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Office of the City Clerk
Taped and Televised

**Common Council
Wednesday, November 9, 2022 - 7:30 PM
or Immediately Following the
Sewer Utility 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 meeting minutes of October 6, 2022
 - b) Reconvene as the Common Council
- 5) Public Hearings:**
 - a) **ORDINANCE 2022-1629** - An Ordinance Amending Chapter 58 of the Mequon Municipal Code, Establishing Veterinary Clinics as a Conditional Use in the B-1 (Neighborhood Commercial) Zoning District; **Recommended by Planning Commission September 19, 2022; Recommendation Forthcoming by Public Welfare Committee November 9, 2022; First Reading at Common Council October 11, 2022.**
 - 1) Public Hearing
 - 2) Consideration of Ordinance
 - b) **ORDINANCE 2022-1631** - 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 2023 and Levying for the Same; **Recommended by Appropriations Committee October 6, 2022; 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 11 and October 27, 2022
- b) Architectural Board meeting minutes of September 12, 2022
- c) Economic Development Board meeting minutes of September 20, 2022
- d) Festivals Committee meeting minutes of September 7, 2022
- e) Finance-Personnel Committee meeting minutes of September 13, 2022
- f) Joint Mequon-Thiensville Bike and Pedestrian Way Commission meeting minutes of September 22, 2022
- g) Mequon Municipal Water Utility Commission meeting minutes of August 10, 2022
- h) Planning Commission meeting minutes of September 19, 2022
- i) Public Welfare Committee meeting minutes of September 13, 2022
- j) Public Works Committee meeting minutes of September 13, 2022
- k) Sewer Utility District Commission meeting minutes of September 13, 2022
- l) Zoning Enforcement and Site Compliance Report through November 1, 2022
- m) 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 a two-thirds majority of all aldermen.

- 1) **ORDINANCE 2022-1633** - An Ordinance Amending Chapter 58 of the Mequon Municipal Code, Establishing Banquet Facilities as Conditional Uses in the B-2 (Community Commercial), TC (Town Center), and AC (Arrival Corridor) Zoning Districts, and Conference Centers as Conditional Uses in the B-2 (Community Commercial), B4 (Business Park) and Ulao Creek Mixed-Use Zoning Districts; **Recommended by Planning Commission October 17, 2022; First Reading.**

- 2) **ORDINANCE 2022-1634** - An Ordinance Approving Revenue and Expenditure Amendments to the City's General Fund Operating Budget for Fiscal Year 2022; **Recommendation Forthcoming by Finance-Personnel Committee November 9, 2022; First Reading.**

a) Consideration of Ordinance (Potential waiver of rules related to second readings.)

- 3) **ORDINANCE 2022-1635** - An Ordinance Amending Chapter 10 of the Mequon Municipal Code, Specifically Section 10-55(a) of the Building Code, Related to Survey Requirements for a Building Permit; **Recommendation Forthcoming by Public Welfare Committee November 9, 2022; First Reading.**

- 4) **ORDINANCE 2022-1632** - An Ordinance Appropriating the Necessary Funds from the City of Mequon's Sewer Utility District for the Year 2023 for Capital Charge Payments to the Milwaukee Metropolitan Sewerage District (MMSD) and City of Mequon Capital Debt Service Requirements; **Recommendation Forthcoming by Sewer Utility District Commission November 9, 2022; First Reading.**

a) Consideration of Ordinance (Potential waiver of rules related to second readings.)

9) Ordinance:

- a) **ORDINANCE 2022-1630** - An Ordinance Amending Section 2-216(10) of the Mequon Municipal Code, Increasing the Annual Carry-Over Limit for Paid-Time-Off Amongst Non-Represented Employees from 40 Hours to 80 Hours; **Recommended by Finance-Personnel Committee October 11, 2022: First Reading at Common Council October 11, 2022.**

10) Resolutions:

- a) **RESOLUTION 3992** - A Resolution Approving the FY2023 Southern Ozaukee Fire & Emergency Medical Services Department Operating and Capital Budgets; **Recommended by Appropriations Committee on October 6, 2022.**
- b) **RESOLUTION 3993** - A Resolution Designating the Allocation of \$2,550,000 in Proceeds Received by the City of Mequon from the American Rescue Plan Act; **Recommendation Forthcoming by Finance-Personnel Committee November 9, 2022.**
- c) **RESOLUTION 3994** - A Resolution Adopting the 2023 Compensation Plan for Non-Represented Employees; **Recommendation Forthcoming by Finance-Personnel Committee November 9, 2022.**
- d) **RESOLUTION 3995** - A Resolution Approving an Engagement Letter for the Provision of Labor & Employment Legal Services with von Briesen & Roper, s.c., Madison, Wisconsin, During the Period January 1, 2023 - December 31, 2024; **Recommendation Forthcoming by Finance-Personnel Committee November 9, 2022**
- e) **RESOLUTION 3996** - A Resolution Authorizing Execution of the Fifteenth-Amended Agreement for Operation of the Mid-Moraine Municipal Court Through April 30, 2051; **Recommendation Forthcoming by Finance-Personnel Committee November 9, 2022.**

- f) **RESOLUTION 3997** - A Resolution Approving an Agreement for Municipal Prosecution Services with Houseman & Feind LLP, Grafton, Wisconsin, for the Period December 1, 2022 - December 31, 2024; **Recommendation Forthcoming by Finance-Personnel Committee November 9, 2022.**
- g) **RESOLUTION 3991** - A Resolution Adopting the Fiscal Year 2023 Sanitary Sewer Utility Budget and Establishing the 2023 Sanitary Sewer User Fee Schedule; **Recommended by Sewer Utility District Commission October 27, 2022.**
- h) **RESOLUTION 3998** - A Resolution Rejecting the Bids for a Back-up Pumping System at Lift Station E (Ranch Road); **Recommendation Forthcoming by Sewer Utility District Commission November 9, 2022.**

11) Specified Unfinished Business From Prior Meetings: None.

12) Specified New Business: None.

13) Adjourn

Dated: November 3, 2022

/s/ Andrew Nerbun, Mayor

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

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



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Office of Administration
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APPROPRIATIONS COMMITTEE

Thursday, October 6, 2022

6:30 PM

Christine Nuernberg Hall

Minutes

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

Present:

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

Also Present: City Administrator Jones, Assistant City Administrator Schoenemann, Finance Director Engroff, Assistant to the Finance Director Keyser, Director of Community Development Tollefson, Director of Public Works Lundeen, Fire Chief Bialk, Police Chief Pryor, City Clerk Fochs, Executive Assistant Enea, Library Director Muchin Young, and other interested parties.

- 4) Budget Overview, Revenues and Capital Projects

City Administrator Jones provided an overview of the budget process that City staff have been working on for the past 90 days. Over the first six months of 2022, the City developed a Strategic Plan that was then approved in July. The Strategic Plan developed the building blocks, Public Safety, Financial Stewardship, Capital Improvements, Customer Service, and Quality of Life, that the proposed spending plan for 2023 is focused on. Overall, the budget is down by nearly \$1.1 Million. The key drivers are the formation of the Southern Ozaukee Fire Department, the transfer of emergency dispatch to Ozaukee County, and rising costs due to higher inflation, most notably personnel costs. A total of \$1.8 Million has been added to the

Capital Plan via ARPA funds. The City is still waiting on results from the Compensation Study and insurance rebid. However, with the Police and Fire mergers, the tax rate is declining. City staff exercises tremendous financial stewardship in holding the tax rate at a commensurate level year after year.

Mr. Jones then provided a summary of revenues generated by the City. Net new construction is up 2.2% or \$360,000. Excess levy is above the allowable limit by almost \$700,000, something that will need to be considered as the City moves forward with future plans and projects. No fee adjustments are recommended for 2023. \$200K in ARPA funds have been applied to the 2023 Budget. Fire & EMS fees are down by 80% due to the transition to SOFD. The proposed levy for 911 is currently under review by the Wisconsin Department of Revenue. Next, Mr. Jones gave an overview of the City's expenditures. The Public Safety consolidation resulted in reductions across all spending categories. There was a slight increase for the Library in the amount of \$4,000 and tax support for SOFD is now classified as a grant. There is no new spending in the 2023 budget beyond personnel costs. Many inflationary increases were not included in the budget due to the earlier direction given by the Council not to increase the tax rate. Thereby, expense reductions had to be taken in several areas to balance the budget, many relating to overtime and seasonal help, totaling \$116,182.

5) Public Safety

Fire Chief Bialk then presented the Southern Ozaukee Fire Department (SOFD) Budget. The Village of Thiensville has already approved the SOFD 2023 Budget, as well as the SOFD Board that includes Mayor Nerbun, Alderman Parrish, and Alderwoman Schneider. The ambulance, sprinkler, and commercial inspection fees total \$1.24M of the \$3.5M budget. In 2023, two Thiensville employees will be added, as well as funds to add four additional full-time firefighter/paramedics and another mid-year. SOFD will be receiving \$300K in Ozaukee County ARPA funds, \$140K from the City as a Capital Contribution, and will have 5% as a reserve balance after year one. A 5-year projection plan has been created for planning purposes.

After Chief Bialk answered a few questions from Alderman Maier and Alderman Parrish, City Administrator Jones resumed the presentation to cover the emergency dispatch move to the County, which will start on January 1. The Communications Budget is decreasing by \$302K with the reduction of 8.5 full-time employees (FTE) to 3.5. Ozaukee County is seeking 4.5 FTE for Mequon calls. The City's proposed levy is under review by the Department of Revenue (DOR). Pending the determination, a slight adjustment may be needed. The Common Council will be notified as soon as more information is available.

6) Consideration of Compulsory & Supplemental Funding Requests

Mr. Jones presented the compulsory and supplemental funding requests next. Capital Funding is remaining level from 2022. The only difference is that the \$10,000 for roadway lighting was moved to IT/Computer replacement. Roadway lighting will now come out of the Right-of-Way Assets Account. As the Road Program progresses, the City can address other needs. A total of \$2.55M was received in ARPA funds in 2021 and 2022. There are no spending restrictions for amounts under \$10M. To date, nearly \$600K has been committed to the 5 areas identified in the Strategic Plan. \$200K was included in the 2022 Budget to restore cuts made during the

pandemic. Lesser amounts have been recommended for 2023 & 2024. For Supplemental Capital Projects, there was one add-in of Festivals Electric for \$20,000. All monies will stay in the account, until each project is completed. The money needs to be programmed by the end of 2024 and spent by the end of 2026.

7) Consideration of a Recommendation Concerning the Proposed FY2023 Budget

Administrator Jones then presented some recommended expenditures for consideration across a number of categories, including Fire, Governance, Library, Utilities, and Wages. Mr. Jones provided a comparison of Mequon's Mill Rate (currently 3.08) to other comparable cities in the area, with only Pewaukee being lower. With the Public Safety consolidations, the mill rate would drop to \$3.02. However, the tax levy will be rising by \$38,266. The Sewer Levy is expected to remain stable.

Moving forward, Mr. Jones recommended commencing the 2024 budget process in the 1st quarter of 2023 with a series of budget-related policy discussions to take place after the District 8 vacancy is filled. Mr. Jones also mentioned updating the Joint Library Funding Agreement, completing a comprehensive fee schedule update, participating in local government funding reform efforts with the League of Wisconsin Municipalities, and finalizing debt-planning for future facility projects. He concluded by saying how the staff prepared a fiscally responsible budget that accounts for wage, insurance, and retirement increases, limits reductions in recurring expenses, and preserves a commensurate tax rate with 2022. The Committee may wish to consider the recommended adjustments, other compulsory increases or spending restoration, and the supplemental requests provided previously by staff.

8) Ordinance Recommendation

After a short discussion regarding the Library, parks, ARPA Funds, housing/interest rates, and the budget process moving forward, Alderman Mayr made a motion to move the budget forward for approval with additionally recommended funding equivalent to an increase of 4.52 cents and Alderman Hansher seconded. A roll call vote was taken and the motion passed 7-2. Alderman Parrish made a motion to pass the other considerations totaling 1.48 cents and Alderwoman Schneider seconded. A roll call vote was taken and the motion passed 7-2.

9) Adjourn

Alderman Gierl moved to adjourn at 8:17 P.M. and Alderman Parrish seconded.

Respectfully Submitted,

Carrie Enea
Executive Assistant



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Office of Community Development

TO: Common Council
FROM: Jac Zader, Assistant Director Community Development
DATE: October 11, 2022
SUBJECT: ORDINANCE 2022-1629 An Ordinance Amending Chapter 58 of the Mequon Municipal Code, Establishing Veterinary Clinics as a Conditional Use in the B-1 (Neighborhood Commercial) Zoning District

Background

An applicant is requesting a text amendment to allow for Veterinary Clinics as a conditional use in the B-1 (Neighborhood Commercial) Zoning District. This request is due to interest from a prospective tenant to locate a new business at 7625 W. Mequon Road.

Currently, Veterinary Clinics are permitted in the TC (Town Center), AC (Arrival Corridor), and NC (Neighborhood Commercial) Zoning Districts and as a conditional use in the B-2 (Community Commercial) and B-7 (Rural Office) Zoning Districts. There are also specific design considerations that the use is subjected to, regardless of the zoning. The specifications are 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.
 - (4) No animal shall be allowed to be left unsupervised between the hours of 10:00 p.m. and 6:00 a.m. in a building that contains residential units.

Analysis

The B-1 Zoning District was established to generally accommodate the basic day-to-day retail and service needs of persons residing in nearby residential areas. Staff believes the proposed use of a veterinary clinic fits this description. Currently, there are other similar uses, including medical and dental clinics that are conditional in the B-1 Zoning District. Staff supports the proposed text amendment to allow animal hospitals and veterinary clinics in the B-1 Zoning District as a conditional use. Since Table 58-517 (c) of the Animals Division cross references the Zoning District uses, the chart will need to be updated as well.

Fiscal Impact

The text amendment is fiscally neutral.

Recommendation

The Planning Commission recommended approval on September 19, 2022, by a vote of 8-0.

Attachments:

Exhibit A: Proposed Text Amendment (DOCX)

Exhibit B: 58-517 (c) Animals (DOCX)

COMMON COUNCIL
OF THE
CITY OF MEQUON

ORDINANCE 2022-1629

An Ordinance Amending Chapter 58 of the Mequon Municipal Code, Establishing Veterinary Clinics as a Conditional Use in the B-1 (Neighborhood Commercial) Zoning District

RECITALS

A. Pursuant to the authority granted to it under Section 62.23(7) of the Wisconsin Statutes, the City of Mequon previously adopted a comprehensive Zoning Code for the City which includes the B-1 (Neighborhood Commercial) District under Section 58-294 of the Municipal Code.

B. An applicant has sought a text amendment to the B-1 regulations to allow for a veterinary clinic.

C. The Planning Commission, by a majority vote, adopted a recommendation to approve the text amendment on the 19th day of September 2022.

D. Following due notice and a public hearing by the Common Council, the Council finds that the proposed amendment is consistent with the City's comprehensive master plan and that the amendment would further the health, safety and welfare of the community.

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

SECTION I

Section 58-294 (e) of the Mequon Zoning Code, which establishes conditional uses within the B-1 Zoning District and Table 58-517 (c) which cross references uses related to animals, are amended as attached in Exhibits A & B.

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: Andrew Nerbun, Mayor

Date Approved: November 9, 2022

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, 2022.

Caroline Fochs, City Clerk

Published: _____

Sec. 58-294. B-1 neighborhood business district.

- (a) *Purpose.* The B-1 district is established to generally accommodate the basic day-to-day retail and service needs of persons residing in nearby residential areas.
- (b) *General requirements.*
 - (1) Buildings shall be designed in individual or small groupings and shall not exceed 20,000 square feet per structure, nor exceed two stories in height, except as approved as a conditional use. 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 not permitted except as specifically approved by the planning commission.
 - (3) In approving or disapproving proposed locations for uses under this section the planning commission shall give due consideration to the character and suitability of development for the area in which any such use is proposed to be located and shall also base its decision on such evidence as may be presented to the city planning commission regarding traffic generation, ground water impact, sewage disposal impact, lighting, soil limitations and the emission of noise, smoke, dust or dirt, odorous or noxious gases attributed to the proposed use. The city planning commission, in applying the provisions of this section, shall in writing recite the particular facts upon which it bases its conclusion. The applicant shall have an opportunity to present evidence contesting such unsuitability or propose adequate mitigation, if they so desire. Thereafter, the city planning commission may affirm, modify or withdraw its determination of unsuitability.
 - (4) Site development shall be approved by the planning commission in accordance with this chapter.
 - (5) 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 uses.*
 - (1) Retail trade establishments which supply convenience and specialty goods and services including, but not limited to, groceries, meats, dairy products, baked goods or other convenience goods, drugs, dry goods and notions.
 - (2) Personal and professional service establishments which perform services on the premises including, but not limited to, repair shops, (watches, radio and television, etc.) tailor shops, beauty parlors or barber shops, photographic studios, dry cleaners, laundries.
 - (3) General offices.
 - (4) Finance, insurance and real estate services including, but not limited to, banks, insurance offices, savings and loan associations and security brokers.
- (d) *Accessory uses.*
 - (1) Residential quarters for the owner/proprietor located in the same building as the business.
 - (2) Accessory buildings and uses customarily incidental to the above uses including, but not limited to, garages and dumpster storage facilities.
- (e) *Conditional uses.*

- (1) Public uses including, but not limited to, post offices, schools and local governmental offices and facilities.
- (2) Restaurants which provide for the consumption of food primarily within the building. No fast food restaurants will be allowed.
- (3) Cultural activities including, but not limited to, museums, libraries and art galleries.
- (4) Public and/or private utilities, telecommunication installations, transmission and distribution lines, poles, and other accessories. Specific regulations related to wireless telecommunication installations shall be subject to this chapter. When a utility proposes a main inter-city transmission facility, the utility shall give notice to the city of such intention and of the date of hearing before the public service commission. Public and/or private utility installations less than three feet in height shall be subject only to City of Mequon staff approval and may be allowed subject to staff imposed conditions regarding, among other things, effective screening from public view with all season vegetation.
- (5) Churches, temples and synagogues.
- (6) Health care facilities including, but not limited to, dental clinics, medical clinics, chiropractic clinics and health clubs.
- (7) Satellite dishes.
- (8) Child day care facilities.
- (9) Structures in which shall be located only principal or conditional uses, as enumerated in subsection (c) above, and this subsection (e), but which are greater than 20,000 square feet, but not to exceed 40,000 square feet, in size and/or greater than two stories in height.
- (10) Development that includes a proposed modification to one or more standard district regulation applicable to the base zoning district and located on a vacant parcel which is non-conforming to the required base zoning district standards for minimum lot size or minimum lot width.
- (11) Development that includes a proposed modification to one or more standard district regulation applicable to the base zoning district and located on an improved parcel with an existing structure in which parcel, or improvement, or both, are non-conforming to any of the required base zoning district standards.

(12) Veterinary Clinics and Animal Hospitals

- (f) *Lot size.* The minimum lot size shall have an area of not less than 1.5 acres.
- (g) *Building size/floor area ratio.* The building(s) floor area ratio shall not exceed 30 percent.
- (h) *Building height.* The height of any structure shall not exceed 42 feet unless otherwise allowed in accordance with section 58-418.
- (i) *Minimum building setback.* All structures within the B-1 district shall be set back from the ultimate road right-of-way as follows:
 - (1) Freeways, 50 feet.
 - (2) All other streets and highways (excluding local streets), 65 feet, except when parking is proposed between the road and building the minimum setback shall be 95 feet.
 - (3) Local streets, 60 feet.
- (j) *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, adjoining property is zoned residential, no commercial building or structure shall be placed closer than 30 feet to the adjoining residentially zoned lot line.

(k) *Open space ratio.*

(1) The open space ratio shall not be less than 40 percent except as follows:

- a. Future additions to buildings that were approved by the planning commission prior to August 12, 1994, shall be subject to a 30-percent open space ratio.
- b. Properties which were the subject of planned unit development zoning or development agreement approval prior to August 12, 1994, shall be subject to the contractual open space ratio approved by the city pursuant to such planned unit development zoning or development agreement.
- c. Construction of additional buildings on sites developed prior to August 12, 1994, shall be subject to a 30-percent open space ratio.
- d. Proposed redevelopment/reconstruction of sites developed prior to August 12, 1994, shall be subject to the 40 percent open space ratio if the redevelopment razes more than 50 percent of the existing building(s). If the redevelopment does not raze more than 50 percent of the existing building(s), a development shall be subject to a 30-percent open space ratio.

(2) No lot or parcel that was previously developed under a less restrictive open space ratio shall be deemed nonconforming due to lack of compliance with this current more restrictive open space ratio.

(l) *Lot width and lot length.* The minimum average lot width and minimum average lot length shall be 150 feet.(m) *Off-street parking.* In accordance with applicable regulation set forth in section 58-441 of this chapter.(n) *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.(o) *Minimum parking setback.* No driveway (excluding the portion of driveway required for road access) or parking area shall be located closer than 25 feet to the ultimate road right-of-way.

(Code 1957, § 3.08(1); Ord. No. 99-984, 1-11-2000; Ord. No. 2001-1008, 3-13-2001; Ord. No. 2003-1078, §§ I, II, V, 8-12-2003; Ord. No. 2005-1143, § 11, 9-13-2005; Ord. No. 2008-1238, § I, 4-8-2008; Ord. No. 2008-1259, § I, 11-11-2008; Ord. No. 2010-1316, § I, 6-8-2010)

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-1 , 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 one-fourth 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	1.5 acres	R-1 to R-4, OA, A-1, A-2	Over 1,000 square feet	Permitted	None	✓

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(Supp. No. 51)

other similar structures for animals (*)						
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	

- (d) Tables 58-517(a) and 58-517(b) set forth the maximum number of animals that may be kept on a property. If an animal allowed on a property gives birth, the newborns shall not be counted against the total allowed animals until the following ages:

Equine animals and camelids — 7 months

Swine — 4 months

All other livestock — 3 months

Poultry — 3 months

Dogs and cats — 5 months

- (e) Any animal or animal-related use, structure or business not listed in Tables 58-517(a), 58-517(b) or 58-517(c) as either permitted or conditional for a district shall be prohibited. Without limiting the generality of the foregoing, wild animals are prohibited in the city except as described in section 58-523.
- (f) If the minimum lot size for a zoning district is greater than a minimum lot size specified in Tables 58-517(a), 58-517(b) or 58-517(c), such greater lot size shall control.

(Ord. No. 2019-1543, Exh. A, 4-9-2019; Ord. No. 2019-1551, § I(Exh. A), 9-10-2019; Ord. No. 2021-1594, § I(Exh. A), 8-10-2021; Ord. No. 2021-1609, § I(Exh. B), 12-14-2021)



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Office of Administration

TO: Common Council
FROM: William Jones, City Administrator
DATE: November 9, 2022
SUBJECT: ORDINANCE 2022-1631 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 2023 and Levying for the Same

Introduction

On October 6, the City of Mequon Appropriations Committee recommended adoption of the proposed budget for Fiscal Year 2023, 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 2023 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 in the coming year.

The 2023 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.

Furthermore, the proposed 2023 budget also seeks to support five (5) Key Focus Areas contained within the City's newly adopted Strategic Plan for 2022-25. These include:

- Capital Improvements
- Customer Service
- Financial Stewardship
- Public Safety
- Quality of Life

2023 Budget Development Process

Each year the Common Council convenes a workshop meeting to review some of the key factors that are likely to impact development of the organization's next fiscal year budget. This year's

meeting was held at the end of August and came shortly after Council adoption of the aforementioned strategic plan in July. Among the budgetary impacts discussed at this meeting were: 1) the high rate of inflation that is evident across all sectors of the economy; 2) the ongoing merger between the Mequon and Thiensville Fire Departments; 3) the availability of debt-financing to fund future facility improvements; and 4) proposed allocations for funding received via the American Recovery Plan Act (ARPA).

Since mid-year, and in the wake of the Council's late-August meeting, City staff has worked to formulate the basis for next year's budget, which in broad terms, seeks to preserve current spending levels while addressing the broader impacts of inflation, specifically with respect to wages, health insurance and retirement contributions.

In early October, the Common Council, meeting as the City's Appropriations Committee, unanimously approved a recommendation in favor of adopting the 2023 budget proposed by a vote of 7-0. This recommendation included the addition of supplemental funds to support increased spending for the nascent Southern Ozaukee Fire & EMS Department, the Weyenberg Library and the City's municipal prosecution services, among others. Accordingly, these additionally authorized expenditures have been incorporated into the proposed budget that is submitted for adoption.

2023 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 2023 General Fund Budget, which is balanced, honors all contractual commitments, and maintains existing service levels.

