association meeting. The City agrees that it will not assign to road duty any of the five (5) officers of the Association (president, vice-president, secretary, treasurer, and alternate) during an Association meeting, provided at least three (3) other uniformed Association members are on duty.

1 The Association may have two (2) annual meetings plus no more than two (2) special
2 meetings during each calendar year. Permission to have additional meetings under the terms of
3 this section shall be at the discretion of the Police Chief.

4 Meeting dates and times shall be mutually agreed upon by the Association and the Police
5 Chief not less than thirty (30) days in advance of the meeting date and the Chief shall not
6 unreasonably withhold his agreement. The Chief may waive the thirty (30) day notice
7 requirement.

8 **Section 6.03:** The City agrees to provide bulletin board space for the Union's use. The
9 bulletin boards are to be used by the Union for notices only of the following: Union meetings,
10 Union elections, Union appointments, Union recreational and social events, unemployment
11 compensation information and other official Union business.

12 Upon written demand from the City, the Union shall promptly remove from such bulletin
13 boards, any material which is libelous, scurrilous, or in any way detrimental to the labor-
14 management relationship. The bulletin board is not to be used for endorsement of political
15 candidates or other public election issues. The City will retain ownership of the bulletin boards.
16 In the event the Union fails to remove materials in violation of this section, the City reserves the
17 right to remove said material and/or the bulletin board upon which such material is posted.

18 **Section 6.04:** Up to two (2) members of the Association Bargaining Committee shall be
19 allowed to attend collective bargaining meetings while on duty without any loss of pay or
20 benefits subject to being called for an emergency.

21 **ARTICLE VII - FITNESS INCENTIVE**

22 **Section 7.01:** The City shall reimburse the Mequon Police Association Inc. up to five
23 hundred dollars (\$500.00) per year for fitness room and equipment maintenance between the
24 15th and 31st of December based upon certified receipts presented to the City prior to December
25 1. Any money from the annual allotment that is not expended during the calendar year shall carry
26 over into the next calendar year, provided that at no time will the total accrued amount exceed
27 the maximum five (5) years allotment or two thousand five hundred dollars (\$2,500).
28
29

ARTICLE VIII - WAGES

Section 8.01: The salaries of employees covered by this Agreement shall be as provided in Appendix "A" attached hereto and made a part of this Agreement.

Section 8.02: Patrol Officers shall move in classification from the minimum (first step) in the pay range to the top step (3rd step for Detective and Sergeant) in annual increments on the anniversary date of appointment, promotion or reclassification. The Chief shall have the discretion to establish the starting rate of pay for a newly hired experienced certified officer above Step 1 of the salary scheduled based on the total full-time experience of the newly hired officer. Placement must be at an established step as shown in Appendix A.

Section 8.03: Salaries shall be paid biweekly via direct deposit of paycheck to any FDIC insurance bank chosen by the employee.

Section 8.04: The Employer reserves the right to make corrections of errors to the salary ordinances if any are found.

Section 8.05: The Employer reserves the right to make changes in the salary ordinance to reflect classification changes, but said changes shall not reduce the salary of current incumbents of the classification. These changes shall not be subject to arbitration under any established grievance procedure.

Section 8.06: Field training officers or if none are available, the officer that is assigned by the shift supervisor shall receive one (1) hour of compensatory time off or one (1) hour of pay, at the employee's option for any eight (8) hour shift during which time a certified field training officer is acting in that capacity for at least four (4) hours. After successful completion of one full step of training (1 step is = to 3-4 weeks), the Field Training Officer receives eight (8) hours of straight compensatory time. Only certified field training officers shall be used for the purpose of training new officers except that if none is available on the shift involved, the City reserves the right to assign an individual to field training officer responsibilities. The City shall diligently strive to have sufficient certified field training officers on each shift. Participation as a field training officer is voluntary.

Posting of field training officer educational opportunities shall be done in advance of the dates of the offered courses. When a field training officer position is open, the position shall be posted in the same manner as are promotions or special assignments. Any officer who has completed three (3) years with the Mequon Police Department shall be eligible to apply for a

1 field training officer position or an individual hired from another department that is certified as a
2 field training officer by the State of Wisconsin and has completed the initial probationary period
3 with Mequon Police Department.

4 **Section 8.07:** Employees shall receive a temporary upgrade in pay retroactive to the first
5 day when an employee is acting in a position of higher rank commencing on the fourth (4th)
6 consecutive work day for a position within the bargaining unit or on the sixth (6th) consecutive
7 work day for a position outside of the bargaining unit. The rate of pay shall be at the lowest step
8 of the pay range. There shall be no overtime/out-of-shift pay obligation for this individual.
9 Temporary assignments for an employee who is acting in the position of higher rank shall not
10 exceed sixty (60) consecutive work days unless this period is extended by mutual agreement
11 between the Association and the City. This individual is only eligible for a temporary
12 assignment of a higher rank after he/she has successfully completed the one (1) year probation.

13 The Department may, at its discretion, create and fill a detective training position in
14 addition to the regular detective positions. The candidate for the detective training position will
15 be selected by the Police Chief. The length of the appointment to the detective training position
16 may vary, and will be determined within the sole discretion of the Police Chief, but no single
17 assignment will exceed twenty-four (24) consecutive months; however, within the sole discretion
18 of the Police Chief, the appointment may be extended for up to an additional twelve (12) months
19 beyond the twenty-four (24) consecutive months maximum. Upon being returned to his/her
20 patrol officer position, the person will be paid at the rate of pay in effect for this position at the
21 time of return. During the time that the person is in the detective training assignment, the
22 employee's rate of pay will be the rate of pay at Step 1 of the salary schedule for the position of
23 detective (~~sergeant/detective~~). Upon completion of the assignment in the detective training
24 position, the employee will return to the police officer position he/she held immediately prior to
25 beginning the detective training assignment including shift assignment and will be paid at the
26 rate of pay currently in effect for that police officer position.

27 In the event the assignment is ended before twenty-four (24) months have lapsed by
28 either the incumbent or the Department, two (2) weeks' notice will be given by the party
29 initiating the change.

30 **Section 8.08:** Whenever an employee is required to supervise a shift as determined by a
31 Supervisor for each two hour period, the employee shall be entitled to fifteen (15) minutes of

1 compensatory time off at straight time or fifteen (15) minutes in cash at straight time at the
2 employee's option.

4 **ARTICLE IX - HOURS OF WORK**

5 **Section 9.01:** The Police Chief shall establish working schedules for employees which
6 will provide for a work week of approximately forty (40) hours. The normal work schedule for
7 employees shall consist of eight and one-half consecutive hours (8.50) on the following basis:
8 Four (4) consecutive days on duty followed by Two (2) consecutive days off duty; then repeating
9 the schedule. Employees who are regularly scheduled to work five (5) consecutive days on duty
10 followed by two (2) consecutive off days shall work a shift consisting of eight and one quarter
11 (8.25) consecutive hours and shall receive twelve (12) adjustment days annually. For accounting
12 purposes, any paid time taken off by an employee or any benefits that are accrued to an
13 employee shall be calculated at the rate of one day equals eight (8) hours.

14 Such regular work week shall include a thirty (30) minute paid lunch period each day
15 during which employees shall be on call and report time up to fifteen (15) minutes prior to the
16 start of each daily shift.

18 **ARTICLE X - PERSONNEL FILES**

19 **Section 10.01:** The Police Department shall keep a central personnel file for each
20 employee.

- 21 a) The contents of personnel files shall be made available to the employee for
22 inspection and review during regular business hours between 8:00 a.m. and 4:30
23 p.m. or at a time mutually acceptable to the employee and the employer. Upon
24 request, an employee shall be provided one (1) copy of any documents placed in
25 the employee's file, except for the exceptions under Wis. Stat. 103.13.
- 26 b) Employees will be notified in writing when a formal written reprimand is placed
27 in their personnel file. The employee shall have an opportunity to respond in
28 writing to any information with which he/she disagrees. Such response shall
29 become a permanent part of the employee's personnel record except as provided
30 in paragraph (c) of this Article.

ARTICLE XI - OVERTIME/COMPENSATORY TIME

Section 11.01: Employees required to perform duties outside of their regular schedule of hours as provided in Section 9.01 above shall receive overtime pay at the rate of time and one-half (1-1/2) of said employee's regular hourly rate for all such hours worked.

Section 11.02: Any employee called into work at a time other than his/her regular schedule of hours shall receive a minimum of two (2) hours pay at time and one-half (1-1/2) of his/her regular rate. In the event the employee is called into work at a time other than his/her regular schedule of hours for a court appearance, such employee shall receive a minimum of two (2) hours pay at time and one-half (1-1/2) of his/her regular rate. This provision shall not apply to hours worked consecutively prior to or subsequent to his/her normal schedule of hours.

Section 11.03: All overtime work shall be authorized by the Police Chief or his representative and all employees shall be required to work overtime when requested by the Police Chief or his representative.

Section 11.04: All employees shall be eligible for pay or compensatory time off of one and one-half (1-1/2) hours for each hour of authorized overtime worked, at the employee's option. Compensatory time off provisions herein shall be subject to a maximum accumulation of compensatory time off of eighty (80) hours.