General Fund Revenue

Revenues	2022	2023	Change	% Change
Taxes	\$11,939,401	\$12,388,047	\$448,646	3.76%
State Shared Revenue	\$555,371	\$367,128	(\$188,243)	-33.89%
Intergovernmental	\$1,823,218	\$1,792,946	(\$30,272)	-1.66%
Licenses and Permits	\$986,400	\$941,700	(\$44,700)	-4.53%
Public Safety Fees	\$886,300	\$179,000	(\$707,300)	-79.80%
Public Charges for Services	\$913,400	\$920,350	\$6,950	0.76%
Other Revenues	\$902,550	\$640,472	(\$262,078)	-29.04%
Investment Income	\$40,000	\$115,000	\$75,000	188.64%
Total Revenue	\$18,046,640	\$17,345,099	(\$701,541)	-3.89%

Within the recommended budget, property taxes comprise more than 71% 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 decline in the coming year due to a slowing economy and higher interest rates.

General Fund Expenditures

Expenditures	2022	2023	Change	% Change
Salaries	\$9,756,135	\$8,302,603	(\$1,453,532)	-14.90%
Fringe Benefits	\$3,733,751	\$3,524,592	(\$209,159)	-5.60%
Other Staff Costs	\$77,945	\$56,077	(\$21,868)	-28.06%
Materials & Supplies	\$994,056	\$906,702	(\$87,354)	-8.79%
Purchased Services	\$1,784,464	\$1,528,021	(\$256,443)	-14.37%
Facility & Plant	\$509,597	\$528,072	\$18,475	3.63%
Equipment / Leases	\$129,692	\$39,942	(\$89,750)	-69.20%
Library Grant	\$1,061,000	\$1,106,716	\$45,716	4.31%
Fire & EMS Grant	\$0	\$1,352,374	\$1,352,374	0.00%
Total Expenditures	\$18,046,640	\$17,345,099	(\$701,541)	-3.89%

On the expenditure front, personnel expenses are projected to decline by more than 14% in 2023. This is attributable to establishment of the Southern Ozaukee Fire & EMS Department, wherein expenses are being transferred away from the City, and a reduction of four full-time staff positions in the Police Department due to the migration of emergency dispatching to Ozaukee County. The budget also includes adjustments to employee compensation, including increases for unionized personnel in the Police Department, and cost-of-living/merit adjustments for non-represented staff. As indicated, spending categories such as *Materials/Supplies* and *Facility/Plant* will also be decreasing in 2023, due to the two referenced public safety mergers.

Property Tax Impact

The City's general tax levy is comprised of three funds: the General Fund, the Capital Projects Fund and the Debt Service Fund. Combined, the total levy of these three funds is \$16,516,047. 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 2022, net new construction grew by \$119.5 million or 2.2%. The growth in new construction value accompanies a rise in equalized value. The City's equalized value increased to an overall value of \$5.5 billion for 2023, which well exceeds the \$4.2 billion mark the City achieved several years ago. The recommended 2023 budget requests a total levy increase of \$428,393 or 2.7% over 2022. The following table shows a breakdown of the proposed 2023 levy.

Fund	2022	% of Total	2023	% of Total	% Change
General	\$10,878,401	46.7%	\$11,281,331	47.3%	3.7%
Library	\$1,061,000	4.6%	\$1,106,716	4.6%	4.3%
Capital Projects	\$1,328,000	5.7%	\$1,328,000	5.6%	0.0%
Debt Service	\$2,820,253	12.1%	\$2,800,000	11.7%	-0.7%
Sub-Total	\$16,087,654	69.0%	\$16,516,047	69.2%	2.7%
Sewer Utility	\$7,213,956	31.0%	\$7,213,956	30.4%	0.0%

Total	\$23,301,610	100.0%	\$23,730,003	100.0%	1.8%
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For 2023, the levy for the General Fund maintains its relative share of the City's overall tax levy due to inflationary increases to cover personnel and utility costs, as well as an 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 remains slightly below the cap allowed under State levy limits.

The tax rate, or mill 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 \$3.10/\$1,000 represents a significant decrease from two years ago, due to a City-wide revaluation that was completed in late 2021. Under the proposed 2023 budget, a Mequon home assessed at \$450,000 will pay approximately \$1,395 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 2023, the utility's projected mill rate is scheduled to decrease to \$1.59 per \$1,000 of assessed property.

Levy Year	General Assessed Tax Rate: \$X.XX/\$1,000 of Assessed Value	Sewer Assessed Tax Rate: \$X.XX/\$1,000 of Assessed Value
2022	\$3.10 (est.)	\$1.59 (est.)
2021	\$3.08	\$1.62
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

Revenue

For 2023, property tax revenue totals \$23,730,003. As indicated in the following table, this represents an increase of \$428,393 or 1.8% more than the 2022 levy, an amount that meets the requirements of the state's levy limit, 2013 Wisconsin Act 20.

Revenue Summary Information

Category	2022	2023	Change	% Change
General Tax Levy	\$10,878,401	\$9,928,957	(\$949,444)	-8.73%
Library Fund	\$1,061,000	\$1,106,716	\$45,716	4.31%
Fire & EMS	\$0	\$1,352,374	\$1,352,374	0.00%
Capital Projects Fund	\$1,328,000	\$1,328,000	\$0	0.00%
Debt Service	\$2,820,253	\$2,800,000	(\$20,253)	-0.72%
Sub-Total	\$16,087,654	\$16,516,047	\$428,393	2.66%
Sewer Debt/Cap Charge	\$7,213,956	\$7,213,956	\$0	0.00%
Total Tax Levy	\$23,301,610	\$23,730,003	\$428,393	1.84%
Other Revenue	\$6,107,239	\$4,957,052	(\$1,150,187)	-18.83%

Total Revenue	\$28,278,726	\$28,518,861	\$240,135	0.85%
City Tax Rate	\$3.08	\$3.10	\$0.02	0.65%
Sewer Tax Rate	\$1.62	\$1.59	(\$0.03)	-1.85%

Capital Projects Fund

The proposed tax levy dedicated towards “pay-as-you-go” capital spending in 2023 is unchanged from the amount of \$1,328,000 that was approved for 2022. 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 again totals \$175,000 in 2023. 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.

Additionally, the City has invested significantly in the maintenance of its local road system over the past decade. In 2022, new debt in the amount of \$6.75 million was issued to fund construction of the Highland Road Interchange along I-43, as well as for the continued rehabilitation or reconstruction of arterial/subdivision roads and City parking lots through 2024. As indicated during a Right-of-Way Asset Analysis completed in 2018, 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, snowplows, fire trucks, ambulances, and road equipment. In 2023, funding is again earmarked at \$625,000, which remains unchanged from the amount approved for 2022.

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 2023 budget are the property tax levy limit (as described above), the merger of public safety services with both the Village of Thiensville (fire & emergency medical services) and Ozaukee County (emergency dispatch), and certain fixed costs (e.g., salaries, energy prices, etc.) rising faster than the consumer price index. In addition to generally preserving existing service levels, the proposed 2023 budget also apportions nearly \$1.8 million in available funding through the American Recovery Plan Act (ARPA) for the completion of various, one-time projects including:

- Procurement of an online permitting & inspections system (\$425,000)
- Expansion of the existing pavilion facility in Lemke Park (\$350,000)
- Installation of a traffic signal at County Line and Port Washington Roads (\$325,000)
- Automation of the City’s Brush Site (\$250,000)
- Purchase of electronic poll books (\$90,000)

In sum, the recommended 2023 budget continues the Common Council’s more recent

commitment to ensuring that the City's various departments and divisions are appropriately staffed to support the myriad of services the organization provides to the community. Further, the proposed spending plan also continues to prioritize significant investments in the areas of public safety and capital improvements, which taken together, comprise roughly 53% of the City's overall spending.

Library Allocation

The 2023 budget also includes an appropriation of \$1,106,716 for the Weyenberg Library, which represents a \$45,716 increase in the amount that was allocated in 2022. 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 6, the Appropriations Committee met to consider the proposed 2023 budget. Following a review of supplemental expenditure options initially introduced in August, as well as expenditures that had been removed from the proposed budget in order to maintain a flat tax rate into next year, the Committee approved recommendations to add several items to the 2023 budget originally prepared by City staff. These additional amounts are summarized as follows:

<u>Expenditure</u>	<u>Amount</u>
▪ Additional Funding for Southern Ozaukee Fire & EMS	\$43,961
▪ Increase Monthly Municipal Court Retainer	\$15,499
▪ Increase Mayoral Salary per Resolution Adopted in 2021	\$12,000
▪ Reinstate City's Membership in League of Wisconsin Municipalities	\$11,517
▪ One-Time Increase in City Assessor Contract through 2025	\$5,000
▪ Police Department Accreditation Expenses - WILEAG	\$2,000
▪ Requested Allocation from Weyenberg Library	\$41,716
▪ Electricity - City Buildings & Park Facilities	\$30,295
▪ Natural Gas - City Buildings & Park Facilities	\$27,380
▪ Phase I Wage Adjustments per 2022 Compensation Analysis	\$50,000
▪ City Website Annual Hosting Fee	\$4,490
▪ Office Supplies - Copier Paper	\$3,000
▪ Motor Fuel - Police Department	\$10,000
▪ Motor Fuel - Public Works Department	\$19,412
▪ Electricity - Street Lights	\$11,300
▪ Police Department Education Incentive	\$10,000
▪ Forestry Division - Supplies	\$3,000
▪ Highway Division - Overtime	\$10,000
▪ Community Pool - Supplies	\$1,500
▪ One (1) Seasonal Parks Worker Position	\$6,000

TOTAL:	\$318,070
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Accordingly, \$318,070 has been added to the budget recommended for adoption in 2023. In total, the Appropriations Committee recommended 2023 expenditures of \$17,251,715, which is 4.30% lower than the 2022 adopted budget of \$18,027,140. With the referenced adjustments, the

Committee recommended, by an 7-0 vote, the 2023 budget as summarized herein.

Further Adjustment Following Appropriations Committee Action

Following the October 6 Appropriations Committee meeting, City staff received notification from the Wisconsin Department of Revenue that it concurred with the City's proposed reduction to Mequon's 2022 property tax levy, which reflected a 1/3 decrease of the total levy based on the transfer of dispatching services to Ozaukee County. Based upon this determination, the total levy available to the City supports maintaining 4.5 FTEs within the Police Department's Communications Division for 2023, as originally directed by the Council. Accordingly, the Communications Budget has been revised to account for the addition of one additional Administrative Clerk, reflecting an upward adjustment of \$93,384. As indicated at the October 6 Appropriations Committee meeting, such modification has since resulted in a slight upward adjustment to the projected tax rate for 2023, from \$3.08 to \$3.10 per \$1,000 of assessed property.

Recommendation

Adoption of the Proposed Ordinance.

COMMON COUNCIL
OF THE
CITY OF MEQUON

ORDINANCE 2022-1631

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 2023 and Levying for the Same

RECITALS

A. Public Notice of the Proposed 2023 Budget for the City of Mequon appeared in the *News-Graphic* on October 25, 2022.

B. A Public Hearing was held by the Common Council on November 9, 2022, regarding the Proposed 2023 Budget.

C. The Proposed Budget includes property taxes of \$16,516,047 that are levied to support the 2023 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, 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 receipts of the City of Mequon for the Year 2022 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 Annual 2023 Budget for the City of Mequon, in the amounts set forth therein and in the total amount of:

2023 Budget	\$21,473,099
Less Anticipated Revenues	<u>(\$4,957,052)</u>
Total Amount of Tax Levy	\$16,516,047

SECTION II

There is hereby levied a tax of \$16,516,047 upon all taxable property within the City of Mequon as returned by the Assessor in the Year 2022 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

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

Approved by: Andrew Nerbun, Mayor

Date Approved: November 9, 2022

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, 2022.

Caroline Fochs, City Clerk

Published: _____



draft

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Office of the City Clerk
Taped and Televised

**COMMON COUNCIL
Regular Meeting
Tuesday, October 11, 2022 - 7:30 PM
or Immediately Following the
Committee of the Whole Meeting
Christine Nuernberg Hall**

Minutes

1) Call to Order

Mayor Nerbun called the meeting to order at 7:45 PM.

2) Pledge of Allegiance

3) Roll Call

Present:

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

Also present: City Administrator Jones, City Attorney Sajdak, City Clerk Fochs, Assistant City Administrator Schoenemann, Community Development Director Tollefson, Engineering and Public Works Director Lundeen, Police Chief Pryor, Assistant City Engineer McCraw, Ken Kiepczynski, WisDOT Project Manager, Toni Keegan, Traffic Operations Planner at HNTB Corporation, press and interested public.

4) Public Hearings: None.

5) Personal Appearances and Public Comment: None.

6) Public Officials' Reports:

Attachment: 10-11-22_CC draft minutes (7862 : Common Council meeting minutes of October 11 and October 27, 2022)

- a) Mayor: None.
- b) City Administrator

1) WisDOT Update: I-43 Expansion

Administrator Jones introduced several representatives from the Wisconsin Department of Transportation (WisDOT) who provided an overview and a status update on the I-43 expansion project. Ken Kiepczynski and Toni Keegan stated that we are one year into an expected four-year project that will involve I-43 between Hwy 60 to Bender Road. Projects expected to be completed in 2022 are the Falls Road bridge, Kathryn Road reopening, Lakefield Road bridge widening bridge expansion, Port Washington bridge and Highland Road interchange. The 2023 focus will be on the southbound-northbound main line freeway line construction, Hwy C ramps and bridge construction, County Line Road bridge, Mequon Road interchange, Brown Deer Road bridge widening, and Hwy 60 ramp reconfiguring/realignments. The WisDOT website provides up-to-date information on the project.

7) **Consent Agenda:**

- a) Common Council meeting minutes of September 13, 2022.
- b) Architectural Board meeting minutes of August 8, 2022.
- c) Economic Development Board meeting minutes of July 26, 2022.
- d) Festivals Committee meeting minutes of August 17, 2022.
- e) Finance-Personnel Committee meeting minutes of August 10, 2022.
- f) Joint Mequon-Thiensville Bike & Pedestrian Way Commission meeting minutes of August 11, 2022.
- g) Planning Commission meeting minutes of July 25, 2022.
- h) Public Welfare Committee meeting minutes of August 10, 2022.
- i) Public Works Committee meeting minutes of August 10, 2022.
- j) Sewer Utility District Commission meeting minutes of August 10, 2022.
- k) Zoning Enforcement and Site Compliance Report Through October 3, 2022.
- l) **RESOLUTION 3982** - A Resolution Approving a Development Agreement for The Enclave at Mequon Preserve South Phase III, a 12-Lot Subdivision Located at 7901 W. Preserve Parkway.
- m) **RESOLUTION 3983** - A Resolution Approving the Final Plat for Phase II of The Woods at Highland Park, a 5 Building, 10-Unit Condominium Development Located in the Vicinity of 12431 Green Bay Road, 12424 North Green Bay Road and 5555 W. Highland Drive.
- n) Ordinance First Readings

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

- 1) **ORDINANCE 2022-1629** - An Ordinance Amending Chapter 58 of the Mequon Municipal Code, Establishing Veterinary Clinics as a Conditional Use in the B-1 (Neighborhood Commercial) Zoning District.

RESULT: First Reading

- 2) **ORDINANCE 2022-1630** - An Ordinance Amending Section 2-216(10) of the Mequon Municipal Code, Increasing the Annual Carry-Over Limit for Paid-Time-Off Amongst Non-Represented Employees from 40 Hours to 80 Hours.

RESULT: First Reading

Motion to approve Consent Agenda items A-M, including **RESOLUTION 3982** and **RESOLUTION 3983**.

RESULT: Approved by Voice Acclamation [6-2]
MOVED BY: Alderman Strzelczyk
SECONDED BY: Alderman Mayr

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

8) **Ordinances:** None.

9) **Resolutions:**

- a) **RESOLUTION 3984** - A Resolution Approving a Town Center Business Loan in the Amount of \$25,000 Between Bank Five Nine and Mammoth Fitness, for a Fitness Center Located at 6400 West Mequon Road.

RESULT: Approved by Voice Acclamation [6-2]
MOVED BY: Alderman Schneider
SECONDED BY: Alderman Strzelczyk

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

- b) **RESOLUTION 3985** - A Resolution Disallowing the Claim of Kay-Xiong Yang Dated September 16, 2022.

RESULT: Approved by Voice Acclamation [6-2]
MOVED BY: Alderman Strzelczyk
SECONDED BY: Alderman Parrish

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

10) **Specified Unfinished Business From Prior Meetings:** None.

11) Specified New Business: None.

12) Potential Closed Session:

- a) Potential Claim Against the Mequon Police Department: The Common Council may convene into closed session pursuant to Wis. Stat. §19.85(1)(g) for the purpose of conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved, and then may reconvene into open session to take such action as deemed appropriate.

Motion to go into Closed Session to discuss the Potential Claim Against the Mequon Police Department.

RESULT: Approved by Roll Call Vote [7-2]
MOVED BY: Alderman Strzelczyk
SECONDED BY: Alderman Hansher

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

- b) Acquisition of a Stormwater Drainage Easement Across the Property at 9731 N. Courtland Drive or Compensation for Landscaping within Existing Drainage Easement at 9703 and/or 9641 N. Courtland Drive: The Common Council may convene into closed session pursuant to Wis. Stat. §19.85(1)(e), deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session, and then may reconvene into open session to take such action as deemed appropriate.

Motion to go into Closed Session to discuss the Acquisition of a Stormwater Drainage Easement Across the Property at 9731 N. Courtland Drive or Compensation for Landscaping within Existing Drainage Easement at 9703 and/or 9641 N. Courtland Drive.

RESULT: Approved by Roll Call Vote [7-2]
MOVED BY: Alderman Mayr
SECONDED BY: Alderman Hansher

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

The Common Council convened into Closed Session at 8:05 PM.

The Common Council reconvened into Open Session at 8:39 PM and authorized staff to act as discussed in Closed Session.

13) Adjourn

Motion to adjourn at 8:39 PM.

RESULT: **Approved by Voice Acclamation [6-2]**

MOVED BY: Alderman Gierl

SECONDED BY: Alderman Parrish

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

Respectfully Submitted,
Kathy Andrykowski
Deputy Clerk



draft

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Office of the City Clerk
Taped and Televised

**COMMON COUNCIL
Special Meeting
Thursday, October 27, 2022 - 7:30 PM
or Immediately Following the
Sewer Utility District Commission Meeting
Christine Nuernberg Hall**

Minutes

1) Call to Order

Mayor Nerbun called the meeting to order at 7:55 PM.

2) Pledge of Allegiance

3) Roll Call

Present:

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

Also present: City Administrator Jones, City Attorney Sajdak, City Clerk Fochs, Assistant City Administrator Schoenemann, Engineering and Public Works Director Lundeen, Police Chief Pryor, Finance Director Engroff, Deputy Director of Utilities Driscoll, press and interested public.

4) Consent Agenda

- a) **RESOLUTION 3986** - A Resolution Authorizing Execution of a Sanitary Service Deferral Agreement for the Property Located at 13120 North West Shoreland Drive.
- b) **RESOLUTION 3987** - A Resolution Authorizing Execution of a Sanitary Service Deferral Agreement for the Property Located at 8813 West Mequon Road.

Attachment: 10-27-22_Special CC_Accela minutes (7862 : Common Council meeting minutes of October 11 and October 27, 2022)

Motion to approve the Consent Agenda, Items A and B.

RESULT: **Approved by Voice Acclamation [5-3]**
MOVED BY: Alderman Schneider
SECONDED BY: Alderman Hansher

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

Common Council convened into Committee of the Whole at 7:56 PM.

5) Committee of the Whole

- a) Discussion of **RESOLUTION 3989** - A Resolution Disallowing the Claim of Nicholas J. DeStefanis Dated September 6, 2022 Related to Alleged Violations of 42 U.S.C § 1983.

Motion to recommend **RESOLUTION 3989** for approval.

RESULT: **Approved by Voice Acclamation [6-3]**
MOVED BY: Alderman Mayr
SECONDED BY: Alderman Gierl

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

- b) Discussion of **RESOLUTION 3990** - A Resolution Approving an Agreement for the Transfer of Public Safety Answering Service Between Ozaukee County, the City of Mequon, and the Southern Ozaukee Fire and Emergency Medical Services Department.

The Southern Ozaukee Fire and Emergency Medical Services Board of Directors unanimously approved this resolution.

Motion to recommend **RESOLUTION 3990** for approval.

RESULT: **Approved by Voice Acclamation [6-3]**
MOVED BY: Alderman Parrish
SECONDED BY: Alderman Schneider

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

The Committee of the Whole reconvened as the Common Council at 7:59 PM.

6) Resolutions:

- a) **RESOLUTION 3988** - A Resolution Ordering a Special Election to Fill the District 8 Aldermanic Vacancy.

RESULT: **Approved by Voice Acclamation [5-3]**
MOVED BY: Alderman Hansher
SECONDED BY: Alderman Gierl

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

- b) **RESOLUTION 3989** - A Resolution Disallowing the Claim of Nicholas J. DeStefanis Dated September 6, 2022 Related to Alleged Violations of 42 U.S.C § 1983.

RESULT: **Approved by Voice Acclamation [5-3]**
MOVED BY: Alderman Gierl
SECONDED BY: Alderman Parrish

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

- c) **RESOLUTION 3990** - A Resolution Approving an Agreement for the Transfer of Public Safety Answering Services Between Ozaukee County, the City of Mequon and the Southern Ozaukee Fire & Emergency Medical Services Department.

RESULT: **Approved by Voice Acclamation [5-3]**
MOVED BY: Alderman Schneider
SECONDED BY: Alderman Mayr

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

7) Adjourn

Motion to adjourn at 8:01 PM.

RESULT: **Approved by Voice Acclamation [5-3]**
MOVED BY: Alderman Gierl
SECONDED BY: Alderman Parrish

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

Respectfully Submitted,
Kathy Andrykowski
Deputy Clerk



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INSPECTION DIVISION

ARCHITECTURAL BOARD MINUTES
Monday, September 12, 2022
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, Michael Wade,
 Curtis Helm, Janet Ehn, Anthony LaGalbo

Building Inspector: Greg Golden

2. Meeting Minutes

August 8, 2022: Minutes Approved: Yes, Date: September 12, 2022

Approved/Denied by: Paul Apfelbach, Seconded By: Curtis Helm

3. Application Submittals:

ARCHITECTURAL BOARD MINUTES –September 12, 2022,

Page 1 of 5

No.	Alder. District /Time	Type of App	Owner(s) / Project Address	Contractor
1)	Dist. 5 6:00 pm	Addition: Garage	Todd & Sue Fudurich 12049 N. Lake Shore Drive Subd: N/A	Cont: S&S Design & Build Arch: New Horizon
Moved to Approve: <u>Mikkelson</u> Seconded by: <u>LeGalbo</u> Approved: <u>Yes</u> Vote: <u>Unanimous</u> Conditions: <u>Approved as submitted with the following conditions:</u> 1. <u>With notch (double gable) on front elevation and subject to zoning</u>				
2)	Dist. 6 6:10 pm	Addition: Great Room	Bob Diaz 1506 W. River Oaks Lane Subd: River Oaks Estates	Cont: Geidel & Son Arch: John Geidel
Moved to Approve: <u>Reed</u> Seconded by: <u>Apfelbach</u> Approved: <u>Yes</u> Vote: <u>Unanimous</u> Conditions: <u>Approved as submitted – all materials to match</u>				
3)	Dist. 8 6:20 pm	New Single-Family Residence	Chaz Rodriguez & Emily Hart 9631 N. Dalewood Lane Subd: Ravine Farms	Cont: Korndoerfer Homes Arch: SHP Design
Moved to Approve: <u>Reed</u> Seconded by: <u>Ehn</u> Approved: <u>Yes</u> Vote: <u>Unanimous</u> Conditions: <u>Approved as submitted with the following conditions:</u> 1. Bracket on front entry gable 2. Add 2 larger windows to garage – right elevation 3. Make 2 existing windows match (smaller) right elevation 4. All gables to have shakes on all elevations				

4)	Dist. 1 6:25 pm	New Single-Family Side x Side Condominium with optional sunroom	David Hoff Building #10 – W. Woods Ct. Subd: The Woods at Highland Park	Cont: Northtract Construction Arch: Architectural Dev. Services
Moved to Approve: <u>Reed</u> Seconded by: <u>Apfelbach</u> Approved: <u>Yes</u> Vote: <u>Unanimous</u> Conditions: Approved as submitted				
5)	Dist. 1 6:30 pm	New Single-Family Side x Side Condominium with Optional sunroom	David Hoff Building #13 – W. Woods Ct. Subd: The Woods at Highland Park	Cont: Northtract Construction Arch: Architectural Dev. Services
Moved to Approve: <u>Reed</u> Seconded by: <u>Apfelbach</u> Approved: <u>Yes</u> Vote: <u>Unanimous</u> Conditions: Approved as submitted				
6)	Dist. 2 6:35 pm	New Single-Family Residence	Tony & Jennifer Ham 4030 W. Freistadt Road Subd: N/A	Cont: Mikkelson Builders Arch: Fred Dahms
Moved to Approve: <u>Apfelbach</u> Seconded by: <u>Wade</u> Approved: <u>Yes</u> Vote: <u>Unanimous with Mikkelson -abstain (recuse)</u> Conditions: Approved as submitted				

7)	Dist. 3 6:40 pm	Addition: Attached Garage	Anthony Randazzo 11414 N. Solar Avenue	Cont: Limitless Property Works
			Subd: Solar Heights	Arch: Shawna Duncan

Moved to Approve: Reed
 Seconded by: LaGalbo
 Approved: Yes
 Vote: Unanimous

Conditions: Approved as submitted

8)	Dist. 3 6:50 pm	New Single-Family Residence	Veridian Homes LLC 7690 W. Preserve Parkway	Cont: Veridian Homes LLC
			Subd: The Enclave	Arch: Veridian Homes LLC

Moved to Approve: Helm
 Seconded by: Reed
 Approved: Yes
 Vote: Unanimous

Conditions: Approved as submitted

9)	Dist. 3 6:55 pm	New Single-Family Residence	Veridian Homes LLC 7894 W. Preserve Parkway	Cont: Veridian Homes LLC
			Subd: The Enclave	Arch: Veridian Homes LLC

Moved to Approve: Mikkelson
 Seconded by: Reed
 Approved: Yes
 Vote: Unanimous

Conditions: Approved as submitted with the following conditions:
 1. Add window to right elevation as drawn

10)	Dist. 3 7:00 pm	New Single-Family Residence	Veridian Homes LLC 10526 N. Coneflower Drive	Cont: Veridian Homes LLC
			Subd: The Enclave	Arch: Veridian Homes LLC

Moved to Approve: Mikkelson

Seconded by: Reed

Approved: Yes

Vote: Unanimous

Conditions: Approved as submitted with the following conditions:

1. Left and right gable treatment as drawn
2. Add returns on rear gable

11)	Dist. 3 7:05 pm	Resubmittal: New Single-Family Residence Tabled at 8/8/22 Meeting	Veridian Homes LLC 7852 W. Preserve Parkway	Cont: Veridian Homes LLC
			Subd: The Enclave	Arch: Veridian Homes LLC

Moved to Approve: Mikkelson

Seconded by: Reed

Approved: Yes

Vote: Unanimous

Conditions: Approved as submitted

4. Motion to Adjourn

A. Moved by: Reed

B. Seconded by: Ehn

Vote: Unanimous Time: 6:58 P.M.



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ECONOMIC DEVELOPMENT BOARD

Tuesday, September 20, 2022

8:00 AM

North Conference Room

Minutes

1) Call to Order, Roll Call

Present:

Board Member Timothy Carr
 Board Member Dennis Engel
 Board Member Daniel Gannon
 Board Member Tracy Johnson
 Board Member Jeff McLean
 Board Member Bruce Sipiora
 Alderman Kathleen Schneider
 Board Member Michael Kramer -- **Absent**
 Board Member Andrew Petzold -- **Absent**
 Board Member Inge Plautz – **Absent**

Chairman Carr called the meeting to order at 8:00 a.m.

2) Approval of Meeting Minutes from July 26, 2022

Action

Board Member Engle made a motion to approve the minutes from July 26, 2022.
 Board Member Johnson seconded the motion.
A voice vote was taken; vote passed (7-0)

RESULT:	Approved by Voice Acclamation [Unanimous]
MOVED BY:	Board Member Engel
SECONDED BY:	Board Member Johnson
AYES:	Carr, Engel, Gannon, Johnson, McLean, Sipiora, Schneider
ABSENT:	Kramer, Petzold, Plautz

3) TC Business Loan: Mammoth Fitness

Dir. Tollefson stated there are several financial institutions in other communities that are investing dollars through a loan program to help meet certain objectives that the cities want to achieve. From the bank's perspective it helps them meet their community reinvestment act requirements. First Bank was doing this in some other communities, so Dir. Tollefson reached out to them, now Bank Five Nine, to inquire whether they were interested in doing this in Mequon for a specific targeted geographic area with specific objectives. They were interested and Town Center neighborhood was selected.

The program details basically state that the city is evaluating the use to ensure that it is the type of use wanted in the Town Center and to help further encourage the investment of that future business.

It was discussed that it is a CrossFit business. It was noted that signage costs were not included in the proposal. It was stated that there is no financial risk to the city, but there is benefit to having buildings full in the community.

Action

Ald. Schneider made a motion to recommend approval of the loan.

Board member Johnson seconded the motion.

A voice vote was taken; vote passed (7-0)

RESULT:	Approved [Unanimous]
MOVED BY:	Alderson Schneider
SECONDED BY:	Board Member Johnson
AYES:	Carr, Engel, Gannon, Johnson, McLean, Sipiora, Schneider
ABSENT:	Kramer, Petzold, Plautz

4) Update on Port Washington Road Streetscape Design Concepts

Asst. Dir. Zader stated the Ad Hoc Committee and the landscape consultant have been working on 3 primary focuses for the Port Washington Road project:

1. Median landscaping
2. Lighting
3. Crosswalks

The decisions from the Ad Hoc Committee meeting last week results in the elimination of interior mid-block crosswalks and supports decorative crosswalks only at the signalized intersections, which have not yet been selected. They do not believe stamped concrete will hold up over time. Stamped color asphalt may be an option or a paint treatment.

There will be a few tiers of the islands. The larger island will have a tree grove area with crushed stone, some up lighting and Aspens.

The smaller islands will have decorative pots and some vertical features, to be determined.

Other areas that will see improvements:

- The island in front of Culvers will be redesigned as it is a safety issue and there is an opportunity to pick up some more green space there.
- The area north of the the Donges Bay Road intersection has rumble strips which will be replaced by landscape islands.

Staff asked the Board not to talk about these proposed changes to the property owners yet. Staff will reach out to them when a concept plan is finalized.

The intersection at Mequon Road will have landscaping improvements north of it as well.

Asst. Dir. Zader stated that the final detail to work through is the lighting. The uniformity ratio is like 70 to 1, which is not very good at all. The goal is to get it closer to the 50 to 1 range. The Committee is recommending lowering the poles to about 30 feet, currently at 35 feet. The side poles will probably be in the 20-25 feet range. The Committee is still debating which design to select. He commented the goal is also for the pedestrian to feel comfortable not just the vehicular traffic.

He added that they are also looking for some areas for some terrace work to be located.

Dir. Zader stated that WE Energies provided a rough estimate of the cost to bury the overhead power lines at \$7M. The Board agreed that this cost is outside the scope of the current landscaping project and the poles will remain. The Common Council should evaluate whether the poles should remain in the future.

The aim is for the landscaping to be as low maintenance as possible due to limitations of staff resources and money to maintain. TIF money can be used for the immediate time period.

The Ad Hoc Committee will have one more meeting and will make final decisions and then those recommendations will be forwarded to the Common Council for final approval.

5) Economic Development Event: Spring 2023

Chairman Carr stated that there will have plenty of time to get ready for a spring event. The TIF incentives will be finalized and will be showcased.

He posed a few questions to the Board about who the target audience is, where the event should be located and who the keynote speaker should be.

The Board discussed where to hold the event and it was concluded that the event should be held at Foxtown. It is recommended that Dir. Tollefson or Asst. Dir. Zader speak and give an update about recent developments in the city. There will be a display of the TIF #4 and TIF#5 policy incentives. Asst. Dir. Tollefson commented that it will be important that the high-priority property owners be in attendance.

It was suggested that in addition to the spring event, a smaller fall event could be also be held.

6) Staff Updates

Asst. Dir. Zader reported on the following:

- Proposed new specialized vet clinic located near Mequon Road and Wauwatosa Road. Zoning amendment is needed and some details about their building and site plans need some modifications. There is also an issue with the water requirement there. The applicant will need to appear in front of the Water Utility Commission.
- The Mobil will have a consultation at the October Planning Commission meeting regarding the addition of a car wash to the existing gas station.
- The Aleska Learning Center will be on the October Planning Commission for an extension of the Conditional Use Grant.
- The Mind Neurology+ clinic is opening in October.

7) Announcements

There was discussion to change the next meeting to Tuesday, October 25, 2022, at 8:00 a.m.

8) Adjourn

Action

Board member Engle made a motion to adjourn the meeting.

Board member Sipiora seconded the motion.

A voice vote was taken; vote passed (6-0)

The meeting adjourned at 9:19 a.m.

Respectfully Submitted,

Kim Tollefson

Director of Community Development



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FESTIVALS COMMITTEE
Wednesday, September 7, 2022
6:30 PM
North Conference Room

Minutes

1) Call to Order, Roll Call

Present:

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

Also Present: Executive Assistant Enea

2) Approval of Meeting Minutes

a. August 17 Minutes

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

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

3) Contract Additions

1. Bounce House Agreement

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

Attachment: Festival Minutes_09-07-22 (7873 : Festivals Committee meeting minutes of September 7, 2022)

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

2. Kim Guibord Updated Agreement

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

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

4) Final Festival Map and Vendor List

There will be enlarged maps of the vendor spaces ready for each member on Saturday morning. Committee Chair Nerbun reminded everyone to report if you see anything suspicious during the festival. It was suggested to give color-coded parking passes in the future so that it is obvious if vendors are entering at the wrong entrance. Committee Member Luchins suggested contacting Piggly Wiggly for a water donation for staff & volunteers. He also suggested a local photographer that would come for 2 hours for \$150. Committee Chair Nerbun moved to hire the photographer and Committee Member Hohn seconded. It was passed by voice acclamation. Committee Member Johnson created an event page on Facebook.

5) Winter Wonderland Update

a. New Date: December 11

Committee Member Hohn moved to approve the Kettle Moraine Carriage Contract for \$700 and Committee Member Luchins seconded. It was passed by voice acclamation. The Committee agreed to move forward with food trucks like Gouda Girls, Ruby Tap, or Drift. Also, to reach out to Shully's for hot chocolate and Sam Cutler for use of the Isham Day House. It was also agreed to still have people sign-up on-line for times with Santa even though a professional photographer would not be taking the pictures.

6) Saturday Work Plan

A. Meet at City Hall at 8am

Committee Member Johnson notified the Committee that she needed to leave before the end of the event on Saturday, but Committee Member Luchins said he could come at the end to help clean-up. Taste of Mequon t-shirts were handed out for everyone to wear.

7) Next Meeting Date and Time

A. October 19, 2022 at 6:30 P.M.

8) Adjourn

Committee Member Hohn moved to adjourn at 7:29 P.M. and Committee Member Luchins seconded.

Respectfully Submitted,

Carrie Enea
Executive Assistant



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Office of the City Administrator

FINANCE-PERSONNEL COMMITTEE

Tuesday, September 13, 2022

6:45 PM

North Conference Room

Minutes

1) Call to Order, Roll Call

Present:

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

Also present: William Jones, City Administrator, Justin Schoenemann, Assistant City Administrator, Jennifer Engroff, Finance Director, Marie Keyser, Assistant to the Finance Director, David Bialk, Fire Chief, Kurt Zellmann, Deputy Fire Chief and Brian Sajdak, City Attorney.

2) Approve Meeting Minutes

a. August 10, 2022 Finance-Personnel Meeting Minutes

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

MOVED BY: Alderman Strzelczyk

SECONDED BY: Alderman Bushee

AYES: Bushee, Parrish, Strzelczyk

3) License Applications

a. 2023 Waste Hauler Permits

Alderman Parrish asked who the City staff contact was for waste hauler permits as he had some questions in regards to waste hauling.

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

MOVED BY: Alderman Strzelczyk

SECONDED BY: Alderman Bushee

AYES: Bushee, Parrish, Strzelczyk

4) Vouchers Paid

a. August 2022 Vouchers Paid List

Mayor Nerbun inquired about building permit refunds. City Administrator Jones explained this was an initiative enacted a few years ago to encourage individuals or developers to close out building permits.

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

AYES: Bushee, Parrish, Strzelczyk

5) Resolutions

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

Fire Chief Bialk explained in preparing the Southern Ozaukee Fire Department 2023 budget (SOFD), it was apparent that ambulance fees were not in line with the market rate. The adjustments listed in this resolution were recommended by the Ambulance Billing Company, Lifequest. These rates keep Mequon in the middle of the rate schedule in terms of other comparable cities. Alderman Bushee asked if residents will be concerned with the high percentage increase of some line items. Deputy Chief Zellmann said that he received only a couple of inquiries following the last rate adjustment that was approved a few years ago.

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

AYES: Bushee, Parrish, Strzelczyk

6) Information Items

- a. Finance & Personnel Work Plan

Administrator Jones explained to the Committee that the compensation study is underway and staff may have a preliminary report in October. Also, Dana Investment Advisors will be at the November meeting to discuss the City investments.

7) Adjourn

A motion to adjourn was made by Alderman Bushee at 6:58 PM, seconded by Alderman Strzelczyk. All voted in favor "aye."

Respectfully Submitted,

Marie Keyser
Assistant to the Finance Director



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Public Works Department

Joint Mequon-Thiensville Bike and Pedestrian Way Commission
Thursday, September 22, 2022
9:00 AM
North Conference Room

Minutes

1. Call to Order, Roll Call

Commissioner Heinritz called the meeting to order at 9:03 AM.

Present:

Commissioner Kenneth Maciolek
Commissioner Jim Doornek
Commissioner Ron Heinritz
Commissioner Rob Holyoke
Commissioner John Liegeois

Absent:

Chair T. Azinger
Commissioner Kristin Wade

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

2. Approval of Meeting Minutes

August 11, 2022 Minutes

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

MOVED BY: Holyoke

SECONDED BY: Commissioner Maciolek

AYES:	Maciolek, Doornek, Heinritz, Holyoke, Liegeois
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3. Resident Communications

Resident present was Daniel Pearson. Daniel stated he and his family are users of the trail and he was attending to see the plan and direction of development.

4. Discussion/Action Items

Master Plan Scope of Services: Full Review

Assistant City Engineer McCraw provided an overview of the Master Plan Scope of Services and highlighted any changes made since the August 11, 2022 meeting. To incorporate the Village of Thiensville's project participation, McCraw divided the tasks into project areas. He noted that Task #3 is a shared task between Mequon and Thiensville. Each municipality can take the project for review and approval. Then the two approved projects would be combined into one report.

Director of Public Works/City Engineer Lundeen stressed the importance for all Board Members to score the consultant proposals. The selection would then be interviewed, and the consultant assessment would then go to the Common Council. The current timeline can be adjusted if needed. Commissioner Maciolek asked if a month is long enough for the consultants to put proposals together. McCraw stated that a month is generous; that typically two weeks is ample time. Lundeen cautioned that the schedule between the release of the RFP and notice of award is not flexible once the RFP has been issued. Commissioner Doornek expressed concern regarding Thiensville's approval in a timely fashion to issue the RFP and asked for clarification that there is no financial commitment prior to issuing the RFP. Lundeen advised that this Board decided to include Thiensville and that Mequon is already prepared to move forward. Thiensville can review the project and approve items individually. Thiensville has no obligation to participate or financially contribute. Both communities can choose to approve some, all, or none of the project tasks. Lundeen reminded the Board that they are a recommending body and then it is up to the entities beyond this Board to decide how to act. She said it may help to delay the timeline in order to give Thiensville time to review their project piece. Commissioner Holyoke advised that this is on Thiensville's radar, although having missed the last meeting, this is the first time he is seeing the inclusion of Thiensville in the draft. McCraw offered to send the information to the necessary people in Thiensville. Holyoke advised it should go to Andy Lafond and the Village Administrator, prior to the Village's October 3rd budget workshop if at all possible. Commissioner Heinritz offered to contact Chair Azinger to draft a letter on behalf of this Board, notifying Thiensville of the proposal. McCraw was asked to update the timeline to allow Thiensville to have time to review the project.

McCraw continued to review the full document with the Board. Minor changes to the draft were made during the meeting. Commissioner Doornek asked that the two project tables be combined into one with the costs between Mequon and Thiensville divided into two columns. Lundeen acknowledged that the tasks are the similar and that it doesn't make sense for Thiensville to do an Impact Fee Evaluation, so that cost column should state N/A for Thiensville. Lundeen stated that in order to provide flexibility and receive favorable proposals, at the top language could be added that says "If all of the work is done as part of the main project, the cost for Thiensville could be zero". She further stated that if we look at the bigger picture, we should just acknowledge that the contributing area for Thiensville may not result in an additional cost. McCraw cautioned there could be an issue if Thiensville elects to do a task that Mequon does not. Lundeen advised we could address the situation if it arises, but she doesn't feel it is a likely scenario. Lundeen also mentioned that if Thiensville

wants to be removed from the project all together, there are other options such as public/private partnerships. Lundeen asked the Board to review the draft again prior to the next meeting so they are prepared to approve and issue the RFP in November.

5. Other Business

Commissioner Heinritz mentioned that Cedarburg is doing maintenance on the south end of the trail. Heinritz also mentioned that the hobby farm south of the soccer fields has a considerable amount of mud and gravel runoff on the trail, creating a hazard. . He asked who needs to be contacted to remedy the issue. Director of Public Works/City Engineer Lundeen advised that it would be an erosion control issue that Assistant City Engineer McCraw should relay to Engineering Field Coordinator, Bob Beilfuss.

Commissioner Liegeois advised that Highland Road has had its base pour and the new walkways on both sides have been built and will make it more bike and pedestrian friendly for those traveling west towards Port Washington Road.

Commissioner Doornek asked about item five from last month's meeting regarding News Graphic article and the OIT kiosk. Lundeen advised that the kiosk discussion should wait until the finalization of the OIT project has been concluded since it may need to be moved. Doornek expressed concern regarding the news article [A road map for Mequon's future](#) had no mention that bicycle and pedestrian paths are a priority and this Board didn't take any action on it. Director of Public Works/City Engineer Lundeen advised that the Board could discuss but there is no action to take since the City has adopted that strategic plan and that the Board's advocacy for this RFP would essentially be that action. It is the master planning and prioritization of those types of facilities and if the City chooses to adopt those, they would be incorporated into updates to the strategic plan.

6. Adjourn

Motion to Adjourn at 10:23 AM

RESULT:	Approved by Voice Acclamation [Unanimous]
MOVED BY:	Commissioner Maciolek
SECONDED BY:	Commissioner Doornek

AYES:	Maciolek, Doornek, Heinritz, Holyoke, Liegeois
--------------	--

Respectfully Submitted,

Kris Leach



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Water Utility

MEQUON MUNICIPAL WATER UTILITY COMMISSION

Regular Meeting

Wednesday, August 10, 2022

7:00 PM

Christine Nuernberg Hall

Minutes

1) Call to Order, Roll Call

Present:

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

Also present were City Administrator Jones, City Attorney Sajak, City Clerk Fochs, Finance Director Engroff, Director of Public Works/City Engineer Lundeen, Deputy Director of Utilities Driscoll, Water Utility/City Water LLC Director of Operations Voigt, Fire Chief Bialk, Police Chief Pryor, Administration Assistant Schlereth.

2) Approval of Meeting Minutes

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

MOVED BY: Commissioner Mayr

SECONDED BY: Commissioner Hansher

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

- a. Motion to Approve the 5-Year Contract Extension for City Water, LLC

Deputy Director of Utilities Driscoll stated that staff has worked seamlessly with City Water through the budget process, operation maintenance, and various capital improvement projects. Deputy Driscoll recommends moving forward with the five-year extension city water contract.

Discussion ensued about how the expansion of the customer base affect cost regarding Mequon residents water bill and if there has been increased personal.

There have been several times that the water suppliers increased their rates, and that cost was passed along to the Mequon resident. The city has only had one rate increase since 2011. The Commission referenced page 27 in the packet that shows between 2011 and 2018 staffing only went up a half of a fulltime employee that was due to meter swapping in 2018 - 2019.

Commissioner Parrish inquired if other communities (Brown Deer And Fox Point) provide vehicles to City Water to use for the workday.

Director of Operations Voigt responded that municipalities typically provide vehicles. By providing vehicles Mequon does not pay a markup but instead a direct cost.

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

MOVED BY: Commissioner Schneider

SECONDED BY: Commissioner Mayr

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

b. Motion to Approve the Water Master Plan Update Scope of Services

Director Lundeen asked the Commission to approve an amendment under Task #5, add a rate analysis that shows the number of customers, purchase water costs and rate of return.

Discussion ensued about Commissions concerns regarding water source supply and the expansion of the water utility service area. The amendment in Task #5 will address these topics.

Director Lundeen clarified that the city is seeking action to issue the Water Master Plan to City Water, LLC.

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

MOVED BY: Commissioner Mayr

SECONDED BY: Commissioner Parrish

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

4) Adjourn

a. Motion to Adjourn

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

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

Respectfully Submitted,

Karen Schlereth
Administrative Secretary



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Department of Community Development
 Taped and Televised

PLANNING COMMISSION
Regular Meeting
Monday, September 19, 2022
6:00 PM
Christine Nuernberg Hall

Minutes

1) Call to Order, Roll Call

Present:

Chair Andrew Nerbun
 Alderman Robert Strzelczyk
 Commissioner Gregg Bach
 Commissioner Martin Choren
 Commissioner Stephanie Hawley
 Commissioner Rick Lemke
 Commissioner Dan Gentges
 Commissioner Rebecca Schaefer
 Commissioner James Schaefer - **Absent**
 Commissioner John Stoker - **Absent**
 Alternate Bruce Barnes

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

2) Approval of Minutes

1) Meeting Minutes from July 26, 2022

Action

Ald. Strzelczyk made a motion to approve the July 25, 2022, meeting minutes.
 Commissioner R. Schaefer seconded the motion.
A voice vote was taken; vote passed (8-0)

Attachment: Planning Comm minutes_09.19.22_Final (7874 : Planning Commission meeting minutes of September 19, 2022)

RESULT: **APPROVED [9 TO 0]**
MOVER: Robert Strzelczyk, Alderman
SECONDER: Rebecca Schaefer, Commissioner
AYES: Nerbun, Strzelczyk, Bach, Barnes, Choren, Gentges, Hawley, Lemke,
 R. Schaefer
ABSENT: J. Schaefer, Stoker

Commissioner R. Schaefer requested that item (d) be removed from the Consent Agenda.

3) Consent

- a) Noffke Roofing Company, LLC. The applicant is seeking minor request approval to allow for a driveway gate for the property located at 10341 N. Granville Road.

Action

Ald. Strzelczyk made a motion to approve the 3 consent items (a-c).

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: Nerbun, Strzelczyk, Bach, Choren, Gentges, Hawley, Lemke, R.Schaefer
ABSENT: J. Schaefer, Stoker

- b) Enclave at Mequon Preserve South Ph. III. The applicant is seeking development agreement approval to allow for a 12-lot subdivision (Phase 3) and fill permit approval for 59,500 C.Y. for the property located at 7901 W. Preserve Parkway.

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

- c) The Woods at Highland Park, LLC. The applicant is seeking Phase II final plat approval for 10 condominium units (5 buildings) located at 12431 Green Bay Road and the parcel to the west; a one-acre portion of 12424 N. Green Bay Road and 1.6-acre portion of 5555 W. Highland Drive.

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

- d) Alex Leykin. The applicant is seeking fill permit approval to allow for 7,370 C.Y. of fill for the property located at 14132 N. Birchwood Lane.

Asst. Eng. McCraw answered a question from the Commission regarding the bluff and that the city has prevue over structures within 75 feet of the bluff. He explained that most of the requested fill will be used for earthwork reducing the slope of the bluff. There was a comment from the Commission that much of the jurisdiction of the bluff is controlled by the DNR and that there is concern for possible unwanted outcomes to the neighbors.

Action

Ald. Strzelczyk made a motion to approve the Consent Agenda item (d).

Commissioner R. Schaefer 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: Nerbun, Strzelczyk, Bach, Choren, Gentges, Hawley, Lemke, R.Schaefer
ABSENT: J. Schaefer, Stoker

4) Policy

- 1) Text Amendment to allow for Vet Clinics as a conditional use in the B-1 (Neighborhood Commercial) Zoning District and to Table 58-517 (c) allowing veterinary clinics as a conditional use to allow for a 3,150 sq. ft. veterinary clinic for the property located at 7625 W. Mequon Road.

Public Feedback

Amy Evans supports this item but does not wish to speak.

Asst. Dir. Zader stated that typically the policy items are at the end of the agenda but there is a follow up item that is related to this item. There is a request for a veterinary clinic on Mequon Road which requires a change to the B-1 zoning district. Staff believes this use fits into the B-2 zoning and a conditional use would be appropriate for this type of use in the zoning district, which provides service and retail services to residents in the nearby areas. Staff does approve this zoning change.

This recommendation from the Commission does need approval from the Common Council

including two readings, so any approvals from the follow up regular business item would not be in effect until that process is complete.