The specific time to be taken off is subject to a management right to refuse a request for time off, and a requirement that a request for compensatory time off must be submitted not less than twenty-four (24) hours prior to the time off desired. As a management right, the Police Chief or his representative may waive the twenty four (24) hour advance request requirement.

Section 11.05: Employees covered by this Article shall be compensated for their approved overtime as described above. It is specifically understood by the parties that this overtime pay provision shall not apply to the following:

- a) Temporary shift reassignments involved in the annual departmental mandatory in-service recertification mandated by the State.
- b) Switching of off days necessary to provide for the annual departmental mandatory annual in-service training mandated by the State, provided that such switching shall not result in an officer being required to work on more than two (2) of the off days and provided that off days shall be switched in blocks of two (2) or more days, not in single days.

- c) Special training that is provided at the request of the officer involved.
- d) Training that occurs outside of the Milwaukee area where the City is paying expenses for the officers attendance at such training.
- e) Temporary shift assignments involved when an employee is scheduled for a court appearance that is expected to exceed four (4) hours per day or more than one (1) day.

Section 11.06: Whenever a court case is cancelled later than the close of business of the preceding business day (currently 5:30 p.m.) the employee shall be entitled to a two (2) hour minimum at the employee's regular straight time or compensatory time off at the employee's option. This provision does not apply when the employee is at work at the scheduled court time. It shall be the employee's or the employee's representative's responsibility to follow the established procedure and contact the department before the scheduled court appearance to determine whether the court case has been cancelled. Failure to contact the department in the designated time frame shall result in a denial of any request for the additional compensation provided for in this section.

ARTICLE XII - MILITARY LEAVE

Section 12.01: Military leave shall be unpaid and shall be granted in accordance with applicable state and federal laws. The Employee shall give the Employer a copy of his/her orders which state where, when and how long the duty assignment is within twenty four (24) hours after the orders are received. Denial of such leave is grievable.

ARTICLE XIII - LONGEVITY

Section 13.01: The Employer shall compensate employees for longevity on the basis of thirty dollars (\$30.00) per year for each year of service, commencing with the completion of two (2) years of service, with a maximum of thirty (30) years being so compensated. Such payment shall be made on the first pay period in December to each employee.

ARTICLE XIV - LIFE INSURANCE

Section 14.01: Eligible employees shall be covered by the group life insurance plan for Public Employers established under Section 40.20, Wisconsin Statutes. The City shall pay the

1 full premium for such insurance for regular employees. Eligibility requirements and benefits
 2 shall be as provided by Statutes and the rules and regulations established by the Group Insurance
 3 Board of the State of Wisconsin. The City of Mequon shall pay monthly Life Insurance
 4 premiums as stated above.

6 **ARTICLE XV - HEALTH INSURANCE**

7 **Section 15.01:**

- 8 a) The City has the right to change carriers or to self-insure or to alter the benefit
 9 structure if substantially equivalent coverage is maintained. Upon retirement, the
 10 employee will be permitted to participate in any of the City's health insurance
 11 programs offered to active employees, subject to the employee paying the full
 12 cost of insurance and provided the employee is eligible to participate in the plan.
- 13 b) The City may enter into health contracts with carriers selected by the City.
- 14 a) Coverage provided by the contracts is contained in the Group Health Booklet
 15 published by the carriers, which will be distributed to covered employees.
- 16 b) Coverage under the City's Health Program shall only be available until the
 17 employee and/or spouse become eligible for Medicare, but only if permitted by
 18 the health care plan.
- 19 c) It shall be the employee's responsibility to notify the City of any change in status
 20 for health insurance coverage. This shall include, but not be limited to, changing
 21 from family to single coverage. Failure to notify the City shall result in the
 22 employee assuming responsibility for the additional cost until corrected. No
 23 employee shall make any claim against the City for additional compensation in
 24 lieu of or in addition to the City's contribution.

25 **Section 15.02:** Subject to the City's rights in Section 15.01(a), the employee will pay
 26 twelve percent (12%) of the premium for the plan selected by the employee.

27 The City shall establish a Flexible Spending Account (FSA) program that will allow
 28 employees to contribute to this account for eligible expenses on a pre-tax basis.

ARTICLE XVI - DENTAL INSURANCE

Section 16.01: The Employer agrees to maintain the group Dental Insurance coverage in effect on March 1, 1993, or substantially equivalent coverage if available, during the term of this Agreement. The City has the right to change carriers or to self-insure or alter the benefit structure, provided the employees are informed, and, if available, substantially equivalent coverage will be maintained. The cost of dental insurance replacement will not be used as an excuse for saying an alternative carrier is not available. The Employer shall contribute seventy five percent (75%) of the single and family monthly premium with the employee paying twenty-five percent (25%) by payroll deduction.

ARTICLE XVII - SICK LEAVE

Section 17.01:

- a) Every full-time employee shall be granted sick leave with full pay accruing at the rate of one (1) working day per each month of service and shall be granted one (1) additional day of sick leave accumulation for each half year that an employee does not take or use sick leave for any reason. The one-half (1/2) year spans would be January 1 through June 30 and July 1 through December 31. In the determination of the total sick leave accrual, an employee shall be considered to have worked on any days for which he received compensation such as sick leave, funeral leave, injury leave, holiday pay or vacation pay. The unused balance of sick leave allowance shall be accumulated to the employee's credit provided that the balance of the credit to the employee as of December 1 of each year shall not exceed one hundred eighty (180) working days.
- b) An employee who has accumulated more than the allowable days of unused sick leave as of the last day of the last payroll period of November will be paid twenty dollars (\$20.00) for each unused sick day above said one hundred and eighty (180) day limit. This payment is to be issued along with the longevity payment.
- c) Upon retirement under the Wisconsin Retirement System, an employee will be allowed to choose one of the following options (1); if an eligible retiring employee elects to continue coverage under the City's group health plan, a monthly City contribution toward the retiree's premium in the amount of the

1 group health insurance coverage for the City of Mequon Plan, subject to the
2 maximum Employer payment conditions established in Article XV, for a period
3 of time not to exceed one month for each ten days of accumulated, unused sick
4 leave; or (2) in lieu of the premium payments described in item (1), a taxable cash
5 payment equal to 50% of the premium paid by the City for similarly situated
6 active employees who participate in the City's group health plan, which will be
7 paid out in substantially equal installments over the period described above during
8 which the retiree is eligible for a City contribution towards health insurance. To
9 receive the cash payment described in item (2) above, the eligible retiree must
10 make an election consistent with the City's Section 125 plan. The City will
11 deduct the cost of the employee's contribution from their final paycheck. After an
12 eligible retiree has exhausted the retiree health insurance benefits described
13 above, the retired employee and/or his/her spouse may elect to maintain coverage
14 under the City's group health plan and the retiree will be solely responsible for the
15 full cost of continued coverage.

16 In the event of the death of a current employee, if the surviving spouse/family is
17 currently enrolled in the City's Group Health Insurance plan, the surviving
18 spouse/family may elect to continue to be covered under the City of Mequon plan
19 and the City will make a monthly contribution towards the cost of the
20 spouse/family premium in the amount of the group health insurance coverage for
21 the City of Mequon Plan, subject to the maximum Employer payment conditions
22 established in Article XV, for a period of time not to exceed one month for each
23 ten (10) days of accumulated, unused sick leave at the time of the employee's
24 death up to a maximum of 180 days. The City will deduct the cost of the
25 spouse/family's premium contribution from the final paycheck paid on behalf of
26 the deceased employee. The surviving spouse/family cannot elect a cash payment
27 in lieu of continued coverage under the City's health insurance plan. If the
28 surviving spouse/family is not enrolled in the City's Group Health Insurance Plan
29 at the time of the employee's death, the surviving spouse/family will receive upon
30 his/her request a taxable cash payment in an amount equal to 50% of the premium
31 paid by the City for the deceased employee who was participating in the City's

1 group health plan multiplied by one-tenth (1/10) of the number of unused
2 accumulated sick days at the time of the employee's death up to a maximum of
3 180 days. The surviving spouse/family will not be allowed to enroll in the City's
4 health insurance plan in lieu of the cash payment.

5
6 **Section 17.02:** It is the policy of the City to provide certain salary continuation benefits
7 for regular full-time employees for reasonable amounts of unavoidable absences for injury or
8 illness. Pay continuation benefits as outlined in this policy are contingent upon actual illness or
9 injury. Sick leave is to be used under the following circumstances: when an employee is sick and
10 therefore unable to perform his/her job duties; when an employee needs to attend a medical
11 appointment for himself/herself that cannot be scheduled outside of their normal work hours;
12 when an employee declines a modified duty alternative assignment under workers' compensation
13 because they feel they are unable to perform the modified duty assignment; and one day per
14 occurrence is permitted when an employee needs to care for a sick family member (spouse,
15 child, or parents of employee) or to take them to a medical appointment that cannot be scheduled
16 outside of normal work hours. This section is not applicable to a leave of absence governed by
17 the federal and state Family and Medical Leave Act.

18 **Section 17.03:** Sick leave with pay may be permitted without requiring the employee to
19 submit a doctor's certificate provided that the Police Chief has other satisfactory evidence of
20 bona fide illness. When leave extends beyond three (3) consecutive days, a statement from the
21 attending physician or other qualifying professional physician or nurse, certifying to the nature
22 and seriousness of the sickness shall be furnished to the Police Chief.