Action

Commissioner Choren made a motion to approve the recommendation of this zoning change to the Common Council.

Commissioner R. Schaefer seconded the motion.

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

RESULT:	APPROVED [8 TO 0]
MOVER:	Martin Choren, Commissioner
SECONDER:	Rebecca Schaefer, Commissioner
AYES:	Nerbun, Strzelczyk, Bach, Choren, Gentges, Hawley, Lemke, R.Schaefer
ABSENT:	J. Schaefer, Stoker

5) Public Hearing

- a) RA Smith for Primus Companies. The applicant is seeking conditional use grant and building and site plan approval to allow for a 3,150 sq. ft. veterinary clinic for the property located at 7625 W. Mequon Road.

Action

Commissioner Choren made a motion to open a public hearing.

Commissioner Hawley seconded the motion.

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

Public Comment

Dwayne Westerhausen -7620 Kings Crossing Way – asked about dog kennels outside or any overnight outdoor boarding.

Action

Ald. Strzelczyk made a motion to close the public hearing.

Commissioner R. Schaefer seconded the motion.

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

Asst. Dir. Zader stated that this request is for a veterinary clinic on Mequon Road specializing in MRIs for small animals; mainly dogs and cats. There would only be boarding of animals recovering from surgery and it would all be done indoors. There is an outdoor space out back for bathroom breaks for animals visiting the clinic. There will be no kenneling or boarding of animals overnight.

The site plan meets most of the requirements but staff requests that the dumpster enclosure be relocated to the back of the building. A future addition is shown on the plan and some additional landscaping is recommended. Some evergreen buffering to protect the neighbors to the west has been requested and the applicant is supportive of these requests.

Regarding the building, staff is requesting that the brick line on the building in the front extend throughout the remainder of the building. Additional windows on the side and rear elevations are requested. The applicant is willing to work with staff regarding adding windows once they confirm whether windows are allowed in the MRI room.

The Commission architect commented that spandrel glass could be used in rooms where windows may not be allowed due to the MRI machinery.

The applicant, Chris Hitch from Primus Companies, asked for some flexibility within the motion to work with staff on some of the recommendations regarding the building, such as adding windows, exterior brick veneer addition, and the water policy regarding infrastructure.

Asst. Dir. Zader explained that this is a unique situation regarding the infrastructure as water currently runs to the middle of the neighboring condominiums and the policy requires connection to extend it the end of the parcel. At the time, the condominium did not extend it to the end of their parcel so now this applicant is going to need to extend it through the remainder of the condominium parcel and then the full length of the proposed parcel. The Water Utility Commission will make this determination.

Asst. Dir. Zader responded that staff prefers to have the brick extend around the building, staff can work with the applicant regarding the windows and the Water Utility hopefully can show some flexibility.

Feedback from the Commission is that the brick is preferred to extend around the building. It was suggested to table the item until the water infrastructure issue can be vetted out. The applicant does not wish to table the item, understanding that it all hinges on the Water Utility decision. Newly submitted renderings were viewed. Based on the new renderings, the Commission supports the brick tucking into the corners on the sides and not extending fully around the building.

Action

Ald. Strzelczyk made a motion to approve the item subject to staff recommendations with the recommendation that the Water Utility Commission approve to extend water only partially onto the parcel due to the fact that water may not be planned for the corner of Wauwatosa Road and Mequon Road, windows to be discussed and agreed upon with staff, and the brick to be terminated at the inside corner on the sides (per updated rendering A201).

Commissioner Choren seconded the motion.

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

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

- b) Living Life AlaMode, LLC. The applicant is seeking conditional use grant approval to allow for a fitness center for the property located at 10000 N. Port Washington Road.

Action

Commissioner Bach made a motion to open a public hearing.

Commissioner R. Schaefer seconded the motion.

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

No Public Comment

Action

Al. Strzelczyk made a motion to close the public hearing.

Commissioner Hawley seconded the motion.

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

Planner Miller stated this request is for a 1,100 sq. ft. workout fitness center which will offer classes, workshops, and retreats. Proposed hours of operation are from 6:00 a.m.– 8:00 p.m. and each class will have a 25-person capacity and will be offered in person and online. There will only be 1 employee on site at a time. Staff finds the use to be compatible with the surrounding area. There were several site complaint issues included in the packet which include signage which does not meet code, deteriorating exterior façade, missing and unkempt landscaping, unpermitted outdoor storage, deteriorating parking conditions and damaged garbage enclosures. Staff has made several recommendations on correcting these issues and deadlines are included in the staff report.

The applicant gave several reasons for the noncompliant conditions on site. He stated he is working to remedy the issues, but he does not want to complete all the issues until the city construction is completed. There was discussion regarding the box signs on site and getting the signage into compliance. Planner Miller stated most of the parking lot damage is located in the rear of the building. All deadlines for site repairs are 6 months to a year.

Action

Al. Strzelczyk made a motion per staff conditions but due to the I-43 construction to allow for flexibility on deadlines to bring site conditions into compliance, not to exceed 2024.

Commissioner Lemke 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:	Rick Lemke, Commissioner
AYES:	Nerbun, Strzelczyk, Bach, Choren, Gentges, Hawley, Lemke, R.Schaefer
ABSENT:	J. Schaefer, Stoker

- c) Ozaukee Country Club. The applicant is seeking conditional use grant amendment and building and site plan amendment approval to allow for a new 11,400 sq. ft. building and parking area for the property located at 10823 N. River Road.

Action

Commissioner R. Schaefer made a motion to open a public hearing.
Commissioner Hawley seconded the motion.
A voice vote was taken; vote passed (8-0)

No Public Comment

Action

Ald. Strzelczyk made a motion to close the public hearing.
Commissioner Choren seconded the motion.
A voice vote was taken; vote passed (8-0)

Planner Miller stated this is an 11,000 sq. ft. building on the northeast corner of the property to be used for greenhouse, maintenance storage and office and staff space. The building design shows a green metal panel roof with beige metal wall panels. This does not match the accessory structure added to the site 3 years ago and staff is recommending that the roof materials be changed to match the other structure. Due to the grade, the building is constructed into the hillside, hence the overall height is only 38 feet. The south elevation shows 10 skylights where the greenhouse will be located. Staff recommends additional windows be added on the east elevation to break up the wall there.

There are several issues with the existing site plan as there are two structures that exceed the setback requirements. The required ultimate ROW is 50 feet followed by a 60-foot setback. The proposed new building is only 20 feet from the ultimate ROW and still exceeds setbacks. Staff offered the applicant other options of locations for the building which the applicant did not agree with due to the proximity of the tee box. They also do not want to expand the northwest building as they feel that it will be too close to the residences there.

The parking lot is currently located in the ultimate ROW and there are no approvals on record to allow this variant from the zoning code. Staff communicated that the encroachment there shall not increase and the current situation could remain as is with a ROW waiver. The proposed plan received immediately prior to the meeting shows the parking lot expanding to 17 spaces (originally 14 spaces). The applicant wishes to modify the plan during the meeting to include 30 spaces along the hillside. The hillside is currently being used for outdoor storage which staff recommends be removed.

Another compliance issue is that the northwest building had a slab poured which was approved but it was poured into the Mequon Road ROW and now unapproved walls are constructed around, and it is being used to for outdoor storage of sand, gravel, etc. There are many deliveries to this area which the neighboring residents are voicing concerns over.

Staff does support the design of the building but request to see many of the compliant issues addressed and no parking approved in the ROW.

There was discussion about how many parking spaces are being proposed as there were different plans proposed (a new plan “Exhibit A” was handed out during the meeting) and the issue of the parking lot being located in the ultimate ROW.

The Commission commented that the goal is that no trees or landscaping be removed to accommodate the new parking spaces. The concern is the screening along River Road remain intact. Some Commissioners want the information about any possible tree removal before they feel comfortable approving the proposed parking but ultimately stated that staff could approve the final plans as long as trees would not be removed.

The applicant asked for 90 days instead of 60 days for staff condition #1. This was approved by staff.

Action

Ald. Strzelczyk made a motion to approve per staff recommendations with the modification to condition #1 to allow for 90 days, to allow for Exhibit A parking with the condition that no trees are removed, applicant to work with staff or to bring issues regarding the parking back to the Commission.

Commissioner Lemke seconded the motion.

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

Public Comment

Sarah Severson -4223 Scenic Avenue – she is concerned about the drainage and asked if the DNR has done an analysis due to the additional concrete there.

Asst. Eng. McCraw stated that the additional parking may trigger storm water management review and the applicant will be held accountable.

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

6) Regular Business

- a) Mark Hilgendorf. The applicant is seeking minor request for a 2,520 sq. ft. (45' x 56') accessory structure for the property located at 11819 W. Mequon Road. REMOVE FROM TABLE

Action

Commissioner Bach made a motion to remove this item from the table.

Commissioner R. Schaefer seconded the motion.

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

Planner Miller stated that the size of the structure has changed since the July meeting from 2,100 sq. ft. to 2,520 sq. ft. primarily due to the applicant receiving a better deal for a larger size structure for the same cost. The materials remain temporary in nature and staff has learned that this is easily expandable.

At the last Commission meeting it was recommended that the location change to better protect the neighbor and that the color of the structure be changed. Mr. Hilgendorf has changed the canvas color to gray and the location has only changed by 3 feet. Staff believes there are other location options on the property for this structure that protect the neighbor's view while still meeting the concerns of the applicant such as driveway access, being too close to livestock and removal of pastureland and trees.

Public Comment

Kurt Lobesch – 11805 W. Mequon Road – he is the next door neighbor and he opposed as he has reviewed the drawing and the dimensions, and he feels that the location on the sketch does not match the distance dimension of 740 feet from the east property line 11521 Mequon Road. It is closer to the property line of 11805-11623, immediately in the view of his property. He is also concerned about the size of the structure. He feels that it is not architecturally aesthetic. His main concern is the location of where the structure will be located. He prefers it to be on the west side of the property closer to 11805.

There was discussion about the best location for the structure to be located considering challenges on the site and to best shield it from the neighbor. Staff recommends the structure be lined north-south. Staff drew the location that the structure should be located on the screen during the meeting.

The Commission discussed the precedent that could be set by approving this type of structure. The Commission supports some leniency due to this being an existing working farm in the rural area and that this use is appropriate for this setting.

Action

Commissioner Lemke made a motion to approve per staff recommendations due to the current agricultural operations on site, the structure shall be placed at location, lined north-south as

drawn on the screen, if the property is no longer involved in agricultural operations the structure shall be removed.

Commissioner Gentges seconded the motion.

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

RESULT:	APPROVED WITH CONDITIONS [8 TO 0]
MOVER:	Rick Lemke, Commissioner
SECONDER:	Dan Gentges, Commissioner
AYES:	Nerbun, Strzelczyk, Bach, Choren, Gentges, Hawley, Lemke, R.Schaefer
ABSENT:	J. Schaefer, Stoker

- b) Stephen Perry Smith for Foxtown Brewing. The applicant is seeking master sign plan approval for the property located at 6209 W. Mequon Road.

Asst. Dir. Zader stated the request is for a master sign plan for Building D at Foxtown. The applicant is proposing two arch gateway signs; one called The Fox Yard and one called The Foxtown Station. The Foxtown Station sign would be located in the front of the building and The Fox Yard would be located by the parking lot entrance. These are considered monument signs, but they exceed the zoning code of 6 feet in height. Staff believes these are viable signs for this location but does not support the decorative iron. Updated renderings have been submitted from the applicant. Staff also requests that the sign be located further from the right of way to indicate that it is in the private realm and not the public realm.

There are several building signs requested. The building use is considered multi-tenant because there are three separate functioning areas:

- North end – Opus Hall
- Middle - Ice House
- South end – Zimmerman Hall

All three signs are all a little bit different but are consistent with the architecture of the building. Staff supports the proposed signs for the north and south ends. On the east elevation, staff does not believe that the Zimmerman Hall sign is necessary as it is not over a doorway and recommends it be removed from the proposal.

Updates were submitted today, and the arch gateway sign on Mequon Road has been moved about 6-7 ½ feet back from the road, about 20 feet off the sidewalk as requested by staff. Staff supports the updated signs as they are more in character with the building. The one concern is that the sign is still quite large, and staff recommends the tress being lowered and some of the end pieces be brought in closer on the sides.

The applicant, Stephen Smith, stated that they prefer to keep the dimensions of the signs as is proposed as they are the same size as the brackets on the building and they believe they are proportionate.

He agreed that the east elevation Zimmerman sign be removed.

Feedback from the Commission was supportive of the size of the updated gateway monument proposed sign as it is proportionate to the building and fits in that location.

Action

Commissioner Bach made a motion to approve per staff recommends regarding the east elevation sign removed and the larger size gateway entrance as proposed.

Ald. Strzelczyk seconded the motion.

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

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

7) Announcements

The next meeting is Monday, October 17, 2022, at 6:00 p.m.

8) Adjourn

Action

Commissioner Choren made a motion to adjourn the meeting.

Commissioner R. Schaefer seconded the motion.

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

The meeting adjourned at 7:55 p.m.

Respectfully Submitted,

Jac Zader



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Office of the City Administrator

PUBLIC WELFARE COMMITTEE

Tuesday, September 13, 2022

5:45 PM

Lower Conference Room

Minutes

1) Call to Order, Roll Call

Present:

Chair Dale Mayr
Alderman Mark Gierl
Alderman Kathleen Schneider

Also Present: Assistant City Administrator Schoenemann, City Attorney Sajdak, Public Works Director Lundeen, and Executive Assistant Enea

2) Approval of Meeting Minutes

a. August Meeting Minutes

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

MOVED BY: Alderman Schneider

SECONDED BY: Alderman Gierl

AYES: Mayr, Gierl, Schneider

3) Discussion Items

a. Electronic Participation for Common Council, Planning Commission and Citizen Committee Meetings

Assistant City Administrator Schoenemann asked the Committee for guidance to develop an ordinance regarding electronic meetings. The Committee discussed in length current requirements for Council & Planning Commission meetings versus Volunteer Committees. They also discussed removing limitations (like allowing the Chair to deem when appropriate in short notice instances such as weather) and adding others (how many times a person can participate electronically). Assistant City Administrator Schoenemann suggested for the policy to be easy for the public to understand. The Committee suggested for the Council to be changed from 2 to 3 times that a member can participate electronically, change it from 3 to 4 times for volunteer committee participants, and to allow staff and consultants to attend virtually as needed. Then it was discussed what would be needed from a technology and cost standpoint to make hybrid meetings a possibility for all City Hall meeting rooms. The audio

and video systems in the Council Chambers would need to be upgraded to digital and the projector for presentations would need to be upgraded as well. The South Conference Room and Lower Level Conference Room both would need the addition of new equipment as both currently have no technology.

The Committee then discussed quasi-judicial boards. The Committee recommended that people testifying should be in-person. For the Police and Fire Commission, recruitment could be done virtually, but not discipline. For the Tree and Landmarks Boards, decisions of things of monetary value should be in-person. Assistant City Administrator Schoenemann will draft language for consideration for the next meeting.

b. Community Composting

Public Works Director Lundeen presented the composting data she had researched since the last meeting. She spoke with the DNR and they said a community collection site was acceptable if it was a shared container and no composting was taking place on-site. Two of three composting companies responded to her inquiry. Doing it at a neighborhood level was thought to be less risky in terms of contamination. Curby's Compost offered to come to a future meeting or a tour could be given of their facility in Port Washington. DPW Director Lundeen also reached out to other municipalities to see what they offered. Shorewood provides a subsidy to residents to incentivize them to participate in their Organics Collection Program in which they partner with Compost Crusaders. The Committee agreed to wait until after the Appropriations Meeting and maybe a composting bin can be added at the Brush Site with the other additions. The Committee also discussed the possibility of accepting pumpkins at the Brush Site.

4) Work Calendar

Electronic meetings, the Sign Code, and the Nuisance Ordinance were tentatively slated for the next meeting.

5) Adjourn

Alderman Schneider moved to adjourn at 6:35 P.M. and Alderman Gierl seconded.

Respectfully Submitted,

Carrie Enea
Executive Assistant



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Public Works Department

PUBLIC WORKS COMMITTEE

Tuesday, September 13, 2022

6:45 PM

South Conference Room

Minutes

1) Call to Order, Roll Call

Present:

Chair Jeffrey Hansher
 Alderman Mark Gierl
 Alderman Dale Mayr

2) Approval of Minutes

a. Public Works Committee - Regular Meeting - Aug 10, 2022 6:15 PM

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

MOVED BY: Alderman Mayr

SECONDED BY: Alderman Gierl

AYES: Hansher, Gierl, Mayr

3) Resolutions

Action requested: review and recommend approval

a. **RESOLUTION 3979** A Resolution Authorizing the Purchase of Road Signs in the Amount of \$35,000 from the Right-of-Way Assets Capital Account to Replace Signage Along Streets Included in the City's Annual Road Program from 2015-2018

Director Lundeen stated that financing is being requested to replace street signs that were not originally included in the Road Programs funding.

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

MOVED BY: Alderman Mayr

SECONDED BY: Alderman Gierl

AYES: Hansher, Gierl, Mayr

4) Discussion Items

Discussion and Possible Action

a. 2022 Work Plan (9.13.22)

Director Lundeen gave an update of the Request for Proposal (RFP) for City Hall roof replacement that closed on August 26, 2022. No proposals were received which is believed to be due to the short contract time frame of work being completed by December 15, 2022.

The RFP will be reissued with a longer contract completion date.

5) Adjourn

6. Motion to Adjourn at 6:48.

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

MOVED BY: Alderman Mayr

SECONDED BY: Alderman Gierl

AYES: Hansher, Gierl, Mayr

Respectfully Submitted,

Karen Schlereth

Administrative Secretary



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Public Works/Engineering
Taped and Televised

SEWER UTILITY DISTRICT COMMISSION

Tuesday, September 13, 2022

7:15 PM

Christine Nuernberg Hall

Minutes

1) Call to Order, Roll Call

Present:

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

Also present were City Clerk Fochs, City Administrator Jones, City Attorney Sajdak, Deputy Director of Utilities Driscoll, Public Works Administration Schlereth, Fire Chief Bialk, Deputy Fire Chief Zellmann, press and interested public.

2) Approval of Meeting Minutes

a. Sewer Utility District Commission - Regular Meeting - Aug 10, 2022 7:00 PM

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

3) Resolutions

Action requested: review and recommend approval

- a. **RESOLUTION 3980** A Resolution Approving an Amendment to a Funding Agreement Between the City of Mequon and the Milwaukee Metropolitan Sewerage District, Increasing the Amount by \$726,343 for Sewer Lateral Work to Reduce Infiltration and Inflow from Private Property Sources

Deputy Director Driscoll explained that the original completion date was scheduled for March 31, 2023. As a result of the resolutions to reject bids in Fall 2021, and award

consultant contract to rebid as four separate projects the completion date has been extended to June 30, 2023.

Commissioner Nerbun stated Resolution 3980 will move onto Common Council.

- b. **RESOLUTION 3981** A Resolution Approving Award of a Contract to Install Building Sewer Lateral Clean-outs in the Riverdale Park Lift Station "F" Area to MJ Construction, Inc. of Milwaukee, Wisconsin, in the Amount of \$755,060

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

MOVED BY: Commissioner Strzelczyk

SECONDED BY: Commissioner Schneider

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

4) Adjourn

- a. Motion to Adjourn

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

MOVED BY: Commissioner Mayr

SECONDED BY: Commissioner Gierl

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

Respectfully Submitted,

Karen Schlereth
Administrative Secretary

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

	A	B	C	D	E	F	G	I	J	K	L
62	1	140191500200	11206-11210 W MEQUON ROAD	JORDON OR KRISTY LARSON	PARKING	2/25/2022	3/11/2022		1	NO	
63	1	140191500200	11206-11210 W MEQUON ROAD	JORDON OR KRISTY LARSON	OUTSIDE STORAGE	2/25/2022	3/11/2022		1	NO	
64	1	140191500200	11206-11210 W MEQUON ROAD	JORDON OR KRISTY LARSON	OUTSIDE MAINTANCE	2/25/2022	5/30/2022		1	NO	
65	2	140950607000	3033 W RENEE COURT	IGOR OR MARGARITA LETKIN	PARKING	3/8/2022	3/22/2022		1	NO	
66	6	150300800400	10841 N ORIOLE LANE	NICHOLAS OR LAURA MEYER	OUTSIDE STORAGE	3/14/2022	3/31/2022		1	NO	
67	6	150300800400	10841 N ORIOLE LANE	NICHOLAS OR LAURA MEYER	GENERAL MAINTENANCE	3/14/2022	5/30/2022		1	NO	
68	6	140950607000	2030 W SUNNYDALE LANE	DIANNE MCCELLELLAN	PARKING	3/14/2022	3/31/2022		1	NO	
69	6	140950607000	2030 W SUNNYDALE LANE	DIANNE MCCELLELLAN	OUTSIDE STORAGE	3/14/2022	3/31/2022		1	NO	
70	4	140271200400	6926 W DONGES BAY ROAD	GO RITEWAY	PARKING	3/17/2022	3/21/2022		1	NO	
71	4	140271200400	6926 W DONGES BAY ROAD	GO RITEWAY	ADVERTISING FLAG	3/17/2022	3/21/2022		1	NO	
72	4	140840205000	9612 W MEQUON PLACE	LEWIS OR JEAN BIRKEL	OUTSIDE MAINTENANCE	3/23/2022	6/1/2022		1	NO	
73	7	150850000002	3100 W COUNTRY CLUB DRIVE	NORTH SHORE COUNTRY CLUB	LANDSCAPING	3/23/2022	6/1/2022		4	YES	
74	4	140500709001	1863/461 N 1/2 LOT 9 BLK 7 CEDARBURG ROAD	WILLIAM CONLEY	MAINTENANCE	3/24/2022	7/1/2022		1	NO	
75	4	140270901200	10541-10601 N COMMERCE STREET	MEGAL DEVELOPMENT CORPORATION	BUSINESS OCCUPANCY PERMIT	3/31/2022	4/8/2022		4	NO	
76	2	140240701200	11610 N RIVER ROAD	MARILYN MANKE	OUTSIDE STORAGE	3/31/2022	4/7/2022		1	NO	
77	5	RENTAL	11700 N PORT WASHINGTON ROAD	MARCUS NORTH SHORE CINEMA	LITTER	4/6/2022	4/13/2022		1	NO	
78	5	150200701100	11616 N PORT WASHINGTON ROAD	ELITE HIGHLANDER MEQUON INC	LITTER	4/6/2022	4/13/2022		1	NO	
79	5	RENTAL	11558 N PORT WASHINGTON ROAD	METRO MARKET	LITTER	4/6/2022	4/13/2022		1	NO	
80	3	140860207000	11345 N SOLAR AVE	JEFFREY MCCLONE	PARKING	4/21/2022	4/28/2022		#5 CITATION 1,2	NO	
81	3	140892402000	11425 N VEGA AVE	DENNIS HERRERA	PARKING	4/21/2022	4/28/2022		1	NO	
82	3	140210101000	11932 N VEGA AVE	JOHN OR STACEY MURRAY	PARKING	4/21/2022	4/28/2022		1	NO	
83	3	141220004000	11912 N SOLAR AVE	JAMES MCNICHOL	PARKING	4/21/2022	4/28/2022		#5 CITATION 1,2	YES	
84	3	140870708000	11625 N VEGA AVE	ROBERT MACKIEWICZ	PARKING	4/21/2022	4/28/2022		1	NO	
85	3	140881402000	8509 W POPLAR DR	WILLIAM BLATZ	PARKING	4/21/2022	4/28/2022		1	NO	
86	4	140840509000	4808 W HIAWATHA DR	PAUL SCHUMACHER	HOOP HOUSE	4/21/2022	5/5/2022		1	NO	
87	2	141160010000	12335 N WOODFIELD CT	JEFFREY OR SUSAN POMERANTZ	OUTSIDE STORAGE	4/22/2022	4/29/2022		1	NO	
88	3	140500102002	6714 W MEQUON ROAD	MICHAEL OR TRACY LALONDE	OUTSIDE STORAGE	4/28/2022	5/13/2022		#5 CITATION 1,2	YES	
89	7	150560205000	1425 W ZEDLER LANE	BRADFORD HIGG	GARBAGE	5/10/2022	5/13/2022		#5 CITATION	NO	
90	2	141160010000	12335 N WOODFIELD COURT	JEFFERY OR SUSAN POMERANTZ	PARKING	5/17/2022	5/24/2022		1	NO	
91	5	RENTAL	11740 N PORT WASHINGTON ROAD	BANK FIRST	BANNER	5/17/2022	5/21/2022		1	NO	
92	5	EXEMPT	13800 N PORT WASHINGTON ROAD	UNITARIAN CHURCH	BANNER/FLAG	5/17/2022	5/21/2022		1	NO	
93	3	RENTAL	6006 W MEQUON ROAD	SPUR 16	BANNER/FLAG	5/17/2022	5/21/2022		1	NO	1 COMPLIANCE ACHIEVED
94	8	RENTAL	10900 N PORT WASHINGTON ROAD	THE FEED BAG	BANNER	5/17/2022	5/21/1955		1	NO	2 COMPLIANCE DATE NOT MET
95	2	EXEMPT	3906 W MEQUON ROAD	ST BONIFACE CHURCH	BANNER	5/17/2022	5/21/2022		1	NO	3 WAITING ON REPLY
96	5	151001214000	1630 W DOROTHY PLACE	DAVID OR SHELLY HAUGH	OUTSIDE MAINTENCE	5/25/2022	6/18/2022		EXTENSION	YES	4 EXTENSION GRANTED
97	5	151001214000	1630 W DOROTHY PLACE	DAVID OR SHELLY HAUGH	OUTSIDE STORAGE	5/25/2022	7/1/2022			NO	5 ISSUED TO CITY ATTORNEY OFFICE
98	3	140870504001	11733 N WAUWATOSA ROAD	DELORES FILLAFER	OUTSIDE STORAGE	5/25/2022	6/15/2022		EXTENSION	YES	6 SCHEDULED COURT DATE
99	3	140870504001	11733 N WAUWATOSA ROAD	DELORES FILLAFER	OUTSIDE MAINTENANCE	6/7/2022	7/5/2022		EXTENSION	YES	7 COURT RULING
100	4	140341600200	BAEHR AND COUNTY LINE/ NO ADDRESS	BILL FINE/COUNTY LINE HOLDINGS	PARKING	6/13/2022	6/29/2022		CITATION 1	YES	8 PRETRIAL DATE
101	6	150570602000	1424 W ZEDLER LANE	ROSEMARY KOLLER	GRASS	6/15/2022	6/22/2022		1	NO	9 TRIAL DATE
102	8	151070412000	819 SIERRA LANE	VANN FAMILY TRUST	GRASS	6/15/2022	6/22/2022		1	NO	10 FINAL RULING
103	7	141510000500	9853 N RANGE LINE ROAD	CYNTHIS COAKLEY	OUTSIDE STORAGE	6/15/2022	6/29/2022		EXTENSION	YES	11 ALTERNATE PROCEDURE
104	5	151030214001	12707 N EAST SHORELAND DRIVE	GARMAN LIVING TRUST	PARKING	6/15/2022	6/29/2022		1	NO	
105	5	151030211000	12731 N EAST SHORELAND DRIVE	TED RUEHL	OUTSIDE STORAGE	6/15/2022	6/29/2022		1	NO	
106	4	140640202000	10811 N SHERWOOD DRIVE	CHARLES CONRAD	YARD WASTE BRANCHES	6/21/2022	6/28/2022		1	NO	
107	8	151070412000	819 W SIERRA LANE	VANN FAMILY TRUST	TRASH/LITTER	6/21/2022	6/28/2022		1	NO	
108	6	150710411000	11604 N HILLSIDE LANE	MICHAEL GMIREK OR SUZANNE PEPLINSKI	TURF GRASS	6/21/2022	6/28/2022		EXTENSION	NO	
109	6	150710405000	11433 N COUNTRY LANE	WILLIAM GENSRIK	TEMPORARY STRUCTURE	6/21/2022	6/28/2022		EXTENSION	NO	
110	6	150710405000	11433 N COUNTRY LANE	WILLIAM GENSRIK	PARKING	6/21/2022	6/28/2022		1	NO	
111	6	150630108000	11320 N VALLEY DRIVE	JONATHAN SCHULTZ	PARKING	6/21/2022	6/28/2022		1	NO	
112	7	140700083000	3327 BURGANDY COURT	LYNN VORBECK	PARKING	6/21/2022	6/28/2022		1	NO	
113	6	150990701000	12345 N EAST SHORELAND DRIVE	ANDREW OR WENDY PETZOLD	OUTSIDE MAINTENANCE	6/23/2022	7/29/2022		EXTENSION 11/1/22	NO	
114	6	150990701000	12345 N EAST SHORELAND DRIVE	ANDREW OR WENDY PETZOLD	TURF GRASS	6/23/2022	7/14/2022		1	NO	
115	5	150060901900	13804 N MARTIN WAY SUITE 2400	13804 N MARTIN WAY LLC	POOL FENCE	7/7/2022	7/29/2022		#5 CITATION 1	YES	
116	5	150061500900	1908 W BONNIWELL ROAD	RAVI NARAYAN OR SOWMYA SUBRAMANIAN	POOL FENCE	8/11/2021	8/26/2022			YES	
117	2	150911001000	2517 W CHESTNUT ROAD	TAOFIKI OR KERRY ALABI	PARKING	7/15/2022	7/22/2022		1	NO	
118	4	140501305007	9807 N CEDARBURG ROAD	RYAN OR KATHERINE KAUTZER	TURF GRASS	7/15/2022	7/22/2022		1	NO	
119	6	XXXXXXX	NORTH SHORE ESTATES	DEBRA NEWELL PRESIDENT	OUTSIDE STORAGE	7/14/2022	8/5/2022		EXTENSION 10/31/22	NO	
120	3	142010051000	10879 N WILDCAT WAY	AMBER SCHROEDER	FENCE	5/16/2022	5/27/2022		#5 CITATION 1,2	YES	
121	3	140860205000	11413 N SOLAR AVENUE	DUANE OR JULIE WAGNER	PARKING	7/21/2022	8/4/2022		1	NO	
122	8	RENTAL	10930 N PORT WASHINGTON ROAD	SENDIKS	BANNERS	7/21/2022	7/28/2022		1	NO	

	A	B	C	D	E	F	G	I	J	K	L
123	1	XXXXXXXXXX	HIGHLANDS LOT 8	KINGS WAY HOMES	OUTSIDE MAINTENANCE	7/22/2022	7/29/2022		#5 CITATION 1	NO	
124	4	140270201500	6835 W MEQUON ROAD	RESERVE FRONT LOT	LANDSCAPING	7/22/2022	8/15/2022		4	NO	
125	4	140270200200	6729 W MEQUON ROAD	STORYPOINT SENIOR LIVING	SIGNS	7/22/2022	8/19/2022		1	NO	
126	7	150850000002	3100 W COUNTRY CLUB DRIVE	NORTH SHORE COUNTRY CLUB	LANDSCAPING	7/22/2022	10/5/2022		EXTENSION	YES	
127	8	XXXXXXXXXX	10930 N PORT WASHINGTON ROAD	MEQUON PAVILIONS	FLAGS	7/22/2022	7/29/2022		1	NO	
128	2	140820210001	3015 W SHOLES DRIVE	THOMAS OR CAPTOLA BACHER	2 SHEDS	8/11/2022	9/11/2022		EXTENSION	YES	
129	5	151120203000	13837 N LAKE SHORE DRIVE	GREGORY OR NICOLE PATERSON	OUTDOOR STORAGE	8/11/2022	8/26/2022		EXTENSION	YES	
130	6	150300802300	2212 W SUNNYDALE LANE	AARON OR PETER KINNEY	POOL FENCE	8/11/2022	8/26/2022		4	YES	
131	8	RENTAL	10806 N PORT WASHINGTON ROAD	NORTH SHORE BANK	BANNER	8/19/2022	8/25/2022		1	NO	
132	6	RENTAL	1505 W MEQUON ROAD	EAST TOWNE SQUARE MALL	FLAGS	8/19/2022	8/25/2022		1	NO	
133	6	RENTAL	1505 W MEQUON ROAD	FAYE'S MEQUON	FLAGS	8/19/2022	8/25/2022		1	NO	
134	6	RENTAL	1505 W MEQUON ROAD	THE LEMON TREE	FLAGS	8/19/2022	8/25/2022		1	NO	
135	6	RENTAL	1515 W MEQUON ROAD	ZARLETTI MEQUON	FLAGS	8/19/2022	8/25/2022		1	NO	
136	6	RENTAL	1330 W MEQUON ROAD	COCOA TREE CONFECTIONARY	BANNER	8/19/2022	8/25/2022		1	NO	
137	6	RENTAL	1402 W MEQUON ROAD	KUMON MATH AND READING	BANNER	8/19/2022	8/25/2022		1	NO	
138	6	RENTAL	1550 W MEQUON ROAD	FIFTH MAIN	A FRAME	8/19/2022	8/25/2022		1	NO	
139	6	RENTAL	11035 N PORT WASHINGTON ROAD	PICARDY SHOE PARLOUR	BANNER	8/19/2022	8/25/2022		1	NO	
140	4	140271601200	10433 N BAEHR ROAD	NORTH SHORE DANCE	SIGNS	7/7/2022	7/29/2022		#5 CITATION 1	YES	
141	1	141440022001	7421 RIDGEVIEW DRIVE	YOUSSEF BERRADA	PLUMBING PERMIT	8/24/2022	9/7/2022		EXTENSION	YES	
142	1	141440022001	7421 RIDGEVIEW DRIVE	YOUSSEF BERRADA	ELECTRIC PERMIT	8/24/2022	9/7/2022		EXTENSION	YES	
143	1	141440022001	7421 RIDGEVIEW DRIVE	YOUSSEF BERRADA	BUILDING PERMIT	8/24/2022	9/7/2022		EXTENSION	YES	
144	1	141440022001	7421 RIDGEVIEW DRIVE	YOUSSEF BERRADA	FILL PERMIT	8/24/2022	9/7/2022		EXTENSION	YES	
145	1	141440022001	7421 RIDGEVIEW DRIVE	YOUSSEF BERRADA	SURVEY	8/24/2022	9/7/2022		EXTENSION	YES	
146	7	150500116000	1828 W FIESTA LANE	CHARLES MAYER	GRASS	8/31/2022	9/8/2022		1	NO	
147	7	140700145000	3531 W LEGRANDE BLVD	WILLIAM GRUBER	HOME BUSINESS	9/6/2022	9/16/2022		1	NO	
148	4	RENTAL	10801 N COMMERCE STREET	GOOD LAND PREMIUM FOODS PROVISIONS INC	BUILDING AND SITE PLAN AMENDMENT	9/6/2022	9/19/2022		EXTENSION	YES	
149	6	RENTAL	1339 W MEQUON ROAD	REMAX LAKESIDE	WALL SIGN	9/8/2022	10/28/2022			YES	
150	5	151010106001	12656 N SHORELAND PARKWAY	NANCY TOLOCKO	DECK	9/13/2022	12/14/2022			YES	
151	5	150970019000	12648 N RIVER FOREST CIRCLE	JOHN OR JULIE HENNINGS	PARKING	9/13/2022	9/23/2022		EXTENSION	YES	
152	5	150970019000	12648 N RIVER FOREST CIRCLE	JOHN OR JULIE HENNINGS	OUTSIDE MAINTENANCE	9/13/2022	9/27/2022		EXTENSION	YES	
153	8	EXEMPT	10370 N WILDWOOD COURT	OZAUKEE WASHINGTON COUNTY LAND TRUST	OUTSIDE MAINTENANCE	9/14/2022	10/14/2022			NO	
154	3	RENTAL	7160 W DONGES BAY ROAD	WARREN BARNETT INTERIORS	CONDITIONAL USE GRANT	9/20/2022	10/4/2022		#5 CITATION 1	YES	
155	6	150190400400	11743 N PORT WASHINGTON ROAD LOT 1	SHELY 2012 IRREVOCABLE TRUST	GRASS	9/22/2022	10/7/2022			NO	
156	6	150190400500	11743 N PORT WASHINGTON ROAD LOT 2	SHELY 2012 IRREVOCABLE TRUST	GRASS	9/22/2022	10/7/2022			NO	
157	6	150190400600	11743 N PORT WASHINGTON ROAD LOT 3	SHELY 2012 IRREVOCABLE TRUST	GRASS	9/22/2022	10/7/2022			NO	
158	6	RENTAL	1550 W MEQUON ROAD	FIFTH-MAIN	MONUMENT SIGN	9/29/2022	10/13/2022		EXTENSION	YES	
159	8	150740120000	317 E CIRCLE ROAD	JEFFREY OR JENNIFER PARULSKI	PARKING	9/29/2022	10/13/2022		#5 CITATION 1	YES	
160	4	140840306000	4904 W COUNTY LINE ROAD	SHAWN OR RUTH RUBINSTEIN	SUMP PUMP	9/29/2022	10/7/2022			NO	
161	6	RENTAL	11431 N PORT WASHINGTON ROAD SUITE 207	DAYALUV COSMETICS	CONDITIONAL USE GRANT	10/5/2022	11/14/2022			NO	
162	6	RENTAL	11431 N PORT WASHINGTON ROAD SUITE 135	EMBRACE YOUR FACE	CONDITIONAL USE GRANT	10/5/2022	11/14/2022			YES	
163	6	RENTAL	11431 N PORT WASHINGTON ROAD SUITE 101E	CEDAR CREEK MASSAGE	CONDITIONAL USE GRANT	10/5/2022	11/14/2022			YES	
164	6	RENTAL	11431 N PORT WASHINGTON ROAD SUITE 106A	JANET HALONEN-ACUESTICS	CONDITIONAL USE GRANT	10/5/2022	11/14/2022			YES	
165	6	RENTAL	11431 N PORT WASHINGTON ROAD SUITE 108	DRAGON FLY MEDITATION AND WELLNESS	CONDITIONAL USE GRANT	10/5/2022	11/14/2022			YES	
166	6	RENTAL	11431 N PORT WASHINGTON ROAD SUITE 101	THERPUTIC MASSAGE AND WELLNESS CENTER	CONDITIONAL USE GRANT	10/5/2022	11/14/2022			YES	
167	6	RENTAL	11431 N PORT WASHINGTON ROAD SUITE 212	WYNTER CO. BEAUTY	CONDITIONAL USE GRANT	10/5/2022	11/14/2022			YES	
168	6	150300600900	2505 W MEQUON ROAD	NORTH SHORE DENTAL	BANNER	10/6/2022	10/13/2022			NO	
169	3	RENTAL	7606 W MEQUON ROAD	HOMESTEAD FAMILY DENTISTRY	BANNER	10/6/2022	10/13/2022			NO	
170	6	150710405000	11433 N COUNTRY LANE	WILLIAM OR CAROL GENSRIK	OUTSIDE STORAGE	10/6/2022	10/27/2022		EXTENSION	YES	
171	6	150710405000	11433 N COUNTRY LANE	WILLIAM OR CAROL GENSRIK	OUTSIDE MAINTENANCE	10/6/2022	11/10/2022			YES	
172	6	150310101100	10355 N PORT WASHINGTON ROAD	CLARK GAS STATION	OUTSIDE MAINTENANCE	10/12/2022	11/12/2022			YES	
173	1	140200600700	10505 W FREISTADT ROAD	HERMAN OR SANDRA STERN	PARKING	10/19/2022	11/11/2022			YES	
174	1	140171101100	10516 W FREISTADT ROAD	JENNIFER JOHNSON OR JOSHUA COMFORT	PARKING	10/19/2022	11/11/2022			YES	
175	4	140500404000	11155 N CEDARBURG ROAD	MEQUON AUTO TECH	WATER TO FACILITY	10/19/2022	11/25/2022			YES	
176	5	150170800500	12531 N LAKESHORE DRIVE	STEVEN OR KIMBERLY BROWN	SHED PERMIT	10/19/2022	11/4/2022			YES	
177	4	140271601200	10433 N BAEHR ROAD	NORTH SHORE DANCE STUDIO	MONUMENT SIGN	10/21/2022	11/30/2022			YES	
178	4	RENTAL	11120 N BUNTROCK AVENUE	PRESTIGE AUTO SERVICE	PARKING COMMERCIAL	10/26/2022	11/2/2022			YES	
179	5	150920201000	11404 N PINEHURST CIRCLE	US BANK	GRASS	10/27/2022	11/4/2022			YES	
180	5	150920201000	11404N PINEHURST CIRCLE	US BANK	OUTSIDE MAINTENANCE	10/27/2022	11/27/2022			YES	
181	8	151070112002	1027 W DONGES BAY	MARY JOHNSON	OUTSIDE MAINTENANCE	10/27/2022	11/27/2022			YES	
182	6	151260105000	10451 N STRATFORD PLACE	STEFAN OR SARAH GENDELMAN	BUILDING PERMIT	10/28/2022	11/21/2022			YES	
183											



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Office of Community Development

TO: Common Council
FROM: Jac Zader, Assistant Director Community Development
DATE: November 9, 2022
SUBJECT: ORDINANCE 2022-1633 An Ordinance Amending Chapter 58 of the Mequon Municipal Code, Establishing Banquet Facilities as Conditional Uses in the B-2 (Community Commercial), TC (Town Center), and AC (Arrival Corridor) Zoning Districts, and Conference Centers as Conditional Uses in the B-2 (Community Commercial), B4 (Business Park) and Ulao Creek Mixed-Use Zoning Districts

Background

An applicant is requesting a text amendment to allow for Banquet Facilities and Conference Centers in the City's B-2 Zoning District. The B-2 Zoning District was established to accommodate the retail and service needs of the greater community. The request is based on the potential redevelopment of the parcels located at 10500 and 10520 N. Port Washington Road.

Analysis

Staff believes there is a need for these types of uses in Mequon and along the Port Washington Road commercial corridor. Currently, the only existing banquet facilities are accessory to the principal use and are typically located within restaurants and country clubs. The case is similar when looking at conference centers. Educational institutions such as Concordia and MATC have conference space available within the campus, which is accessory to their principal use of a college or university.

When looking at the two proposed uses, staff believes there is a distinction between Banquet Halls and Conferences Centers in terms of use and zoning classification. Banquet Hall facilities are primarily for entertainment purposes and include catering or onsite meals. Conference Centers are typically meant for trade shows or business-related activities. In order to distinguish each use, staff has prepared definitions to be included in the Zoning Code (see below). The distinction is important when looking at whether the two proposed uses are appropriate in the B-2 Zoning District as well as other zoning districts across the City.

When evaluating the two distinct uses, staff believes there are certain zoning categories that would be appropriate for both and others that would be appropriate for one of the uses. Accordingly, staff's recommendations are as follows:

District	Use	Permitted or Conditional
B-2	Banquet or Reception Hall	Conditional

B-2	Convention or Conference Center	Conditional
B-4	Convention or Conference Center	Conditional
Ulaio Creek Mixed Use	Convention or Conference Center	Conditional
Town Center	Banquet or Reception Hall	Conditional/8,000 sq. ft max
Arrival Corridor	Banquet or Reception Hall	Conditional/12,000 sq. ft max

The size of the facilities would be limited by the requirements in each individual district, if not specifically listed above.

Definitions

Convention or Conference Center - A building or buildings containing exposition halls, exhibit halls, and facilities to house cultural or civic events, conferences, or conventions of political, industrial, fraternal, commercial, trade, or other similar associations.

Banquet or Reception Hall - Any establishment operated for profit where the facilities are leased on an event-specific basis for private wedding receptions, meetings, banquets, and other similar events. This use may include facilities for preparing food and areas for dancing, dining, and other entertainment activities typically found in association with banquets or receptions.

Off-Street Parking

Convention or Conference Center - 1 space per 3 persons based on the occupancy load, plus 1 space per employee on the largest shift

Banquet or Reception Hall - 1 space per 3 persons based on the occupancy load, plus 1 space per employee on the largest shift

Fiscal Impact

The fiscal impact is neutral.

Recommendation

The Planning Commission recommended approval of the proposed ordinance amendments on October 17, 2022, by a vote of 8-0.

Attachments:

Exhibit A (DOCX)

COMMON COUNCIL
OF THE
CITY OF MEQUON

ORDINANCE 2022-1633

An Ordinance Amending Chapter 58 of the Mequon Municipal Code, Establishing Banquet Facilities as Conditional Uses in the B-2 (Community Commercial), TC (Town Center), and AC (Arrival Corridor) Zoning Districts, and Conference Centers as Conditional Uses in the B-2 (Community Commercial), B4 (Business Park) and Ulao Creek Mixed-Use Zoning Districts

RECITALS

A. Pursuant to the authority granted to it under Section 62.23(7) of the Wisconsin Statutes, the City of Mequon previously adopted a comprehensive Zoning Code for the City.

B. On October 17, 2022, the Planning Commission, by a majority vote, adopted a recommendation to approve a text amendment to authorize banquet facilities and conference centers as conditional uses in certain zoning districts.

C. Following due notice and a public hearing by the Common Council, the Council finds that the proposed amendment is consistent with the City's comprehensive master plan and that the amendment would further the health, safety and welfare of the community.

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

SECTION I

Chapter 58 of the Mequon Zoning Code, which establishes definitions, parking requirements and conditional uses in the City's B-2, B-4, TC, AC and the Ulao Creek Mixed-Use Zoning Districts is amended as attached in Exhibit A.

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: Andrew Nerbun, Mayor

Date Approved: November 9, 2022

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, 2022.

Caroline Fochs, City Clerk

Published: _____

Sec. 58-8. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Automobile repair facility means a service establishment where engine repairs, replacement of parts, or bodywork and general maintenance are performed.

Banquet or Reception Hall means an establishment operated for profit where the facilities are leased on an event-specific basis for private wedding receptions, meetings, banquets, and other similar events. This use may include facilities for preparing food and areas for dancing, dining, and other entertainment activities typically found in association with banquets or receptions.

Base setback line means the edge of the established ultimate street right-of-way.

Basement, habitable means a habitable story having part, but not more than one-half of its height below grade.

Basement, uninhabitable, (Also see *Cellar*) means an uninhabitable area of a building having more than one-half its height below grade.

Bed and breakfast establishment means any place of lodging that provides four or fewer rooms for rent, is the owner's personal residence and is occupied by the owner at the time of rental.

Berm means a manmade mound of earth in excess of two feet in vertical height used to shield or buffer properties from adjoining uses, highways or noise or to control the direction of surface water flow.

Buildable area means the space remaining on a lot after the minimum open space, offset and setback requirements of this chapter have been complied with; excepting therefrom any floodplain, wetland, or similarly designated unbuildable lands.

Building means a structure having a roof supported by columns or walls for the housing or enclosure of persons, animals, or chattel.

Building, accessory. See *Accessory use or structure*.

Building height means the height of a building shall be the vertical distance measured from the mean elevation of the finished grade at the front of the building to the highest point of the building.

Bulk storage means the storage of chemicals, petroleum products and other materials for subsequent resale to distributors or retail dealers or outlets. Bulk storage is essentially a warehousing operation. The key portion of the definition is that the products are stored for eventual resale and not directly to the consuming public.

Business means any commercial or industrial activity or establishment.

Business park means a project owned, developed, and managed by a single owner or a group of owners acting jointly. Types of uses include, but are not limited to: offices; research and development laboratories; wholesale distribution facilities; establishments providing services to other businesses such as printing, publishing, and advertising; public and quasi-public uses such as public administration offices, and public utility installations; certain small to moderate scale light industrial establishments and motels. The land encompassed by this type of park is usually sub-divided and developed in accordance with a development agreement. The term "park" signifies an area developed as a coordinated entity with similar building facades, extensive landscaping, common parking and access drives, and unified site design.

Business services means establishments primarily engaged in rendering services to business establishments on a fee or contract basis, such as advertising and mailing; building maintenance, employment service; management and consulting services; protective services; equipment rental; leasing and financial services.

Campground means a plat of ground designated for two or more sites for temporary occupancy within tents and/or recreational vehicles.

Canopy means a roof like structure of a permanent nature which may project from the wall of a building.

Carport means a roofed structure providing space for the parking or storage of motor vehicles and enclosed on not more than three sides.

Convention or Conference Center is a building or buildings containing exposition halls, exhibit halls, and facilities to house cultural or civic events, conferences, or conventions of political, industrial, fraternal, commercial, trade, or other similar associations.

Cellar means a space having more than one-half of its height below grade and which may not be occupied for dwelling purposes.

Sec. 58-441. Parking requirements.