23 **Section 17.04:** Eligibility for sick leave allowance shall be given at the completion of six
24 (6) months actual service following date of hire, but accumulated credits shall be retroactive to
25 the date of hire.

26 **Section 17.05:** A full-time employee sustaining an injury or illness within the scope of
27 his/her employment with the City as provided by Chapter 102 of the Wisconsin Statutes after the
28 effective date of this provision and who is eligible to receive Workers' Compensation payments
29 for temporary partial disability or temporary total disability shall be eligible for payment by the
30 City of the difference between the Workers' Compensation payment received by the employee
31 and the employee's regular straight-time net take-home pay as supplemental temporary income.

1 Such payment will be made either through the salary continuation plan set forth in Section 17.07
2 or by the City directly. The supplemental temporary income paid by the City will continue until
3 such time as the employee reaches MMI (maximum medical improvement), or the employee is
4 able to perform his/her regular duties or such other temporary tasks available within the
5 framework of the Police Department functions, or one (1) calendar year has passed since the date
6 of the injury, whichever comes first. Any employee receiving a check for workers'
7 compensation benefits shall immediately provide the City Finance Director with a true and
8 correct copy of the workers' compensation check(s) and any LTD checks. The employee's next
9 regularly scheduled payroll check will be an amount that is the difference between the Workers'
10 Compensation check and the employee's regular straight time net take-home pay not counting
11 voluntary deductions. During the period the employee is receiving supplemental temporary
12 income under this provision, there shall be no deductions from the employee's earned sick leave,
13 provided however, that an employee who is still on workers' compensation after the above-
14 referenced one (1) year time frame may use sick leave at his/her option to make up the difference
15 between the workers' compensation and LTD payment received by the employee and the
16 employee's regular straight time net take-home pay. When the City shall have made any such
17 payment and the employee makes claim for damages against any third party and/or such third
18 party's insurer, the City shall be entitled to receive from any damage recovery by such employee,
19 reimbursement for any supplemental temporary income paid under this provision.

20 **Section 17.06:** Employees shall be covered by Long Term Disability Insurance under the
21 plan adopted by the employer. Coverage provided by the contract is contained in a certificate
22 published by the carrier, which will be distributed to covered employees. Briefly, the coverage
23 will include: A monthly benefit of sixty percent (60%) of monthly salary, not to exceed five
24 thousand dollars (\$5,000), coordinated with payments from Workers' Compensation or Social
25 Security, employees will be eligible for this coverage on the first of the month following thirty
26 (30) days of service, there is waiting period of ninety (90) consecutive calendar days or, for non-
27 occupational illness/injury leave provided for in Article XVII of this Agreement, whichever is
28 later; and benefits are payable for up to two (2) years due to sickness and up to age sixty-five
29 (65) for accidental disabilities. A three-month (3) survivor benefit, which is an amount equal to
30 three (3) non-integrated monthly benefit payments, is paid in a lump sum to the covered
31 employee's spouse, children or parents, respectively. The Employer shall pay one hundred

1 percent (100%) of the premium for such insurance. The elimination period for employees on
2 workers' compensation is ninety (90) consecutive days from the date of the injury. The
3 elimination period for employees who incur a non-work related injury is the latter of ninety (90)
4 days or until all but ten (10) sick days remain in the employee's accrued sick leave account.

5 **Section 17.07:** Family and medical leave shall be governed by applicable state and
6 federal laws, as interpreted by state and federal courts and agencies.

7 **Section 17.08:** Sick leave may be donated, one (1) employee to another, in all City
8 departments subject to a maximum of forty-eight (48) hours per calendar year of donation by
9 any officer. Donations shall be not less than one (1) hour and shall not be recoverable by the
10 donating officer.

11 **Section 17.09:** An employee whose application for Workers' Compensation benefits has
12 been denied and who is appealing the denial of Workers' Compensation benefits to the State of
13 Wisconsin may request to receive his/her regular straight-time net take home pay as
14 supplemental temporary income from the City under the following conditions.

- 15 1. Prior to being eligible to receive the supplemental temporary income the
16 employee must apply for Long-term Disability Insurance benefits according to the
17 City's plan. In addition, the employee must use all his/her accrued sick leave
18 consistent with the requirements of Section 17.07.
- 19 2. Prior to being eligible for the supplemental temporary income the employee must
20 execute a promissory note agreeing to repay the City the total amount of any
21 supplemental temporary income received by the employee should the employee
22 be unsuccessful in his/her appeal of the denial of workers' compensation benefits.
23 The promissory note will be secured by the employee's benefits provided in
24 Article XXIII of the collective bargaining agreement and if necessary by other
25 property designated by the employee or with donated time by other members of
26 the bargaining unit. The employee will also agree to and authorize repayment of
27 the supplemental temporary income by means of automatic payroll deduction not
28 to exceed twenty percent (20%) of the employee's biweekly base pay from any
29 wages paid by the City to the employee should the employee return to work for
30 the City at any time after the denial of benefits is final.

3. The supplemental temporary income payment to the employee will continue for up to ninety (90) days from the date of injury or until one of the following events, whichever occurs first:
- a) the employee is eligible for Long Term Disability;
 - b) the appeal of the denial of benefits is decided by the State of Wisconsin, Workers' Compensation Appeal division;
 - c) the employee has reached maximum medical improvement (MMI);
 - d) the employee is able to return to perform his/her regular duties;
 - e) the employee is able to perform other temporary tasks available within the framework of the Police Departments' functions.
 - f) the employee receives a disability retirement.

ARTICLE XVIII - VACATIONS

Section 18.01: Employees shall be granted vacation with pay as follows:

- a) Twelve (12) workdays after one (1) year of service. The twelve workdays are not earned until the employee completes one full year of service. During the first and second calendar year of employment, a probationary employee may use vacation from this bank. Such time may not be used while the employee attends an Academy or other schooling. The days fronted to the employee, which if used, shall be deducted from the employee's final paychecks in the event the employee uses days that are unearned. (Example: Employee begins employment August 1, 2021. The employee receives 12 days of vacation on August 1, 2021 to use between August 1, 2021 and December 31, 2022. The vacation workdays are not fully earned (it is prorated per full month worked from the start date through the one year anniversary) until August 1, 2022.);
- b) Seventeen (17) workdays after seven (7) years of service;
- c) Twenty-two (22) workdays after thirteen (13) years of service;
- d) Twenty-seven (27) workdays after twenty (20) years of service;
- e) Thirty (30) workdays after twenty-five (25) years of service.

Section 18.02: Vacation schedules, including the number of persons allowed to be off at one time, shall be adopted by the Police Chief. Employees shall submit their choice of vacation

periods to the Police Chief and in case of conflicts; seniority shall govern, provided the needs of the Police Department are met.

Section 18.03: Vacations not taken by the end of the year shall be deemed lost. In the event the employee cannot take his/her full vacation by the end of the year because of circumstances caused by the Employer, such unused vacation shall be taken in January of the following year.

Section 18.04: Notice of resignation must be given to the City at least fourteen (14) calendar days prior to the date of the resignation. Failure to provide a fourteen (14) calendar day notice of resignation may result in termination of any payoff other than salary.

ARTICLE XIX - HOLIDAYS

Section 19.01: Full time employees shall have the option of taking holiday pay in cash or time off. Each employee shall have eighty (80) hours of holiday pay at the beginning of each year.

New Year's Day	Friday before Easter
Memorial Day	Independence Day
Labor Day	Thanksgiving Day
Day after Thanksgiving	December 24th
Christmas Day	December 31 st

Those employees who wish to take part or all of the hours in time off shall have prior approval by the Police Chief or his designee prior to taking the time off. Those hours, which have not been taken off or have not been approved to be taken off as of the last day of the last payroll period of November shall be paid on the first pay period in December. Any hours which have been approved to be taken off after November 15th and subsequently, for any reason, are not taken off shall be paid on the next pay period in the new year at the previous year's rates.

Section 19.02: During the calendar year, each employee who has completed one year (12 months) of continuous service will be entitled to two (2) personal days off with pay, subject to prior reasonable notification to, and approval by, the Police Chief or his designee of the days selected by the employee. If the personal days are not used by December 31, they will be lost.

Section 19.03: For the purpose of termination for any reason, an employee who has utilized holiday pay which exceeds the earning formula (holiday pay accrues at .833 days per full

month) shall be required to reimburse the City for all holiday time used that was not earned. Holiday payments for new employees shall be prorated based on the earning formula set forth above and made available to a new employee after one (1) full month of employment.

ARTICLE XX - UNIFORM ALLOWANCE

Section 20.01: All employees covered by this contract and employed by the Mequon Police Department a minimum of twelve (12) months prior to the first pay period in December, shall receive an annual uniform allowance of six hundred twenty-five dollars (\$625.00), less all applicable state and federal withholding taxes. Such payment is to be made on the first pay period in December. A new employee shall be eligible for a prorated uniform allowance based on the number of full months from the employee's date of hire to the following December 1st.

Section 20.02: Officers, upon hire, shall be issued the following uniform items which shall remain the property of the Mequon Police Department: Pants, two (2) pair; long sleeve shirts (2); short sleeve shirts (2); uniform belt (1); shoes, (1) pair (oxford style); ties (2); uniform jacket (1); rain coat (1); summer hat (1); winter hat (1); name plate (1).