In all districts and in connection with every use, there shall be provided at the time any use or building is erected, enlarged, extended or increased off-street parking stalls for all vehicles in accordance with the following:

- (10) *Required number of stalls.* The following parking standards shall be applied unless deviations have been specifically approved by the planning commission in accordance with section 58-441.
- g. *Retail, entertainment and customer service establishments.* One space per 200 square feet of gross leasable area plus one space per employee, except as specifically set forth below:
 - 1. *Financial institutions.* One space per 300 square feet of gross leasable area plus one space per employee.
 - 2. *Funeral homes.* One space per three patron seats of maximum capacity or 35 spaces per chapel unit, whichever is greater.
 - 3. *Grocery stores or supermarkets.* One space per 100 square feet of gross leasable area.
 - 4. *Repair services.* One space per 300 square feet of gross floor area plus one space per employee for the work shift with the largest number of employees.
 - 5. *Restaurant, standard.* One space per 100 square feet of gross floor area plus one space per employee for the work shift with the largest number of employees.
 - 6. *Restaurant, fast food/carryout.* One space per 75 square feet of gross floor area plus one space per two employees for the work shift with the largest number of employees. Sufficient space shall be provided for a minimum of five waiting vehicles at each drive-thru.
 - 7. *Personal services.* One space per 200 square feet of gross floor area plus one space per employee for the work shift with the largest number of employees.
 - 8. *Convenience grocery store.* One space per 150 square feet of gross floor area. If associated with a gasoline station, gasoline pump parking shall be considered as parking stalls.
 - 9. *Taverns, dance halls, night clubs and lounges.* One space per 100 square feet of gross floor area plus one space per employee for the work shift with the largest number of employees.
 - 10. *Motor vehicle sales establishments.* Two customer parking spaces per salesperson for the work shift with the largest number of employees plus one employee parking space per employee (including salespersons) for the work shift with the largest number of employees.
 - 11. *Motor vehicle repair, maintenance and service stations.* Three spaces per indoor service bay plus one space per employee for the work shift with the largest number of employees.
 - 12. *Animal hospitals.* Three patron parking spaces per doctor, plus one space per employee for the work shift with the largest number of employees.

13. *Shopping centers (gross leasable area of at least 30,000 square feet).* Five spaces per 1,000 square feet of gross leasable area.
14. *General merchandise stores.* Five spaces per 1,000 square feet of gross leasable area.
15. **Convention or Conference Center - 1 space per 3 persons based on the occupancy load, plus 1 space per employee on the largest shift**
16. **Banquet or Reception Hall - 1 space per 3 persons based on the occupancy load, plus 1 space per employee on the largest shift**

Sec. 58-295. B-2 community business district.

(e) *Conditional uses.*

- (1) Public uses including, but not limited to, post offices, schools and local governmental offices and facilities.
- (2) Restaurants and nightclubs.
- (3) Cultural activities including, but not limited to, museums, libraries and art galleries.
- (4) Public and/or private utilities, telecommunication installations, transmission and distribution lines, poles, and other accessories. Specific regulations related to wireless telecommunication installations shall be subject to this chapter. When a utility proposes a main inter-city transmission facility, the utility shall give notice to the city of such intention and of the date of hearing before the public service commission. Public and/or private utility installations less than three feet in height shall be subject only to City of Mequon staff approval and may be allowed subject to staff imposed conditions regarding, among other things, effective screening from public view with all season vegetation.
- (5) Churches, temples and synagogues.
- (6) Animal hospitals, veterinary clinics and kennels pursuant to the specific requirements set forth in division 11.
- (7) Wholesaling establishments.
- (8) Outdoor recreational facilities.
- (9) Automobile service facilities including, but not limited to, gasoline sale and automotive repair.
- (10) Motels and hotels.
- (11) Satellite dishes.
- (12) Warehouse and distribution facilities.
- (13) Car dealerships.
- (14) Research and development facilities.
- (15) Child day care facilities.
- (16) Light assembly or fabrication incidental to the principal use.
- (17) Structures in which shall be located only principal or conditional uses, as enumerated in subsections (c) and (e) above, but which are greater than 20,000 square feet, but not to exceed 40,000 square feet, in size and/or greater than two stories in height.
- (18) Development that includes a proposed modification to one or more standard district regulation applicable to the base zoning district and located on a vacant parcel which is non-conforming to the required base zoning district standards for minimum lot size or minimum lot width.
- (19) Fitness centers.

- (20) Indoor recreation and amusement facilities.
- (21) Development that includes a proposed modification to one or more standard district regulation applicable to the base zoning district and located on an improved parcel with an existing structure in which parcel, or improvement, or both, are non-conforming to any of the required base zoning district standards.
- (22) General merchandise stores subject to the following regulations:
 - The GLA of the use must be between 20,000 and 30,000 square feet.
 - The square footage of all uses classified as general merchandise stores shall not exceed 40 percent of the total GLA of a retail development.
 - Floor area dedicated to food related merchandise shall not exceed five percent of the total GLA of the general merchandise store.
 - The development in which the use is located shall be located along a secondary arterial and shall abut an interstate highway.
 - General merchandise stores located in an existing multi-tenant building shall be subject to building and site plan review.
- (23) Resale clothing and clothing accessories shall be subject to the following conditions:
 - The resale floor area shall not exceed 1,500 square feet.
 - All merchandise shall be displayed on permanent racks or shelving which may or may not be affixed to the floor or walls.
 - No outdoor display of merchandise.
 - All windows into the tenant space shall remain clear of merchandise or shelving unless approved by planning commission.
 - All interior walls and ceilings shall be finished with drywall or other city approved materials.
 - No sale of furniture or other household items.

(24) Banquet or Reception Hall

(25) Convention or Conference Center

Sec. 58-297. B-4 business park district.

- (e) *Conditional uses.* Conditional uses shall include, but not necessary be limited to, the following:
 - (1) Light manufacturing.
 - (2) Processing.
 - (3) Wholesaling.
 - (4) Distribution.
 - (5) Research and development.
 - (6) Printing and publication.
 - (7) Warehousing.
 - (8) Barbershops and beauty salons.
 - (9) Bookstores.

- (10) Commercial child day care facilities.
- (11) Restaurants (not including fast food facilities).
- (12) Florists (not including greenhouses).
- (13) Gift shops.
- (14) Pharmacies.
- (15) Studios for photography, painting, music, sculpture, dance or other recognized fine art.
- (16) Automobile service facilities.
- (17) Satellite dishes.
- (18) Public and/or private utilities, telecommunication installations, transmission and distribution lines, poles, and other accessories. Specific regulations related to wireless telecommunication installations shall be subject to this chapter. When a utility proposes a main inter-city transmission facility, the utility shall give notice to the city of such intention and of the date of hearing before the public service commission. Public and/or private utility installations less than three feet in height shall be subject only to City of Mequon staff approval and may be allowed subject to staff-imposed conditions regarding, among other things, effective screening from public view with all season vegetation.
- (19) Theatres.
- (20) Structures greater than 40,000 square feet in size and/or greater than two stories in height.
- (21) Development that includes a proposed modification to one or more standard district regulation applicable to the base zoning district and located on a vacant parcel which is non-conforming to the required base zoning district standards for minimum lot size or minimum lot width.
- (22) Pet day-cares and kennels pursuant to the specific requirements set forth in division 11.
- (23) Fitness centers.
- (24) Development that includes a proposed modification to one or more standard district regulation applicable to the base zoning district and located on an improved parcel with an existing structure in which parcel, or improvement, or both, are non-conforming to any of the required base zoning district standards.

(25) Convention or Conference Center

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

- (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.

Table 58-305-1 Uses in the Ulao Creek Mixed-Use Commercial District

Land Use	Ulao Creek Mixed Use Commercial	Specific Development Standards Notes
Commercial		
Catering facilities	C	Use shall include a minimum 20 percent of building area to office and/or retail showroom and a

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(Supp. No. 51)

		minimum 20 percent of defined catering use. Use shall be a minimum of 3,000 square feet. 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.
Commercial greenhouse or plant nursery	P	May be a principal use or accessory to farmstead and dwelling and shall comply with section 58-236(c)(1). May include an indoor market and accessory structures. Operations, including annual, special or seasonal events, are subject to planning commission approval and may be subject to commissioning a traffic impact analysis and implementation of conditions of such.
<u>Convention or Conference Center</u>	<u>C</u>	<u>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.</u>

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 and Clinic:		
Office	P	
Medical clinics	P	
Financial institutions	P	✓
Institutional and Public Uses:		
Public libraries	P	
Public parks	P	
Public administrative offices and service buildings	P	

Performing arts school and studios of 2,000 square feet or less	P	
Public and private schools of 2,000 square feet 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 and 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 square feet gross floor area or less	P	
Video stores of 4,000 square feet gross floor area or less	P	
Bookstores and newsstands of 2,000 square feet gross floor area or less	P	
Home furnishings/accessories 4,000 square feet 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 square feet or less	P	
Farmers market	P	✓
Confectionary (chocolate, ice cream, candy) 2,000 square feet or less	P	
Specialty food stores	P	
Tobacco, cigar or nicotine product/e-cigarette shop 2,000 square feet 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	✓
<u>Banquet or Reception Hall 8,000 square feet or less</u>	<u>C</u>	
Food and Beverage:		
Catering services	P	
Bakeries, retail	P	
Coffeeshop of 2,000 square feet gross floor area or less	P	✓
Delicatessen of 2,000 square feet 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. 58-302. AC arrival corridor district.

- (f) *Permitted and conditional uses.* Table 58-302-1, Uses in the Arrival Corridor District, lists all the permitted and conditional uses.

Table 58-302-1 Uses in the Arrival Corridor District		
Use	Arrival Corridor	Specific Development Standards
Office & Clinic:		
Office	P	
Medical clinics	P	
Financial institutions	P	✓
Institutional & Public Uses:		
Public parks	P	
Public administrative offices and service buildings	P	
Religious institutions	P	
Public or private schools	C	
Private lodges and clubs	C	
Performing arts school and studios		
Public parking facilities, non-accessory	C	✓
Residential Uses:		
Home occupations	P	
Artist's live/work units	P	✓
Bed and breakfast	C	✓
Multiple-family dwellings, eight units per one acre	P	✓
Multiple-family dwellings, nine units to 16* ¹	PUD	✓
Planned residential development	PUD	✓
Retail & Services:		
Stationary stores	P	

Antiques, collectibles, gift or florists	P	✓
Toy, hobby or game 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	
Apparel and accessories/repair	P	
Video stores	P	
Bookstores and newsstands	P	
Home furnishings and accessories 4,000 sq. ft. or less	P	
Bicycle repair and sales	P	
Computer and software store	P	
Electronic goods store	P	
Furniture store	C	
Hardware store	C	
Garden store	C	
Drug store/pharmacy	C	✓
Planned commercial development	PUD	✓
Interior design services	P	
Graphic design	P	
Paint/wallpaper stores	P	
Optical/vision center	P	
Dry cleaning and tailors	P	
Child daycare facilities and preschools	P	✓
Animal hospitals and veterinary clinics	P	✓
Pet supply stores, pet grooming facilities and pet daycares	C	✓
Photocopying, film development, printing and publishing, packaging store	P	
Salon and spa	P	
Fitness center	C	
Indoor recreation and amusement facilities	C	
Theatres, live performances only	C	
Farmers market	P	✓
Confectionary (chocolate, ice cream, candy) 2,000 sq. ft.	P	
Specialty food stores	P	
Tobacco, cigar or nicotine product/e-cigarette shop 2,000 square feet or less	P	
Beer, wine or liquor store	P	
Grocery store	C	
Convenience store w/o gas	C	
Gas stations	C	✓
Gas stations with car wash	C	✓
Banquet or Reception Hall 12,000 square feet or less	C	
Food & Beverage:		
Catering services	P	
Bakeries, retail	P	
Coffee shop	P	✓
Delicatessen	P	✓

Fast food restaurant, if part of a mixed-use building	P	✓
Sit-down restaurants	P	✓
Nightclubs	C	✓

P = Permitted uses.

C = Conditional uses.

*¹ = excluding density bonuses per section 58-302(i)(2).



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Office of Finance-Personnel Committee

TO: Common Council
FROM: Jennifer Engroff, Finance Director
DATE: November 1, 2022
SUBJECT: ORDINANCE 2022-1634 An Ordinance Approving Revenue and Expenditure Amendments to the City's General Fund Operating Budget for Fiscal Year 2022

Background

In August, the City's Budget Team met with members of the Common Council to review proposed wage adjustments for Fiscal Year 2023. Based on the outcome from these discussions, a 3% wage adjustment has been included for all City employees and members of the new Southern Ozaukee Fire & EMS Department beginning January 1. Moreover, employees within the Mequon Police Department that are subject to a current collective bargaining agreement with the City will receive a 2.5% adjustment next year.

In addition to determining wage adjustments for 2023, Common Council members and the Budget Team also agreed that it would be appropriate to provide all of the City's full-time and permanent part-time employees with a one-time compensation adjustment during 2022. Over the course of the past year, annualized inflation has exceeded 8%, impacting City employees' ability to pay for everyday needs, such as food, clothing, gasoline and medicine.

Accordingly, it was decided that a one-time adjustment equivalent to an aggregate 1% increase in the City's payroll expenses budgeted for this year would be granted to eligible employees during the fourth quarter of 2022. Further, the funds needed to pay for this adjustment would originate from fund balance reserves within the City's operating and/or utility budgets.

Analysis

The total cost of providing the one-time inflation adjustment is nearly \$102,000. Consequently, and in accordance with the City's financial policies, staff is requesting an amendment to the current 2022 budget, in order to properly reflect what is expected to be an increase in expenditures. Depending upon how overall spending occurs throughout the remainder of the fiscal year, the full amount of the requested funds may not be needed across all affected budget areas, as outlined in Exhibit A. Nevertheless, staff is seeking an amendment for the full amount of the proposed pay adjustment, in the event that existing budgeted amounts are unable to absorb this additional cost.

The City's financial policies state: "At the Common Council's discretion, it may choose to amend the budget due to unforeseen and changing circumstances. In accordance with Wisconsin

Statute Section 65.90(5)(a), amendments to budgeted appropriations must be approved by a two-thirds vote of the City Council. If such a time occurs that the City Administrator believes that there will be a significant variation of more than 5% of the projected departmental revenues or expenditures from the adopted budgeted amounts, the City Administrator shall inform the Common Council so that they may consider whether it is necessary to amend the budget or take any other corrective measures.”

Fiscal Impact

The attached general fund budget amendment includes a decrease in revenue and expenditures equal to \$95,106, as summarized in the following table.

2022 GENERAL FUND BUDGET AMENDMENT SUMMARY	
Revenue Adjustments	
Revenue Reduction/Fund Balance	\$ 95,106
Sub-Total:	\$ 95,106
Expenditure Adjustments	
Salaries	\$ 81,750
Payroll Tax	\$ 6,118
Retirement	\$ 7,239
Sub-Total:	\$ 95,106

The proposed one-time adjustment is equivalent to 1% of the City’s budgeted salaries for 2022 which total \$101,945; however, only \$95,106 is allocated to the General Fund as \$6,839 will be allocated to the City’s two Utility Funds.

While in aggregate, the total amount of the overall inflation adjustment is equivalent to 1% of the City’s current payroll, it should be noted that this will not result in every eligible employee receiving a 1% adjustment based upon current salary. Rather, the aggregate amount equivalent to 1% of the 2022 payroll will be divided equally amongst the City’s full-time and permanent part-time employees, resulting in an identical amount being provided to each affected employee. As such, every permanent employee will receive an adjustment of \$750 in gross compensation, which is subject to payroll expense deductions, including but not limited to payroll tax and retirement deferrals. Pending Council’s final adoption of the proposed ordinance, it is anticipated that this one-time adjustment will be processed during the next succeeding payroll cycle, either in late-November or late-December.

As indicated, the funding source for the one-time inflation adjustment is fund balance. According to the City’s financial policies, the City strives to maintain an undesignated General Fund balance of between 10-12%. At the budget meeting in August, staff projected the fund balance to be \$2,187,414, or 12% at the end of 2022. After factoring in the one-time inflation adjustment, the general undesignated fund balance projection will reduce to \$2,092,308; however, this remains well within the 10-12% range previously established by the Common Council.

Recommendation

A recommendation is forthcoming from the Finance-Personnel Committee on November 9,

2022.

Attachments:

Attachment A: 2022 Budget Amendment 10.31.22 (PDF)

COMMON COUNCIL
OF THE
CITY OF MEQUON

ORDINANCE 2022-1634

An Ordinance Approving Revenue and Expenditure Amendments to the City's General Fund
Operating Budget for Fiscal Year 2022

RECITALS

A. On November 9, 2021, the City of Mequon adopted its Operating Budget for Fiscal Year 2022, in a total amount of \$18,027,140, by approving Ordinance No. 2021-1604.

B. The City of Mequon has experienced unforeseen circumstances due to the high inflationary environment and proposes issuing a one-time inflationary bonus to all permanent full-time and part-time staff which results in revenue and expenditure amendments to the Fiscal Year 2022 Operating budget.

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

SECTION I

Ordinance No. 2021-1604, which adopted the City of Mequon Operating Budget for the Fiscal Year 2022 is hereby amended as detailed in Attachment 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 ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.

SECTION IV

This Ordinance shall become effective immediately upon its approval and adoptions, as provided by law.

Approved by: Andrew Nerbun, Mayor

Date Approved: November 9, 2022

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, 2022.

Caroline Fochs, City Clerk

Published: _____

ATTACHMENT A: 2022 GENERAL FUND BUDGET AMENDMENT DETAIL

Org Description	Category	Account	Original Budget	Amendment	Amended Budget
Fund Balance	Revenue Reduction	110000-458303	190,750	95,106	285,856
Fund Balance Total			190,750	95,106	285,856
Total Revenue Amendments			190,750	95,106	285,856
Admin	Salaries	110111-670101	205,685	1,500	207,185
Admin	Social Security	110111-673101	14,443	112	14,555
Admin	Retirement	110111-673102	13,370	98	13,468
Admin Total			233,498	1,710	235,208
Clerks	Salaries	110112-670101	186,785	2,250	189,035
Clerks	Social Security	110112-673101	13,278	168	13,446
Clerks	Retirement	110112-673102	12,142	146	12,288
Clerks Total			212,205	2,565	214,770
IT	Salaries	110117-670101	101,365	750	102,115
IT	Social Security	110117-673101	7,526	56	7,582
IT	Retirement	110117-673102	5,525	49	5,574
IT Total			114,416	855	115,271
Finance	Salaries	110118-670101	248,940	2,250	251,190
Finance	Social Security	110118-673101	17,409	168	17,577
Finance	Retirement	110118-673102	16,181	146	16,327
Finance Total			282,530	2,565	285,095
Assessor	Salaries	110119-670101	42,994	750	43,744
Assessor	Social Security	110119-673101	3,033	56	3,089
Assessor	Retirement	110119-673102	2,794	49	2,843
Assessor Total			48,821	855	49,676
HR	Salaries	110120-670101	143,761	1,500	145,261
HR	Social Security	110120-673101	10,903	112	11,015
HR	Retirement	110120-673102	9,272	97	9,369
HR Total			163,936	1,710	165,646
Police	Salaries	110235-670101	3,585,416	30,750	3,616,166
Police	Social Security	110235-673101	295,448	2,301	297,749
Police	Retirement	110235-673102	474,968	3,631	478,599
Police Total			4,355,832	36,682	4,392,514
Fire/EMS	Salaries	110236-670101	741,104	6,000	747,104
Fire/EMS	Social Security	110236-673101	118,741	449	119,190
Fire/EMS	Retirement	110236-673102	126,461	683	127,144
Fire/EMS Total			986,306	7,132	993,438
Communications	Salaries	110237-670101	387,613	5,250	392,863
Communications	Social Security	110237-673101	30,826	393	31,219
Communications	Retirement	110237-673102	26,725	341	27,066
Communications Total			445,164	5,984	451,148
Inspections	Salaries	110244-670101	330,131	3,000	333,131
Inspections	Social Security	110244-673101	23,052	224	23,276
Inspections	Retirement	110244-673102	21,459	195	21,654
Inspections Total			374,642	3,420	378,062
Buildings	Salaries	110326-670101	172,215	1,500	173,715
Buildings	Social Security	110326-673101	11,860	112	11,972
Buildings	Retirement	110326-673102	11,195	97	11,292
Buildings Total			195,270	1,710	196,980
Fleet	Salaries	110355-670101	194,519	2,250	196,769
Fleet	Social Security	110355-673101	13,701	168	13,869
Fleet	Retirement	110355-673102	12,643	146	12,789
Fleet Total			220,863	2,565	223,428
Engineering	Salaries	110358-670101	350,480	4,500	354,980
Engineering	Social Security	110358-673101	24,451	337	24,788
Engineering	Retirement	110358-673102	22,348	293	22,641
Engineering Total			397,279	5,129	402,408
Highway	Salaries	110359-670101	1,001,798	12,750	1,014,548
Highway	Social Security	110359-673101	70,860	954	71,814

Attachment: Attachment A: 2022 Budget Amendment 10.31.22 (ORDINANCE 2022-1634 : Ordinance Amending the 2022 Budget)

ATTACHMENT A: 2022 GENERAL FUND BUDGET AMENDMENT DETAIL					
Org Description	Category	Account	Original Budget	Amendment	Amended Budget
Highway	Retirement	110359-673102	62,954	829	63,783
Highway Total			1,135,612	14,533	1,150,145
Forestry	Salaries	110363-670101	109,273	1,500	110,773
Forestry	Social Security	110363-673101	7,292	112	7,404
Forestry	Retirement	110363-673102	6,311	98	6,409
Forestry Total			122,876	1,710	124,586
Parks	Salaries	110474-670101	309,444	2,250	311,694
Parks	Social Security	110474-673101	21,378	168	21,546
Parks	Retirement	110474-673102	17,952	146	18,098
Parks Total			348,774	2,565	351,339
Community Development	Salaries	110578-670101	317,917	3,000	320,917
Community Development	Social Security	110578-673101	22,994	224	23,218
Community Development	Retirement	110578-673102	20,664	195	20,859
Community Development Total			361,575	3,419	364,994
Total Expenditure Amendments			9,999,599	95,106	10,094,705



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Office of Public Welfare Committee

TO: Common Council
FROM: Laurie Miller, Planner
DATE: November 9, 2022
SUBJECT: ORDINANCE 2022-1635 An Ordinance Amending Chapter 10 of the Mequon Municipal Code, Specifically Section 10-55(a) of the Building Code, Related to Survey Requirements for a Building Permit

Background

Staff is proposing a text amendment to change survey requirements for building permits in an effort to reduce project delays and placing unnecessary costs on to property owners. The proposed changes will provide flexibility for staff to accept accurate but “older surveys” on a case-by-case basis for those properties eligible for exemption to the new survey rule.

Analysis

Section 10-55 requires all surveys to be prepared and certified no more than one year prior to the issuance of a building permit. Requiring a new survey is standard practice for projects such as new home construction, large additions, and properties with wetlands, floodplain, steep slopes, and easements on them. Characteristics found on surveys rarely change unless there are new structures added to the site; wetlands, floodplain, and steep slopes are present; or when easements or other legal encumbrances have been placed on the property. Often times, requiring a one-year-old plat versus an accurate plat has very little impact on the approval of projects.

Staff regularly receives complaints and cancellations for building permit applications due to the additional costs and project delays the one-year plat rule generates. A new survey can cost a property owner between hundreds to several thousands of dollars depending on the details the current ordinance requires on a plat, the dimensions, and existing conditions of the property. The price of a new plat for projects such as small sheds and fences can sometimes cost the homeowner more money than the project itself. It can also take several weeks to have a survey completed, delaying the building permit review process and construction.

Staff has developed the proposed changes to provide flexibility and accept accurate but older surveys on a case-by-case basis. The text amendment notes conditions where the property owner would not be eligible for relief from the new survey rule. Other proposed changes to the text remove requirements that are usually not needed to complete a review of a building permit application.

Fiscal Impact

The text amendment is fiscally neutral.

Recommendation

A recommendation is forthcoming from the Public Welfare Committee on November 9, 2022.

Attachments:

Exhibit A: Track Changes Version of Proposed Text Amendment (DOCX)

Exhibit B: Clean Version of Proposed Text Amendment (DOCX)

COMMON COUNCIL
OF THE
CITY OF MEQUON

ORDINANCE 2022-1635

An Ordinance Amending Chapter 10 of the Mequon Municipal Code, Specifically Section 10-55(a) of the Building Code, Related to Survey Requirements for a Building Permit

RECITALS

A. The Common Council has previously adopted Chapter 10 of the Mequon Municipal Code

B. Public Welfare Committee recommended approval of the changes to Section 10.55 on the 9th day of November 2022.

C. The Common Council, having reviewed the regulations related to such survey requirements, has determined that the City should adopt specific standards as show in Exhibit A.

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

SECTION I

Section 10-55(a) of the Mequon Municipal Code, which establishes requirements for surveys, is amended as per Exhibit A.

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: Andrew Nerbun, Mayor

Date Approved: November 9, 2022

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, 2022.

Caroline Fochs, City Clerk

Published: _____

Exhibit A: Section 10-55(a) Track Changes Version for the Proposed Text Amendment

(a) Survey. Any building permit application that involves a new building or structure, or exterior changes to the size of an existing building or structure, shall include be required to submit a new plat of survey. The survey shall be prepared and certified by a surveyor registered by the state. The survey shall provide, at a minimum, the following information and is subject to verification: ~~The survey shall be prepared and certified by a surveyor registered by the state; shall be made in no case prior to one year prior to the issuance of a building permit; and shall bear the date of the survey. The certified survey shall also show the following:~~

(1) Legal description and drawing showing the boundaries of the property and size of the premises, giving the subdivision name, lot and block number if located in an approved subdivision.