Section 20.03: The purchase, use, wearing and maintenance of uniforms shall be subject to the rules and regulations established by the Police Chief.

Section 20.04: The City shall pay the total cost of any new items that are required as a result of changes in the uniform, if such uniform changes are mandated by the City. The Employer shall repair or replace uniform components damaged in the line of duty according to the following schedule:

<u>Shirts/Slacks</u>		<u>Jackets</u>	
1 year or less	100%	2 years or less	100%
2 years or less	75%	4 years or less	80%
3 years or less	50%	6 years or less	60%
4 years or less	25%	8 years or less	40%
More than 4 years	-0-	10 years or less	20%
		More than 10 years	-0-

Section 20.05: The City shall repair or replace eye wear damaged in the line of duty up to a limit of one hundred seventy-five dollars (\$175.00) per incident, provided the original

eyewear are of shatterproof materials and the employee submits receipt for a repair or replacement cost.

The City shall repair or replace wristwatches damaged in the line of duty up to a limit of fifty dollars (\$50.00) per incident, provided the employee submits a receipt for the repair or replacement cost.

ARTICLE XXI - FUNERAL LEAVE

Section 21.01: Regular, full-time employees shall receive emergency leave with pay in case of death in the immediate family which is defined as husband, wife, child, brother, sister, parent, grandparent, grandchild, stepfather, stepmother, brother-in-law or sister-in-law of an employee or their spouse. Such persons need not reside with the employee to come within such classification. This emergency leave shall be for three (3) days not to exceed one (1) day after burial and/or the funeral service.

Regular, full-time employees shall receive one (1) day of paid funeral leave in the event of the death of an aunt or uncle of either the employee or employee's spouse. Funeral leave is not to be charged to sick leave.

Section 21.02: One (1) day of sick leave per year shall be allowed in the event that the employee must attend a funeral other than those in the immediate family as defined in Section 21.01 where his/her attendance at such funeral is required to act as pallbearer.

ARTICLE XXII - PENSIONS

Section 22.01: The retirement of employees will be governed by the applicable State Statutes, City Ordinances and general rules of the Mequon Police Department. All employees will pay the full cost of the employee's contribution rate by payroll deduction, as established by the Department of Employee Trust Funds from time to time.

For purposes of this section, employee's contribution rate is defined as one-half of the total actuarially required contribution rate for general municipal employees.

1 **ARTICLE XXIII - RETIREMENT PLAN**

2 **Section 23.01:** Upon retirement, each employee shall receive two (2) full working days
3 pay for each year of continuous service on the department. The rate of pay is to be determined
4 by the employee's current hourly base rate or the highest hourly base rate during the three (3)
5 years preceding the date of retirement, whichever is greater.

6 **Section 23.02:** If an employee retires due to injuries or illness which prevents the
7 employee from physically or mentally performing his/her duties as a police officer, the employee
8 shall receive three (3) full working days for each year of continuous service on the department.
9 The rate of pay is to be determined by the employee's current hourly base rate or the highest
10 hourly base rate during the three (3) years preceding the date of retirement, whichever is greater.

11 **Section 23.03:** Upon employee's death, the benefits shall be paid to his/her beneficiary
12 at the rate of three (3) full day's pay for each year of continuous service on the department. The
13 rate of pay is to be determined by the employee's current hourly base rate or the highest hourly
14 base rate during the three (3) years preceding the date of death, whichever is greater.

15 **Section 23.04:** This plan is in addition to the employee's present pension plan provided
16 for in Article XXII of this Agreement.

17
18 **ARTICLE XXIV - EDUCATIONAL INCENTIVE PROGRAM**

19 **Section 24.01:** Regular full-time officers who have completed the one (1) year
20 probationary period are eligible to participate in this program.

21 **Section 24.02:** The Police Chief shall have authority to establish rules and regulations
22 governing, and to approve courses and seminars for eligibility for reimbursement under this
23 program, provided, however, that any courses approved must be job-related or must be part of
24 the required curriculum leading to a job-related degree, and offered by an accredited college,
25 university, business or vocational school, that any seminars approved must be job-related and
26 offered by an accredited school or reputable organization, and that an employee has made
27 application for and received approval for such course or seminar on forms provided by the
28 department prior to commencing such course or seminar.

29 **Section 24.03:** Time spent in preparation for classes, and attendance of classes, shall be
30 off time not compensated for by the City.

1 **Section 24.04:** Employees who attend classes approved by the Police Chief shall be
2 reimbursed for books and tuition based on the University of Wisconsin, Milwaukee rates,
3 provided that the employee receives a grade of C or better. If an employee receives a grade of A
4 or B, the employee shall be reimbursed one hundred percent (100%). If the employee receives a
5 grade of C, the employee shall be reimbursed at the rate of fifty percent (50%). There shall be
6 no cap on the amount the employer will pay under this provision. This section applies to all
7 courses approved by the Police Chief for an Associate's, Bachelor's or Master's Degree.

8 9 **ARTICLE XXV - SENIORITY**

10 **Section 25.01:** Seniority pertaining to layoff and recall shall be determined by the
11 employee's length of service as a full-time Police Officer in the department. Starting date of
12 employment under this Article, for the purpose of determining seniority, shall mean date of
13 original hire in the Mequon Police Department and shall determine an employee's seniority date.
14 Employees having the same starting date shall have their seniority status determined by the grade
15 achieved in training school. Seniority pertaining to shift assignments, selection of vacation
16 schedules, and all other purposes, except lay off and recall, shall be based on the employee's
17 total length of service in their current position (time in grade).

18 Time lost because of occupational illness or injury, and time spent in the Armed Forces
19 on approved military leaves of absence shall be included.

20 Employees returning from a promotion within the department shall retain all
21 departmental seniority, including time in the promotion position.

22 **Section 25.02:** An employee shall be appointed to his/her position for a probationary
23 period of one (1) year. If the appointment is original, the probationary employee may be
24 discharged at any time during his/her probationary period at the discretion of the Police Chief
25 without further appeal. If the appointment is promotional, the probationary employee may be
26 demoted at any time during his/her probationary period at the discretion of the Police Chief
27 without further appeal. The original probationary period provided for in this section may be
28 extended for good reason at the sole discretion of the Police Chief and without further appeal, for
29 up to an additional three (3) months, upon written notification by the Chief to the employee

1 listing the reasons for the extension. This extension shall not apply to any probationary periods
2 involving any promotions.

3 **Section 25.03:** In the event of a layoff of employees covered by this Agreement, the
4 order of layoff shall be inversely related to length of service, i.e., the last person hired shall be
5 the first person laid off. An employee shall not accumulate seniority while on layoff.

6 **Section 25.04:** In the event of a recall to work, the order of return shall be directly
7 related to length of service, i.e., the last person laid off shall be the first person returned to work.

8 **Section 25.05:** An employee shall forfeit his/her seniority rights only for the following
9 reasons:

- 10 a) Resignation.
- 11 b) Dismissal with no reinstatement.
- 12 c) Retirement.
- 13 d) Unreasonable unexcused absence.
- 14 e) Unreasonable failure to return to work on time following an approved leave of
15 absence.
- 16 f) On layoff for a period of two consecutive years.
- 17 g) Unreasonable failure to return to work on time following recall from layoff.

18 **Section 25.06:** In the event it becomes necessary or requested, an up-to-date seniority list
19 showing names and length of service shall be provided for inspection by members of the
20 department.

21 **Section 25.07:** Subject to the terms of this Article, shift assignments shall be made on
22 the basis of seniority (time in grade) preference. There shall be a total of four (4) regular shifts
23 as follows: Late shift, day shift, early shift and swing shift.

24 Shift assignments shall be subject to the following:

- 25 a) Shift assignments in effect on the date of execution of this Agreement shall
26 remain in effect, except as otherwise provided herein.
- 27 b) There shall be no rotation of shifts.
- 28 c) Whenever a vacancy occurs in a permanent position to one of the regular four
29 shifts identified in Section 25.07 above, the vacant shift shall be posted for ten
30 working days (Monday through Friday, excluding Saturday, Sundays and

1 holidays) and shall be filled on a seniority basis by the most senior person who
2 applies for the position. If no employee applies for the vacancy, the least senior
3 officer shall be ordered to fill it. This does not apply to promotions.

4 d) There shall be no bumping of officers from shifts, subject to the following
5 exception: A school liaison officer or special operations officer, upon
6 reassignment to patrol duty, shall have the right to select his/her shift on the basis
7 of seniority (time in grade), provided he/she has previously made application for
8 his/her preference on a specific shift when an opening existed, and this opening
9 was filled by an officer of lesser time in grade.

10 e) A shift reassignment may be made at the voluntary request of an officer, where, in
11 the opinion of the Police Chief, such reassignment is in the best interests of the
12 Police Department and/or the officer submitting the request. Vacancies resulting
13 from such reassignment shall be filled on the basis of seniority preference.

14 Nothing in this section shall be construed to limit the management right of the Employer
15 to make temporary shift assignments of probationary employees, or to establish temporary or
16 special duty shifts, other than the regular shifts, and to make assignments to such shifts, or to
17 alter the starting time of said regular shifts, or to alter the number of officers assigned to each
18 shift, all consistent with the needs of the Police Department.