(2) Location and size of all existing and proposed structures, including septic systems and wells, and structures and wells on adjacent lots located within 50 feet.

(3) Dimensions of the lot.

(4) Dimensions showing all setbacks of existing and proposed buildings on the lot.

~~(5) Proposed grade of the proposed structure, to city data.~~

~~(6) Elevation of existing and proposed finished grades at the building line at the proposed structure, of the ground surface and the filter bed area, of the ground surface approximately 40 feet to the front, rear and sides of the proposed structure, of the centerline of the road adjacent to lot corners, and the location and elevation of all structures on adjacent properties. Additional elevations may be required by the building inspector.~~

~~(7) Grade and setback of adjacent buildings. If adjacent lot is vacant, submit elevation of nearest buildings on the same side of the road.~~

~~(8) On lots served by sanitary sewer and survey shall show the location, rim elevation and invert elevation at the two manholes nearest to the property.~~

~~(9) Type of monuments at each corner of the lot.~~

~~(510)~~ Drainage easements and public utility easements in existence on the property.

~~(611)~~ Watercourses or existing drainage ditches.

~~(712)~~ Seal and signature of the surveyor.

(8) Date of survey.

Some surveys may require additional information based on the unique characteristics of the property and project as determined by the Community Development Director or designee.

In lieu of a new survey, an existing survey that is accurate to the number and size of existing buildings and structures, easements or other legal encumbrances, and matches the current lot configuration may be allowed on a case-by-case basis for non-commercial residential projects as determined by the Community Development Director or designee. Residential projects that meet the following conditions are not eligible for an exemption of submitting a new survey:

- (1) New home construction projects.
- (2) Projects that are in proximity to an existing wetland.
- (3) The property contains frontage on the Lake Michigan bluff or other topographic areas with slopes that are equal to or greater than 12 percent.
- (4) The property is located within the 100-yr floodplain.
- (5) Other projects where it is difficult to ascertain from the current survey, compliance with all setbacks, offsets, and other technical requirements.

Exhibit 2: Section 10-55(a) Proposed Text Amendment

(a) *Survey.* Any building permit application that involves a new building or structure or exterior changes to the size of an existing building or structure shall include a new plat of survey. The survey shall be prepared and certified by a surveyor registered by the state. The survey shall provide, at a minimum, the following information and is subject to verification:

- (1) Legal description and drawing showing the boundaries of the property and size of the premises, giving the subdivision name, lot and block number if located in an approved subdivision.
- (2) Location and size of all existing and proposed structures, including septic systems and wells, and structures and wells on adjacent lots located within 50 feet.
- (3) Dimensions of the lot.
- (4) Dimensions showing all setbacks of existing and proposed buildings on the lot.
- (5) Drainage easements and public utility easements in existence on the property.
- (6) Watercourses or existing drainage ditches.
- (7) Seal and signature of the surveyor.
- (8) Date of survey.

Some surveys may require additional information based on the unique characteristics of the property and project as determined by the Community Development Director or designee.

In lieu of a new survey, an existing survey that is accurate to the number and size of existing buildings and structures, easements or other legal encumbrances, and matches the current lot configuration may be allowed on a case-by-case basis for non-commercial residential projects as determined by the Community Development Director or designee. Residential projects that meet the following conditions are not eligible for an exemption of submitting a new survey:

- (1) New home construction projects.
- (2) Projects that are in proximity to an existing wetland.
- (3) The property contains frontage on the Lake Michigan bluff or other topographic areas with slopes that are equal to or greater than 12 percent.
- (4) The property is located within the 100-yr floodplain.
- (5) Other projects where it is difficult to ascertain from the current survey, compliance with all setbacks, offsets, and other technical requirements.



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Office of Sewer Utility District Commission

TO: Common Council
FROM: Jennifer Engroff, Finance Director
DATE: October 28, 2022
SUBJECT: ORDINANCE 2022-1632 An Ordinance Appropriating the Necessary Funds from the City of Mequon's Sewer Utility District for the Year 2023 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 2023 capital charge payment to MMSD and the 2023 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 2022. 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 2023 estimated MMSD capital charge is projected to be \$4,604,759 which is 6.2% lower than 2022 due to a shift in their expenditures from capital to operating. This reallocation of costs allows for a sizable increase to the City of Mequon's Capital Funding without making a respective change to the levy. Projections from MMSD indicate that expected billing rates for 2024 through 2028 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 2014) is as follows:

Year	Existing Debt Service
2023	\$1,861,756
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

The remaining levy capacity of \$1,249,786 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 2023 appropriation for the Sewer Utility District is as follows:

2022 Sewer Levy (Payable in 2023)	
Estimated 2022 MMSD Capital Charge (net)	\$4,149,989
City of Mequon Capital Debt Service Requirements (net)	\$1,814,181
Capital Improvement Projects	<u>\$1,249,786</u>
Total	<u>\$7,213,956</u>

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>

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)
2022	\$1.59 (Proposed Estimate)
2021	\$1.62
2020	\$1.81
2019	\$1.81
2018	\$1.94
2016	\$1.89
2015	\$1.90
2014	\$1.88
2013	\$1.76
2012	\$1.79

Fiscal Impact

Under the proposed tax levy for 2022 that is payable in 2023, a Mequon home located in the Sewer Utility District assessed at \$450,000, will pay approximately \$715 in utility taxes, which represents a 1.9% decrease from prior year. The proposed tax rate represents a decrease from a year ago, in order to maintain the same levy to ensure that the City does not exceed the combined

City/Sewer tax levy limit statutory requirement.

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 2023 capital charge payment to MMSD and the 2023 City of Mequon capital debt service requirements.

COMMON COUNCIL
OF THE
CITY OF MEQUON

ORDINANCE 2022-1632

An Ordinance Appropriating the Necessary Funds from the City of Mequon's Sewer Utility District for the Year 2023 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 2023, 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 2022 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: Andrew Nerbun, Mayor

Date Approved: November 9, 2022

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, 2022.

Caroline Fochs, City Clerk

Published: _____



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Office of Administration

TO: Common Council
FROM: Justin Schoenemann, Assistant City Administrator
DATE: October 3, 2022
SUBJECT: ORDINANCE 2022-1630 An Ordinance Amending Section 2-216(10) of the Mequon Municipal Code, Increasing the Annual Carry-Over Limit for Paid-Time-Off Amongst Non-Represented Employees from 40 Hours to 80 Hours

Background

Section 2-216(10) of the Mequon Municipal Code governs the amount of paid-time-off (PTO) non-represented employees can annually carryover from one fiscal year to the next. The current limit is 40 hours. Staff is proposing to increase the limit to 80 hours, in order to afford employees with the ability to bank time for an extended vacation or leave of absence necessitated by medical or other reasons (e.g., surgery, childbirth, caring for a sick family member, etc.).

Fiscal Impact

There is no fiscal impact to the City. Annual budget salary accounts include funds to finance PTO or payouts of such time earned by employees upon separation or retirement.

Recommendation

On October 11, 2022, the Finance-Personnel Committee approved a recommendation in favor of adopting the proposed ordinance amendment by a vote of 3-0.

COMMON COUNCIL
OF THE
CITY OF MEQUON

ORDINANCE 2022-1630

An Ordinance Amending Section 2-216(10) of the Mequon Municipal Code, Increasing the Annual Carry-Over Limit for Paid-Time-Off Amongst Non-Represented Employees from 40 Hours to 80 Hours

RECITALS

A. The Common Council previously established the Personnel Code, which governs all non-represented employees in the City of Mequon.

B. The Common Council, having reviewed the annual carry-over limit for paid-time-off (PTO), has determined that the City should adjust the maximum number of PTO hours employees may carry over from 40 hours to 80 hours per year.

SECTION I

Section 2-216 (10) of the Mequon Municipal Code is hereby amended to read as follows (NOTE: Deleted text is ~~struck through~~; Added text is **bolded and double-underlined**):

Employees will be allowed to carry over a maximum of ~~40~~**80** hours of paid time off from one fiscal year to the next.

SECTION II

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

SECTION III

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

SECTION IV

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

Approved by: Andrew Nerbun, Mayor

Date Approved: November 9, 2022

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, 2022.

Caroline Fochs, City Clerk

Published: _____



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Office of Fire/Ambulance

TO: Common Council
FROM: David Bialk, Fire Chief
DATE: November 1, 2022
SUBJECT: RESOLUTION 3992 A Resolution Approving the FY2023 Southern Ozaukee Fire & Emergency Medical Services Department Operating and Capital Budgets

Background

The 2023 Southern Ozaukee Fire and Emergency Medical Services (SOFD) budget was recommended for approval at the October 6, 2022 meeting of the City's Appropriations Committee. The budget was created using a Financial Forecast (Exhibit B) approved with an Inter-governmental Agreement between the City of Mequon and the Village of Thiensville last spring. The base budget was projected out five years and included a gradual increase in career members over those five years to provide for more adequate staffing. The 2023 budget relies significantly on revenues from ambulance transports, fire inspection fees and other non-tax levy revenues totaling over 50% of the budget. With the merger of the Mequon and Thiensville Fire Department's into the SOFD, this budget will be administered separately from the two municipalities' general operating and capital budgets.

Attached to this staff report are three exhibits - A & B:

- Exhibit A: Recommended 2023 SOFD Budget
- Exhibit B: Mequon-Thiensville Joint Fire/EMS Financial Forecast: 2022-2027

Analysis

The 2023 SOFD budget (Exhibit A) is comprised of two parts: property taxes and user fees/revenues. The property tax portion of the budget amounts to \$1,592,055 split between the two communities 84.43% for Mequon and 15.57% for Thiensville, per the Inter-governmental Agreement (IGA). The user fees/revenues side of the budget makes up the other \$1,855,168 or 53.8% of the budget. The 2023 budget allows for the hiring of four additional full-time firefighter/paramedics and establishes a \$100,000 reserve balance. In 2023, the SOFD Board will discuss the capital budget, liquidating unnecessary equipment, equipment repairs, and the rental of facilities. The aforementioned IGA specifies that each governing board must formally approve the SOFD's annual budget each year by November 15 of the preceding fiscal year.

Fiscal Impact

The proposed FY2023 SOFD budget for Mequon and Thiensville breaks out as shown:

Operating Revenues	\$ 1,855,168			
Total Expenditures	\$ 3,447,223			

Net Operations	<u>\$ (1,592,055)</u>			
84.43%	\$ (1,334,417)	Mequon Levy Contribution		
15.57%	\$ 247,882)	Thiensville Levy Contribution		

Recommendation

The recommended FY2023 budget was approved by the SOFD Board of Directors on September 21 and the City's Appropriations Committee on October 6, 2022.

Attachments:

Recommended 2023 SOFD Budget (PDF)

Mequon-Thiensville Joint Fire/EMS Financial Forecast: 2022-2027 (April 7, 2022) (PDF)

COMMON COUNCIL
OF THE
CITY OF MEQUON

RESOLUTION 3992

A Resolution Approving the FY2023 Southern Ozaukee Fire & Emergency Medical Services
Department Operating and Capital Budgets

RECITALS

A. The City of Mequon and the Village of Thiensville entered into the Southern Ozaukee Fire and Emergency Medical Services Agreement (the “Agreement”), an intergovernmental agreement that provides for the creation and operation of the Southern Ozaukee Fire and Emergency Medical Services Department (“SOFD”).

B. The Agreement requires that the operating and capital budgets of the SOFD be approved by the governing bodies of the City and Village by November 15 of each year.

C. The SOFD Board of Directors has prepared, approved and recommended an annual operating and capital budgets for the next fiscal year.

BASED ON THE FOREGOING RECITALS, IT IS RESOLVED by the Common Council of the City of Mequon, Wisconsin, that the SOFD operating and capital budgets for the 2023 fiscal year, as recommended by the SOFD Board of Directors and the City’s Appropriations Committee, are approved.

Approved by: Andrew Nerbun, Mayor

Date Approved: November 9, 2022

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, 2022.

Caroline Fochs, City Clerk

Exhibit A
Southern Ozaukee Fire & EMS
2023 Budget
All Funds
Summary of Revenues & Expenditures

Summary of Revenues

Source	Mequon 2022 Budget	Thiensville 2022 Budget	Combined 2022 Budget	SOFD 2023 Budget
Intergovernmental Charges for Services				
City of Mequon	\$ 1,308,413	\$ -	\$ 1,308,413	1,344,172
Village of Thiensville	-	207,767	207,767	247,883
City of Mequon Capital Allocation	110,000	-	110,000	118,202
Village of Thiensville Capital Allocation	-	28,100	28,100	21,798
Total Intergovernmental Charges for Services	\$ 1,418,413	\$ 235,867	\$ 1,654,280	\$ 1,732,055
Non-Property Tax Revenue:				
Intergovernmental Revenue	\$ 193,000	\$ 16,000	\$ 209,000	\$ 538,085
Regulation & Compliance	25,700	-	25,700	72,085
Public Charges for Services	700,000	160,000	860,000	1,244,998
Total Non-Property Tax Revenue:	\$ 918,700	\$ 176,000	\$ 1,094,700	\$ 1,855,168
Total Revenue	\$ 2,337,113	\$ 411,867	\$ 2,748,980	\$ 3,587,223

Summary of Expenditures

Department	Mequon 2022 Budget	Thiensville 2022 Budget	Combined 2022 Budget	2023 Budget
Salaries & Wages	\$ 1,529,519	\$ 211,650	\$ 1,741,169	\$ 2,144,950
Fringe Benefits	363,116	38,902	402,018	615,338
Personnel Services	54,150	27,000	81,150	91,246
Contractual Services	76,462	27,281	103,743	111,525
Commodities	67,815	48,445	116,260	107,365
Equipment Maintenance	98,361	30,489	128,850	105,113
Property & Liability Insurance	37,690	-	37,690	103,080
Unclassified - Transfers	-	-	-	168,606
Capital Projects Fund	110,000	28,100	138,100	140,000
Total Expenditures	\$ 2,337,113	\$ 411,867	\$ 2,748,980	\$ 3,587,223

Beginning Fund Balance	\$ -
Annual Income / (Loss)	-
Transfer from / (to) other funds	-
Applied Budget Surplus	-
Ending Fund Balance	\$ -

Attachment: Recommended 2023 SOFD Budget (RESOLUTION 3992 : FY 2023 SOFD Budget)

Southern Ozaukee Fire EMS
2023 Budget
General Fund
Summary of Revenues and Expenditures

Summary of Revenues

Source	Mequon 2022 Budget	Thiensville 2022 Budget	Combined 2022 Budget	SOFD 2023 Budget
Intergovernmental Charges for Services				
City of Mequon	\$ 1,308,413	\$ -	\$ 1,308,413	1,344,172
Village of Thiensville	-	207,767	207,767	247,883
Total Intergovernmental Charges for Services	\$ 1,308,413	\$ 207,767	\$ 1,516,180	\$ 1,592,055
Non-Property Tax Revenue:				
Intergovernmental Revenue	\$ 193,000	\$ 16,000	\$ 209,000	\$ 538,085
Regulation & Compliance	25,700	-	25,700	72,085
Public Charges for Services	700,000	160,000	860,000	1,244,998
Total Non-Property Tax Revenue:	\$ 918,700	\$ 176,000	\$ 1,094,700	\$ 1,855,168
Total Revenue	\$ 2,227,113	\$ 383,767	\$ 2,610,880	\$ 3,447,223

Summary of Expenditures

Department	Mequon 2022 Budget	Thiensville 2022 Budget	Combined 2022 Budget	2023 Budget
Salaries & Wages	\$ 1,529,519	\$ 211,650	\$ 1,741,169	\$ 2,144,950
Fringe Benefits	363,116	38,902	402,018	615,338
Personnel Services	54,150	27,000	81,150	91,246
Contractual Services	76,462	27,281	103,743	111,525
Commodities	67,815	48,445	116,260	107,365
Equipment Maintenance	98,361	30,489	128,850	105,113
Property & Liability Insurance	37,690	-	37,690	103,080
Unclassified - Transfers	-	-	-	168,606
Total General Fund Expenditures	\$ 2,227,113	\$ 383,767	\$ 2,610,880	\$ 3,447,223

Attachment: Recommended 2023 SOFD Budget (RESOLUTION 3992 : FY 2023 SOFD Budget)

Southern Ozaukee Fire EMS
2023 Budget
General Fund
Detailed Revenues (continued)

Account Name	Mequon 2022 Budget	Thiensville 2022 Budget	Combined 2022 Budget	SOFD 2023 Budget
Intergovernmental Charges for Services				
## ## ## ## ## City of Mequon	\$ 1,308,413	\$ -	\$ 1,308,413	\$ 1,344,172
## ## ## ## ## Village of Thiensville	-	207,767	207,767	247,883
Total Intergovernmental Charges for Services	1,308,413	207,767	1,516,180	1,592,055
Intergovernmental Revenue				
Grants & Aids				
## ## ## ## ## ARPA Local Recovery Funds	-	-	-	300,000
## ## ## ## ## Fire Insurance Dues (2%)	193,000	16,000	209,000	224,847
## ## ## ## ## EMS Funding Assistance Program	-	-	-	13,238
Total Intergovernmental Revenues	193,000	16,000	209,000	538,085
Account Name	Mequon 2022 Budget	Thiensville 2022 Budget	Combined 2022 Budget	SOFD 2023 Budget
Regulation & Compliance				
Permits				
## ## ## ## ## Burn Permits	\$ 11,500	\$ -	\$ 11,500	\$ 15,725
## ## ## ## ## Fire Fees (plan review, sprinkler, hydro testing)	4,200	-	4,200	7,122
## ## ## ## ## Fire Inspections	-	-	-	30,000
## ## ## ## ## Other Fire Prevention Fees	-	-	-	8,000
Total Permits	15,700	-	15,700	60,847
Other				
## ## ## ## ## Accident Fees	\$ 8,000	\$ -	\$ 8,000	\$ 8,538
## ## ## ## ## False Alarms	2,000	-	2,000	2,700
Total Other	10,000	-	10,000	11,238
Total Regulation & Compliance	25,700	-	25,700	72,085
Account Name	Mequon 2022 Budget	Thiensville 2022 Budget	Combined 2022 Budget	SOFD 2023 Budget
Public Charges for Services				
Protection-Persons & Property				
## ## ## ## ## Ambulance Revenue	\$ 700,000	\$ 130,000	\$ 830,000	\$ 1,207,498
## ## ## ## ## Paramedic Intercept (Cedarburg)	-	30,000	30,000	37,500
Total Protection-Persons & Property	700,000	160,000	860,000	1,244,998
Total Public Charges for Services	700,000	160,000	860,000	1,244,998
Total General Fund Revenue	\$ 2,227,113	\$ 383,767	\$ 2,610,880	\$ 3,447,223

Attachment: Recommended 2023 SOFD Budget (RESOLUTION 3992 : FY 2023 SOFD Budget)

Southern Ozaukee Fire EMS
2023 Budget
General Fund
Detailed Expenditures (continued)

**Protection Property & Persons
Fire & EMS**

Account Name	Mequon 2022 Budget	Thiensville 2022 Budget	Combined 2022 Budget	SOFD 2023 Budget
Personnel				
### ### # Fire Chief	\$ 136,962	\$ 20,200	\$ 157,162	\$ 141,091
### ### # Deputy Chief	108,637	-	108,637	111,896
### ### # Battalion Chiefs	283,926	-	283,926	292,444
### ### # Captains	-	-	-	84,460
### ### # Fire Fighter/Paramedics	171,573	-	171,573	677,636
### ### # Administrative Assistant	22,006	-	22,006	29,467
### ### # Interns	18,000	-	18,000	42,000
### ### # Paid on Premise	291,883	-	291,883	281,160
### ### # Paid on Call (Pay for EMS Calls)	263,795	191,450	455,245	105,600
### ### # Fire Call Pay	89,600	-	89,600	102,400
### ### # On Call Pay	25,475	-	25,475	38,688
### ### # FSLA Pay	13,000	-	13,000	47,072
### ### # Holiday Pay	6,462	-	6,462	71,536
### ### # Training Pay	93,000	-	93,000	100,000
### ### # Vehicle Checks	5,200	-	5,200	19,500
Total Salaries and Wages	1,529,519	211,650	1,741,169	2,144,950
Fringe Benefits				
### ### # FICA	118,741	15,560	134,301	164,089
### ### # Health Insurance	114,232	10,500	124,732	228,625
### ### # Dental Insurance	1,346	400	1,746	10,086
### ### # Life Insurance/Disability Insurance	2,336	100	2,436	5,389
### ### # Wisconsin Retirement	126,461	12,342	138,803	207,149
Total Fringe Benefits	363,116	38,902	402,018	615,338
Personnel Services				
### ### # Dues & Subscriptions	\$ 1,050	\$ 4,000	\$ 5,050	\$ 5,050
### ### # Meetings & Conferences	-	1,000	1,000	1,000
### ### # Training	31,800	9,000	40,800	36,000
### ### # Uniforms	19,800	5,500	25,300	35,451
### ### # Preemployment Examinations	-	2,500	2,500	7,745
### ### # Recruitment	-	5,000	5,000	4,500
### ### # Books and Periodicals	1,500	-	1,500	1,500
Total Personnel Services	54,150	27,000	81,150	91,246
Contractual Services				
### ### # Legal Services	\$ -	\$ 100	\$ 100	\$ 14,000
### ### # Financial Services	-	-	-	7,100
### ### # IT Services	24,962	-	24,962	17,975
### ### # Billing Services	41,400	10,000	51,400	72,450
### ### # Miscellaneous	10,100	17,181	27,281	-
Total Contractual Services	76,462	27,281	103,743	111,525

Attachment: Recommended 2023 SOFD Budget (RESOLUTION 3992 : FY 2023 SOFD Budget)

Southern Ozaukee Fire EMS
2023 Budget
General Fund
Detailed Expenditures (continued)

Account Name	Mequon 2022 Budget	Thiensville 2022 Budget	Combined 2022 Budget	SOFD 2023 Budget
Commodities				
### ###-#-### Office Supplies	\$ 1,650	\$ 1,000	\$ 2,650	\$ 1,650
### ###-#-### Telecommunications	10,665	3,000	13,665	12,535
### ###-#-### Printing/Copy Machine Supplies	100	575	675	3,280
### ###-#-### Postage	400	70	470	400
### ###-#-### Cleaning Supplies	-	1,000	1,000	-
### ###-#-### Air & Oxygen	5,700	2,300	8,000	8,000
### ###-#-### Protective Gear	4,000	5,000	9,000	9,000
### ###-#-### Chemicals	-	1,000	1,000	-
### ###-#-### Fire Prevention	-	1,500	1,500	-
### ###-#-### Medical Supplies	45,300	33,000	78,300	72,500
Total Commodities	67,815	48,445	116,260	107,365
Total Fire & EMS	2,091,062	353,278	2,444,340	3,070,424

**Protection Property & Persons
Equipment Maintenance**

Account Name	Mequon 2022 Budget	Thiensville 2022 Budget	Combined 2022 Budget	SOFD 2023 Budget
Maintenance				
### ###-#-### Equipment Repairs/Small Tools	\$ 35,650	\$ 10,000	\$ 45,650	\$ 40,000
### ###-#-### Truck Maintenance	31,400	10,000	41,400	40,000
### ###-#-### Radio Maintenance	3,000	2,000	5,000	4,000
### ###-#-### Hoses	2,500	-	2,500	2,500
### ###-#-### Vehicle Maintenance (DPW)	-	2,989	2,989	-
### ###-#-### Fuel	24,011	5,500	29,511	16,813
### ###-#-### Building Maintenance	1,800	-	1,800	1,800
Total Maintenance	98,361	30,489	128,850	105,113
Total Equipment Maintenance	98,361	30,489	128,850	105,113

Attachment: Recommended 2023 SOFD Budget (RESOLUTION 3992 : FY 2023 SOFD Budget)

Southern Ozaukee Fire EMS
2023 Budget
General Fund
Detailed Expenditures (continued)

**Protection Property & Persons
Property & Liability Insurance**

Account Name	Mequon 2022 Budget	Thiensville 2022 Budget	Combined 2022 Budget	SOFD 2023 Budget
Insurance				
### ###-#-### General Liability Insurance	\$ 900	\$ -	\$ 900	\$ 33,051
### ###-#-### Property Insurance	-	-	-	1,000
### ###-#-### Vehicle Insurance	21,000	-	21,000	20,765
### ###-#-### Workers Compensation Insurance	15,790	-	15,790	46,224
### ###-#-### EAP	-	-	-	2,040
Total Insurance	37,690	-	37,690	103,080
Total Property & Liability Insurance	37,690	-	37,690	103,080

**Protection Property & Persons
Unclassified**

Account Name	Mequon 2022 Budget	Thiensville 2022 Budget	Combined 2022 Budget	SOFD 2023 Budget
Unclassified				
### ###-#-### Contingency	-	-	-	168,606
Total Unclassified	-	-	-	168,606
Total General Fund Expenditures	\$ 2,227,113	\$ 383,767	\$ 2,610,880	\$ 3,447,223