19 **ARTICLE XXVI - GRIEVANCE PROCEDURE**

20 **Section 26.01:** The grievance procedure provided for in this Article shall apply only to
21 grievances involving the interpretation or application of the specific provisions of this
22 Agreement provided, however, that suspensions, demotions and discharges shall be processed
23 exclusively under the provisions of Section 62.13, Wisconsin Statutes. The grievance process
24 must be initiated within ten (10) working days of the incident or within ten (10) working days of
25 the time that the aggrieved became aware or should have been aware of the incident. Working
26 days, for the purpose of this Article, shall be Mondays through Fridays, excluding holidays. Any
27 grievances not reported or filed within the time limits set forth above shall be invalid.

28 Any dispute relative to the interpretation or application of this Agreement between the
29 Employer and Employee or the Employer and the Association shall be handled as follows:
30

1 Step 1. The Employee, who may be accompanied by a representative of the Association
2 if he desires, shall discuss the grievance orally with the Police Chief. The Police Chief
3 shall respond orally within ten (10) working days thereafter.

4 Step 2. If the grievance is not satisfactorily settled at Step 1, the grievance shall, within
5 ten (10) working days after the oral response of the Police Chief, be submitted in writing
6 to the Police Chief. The Police Chief shall respond in writing within ten (10) working
7 days thereafter.

8 Step 3. If the grievance is not satisfactorily settled at Step 2, the grievance shall, within
9 ten (10) working days after the written response of the Police Chief, be submitted in
10 writing to the City Administrator. Within ten (10) working days of receipt of the
11 grievance, the Administrator shall confer with the concerned parties. A written
12 determination of the grievance shall be submitted to the grievant by the City
13 Administrator within ten (10) working days after conferring with the parties.

14 Step 4. If the grievance is not satisfactorily settled at Step 3, the grievance may be
15 submitted in writing to the Wisconsin Employment Relations Commission for the
16 purpose of arbitration. Any decision issued by said Commission, within its jurisdiction,
17 shall be final and binding on both parties.

18 **Section 26.02:** The arbitrator shall neither add to, detract from nor modify the language
19 of this Agreement in arriving at a determination of any issue presented. It is the intent of this
20 Section that both the Association and the City desire the arbitrator to expressly confine himself
21 to the precise issue(s) submitted for arbitration. The arbitrator shall have no authority to
22 determine any other issue not so submitted to him or to submit observations or declarations of
23 opinion which are not directly essential in reaching the determination.

24 **Section 26.03:** All expenses which may be involved in the arbitration proceeding shall
25 be borne by the parties equally, except that for the expenses related to the calling of witnesses or
26 the obtaining of depositions or any other similar expenses associated with such proceedings shall
27 be borne by the party at whose request such witnesses or depositions are required.

28 **Section 26.04:** When a grievance is required to be in writing, it shall state the specific
29 provision or provisions of the Agreement alleged to have been violated.

Section 26.05: All appeals of duly filed grievances not submitted by the grievant or his/her representative within the time limit specified, shall be termed abandoned grievances and as such, shall be considered as being resolved in favor of the Employer. This provision shall not apply to Step 1 of the grievance process. This section shall not apply to Step 1 of the grievance procedure. The parties may, by mutual agreement, extend the time limits to which this section applies.

7 **Section 26.06:** The Association agrees to furnish the City Administrator with an up-to-
8 date list of the members and chairman of its Grievance Committee.

9 **Section 26.07:** Employees who are required to attend any of the meetings and/or
10 hearings which may be required pursuant to this Article, shall be excused without loss of pay to
11 attend such meetings and/or hearings, if such are scheduled during their regular working hours,
12 provided however, that only one (1) Association representative shall be so excused for any one
13 meeting or hearing.

14 **Section 26.08:** Except as otherwise provided for herein, any and all attorney's fees
15 which may result from proceedings had under this Article, shall be borne exclusively by the
16 party incurring such expense. Either party may obtain the services of any attorney at any stage
17 of the proceedings under this Article.

18 **Section 26.09:** No grievance shall be submitted or processed under this Agreement
19 which relates to a period prior to the execution date of this Agreement. Any grievance pending
20 prior to the execution date of this Agreement shall be governed by the terms and provisions of
21 the preceding Agreement.

22 **Section 26.10:** A written reprimand from the Police Chief may be grieved, but only
23 through step three of the grievance process.

25 **ARTICLE XXVII - NO WAIVER OF RIGHTS**

Section 27.01: Neither party to this Agreement waives any rights possessed by it under State or Federal Laws, Regulations or Statutes, including Section 111.70, Wisconsin Statutes. It is intended by the provisions of this Agreement, that there be no abrogation or limitation of duties, obligations, or responsibilities of the Employer, the Board of Police and Fire Commissioners or the Police Chief which are now provided for either by State Statutes or charter ordinances of the City of Mequon. In the event of conflict between the provisions of this Agreement and such State Statutes or charter ordinances, the latter shall, in all cases, be

1 applicable and shall prevail. General ordinances of the City of Mequon hereto related shall be in
2 full force and effect except as expressly provided otherwise in this Agreement.

4 **ARTICLE XXVIII - NO STRIKE**

5 **Section 28.01:** The Association pledges itself to make every effort to maintain
6 unimpaired the police service and protection of the community. It shall not cause, counsel or
7 permit its members, or any of them individually, or in concert, to strike, slow down, disrupt,
8 impede or otherwise impair the normal functions of the Department, or to refuse to perform any
9 customarily assigned duties, including overtime, for the Employer, nor shall any employee
10 participate in such prohibited activity. The occurrence of any such prohibited activity by the
11 Association or employees shall be deemed illegal and violation of this Agreement shall render
12 the Association and the employees subject to the penalties provided herein.

13 **Section 28.02:** Should one or more members of the bargaining unit during the term of
14 this Agreement or any extension thereof, breach the obligations of Section 28.01, the Employer
15 shall immediately notify the officers of the Association that a prohibited action is in progress.
16 The Association shall immediately, and in any event within twelve (12) hours, by the senior
17 responsible officer of the Association, disavow said strike, shall order its member or members in
18 writing to return to work or cease the prohibited activity and provide the Employer with a copy
19 of its order or alternatively accept the responsibility for the strike.

20 **Section 28.03:** Whether or not the Association is liable for any activity prohibited in
21 Section 28.01, any employee who engages in such activity may be subject to the following
22 penalties:

- 23 a) Discharge, or other disciplinary action.
- 24 b) Loss of compensation, vacation benefits, holiday pay, insurance and other
25 benefits.
- 26 c) Extra tours of duty without pay.

27 **Section 28.04:** In addition to any action or penalties provided in this Article, the
28 Employer may enforce any other legal rights and remedies to which by law it is entitled.

29 **Section 28.05:** There shall be no lockout by the Employer during the term of this
30 Agreement.

Attachment: Redline Mequon Police CBA 2022 - 2024 (RESOLUTION 3897 : MPA CBA 22-24)

ARTICLE XXIX - RESIDENCY REQUIREMENT

Section 29.01: Residency within the City of Mequon or within the County of Ozaukee shall not be required as a condition of employment.

ARTICLE XXX - AIR CONDITIONED SQUADS

Section 30.01: All police vehicles shall be equipped with factory installed air conditioning.

ARTICLE XXXI - MILEAGE

Section 31.01: All employees required to use their personal car on City business (including attending a LESB Academy), will be reimbursed at the maximum allowable rate set by the IRS. No mileage reimbursement will be paid to an employee if a departmental vehicle is available and the employee elects to use his/her personal vehicle. When an employee is required to report to a work site other than the Public Safety Building, mileage reimbursement will be based on the distance from the employee's residence to the work site or the distance from the Public Safety Building to the work site, whichever is less.

ARTICLE XXXII - DUES DEDUCTION**Section 32.01:**

- a) As the exclusive bargaining representative of employees in a collective bargaining unit comprised of the regular permanent full-time employees of the Mequon Police Department, but excluding clerical and professional employees, supervisory, managerial and confidential employees and all other employees of the City of Mequon, the Association will represent all such employees, members and non-members, fairly and equally. No employee shall be required to join the Association, but membership in the Association shall be made available to all employees who apply consistent with the Association constitution and by-laws. No employee shall be denied Association membership because of any protected category covered under state or federal law.
- b) Changes in the amounts required to be deducted shall be certified by the Association to the Employer thirty (30) days before the effective date of the change. In the event of any dues increase, the Association agrees to submit to the Employer a sworn statement that the increase is due to the increased cost of the bargaining process and administration of the contract.

- 1 c) The Employer shall not be required to submit any amounts to the Association
2 under this Agreement for employees otherwise covered who are on layoff, leave
3 of absence or other status in which they receive no pay for the pay period
4 normally used by the Employer to make such deductions. The Employer will
5 provide the Association with the list of employees from whom such deductions
6 are made with each monthly remittance to the Association.
- 7 d) The Employer shall not be liable to the Association, employee or any party by
8 reason of the requirements of this Agreement for the remittance or payment of
9 any sum other than that constituting actual deductions made from employee
10 wages earned. The Association shall defend, indemnify and save the Employer
11 harmless against any and all claims, demands, suits, orders, judgments or other
12 forms of liability that may arise out of or by reason of action taken or not taken by
13 the Employer under this Agreement.
- 14 e) In the event of any dispute over the interpretation, application or enforcement of
15 the terms of this Agreement, a grievance may be filed and processed under the
16 Grievance Procedure.
- 17 f) In the event the Association violates any of the provisions of the No-Strike Article
18 in the collective bargaining Agreement between the parties, this Agreement shall
19 be immediately terminated.
- 20 g) In the event a labor organization other than the Association is recognized by the
21 City, or is certified by the Wisconsin Employment Relations Commission, as the
22 exclusive bargaining representative for all or any portion of the employees
23 included in the collective bargaining unit referred to in Paragraph (a) above, this
24 Agreement shall be immediately terminated.

25 **Section 32.02:** The Employer agrees to deduct monthly dues from the pay of employees
26 who individually sign voluntary dues checkoff authorization forms supplied by the Association.
27 The Employer agrees to deduct the appropriate amount from each paycheck each month of each
28 employee requesting such dues deduction following receipt of the written authorizations from the
29 Association and shall remit the total of such deductions to the Treasurer of the Association
30 within ten (10) days of the date such deductions were made with a list of the names that the dues
31 have been deducted from. Any changes in the amount of dues to be deducted shall be certified to
32 the Employer by the Association at least thirty (30) days prior to the effective date of such
33 change.

ARTICLE XXXIII - JURY DUTY

Section 33.01: The employer agrees to provide the member who is summoned for jury duty, jury duty leave with pay at the base pay of the employee for those jury days that the employee is scheduled to work. Base pay of the employee is the employee's pay rate excluding any overtime or supplemental pay. Jury duty includes that period of time which the summoned employee is required to spend in the jury selection process. However, when the employee is not impaneled for extra duty, and only on call, the employee shall report back to work unless authorized by the Chief or his designee to be absent from his or her work assignment. When an employee is impaneled and dismissed with one (1) hour or more remaining on the employee's shift, the employee will be required to return to work. First or third shift employees called for jury duty will be temporarily transferred to the 8:00 a.m. to 4:00 p.m. shift for the period of jury duty.

ARTICLE XXXIV - COMPLETE CONTRACT

Section 34.01: This Agreement constitutes an entire Agreement between the parties and no verbal statement shall supersede any of its provisions.

Section 34.02: The parties acknowledge that this Agreement is the result of the unlimited right and opportunity afforded to each of the parties to make any and all requests and proposals with respect to the subject of rates of pay, hours of work, and conditions of employment and incidental matters respecting thereto.

ARTICLE XXXV - POLICE RIDE-ALONG PROGRAM

Section 35.01: Participation in the Police Ride-Along Program is purely on a voluntary basis with each individual employee. Such participation shall be for a twelve (12) consecutive month period beginning January 1. No employee shall be required to participate in the Ride-Along Program, nor shall any employee be subject to discipline for refusing or failing to participate in the program.

Section 35.02: The Employer shall continue to provide liability coverage and protection for officers who participate in the Ride-Along Program as is afforded to all police officers in carrying out their duties and responsibilities.

ARTICLE XXXVI - SUBSTANCE ABUSE

Section 36.01: The purpose of this policy is to outline the Police Department substance abuse testing program and provide all employees with notice of its provisions.

Section 36.02: An Employee Assistance Program is available to employees and family members to help them deal with problems on a voluntary basis. Employees should avail themselves of this assistance as early as possible in order to avoid more serious situations.

It is the policy of this Department that the critical mission of law enforcement justifies maintenance of a drug-free work environment through the use of a reasonable employee drug testing program. The law enforcement profession has several uniquely compelling interests that justify the use of employee drug testing. The public has a right to expect that those who are sworn to protect them are, at all times, both physically and mentally prepared to assume those duties. There is sufficient evidence to conclude that the use of controlled substances and other forms of drug abuse will seriously impair an employee's physical and mental health, and thus job performance.

Where law enforcement officers participate in illegal drug use and drug activity, the integrity of the law enforcement profession and public confidence in that integrity are destroyed. This confidence is further eroded by the potential for corruption created by drug use.

Therefore, in order to ensure the integrity of the Department and to preserve public trust and confidence in a fit and drug-free law enforcement profession, this Department shall implement a drug testing program to detect prohibited drug use by Department employees.

Section 36.03:

- A. Sworn Employee - Those employees who have been formally vested with full law enforcement powers and authority.
- B. Supervisor - Those employees assigned to a position having day-to-day responsibility for supervising subordinates, or are responsible for commanding a work element.
- C. Drug Test - The compulsory production and submission of urine by an employee, in accordance with Departmental procedures, for chemical analysis to detect prohibited drug usage of controlled substances: Heroin, cocaine, phencyclidine, lysergic acid diethylamide, psilocin, psilocybin, amphetamine, methamphetamine, or any form of tetrahydrocannabinol.
- D. Reasonable Suspicion - Exists when evidence or information which appears reliable is known to the police supervisor and is of such weight and

persuasiveness as to make the supervisor, based upon his/her personal judgment and experience reasonably suspects that a member of the department is illegally using or in possession of drugs. A reasonable suspicion that a member is illegally using or in possession of drugs must be supported by specific articulable facts from which rational inferences may be drawn. Reasonable suspicion cannot be based on mere “hunch” or solely upon poor work performance. If suspicion of drug use is based upon observation of the suspected member’s physical appearance, at least two (2) supervisors must make observations.

- E. Probationary Employee - For the purposes of this policy only, a probationary employee shall be considered to be any person who is conditionally employed with the Department as a law enforcement officer.
- F. Approved Testing Laboratory - A laboratory which meets Federal requirements and has been accredited by the National Institute of Drug Abuse (NIDA) to administer such testing.
- G. Adequately Trained - A laboratorian sufficiently trained in collection procedures by the Approved Testing Laboratory to meet the Federal guidelines for certification.
- H. Medical Review Officer (MRO) - A licensed physician knowledgeable in substance abuse and addiction, forensic toxicology and pharmacology.

Section 36.04:

- A. Prohibited Activity - The following rules shall apply to all applicants, probationary and regular employees, while on and off duty.
 - 1. No employee shall illegally possess any controlled substance.
 - 2. No employee shall ingest any controlled or other dangerous substance, unless as prescribed by a licensed medical practitioner.
 - a. An employee who is required to use a prescription medication and who has been advised by their physician not to work during such use must notify their immediate supervisor, including the prescribed period of use.
 - b. Supervisors shall document this information through the use of an internal memorandum and maintain this memorandum in the employee’s personnel file established for this purpose as required by law.

3. Any employee who unintentionally ingests, or is made to ingest, a controlled substance, shall immediately report the incident to his/her supervisor so that appropriate medical steps may be taken to ensure the employee's health and safety.
4. Any employee having reasonable suspicion that another employee is illegally using or is in possession of any controlled substance, shall immediately report the facts and circumstances to a supervisor of his/her choice who shall document said information and immediately submit the report to a lieutenant.
5. Discipline of sworn employees for violation of this policy shall be in accordance with the due process rights provided in the Department's discipline procedures.

B. Probationary Employee Drug Testing

1. All probationary employees may be required, as a condition of employment, to participate in unannounced drug tests prior to the completion of the probationary period. The frequency and timing of such testing shall be determined by the Chief or his designee.

C. Employee Drug Testing - Additional tests may be required as set forth in this policy:

1. A Supervisor may order an employee to take a drug test upon reasonable suspicion that the employee is or has been using or is in possession of controlled substance. A summary of the facts supporting the order shall be made available to the employee prior to the actual test.
2. A drug test will be administered as part of all promotional procedures. Promotion shall be contingent upon passing the drug test.
3. Any sworn officer of this Department may be required to submit to a drug test if directly involved in a serious police incident as defined by the following cases:
 - a. Discharge of a firearm at a human being or a vehicle in which human beings are contained, in this scenario. A directly involved officer is any officer who actually discharges his/her weapon.
 - b. Police vehicle auto accident in which injury is sustained by any involved officer or citizen requiring immediate medical attention

by hospital personnel may be required by the employee's supervisor to participate in a drug screening test immediately following the event, or as soon as the tactical situation allows. A directly involved officer in this scenario is the driver of the police vehicle.

c. Whenever a member is directly involved in an incident that results in death or great bodily harm as defined by Wisconsin State Statute. A directly involved officer in this scenario is an officer whose actions or inactions proximately causes a death or great bodily harm.

4. On duty/off duty arrest or indictment for the use or possession of controlled substances.

5. Any officer, who in the carrying out of police duties, ingests, either directly or indirectly, any drug or narcotic substance, is required to document, as soon as possible thereafter, such contract. Documentation shall occur in writing explaining all circumstances, and the employee's supervisor shall be notified as soon as possible. Drug tests will be administered and no disciplinary action will be taken if the tests are positive under the following conditions:

a. The officer reasonably believed he/she was in physical danger if he/she did not ingest the drug or narcotic substance.

b. Nothing in this policy should be construed as granting permission for police officers and/or narcotics agents to ingest any illegal drug, marijuana, narcotic substance, or controlled substance under any circumstance except cited in 5a.

D. Controlled Substance Testing Procedures

1. The testing procedures and safeguards provided in this policy to ensure the integrity of Department drug testing shall be adhered to by any qualified personnel administering drug tests.

2. The Chief, at his option, may require an escort to the testing site.

3. Personnel authorized to administer drug tests shall require positive identification from each employee to be tested before the employee enters the testing area. This shall consist of picture ID or Driver's License.

- 1 4. A pretest interview shall be conducted by testing personnel with each
- 2 employee in order to ascertain and document the recent use of any
- 3 prescription or non-prescription drugs, or any indirect exposure to drugs
- 4 that may result in a false positive test result.
- 5 5. The bathroom facility of the testing area shall be private and secure.
- 6 6. Where the employee appears unable or unwilling to give a specimen at the
- 7 time of the test, testing personnel shall document the circumstances on the
- 8 drug test report form. The employee shall be permitted no more than eight
- 9 hours to give a sample, during which time he/she shall remain in the
- 10 testing area. Reasonable amounts of water may be given to the employee
- 11 to encourage urination. Failure to submit a sample shall be considered a
- 12 refusal to submit to a drug test. Documented medical inability to submit a
- 13 sample shall not be considered a refusal.
- 14 7. Refusal of an employee to submit to a required substance abuse test will
- 15 be considered as a refusal of a direct order and will be cause for discipline
- 16 up to and including discharge.
- 17 8. Employees shall have their urine sample split and made available to the
- 18 employee for retesting in case of a positive test result. The urine samples
- 19 must be provided at the same time, identified, marked, and placed in
- 20 identical specimen containers by authorized testing personnel. One
- 21 sample shall be submitted for immediate drug testing at the approved
- 22 testing laboratory. If the sample tests positive, the other sample shall
- 23 remain at the facility in frozen storage for one year. The second sample
- 24 shall be made available to the employee or the employee's attorney,
- 25 should the original sample result in a legal dispute or the chain of custody
- 26 be broken. If the employee desires to have his/her specimen retested
- 27 because of a positive test result, he/she may do so at his/her own expense
- 28 at an approved testing laboratory of his/her choice. Results of any
- 29 retesting should be submitted to the Police Chief in writing within five (5)
- 30 working days, excluding Saturdays, Sundays, and Holidays, after the
- 31 specimen is turned over to the employee's selected laboratory.
- 32 9. Specimen samples shall be sealed in the presence of the participants,
- 33 labeled, and checked against the identity of the employee to ensure the

results match the tested specimen. All collections are handled forensically, which means they are labeled, double-sealed, double-checked for accuracy and completeness, stored in a secure, locked refrigerator until testing, and accompanied by a forensic chain-of-custody.

10. Whenever there is a reason to believe that the employee may have altered or substituted the specimen to be provided, a second specimen shall be obtained immediately under direct observation of the testing personnel of the same gender.

E. Drug Testing Methodology

1. The testing or processing phase shall consist of a two-step procedure:
 - a) Initial screening test.
 - b) Confirmation test.
2. The urine sample is first tested using the initial drug screening procedure. The laboratory will not release a positive screening result to the Mequon Police Department until it has been confirmed by an alternate more specific method: gas chromatography mass spectrometer. (GC/MS).
3. A specimen testing positive will undergo an additional confirmatory test. The confirmation procedure shall be technologically different and more sensitive than the initial screening test.
4. The drug screening tests selected shall be capable of identifying marijuana, cocaine and every major drug of abuse, including heroin, amphetamines and barbiturates. Personnel utilized for testing will be adequately trained in collection procedures.
5. Concentrations of a drug at or above the following levels shall be considered a positive test result when using an EMIT immunoassay drug screening test:

Amphetamines	1000 ng/ml
Barbiturates	300 ng/ml
Cocaine	200 ng/ml
Opiates	300 ng/ml
THC	50 ng/ml
PCP	35 ng/ml
Benzodiazepines	300 ng/ml

Methadone	300 ng/ml
Methaqualone	300 ng/ml
Propoxyphene	300 ng/ml

Concentrations of a drug at or above the following levels shall be considered a positive test result when performing a confirmatory GS/MS test on a urine specimen that tested positive using a technologically different initial screening method:

Marijuana metabolite. . . 15*

Cocaine metabolite. . . 150**

Opiates:

Morphine 300

Codeine. 300

Phencyclidine 25

Amphetamines:

Amphetamine. 500

Methamphetamine. . . 500

* Delta-9 tetrahydrocannabinol-9-carboxylic acid

** Benzoyllecgonine

6. The laboratory selected to conduct the analysis shall be experienced and capable of quality control, documentation, chain-of-custody, technical expertise, and demonstrated proficiency in urinalysis.

7. Employees having negative drug test results shall receive a memorandum stating that no illegal drugs were found. A copy of the memorandum will be placed in a separate file established for this purpose as required by law.

F. Chain of Evidence - Storage

1. Each step in the collecting and processing of the urine specimens shall be documented to establish procedural integrity and the chain of custody.

2. Where a positive result is confirmed, urine specimens shall be maintained in secured, refrigerated storage for one year.

G. Drug Test Results

1. The MRO shall review laboratory reports and chain-of-custody forms for accuracy and integrity; contact the employee who tests positive and discuss the test results prior to notification of the Department.

2. All records pertaining to department-required drug tests shall remain confidential. Copies of test results reported by number will be provided only to the Police Chief or his designee. Drug test results shall not be provided to other employers or agencies without the written permission of the person whose records are sought. Drug test results and records shall be retained in a separate confidential file for an indefinite period.

H. Compensation. Whenever possible, all department ordered testing, under the provision of this policy, shall take place during the officer's scheduled work hours. Officers shall be paid according to their usual rate for all time devoted to testing. If testing cannot be done during the officer's regular work hours, the officer shall be paid at the appropriate rate for all time accrued for test purposes.

Section 36.05:

- A. If an employee tests positive, and the tests identify cocaine, heroin, amphetamines, barbiturates, or any major drugs as defined in this policy (III C), or any other controlled drug listed in Schedules I or II or State Code; Wisconsin State Statute, Chapter 161 (Uniform Controlled Substances Act), the employer may pursue termination of the employee. The exceptions shall be:
1. Forced use as defined in Section IV.D.5a
 2. Medications prescribed by a physician.
 3. Innocuous and/or "legal" (uncontrolled) substances giving "false positives".
- B. A member, who has been ordered to take and has taken, a drug test based on either reasonable suspicion, or the requirements of paragraph IV.D, hereof, shall not be subject to disciplinary action until the test results are received by the department. During that period the member may be required to surrender his/her weapon, badge, I.D. card, cap shield, and keys, and may be suspended with pay. This action shall be accomplished whenever possible without advising other personnel of the reasons.
- C. All discipline involving a member who has a confirmed positive test for illegal drug use shall be administered in accordance with 62.13, Wis. Stats.; such discipline may include dismissal from the department. The department's position is that any member proven to have illegally used or possessed controlled

substances shall be dismissed for such use, subject only to the discretion of the Police Chief and review by the Board of Police and Fire Commissioners.

ARTICLE XXXVII - MEMBER INTERVIEW PROCEDURAL RIGHTS

Section 37.01: If a member is under investigation for a non-criminal matter and is being interviewed for any reason which could lead to disciplinary action other than an oral warning for minor infractions, the interview shall comply with the following requirements:

- a) The member under investigation shall be informed of the nature of the investigation, as it is known to the investigator, prior to any interview.
- b) At the request of the member under investigation, he or she may be represented by a representative of his or her choice whom he or she may consult at all reasonable times during the interview. The representative shall not be a person subject to the same investigation. This investigation shall be non-adversarial. This section shall not apply to any interrogation of a member in the normal course of duty, counseling, instruction or informal verbal admonishment by a superior or other routine or unplanned contact with a supervisor.
- c) The member under investigation shall receive a copy of any Matter Of Report he or she personally wrote relative to the incident under investigation and at no cost to said member.
- d) The investigator shall make a reasonable good faith effort to conduct these interviews during the member's regular working hours unless the seriousness of the investigation requires otherwise. Such interview should take place at the Public Safety Building, or elsewhere if mutually agreed, unless an emergency exists which requires the interview to be conducted elsewhere and promptly.
- e) Interviews shall be done under circumstances devoid of intimidation, abuse or coercion. An employee refusing to respond to questions or submit to interrogation shall be informed that failure to answer questions directly related to the investigation or interrogation may result in disciplinary action. The member also shall be informed that the employee's responses to questions cannot be used in any criminal investigation or prosecution of that employee.
- f) All interviews and investigations shall be limited to activities, circumstances, events, conduct or acts which pertain to the incident which is the subject of the investigation of the event which occurred during the employees course of duty,

1 unless the employee's off-duty conduct is reasonably believed to affect the
2 employee's ability to perform on duty.

3 g) Interviews and investigations shall be concluded with no unreasonable delays,
4 provided the departmental workload permits and all the underlying facts are
5 known to the investigator.

6 h) The member shall be advised of the results of the investigation and of any future
7 action to be taken on the incident.

8 i) No member shall be subject to retaliation, either in connection with an
9 investigation and discipline (if any) or in connection with the member's
10 employment, because the member exercises the rights provided in this article and
11 under state and federal laws.

12 13 **ARTICLE XXXVIII - AMENDMENTS AND SAVING CLAUSE**

14 **Section 38.01:** This Agreement may not be amended except by the mutual consent of the
15 parties in writing.

16 **Section 38.02:** If any provisions of this Agreement shall be held invalid, the validity of
17 the remaining portions of this Agreement shall not be affected and the parties shall immediately
18 meet to re-negotiate such invalid provisions.

19 20 **ARTICLE XXXIX - CANINE HANDLER**

21 **Section 39.01:** The Department has created a canine-handler position in the Mequon
22 Police Department. The Department intends to comply with the requirements of the Fair Labor
23 Standards Act in compensating the canine handler for canine-related work including but not
24 limited to training, daily care, and other related activities. The Police Chief or his designee may
25 adjust the handler's regular work schedule to accommodate the time needed to train the canine,
26 provide veterinary care for the canine, and transport the canine to and from work. Any canine-
27 related work time spent in excess of the handler's regular hours of work shall be compensated
28 with either compensatory time or pay at time and one half the handler's regular rate of pay. Both
29 parties understand and agree that the long-term viability of the canine program is enhanced by
30 the judicious expenditure of overtime.

31 **Section 39.02:** The Police Chief may create a shift other than the four current regular
32 shifts for the canine handler position only and that the creation of a special shift for the canine
33 handler shall not violate the terms of the collective bargaining agreement including but not

1 limited to Section 25.07 in effect between the parties. In the event the canine handler position is
2 eliminated, any special shift created for that position will also be eliminated.

3 **Section 39.03:** The canine handler will be compensated in the following manner for the
4 daily/routine care, feeding, and grooming of the canine:

- 5 a) The canine handler will be allowed to dedicate the last one-half hour of his his/her
6 shift solely to the daily/routine care, feeding, and grooming of the canine. These
7 tasks can be performed either at the Public Safety Building or at the canine
8 handler's personal residence. If the handler is diverted to other non-canine-
9 specific assignments during this final one-half hour of the regular shift (or any
10 portion thereof), the canine handler shall earn compensatory time or paid overtime
11 for the actual amount of time spent caring for the canine in excess of the handler's
12 8.5 hour shift, not to exceed one-half hour.
- 13 b) The canine handler will receive one hour compensatory time or pay at the
14 appropriate overtime rate on his/her regularly scheduled off-days for the
15 daily/routine care, feeding, and grooming of the canine. The handler will not
16 receive any additional compensation for time spent in the daily/routine care,
17 feeding and grooming of the canine on days when the handler is off work
18 including sick days, holidays, compensatory time off, or vacation days.
- 19 c) Veterinarian visits are not considered daily/routine care. The canine handler shall
20 make every attempt to schedule non-emergency veterinary visits during his/her
21 scheduled working hours.
- 22 d) The canine handler will also be assigned a "take-home squad" to facilitate to off-
23 duty requests for the canine unit. The handler will be compensated in accordance
24 with the terms of the collective bargaining agreement in effect between the parties
25 for any time spent responding to off-duty requests for the canine unit.

26 Except as stated above, the handler will receive no additional compensation for time spent with
27 the canine assigned to him/her.

ARTICLE XXXX - DURATION

Section 40.01: This Agreement shall be effective January 1, 202~~12~~¹⁴, and shall remain in effect through December 31, 202~~14~~¹⁹. In the event a new agreement is not reached by this date, all benefits and conditions of this agreement shall carry on until a successor agreement is negotiated, provided that it does not exceed three (3) calendar years in duration. In the event the new agreement is desired to take effect after the termination of this agreement, the Association shall give written notice of its desire to commence negotiations on or about **July 1** in the year in which the contract terminates. Thereafter the parties shall mutually agree to a date to exchange proposals and commence bargaining.

Signed this _____ day of _____, 202~~19~~¹⁰.

CITY OF MEQUON

MEQUON POLICE ASSOCIATION, INC.

John Wirth, Mayor

Charles O'Connell, President

Caroline Fochs
City Clerk

~~Benjamin Heinen~~^{Austin Boinski}, Secretary

William R. Rettko, Labor Attorney for
Mequon Police Association, Inc.

Attachment: Redline Mequon Police CBA 2022 - 2024 (RESOLUTION 3897 : MPA CBA 22-24)

1

APPENDIX “A” - SALARY RATESEffective 1/1/2021

	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>
2 <u>Patrolman (1.75%)</u>	<u>\$62,643.01</u>	<u>\$69,942.11</u>	<u>\$73,842.53</u>	<u>\$80,202.88</u>	<u>\$83,979.29</u>
3 <u>Detective (1.0%)</u>	<u>\$86,471.45</u>	<u>\$90,259.73</u>	<u>\$94,047.47</u>		
4 <u>Sergeant (1.5%)</u>	<u>\$86,899.53</u>	<u>\$90,706.56</u>	<u>\$94,513.05</u>		

Effective first payroll in July, 2021

	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>
5 <u>Patrolman (.25%)</u>	<u>\$62,799.62</u>	<u>\$70,116.97</u>	<u>\$74,027.14</u>	<u>\$80,403.39</u>	<u>\$84,189.24</u>

2.5% Effective 1/1/2022

	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>
<u>PatrolmanPatrol Officer</u>	<u>\$64,369.61</u>	<u>\$71,869.90</u>	<u>\$75,877.82</u>	<u>\$82,413.48</u>	<u>\$86,293.98</u>
<u>Detective</u>	<u>\$88,633.24</u>	<u>\$92,516.23</u>	<u>\$96,398.66</u>		
<u>Sergeant</u>	<u>\$89,072.02</u>	<u>\$92,974.23</u>	<u>\$96,875.88</u>		

2.5% Effective 1/1/2023

	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>
<u>PatrolmanPatrol Officer</u>	<u>\$65,978.85</u>	<u>\$73,666.65</u>	<u>\$77,774.77</u>	<u>\$84,473.82</u>	<u>\$88,451.33</u>
<u>Detective</u>	<u>\$90,849.08</u>	<u>\$94,829.14</u>	<u>\$98,808.63</u>		
<u>Sergeant</u>	<u>\$91,298.82</u>	<u>\$95,298.59</u>	<u>\$99,297.78</u>		

2.75% Effective 1/1/2024

	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>
<u>PatrolmanPatrol Officer</u>	<u>\$67,793.27</u>	<u>\$75,692.49</u>	<u>\$79,913.58</u>	<u>\$86,796.85</u>	<u>\$90,883.75</u>

Attachment: Redline Mequon Police CBA 2022 - 2024 (RESOLUTION 3897 : MPA CBA 22-24)

<u>Detective</u>	<u>\$93,347.43</u>	<u>\$97,436.95</u>	<u>\$101,525.87</u>
<u>Sergeant</u>	<u>\$93,809.54</u>	<u>\$97,919.31</u>	<u>\$102,028.47</u>

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Attachment: Redline Mequon Police CBA 2022 - 2024 (RESOLUTION 3897 : MPA CBA 22-24)



11333 N. Cedarburg Road
Mequon, WI 53092
Phone: 262-236-2914
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www.ci.mequon.wi.us

Office of City Clerk

TO: Common Council
FROM: Caroline Fochs, City Clerk
DATE: November 1, 2021
SUBJECT: RESOLUTION 3898 A Resolution Designating Polling Places in the City of Mequon Based on the Approved 2021 Aldermanic Districts

Background

The Council approved the 2022-2031 ward plan map with Resolution 3882 at the October 12, 2021 Common Council meeting. Approval of the aldermanic districts is anticipated with Ordinance 2021-1598. Adoption of the polling sites for each aldermanic district is the final step for the City's involvement in redistricting.

Analysis

Each polling site is listed on the following resolution. There is no recommended change in polling locations. The City will continue to utilize the current polling locations for the convenience of the voter.

Fiscal Impact

Postcards will be sent to all households with registered voters indicating their new polling location. This is expected to cost \$7,500.

Recommendation

Staff recommends approval of this resolution.

COMMON COUNCIL
OF THE
CITY OF MEQUON

RESOLUTION 3898

A Resolution Designating Polling Places in the City of Mequon Based on the Approved 2021
Aldermanic Districts

RECITALS

A. In 2020 a nation-wide census was conducted, and the City of Mequon gained 2010 residents since the last census was conducted.

B. The City completed a redistricting plan including new wards as adopted by the Common Council on October 12, 2021 with Resolution 3882.

C. The City created new Aldermanic Districts as adopted by the Common Council on November 9, 2021.

BASED UPON THE FOREGOING RECITALS, IT IS RESOLVED by the Common Council of the City of Mequon, Wisconsin that the polling places for the City of Mequon are hereby established as follows:

Aldermanic District 1 (Wards 1, 2, 3)	Crossroads Church 6031 W. Chapel Hill Road
Aldermanic District 2 (Wards 4, 5)	Mequon City Hall 11333 N. Cedarburg Road
Aldermanic District 3 (Wards 6, 7, 8)	Trinity Lutheran Church 10729 W. Freistadt Road
Aldermanic District 4 (Wards 9, 10, 11)	Pieper Power Education Center 8200 W. County Line Road
Aldermanic District 5 (Wards 12, 13)	Unitarian Church North 13800 N. Port Washington Road
Aldermanic District 6 (Wards 14, 15, 16)	Range Line School 11040 N. Range Line Road
Aldermanic District 7 (Wards 17, 18)	Lumen Christi 2750 W. Mequon Road
Aldermanic District 8 (Wards 19, 20)	Range Line School 11040 N. Range Line Road

Approved by: John Wirth, Mayor

Date Approved: November 9, 2021

I certify that the foregoing Resolution was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on November 9, 2021.

Caroline Fochs, City Clerk