Attachment: Recommended 2023 SOFD Budget (RESOLUTION 3992 : FY 2023 SOFD Budget)

Southern Ozaukee Fire EMS
 2023 Budget
 Capital Projects Fund
 Summary of Revenues and Expenditures

Summary of Revenues

Source	Mequon 2022 Budget	Thiensville 2022 Budget	Combined 2022 Budget	SOFD 2023 Budget
Intergovernmental Charges for Services				
City of Mequon Capital Allocation	110,000	-	110,000	118,202
Village of Thiensville Capital Allocation	-	28,100	28,100	21,798
Total Intergovernmental Charges for Services	110,000	28,100	138,100	140,000
Total Revenue	\$ 110,000	\$ 28,100	\$ 138,100	\$ 140,000

Summary of Expenditures

Department	Mequon 2022 Budget	Thiensville 2022 Budget	Combined 2022 Budget	SOFD 2023 Budget
Fire Department	110,000	28,100	138,100	-
Unclassified	-	-	-	140,000
Total Capital Equipment Expenditures	\$ 110,000	\$ 28,100	\$ 138,100	\$ 140,000
Beginning Fund Balance				\$ -
Annual Income / (Loss)				-
Ending Fund Balance				\$ -

Attachment: Recommended 2023 SOFD Budget (RESOLUTION 3992 : FY 2023 SOFD Budget)

Southern Ozaukee Fire EMS
2023 Budget
Capital Projects Fund
Detailed Revenues

Account Name	Mequon 2022 Budget	Thiensville 2022 Budget	Combined 2022 Budget	SOFD 2023 Budget
Intergovernmental Charges for Services				
###-###-###-### City of Mequon Capital Allocation	\$ 110,000	\$ -	\$ 110,000	\$ 118,202
###-###-###-### Village of Thiensville Capital Allocation	-	28,100	28,100	21,798
Total Intergovernmental Charges for Services	110,000	28,100	138,100	140,000

Account Name	Mequon 2022 Budget	Thiensville 2022 Budget	Combined 2022 Budget	SOFD 2023 Budget
Other Financing Sources				
###-###-###-### Sale of Property	\$ -	\$ -	\$ -	\$ -
###-###-###-### Sale of Vehicles	-	-	-	-
###-###-###-### Sale of Equipment	-	-	-	-
###-###-###-### Transfer from Other Funds	-	-	-	-
Total Other Financing Sources	-	-	-	-
Total Capital Projects Revenue	\$ 110,000	\$ 28,100	\$ 138,100	\$ 140,000

Attachment: Recommended 2023 SOFD Budget (RESOLUTION 3992 : FY 2023 SOFD Budget)

Southern Ozaukee Fire EMS
 2023 Budget
 Capital Projects Fund
 Detailed Expenditures (continued)

Account Name		Mequon 2022 Budget	Thiensville 2022 Budget	Combined 2022 Budget	SOFD 2023 Budget
Fire Department					
###-###-###-###	Office Equipment	\$ -	\$ 6,500	\$ 6,500	\$ -
###-###-###-###	Vehicles	100,000	-	100,000	-
###-###-###-###	Equipment	10,000	9,600	19,600	-
###-###-###-###	Radios	-	2,000	2,000	-
###-###-###-###	Fire Apparatus	-	-	-	-
###-###-###-###	Other	-	10,000	10,000	-
Total Fire Department - Capital		110,000	28,100	138,100	-
Unclassified					
###-###-###-###	Contingency	-	-	-	140,000
Total Unclassified - Capital		-	-	-	140,000
Account Name		Mequon 2022 Budget	Thiensville 2022 Budget	Combined 2022 Budget	SOFD 2023 Budget
Other Financing Uses					
###-###-###-###	Transfer to Other Funds	\$ -	\$ -	\$ -	\$ -
Total Other Financing Uses		-	-	-	-
Total Capital Fund Expenditures		\$ 110,000	\$ 28,100	\$ 138,100	\$ 140,000

Attachment: Recommended 2023 SOFD Budget (RESOLUTION 3992 : FY 2023 SOFD Budget)

MEQUON-THIENSVILLE JOINT FIRE/EMS FINANCIAL FORECAST: 2022-2027 (April 7, 2022)

EXPENDITURES							
Position	Hours	2022	2023	2024	2025	2026	2027
Fire Chief	40/Week	\$185,878	\$191,454	\$197,198	\$203,114	\$209,207	\$215,483
Deputy Fire Chief	40/Week	\$138,848	\$143,013	\$147,304	\$151,723	\$156,275	\$160,963
Administrative Assistant	26/Week	\$38,045	\$39,186	\$40,362	\$41,573	\$42,820	\$44,104
Battalion Chief	2,920/Year	\$114,747	\$118,189	\$121,735	\$125,387	\$129,149	\$133,023
Battalion Chief	2,920/Year	\$136,616	\$140,715	\$144,936	\$149,284	\$153,763	\$158,376
Battalion Chief	2,920/Year	\$132,320	\$136,290	\$140,379	\$144,590	\$148,928	\$153,395
Captain (Intercept Program/Swing BC)	40 Hours/Week	\$106,955	\$110,164	\$113,469	\$116,873	\$120,379	\$123,991
Firefighter/Paramedic (Mequon Conversion)	2,920/Year	\$84,223	\$92,412	\$101,188	\$110,632	\$120,558	\$129,687
Firefighter/Paramedic (Mequon Conversion)	2,920/Year	\$108,820	\$117,630	\$120,624	\$124,242	\$127,970	\$131,809
Firefighter/Paramedic (Mequon Conversion)	2,920/Year	\$108,820	\$117,630	\$120,624	\$124,242	\$127,970	\$131,809
Firefighter/Paramedic (M-T Merger)	2,920/Year	\$84,223	\$92,412	\$101,188	\$110,632	\$120,558	\$129,687
Firefighter/Paramedic (M-T Merger)	2,920/Year	\$96,522	\$105,019	\$114,142	\$123,979	\$127,698	\$131,529
Firefighter/Paramedic (M-T Merger)	2,920/Year	\$109,614	\$118,111	\$127,234	\$137,071	\$141,183	\$145,419
Firefighter/Paramedic (Ozaukee County)	2,920/Year		\$98,622	\$107,665	\$114,141	\$120,623	\$124,242
Firefighter/Paramedic (Ozaukee County)	2,920/Year		\$98,622	\$107,665	\$114,141	\$120,623	\$110,707
Firefighter/Paramedic (Ozaukee County)	2,920/Year		\$111,714	\$120,757	\$127,234	\$133,715	\$137,727
Firefighter/Paramedic (Year 2 Hires)	2,920/Year			\$101,188	\$107,665	\$114,141	\$120,623
Firefighter/Paramedic (Year 2 Hires)	2,920/Year			\$101,188	\$107,665	\$114,141	\$120,623
Firefighter/Paramedic (Year 2 Hires)	2,920/Year			\$114,281	\$120,757	\$127,234	\$133,715
Firefighter/Paramedic (Year 3 Hires)	2,920/Year				\$103,960	\$110,632	\$117,302
Firefighter/Paramedic (Year 3 Hires)	2,920/Year				\$103,960	\$110,632	\$117,302
Firefighter/Paramedic (Year 3 Hires)	2,920/Year				\$117,053	\$123,724	\$130,395
Firefighter/Paramedic (Year 4 Hires)	2,920/Year					\$106,816	\$113,687
Firefighter/Paramedic (Year 4 Hires)	2,920/Year					\$106,816	\$113,687
Firefighter/Paramedic (Year 4 Hires)	2,920/Year					\$119,909	\$126,780
Firefighter/Paramedic (Year 5 Hires)	2,920/Year						\$109,757
Firefighter/Paramedic (Year 5 Hires)	2,920/Year						\$109,757
Firefighter/Paramedic (Year 5 Hires)	2,920/Year						\$122,850
Paid on Premises 24/7/365		\$349,472	\$352,933				
Paid on Call 24/7/365		\$127,768					
Paid on Call 24/7/365		\$127,768	\$131,601	\$135,549	\$139,616		
Paid on Call 24/7/365		\$127,768	\$131,601	\$135,549	\$139,616	\$143,804	
Fire Call Pay		\$102,400	\$102,400	\$102,400	\$102,400	\$102,400	\$102,400
Training		\$100,000	\$103,000	\$106,090	\$90,000	\$92,700	\$95,481
Vehicle Checks		\$19,500	\$20,085	\$20,688	\$21,308	\$21,947	
Combined Operating Budget		\$383,319	\$390,985	\$398,805	\$406,781	\$414,917	\$423,215
Interns		\$30,000	\$30,900	\$31,827	\$32,782	\$33,765	\$34,778
Worker's Compensation Insurance		\$15,790	\$16,264	\$16,752	\$17,254	\$17,772	\$18,305
Long Term Disability		\$750	\$773	\$796	\$820	\$844	\$869
Total		\$2,830,166	\$3,111,725	\$3,191,582	\$3,630,494	\$3,963,613	\$4,273,478

Attachment: Mequon-Thiensville Joint Fire/EMS Financial Forecast: 2022-2027 (April 7, 2022) (RESOLUTION 3992 : FY 2023 SOFD Budget)

MEQUON-THIENSVILLE JOINT FIRE/EMS FINANCIAL FORECAST: 2022-2027 (April 7, 2022)

REVENUES							
Mequon	2021	2022	2023	2024	2025	2026	2027
Ambulance Revenue (Fees)	\$753,441	\$700,000	\$735,000	\$771,750	\$810,338	\$850,854	\$893,397
Paramedic Intercepts	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Fire Insurance Dues (2%)	\$189,529	\$198,247	\$207,367	\$216,906	\$226,883	\$237,320	\$248,237
Funding Assistance Fees	\$7,550	\$7,650	\$7,750	\$7,850	\$7,950	\$8,050	\$8,150
Burn Permits*	\$12,580	\$12,580	\$15,725	\$15,725	\$15,725	\$15,725	\$15,725
Accident Fees*	\$7,245	\$7,390	\$7,538	\$7,688	\$7,842	\$7,999	\$8,159
Fire Fees (Plan Review, Sprinkler Inspections)*	\$6,982	\$7,122	\$7,264	\$7,409	\$7,558	\$7,709	\$7,863
False Alarms*	\$2,700	\$2,700	\$2,700	\$2,700	\$2,700	\$2,700	\$2,700
Sub-Total	\$980,027	\$935,689	\$983,344	\$1,030,028	\$1,078,996	\$1,130,357	\$1,184,231
Thiensville	2021	2022	2023	2024	2025	2026	2027
Ambulance Revenue (Fees)	\$137,680	\$144,564	\$151,792	\$159,382	\$167,351	\$175,718	\$184,504
Paramedic Intercepts	\$35,778	\$37,567	\$39,445	\$41,418	\$43,488	\$45,663	\$47,946
Fire Insurance Dues (2%)	\$15,976	\$16,711	\$17,480	\$18,284	\$19,125	\$20,004	\$20,925
Funding Assistance Fees	\$5,488	\$5,488	\$5,488	\$5,488	\$5,488	\$5,488	\$5,488
Burn Permits	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Accident Fees	\$0	\$0	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000
Fire Fees (Plan Review, Sprinkler Inspections)	\$0	\$0	\$0	\$0	\$0	\$0	\$0
False Alarms	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Other (e.g., Fundraising)*							
Sub-Total	\$194,922	\$204,330	\$215,205	\$225,572	\$236,452	\$247,873	\$259,863
Combined Revenue Total (Non-Tax)	\$1,174,949	\$1,140,019	\$1,198,549	\$1,255,600	\$1,315,448	\$1,378,230	\$1,444,094
Tax-Supported Revenue Requirement		\$1,690,147	\$1,913,175	\$1,935,982	\$2,315,046	\$2,585,383	\$2,829,383
TOTAL REVENUE		\$2,830,166	\$3,111,725	\$3,191,582	\$3,630,494	\$3,963,613	\$4,273,478
TOTAL EXPENDITURES		\$2,830,166	\$3,111,725	\$3,191,582	\$3,630,494	\$3,963,613	\$4,273,478
NET		\$0	\$0	\$0	\$0	\$0	\$0
Add Ozaukee County Grant Funding		\$100,000	\$100,000	\$100,000	\$150,000	\$150,000	\$150,000
Grant-Adjusted Tax Revenue Requirement		\$1,590,147	\$1,813,175	\$1,835,982	\$2,165,046	\$2,435,383	\$2,679,383
Mequon Share (84.4%)		\$1,342,561	\$1,530,864	\$1,550,119	\$1,827,948	\$2,056,194	\$2,262,203
Thiensville Share (15.6%)		\$247,586	\$282,311	\$285,862	\$337,098	\$379,189	\$417,180
Notes:							
Figures presented annually for all full-time positions include: base salary, FICA, Medicare, health/dental/life insurance, WRS retirement, and holiday compensation (for non-management staff)							
Full-time salary figures presented in years 2023-2027 include a 3% annual wage adjustment, as well as step increases for firefighter/paramedics (pursuant to current labor contract provisions)							
Ozaukee County Grant Funding (\$750,000) based upon one community (either Mequon or Thiensville) receiving the amount available to individual municipalities (as of 4/6/22)							

Attachment: Mequon-Thiensville Joint Fire/EMS Financial Forecast: 2022-2027 (April 7, 2022) (RESOLUTION 3992 : FY 2023 SOFD Budget)



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Office of Administration

TO: Common Council
FROM: William Jones, City Administrator
DATE: November 3, 2022
SUBJECT: RESOLUTION 3993 A Resolution Designating the Allocation of \$2,550,000 in Proceeds Received by the City of Mequon from the American Rescue Plan Act

Background

On March 11, 2021, President Biden signed into law the American Rescue Plan Act (ARPA), a \$1.9 trillion economic stimulus bill that provided \$350 billion for states, municipalities, counties, tribes and territories, including \$130 billion for local governments split evenly between municipalities and counties. Since passage of this bill, the City has received a total of \$2.55 million across two installments received in mid-2021 and mid-2022.

Originally, these one-time proceeds were to be used to offset unforeseen expenses attributable to COVID-19, or spending directly related to water, sewer or broadband infrastructure projects. In follow-up guidance provided by the U.S. Treasury Department earlier this spring, a 'Standard Deduction' was established in the amount of \$10 million. This allows governments of any size, to forego the process of calculating COVID-related revenue losses below \$10 million, and to more freely utilize ARPA proceeds to fund general government services and/or projects.

Accordingly, City staff has worked over the last six months to develop a proposed spending plan for the use of Mequon's ARPA proceeds over the next few years. The plan, a copy of which is attached, has been a topic of discussion during the Common Council's recent meetings related to development of the City's 2023 budget. In sum, it accounts for any COVID-related expenses already incurred, recognizes budgetary allocations during fiscal years 2022 and 2023, and contains funding for a number of one-time projects intended to further the City's pursuit of five key focus areas identified during a strategic planning process conducted earlier this year.

Analysis

As indicated in the following table, the \$2.55 million in funding has been broadly allocated across four of the City's five key focus areas. Non-budgeted funds which have already been spent, equivalent to nearly \$63,000, are included under the key focus area titled Financial Stewardship. Additionally, a small portion of the funds, equivalent to approximately \$105,000 (4%), remain undesignated at the present time. As previously indicated, these remaining proceeds are available for smaller, one-time projects or initiatives, such as temporary staffing /internships, meeting room upgrades, etc. Most recently, \$22,000 was used to fund completion of a periodic compensation analysis of all non-represented positions across the organization.

Item	Amount
------	--------

Key Focus Area: Capital/Infrastructure	
County Line/Port Washington Roads - New Traffic Signal	\$325,000
Space Needs Planning - City Facilities	\$25,000
Sub-Total:	\$350,000
Key Focus Area: Information Technology/Customer Service	
On-line Inspections & Permitting (Land Management System)	\$425,000
▪ Centralized Database Development	\$100,000
Implementation of Four Financial System Modules & Training	\$150,000
Electronic Poll Books	\$90,000
Police Department - Recording Equipment	\$15,000
Sub-Total:	\$780,000
Key Focus Area: Financial Stewardship	
Fiscal Year 2022 Budget Allocation	\$200,000
Fiscal Year 2023 Budget Allocation	\$200,000
Fiscal Year 2024 Budget Allocation	\$65,000
Weyenberg Library (Including \$37,217 Spent on COVID-19)	\$150,000
Funds Already Spent by City (COVID-19, Compensation Analysis)	\$25,653
Undesignated	\$104,347
Sub-Total:	\$745,000
Key Focus Area: Quality of Life	
Lemke Park Pavilion Expansion	\$350,000
City Brush City Automation	\$250,000
Civic Campus Master Planning	\$75,000
Sub-Total:	\$675,000
TOTAL:	\$2,550,000

Notably, many of the projects referenced above are included in the City's Capital Budget that was contained within the Proposed 2023 Budget presented to the Appropriations Committee on October 6. Subsequently, the Appropriations Committee approved a recommendation by a vote of 7-2 to approve the Proposed 2023 Budget, which is also on the November 9 Common Council agenda for adoption.

Fiscal Impact

As indicated, the City received \$2.55 million in funds from the American Recovery Plan Act during 2021 and 2022. The accompanying resolution approves the City's allocation of these funds amongst various projects and spending categories in the amount of \$2,550,000. Any expenditure of these funds that exceeds the \$25,000 spending threshold will require future approval by the Common Council. Additionally, Finance Department staff will also be responsible for filing annual reports with the U.S. Treasury Department, detailing how available monies have been spent. Pursuant to the Act's provisions, all funds received must be formally programmed by December 31, 2024, and spent by no later than December 31, 2026.

The accompanying resolution authorizes Finance Department staff to allocate the available funds as necessary, to the corresponding budgetary accounts.

Recommendation

A recommendation is forthcoming from the Finance-Personnel Committee on November 9, 2022.

Attachments:

American Rescue Plan Act Funding Allocations (PPTX)

COMMON COUNCIL
OF THE
CITY OF MEQUON

RESOLUTION 3993

A Resolution Designating the Allocation of \$2,550,000 in Proceeds Received by the City of Mequon from the American Rescue Plan Act

RECITALS

A. In connection with passage of the American Rescue Plan Act (ARPA) in 2021, the City of Mequon received a total of \$2.55 million in available funds.

B. The available funds, which were originally designated to assist in offsetting the economic impacts associated with the COVID-19 pandemic (e.g., COVID-related expenses, lost revenue, etc.) are now available for other uses by units of government receiving less than \$10 million.

C. In accordance with further guidance from the U.S. Treasury Department, the City's total of \$2.55 million must be allocated by December 31, 2024, and spent by December 31, 2026.

D. In connection with development of the City's 2023 Operating and Capital budgets, the attached City of Mequon ARPA Spending Plan (Exhibit A) has been prepared by City staff and was subsequently recommended for approval by the Mequon Common Council, in its role as the City's Appropriations Committee.

BASED UPON THE FOREGOING RECITALS, IT IS RESOLVED by the Common Council of the City of Mequon, Wisconsin that the attached City of Mequon ARPA Spending Plan is hereby adopted, and the Finance Director is authorized to distribute the available funds as necessary, in accordance with the corresponding allocations contained therein.

Approved by: Andrew Nerbun, Mayor

Date Approved: November 9, 2022

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, 2022.

Caroline Fochs, City Clerk

CAPITAL/ INFRASTRUCTURE		IT/CUSTOMER SERVICE		FINANCIAL STEWARDSHIP		QUALITY OF LIFE	
ITEM	COST	ITEM	COST	ITEM	COST	ITEM	COST
County Line Traffic Light	\$325K	Land Mgmt. System	\$425K	2022 Budget	\$200K	Lemke Park Pavilion	\$350K
Space Needs Assessment	\$25K	Central Database	\$100K	2023 Budget	\$200K	Brush Site	\$250K
		MUNIS Modules (4)	\$100K	2024 Budget	\$65K	Civic Campus Plan	\$75K
		MUNIS Training	\$50K	Library	\$150K		
		Police Phone Recorder	\$15K	Covid/Staffing /Other	\$130K		
		E-Poll Books	\$90K				
TOTAL	\$350K	TOTAL	\$780K	TOTAL	\$745K	TOTAL	\$675K
GRAND TOTAL: \$2,550,000							



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Office of Administration

TO: Common Council
FROM: Justin Schoenemann, Assistant City Administrator
DATE: November 1, 2022
SUBJECT: RESOLUTION 3994 A Resolution Adopting the 2023 Compensation Plan for Non-Represented Employees

Background

The 2023 General Fund Budget to be adopted by the Common Council at its November 9 meeting provides for a 3% 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 2023 Compensation Plan adjusts all classified pay ranges by a factor of 3%. All staff who successfully complete a performance review before year-end will receive the full 3% cost of living adjustment in 2023.

Furthermore, the 2023 salary structure has been updated to account for changes to the City's public safety staffing. The merger of 911 Emergency Dispatch Services with Ozaukee County resulted in the removal of the Dispatcher position and the creation of the Administrative Clerk position for the Police Department. Additionally, the Fire Chief, Deputy Chief, and Battalion Chief positions have been removed in light of the Fire Department's merger with the Village Thiensville's Fire Department to form the Southern Ozaukee Fire Department effective on the first of next year. The new Department will have a separate salary structure. The proposed Compensation Plan is the first attachment appended to this memo.

Lastly, the current compensation study is on schedule to be completed later this month. The results will be presented in December. Subsequently, staff will be bringing forward the study's findings to the Finance-Personnel Committee for discussion and implementation in the new year. It is anticipated that an updated compensation plan will then be forwarded from the Finance-Personnel Committee to the Common Council for approval.

Fiscal Impact

The fiscal impact of a 3% wage adjustment will result in an overall increase in personnel wages and associated payroll taxes equivalent to that amount. There is no other financial impact associated with the 3% cost-of-living adjustment.

Recommendation

A recommendation is forthcoming from the Finance-Personnel Committee on November 9, 2022.

Attachments:

Exhibit A: 2023 Compensation Plan (PDF)

COMMON COUNCIL
OF THE
CITY OF MEQUON

RESOLUTION 3994

A Resolution Adopting the 2023 Compensation Plan for Non-Represented Employees

RECITALS

A. The Finance-Personnel Committee has reviewed and recommended to the Common Council the 2023 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.

BASED UPON THE FOREGOING RECITALS, IT IS RESOLVED, by the Common Council of the City of Mequon, Wisconsin, that the 2023 Compensation Plan for non-represented employees is approved.

Approved by: Andrew Nerbun, Mayor

Date Approved: November 9, 2022

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, 2022.

Caroline Fochs, City Clerk

Attachment A
CITY OF MEQUON, WISCONSIN
FY2023 EMPLOYEE COMPENSATION PLAN

Pay Grades	2023 Pay Ranges					JOB POSITION
	Minimum	Q1	Midpoint	Q3	Maximum	
1	\$29,213	\$31,791	\$34,369	\$36,946	\$39,524	CUSTODIAN
2	\$31,551	\$34,335	\$37,119	\$39,903	\$42,687	
3	\$34,075	\$37,081	\$40,088	\$43,094	\$46,101	
4	\$36,801	\$40,048	\$43,295	\$46,542	\$49,789	
5	\$39,746	\$43,253	\$46,760	\$50,266	\$53,773	
6	\$42,924	\$46,712	\$50,500	\$54,288	\$58,075	ACCOUNTING ASSISTANT ADMINISTRATIVE SECRETARY ADMINISTRATIVE CLERK ASSESSMENT TECHNICIAN DEPUTY CLERK DISPATCHER HUMAN RESOURCES COORDINATOR PERMIT COORDINATOR RECORDS CLERK UTILITY CLERK
7	\$46,359	\$50,449	\$54,540	\$58,630	\$62,720	
8	\$50,068	\$54,486	\$58,903	\$63,321	\$67,739	BUILDINGS MAINTENANCE WORKER EXECUTIVE ASSISTANT FORESTRY WORKER HIGHWAY EQUIPMENT OPERATOR HIGHWAY WORKER HIGHWAY/PARKS WORKER MECHANIC PARKS WORKER SEWER WORKER
9	\$54,074	\$58,845	\$63,616	\$68,386	\$73,157	ENGINEERING TECHNICIAN I HIGHWAY FOREMAN SEWER FOREMAN

Attachment: Exhibit A: 2023 Compensation Plan (RESOLUTION 3994 : 2023 Compensation Plan)

Attachment A

**CITY OF MEQUON, WISCONSIN
FY2023 EMPLOYEE COMPENSATION PLAN**

Pay Grades	2023 Pay Ranges					JOB POSITION
	Minimum	Q1	Midpoint	Q3	Maximum	
10	\$58,398	\$63,551	\$68,704	\$73,857	\$79,010	ADMINISTRATIVE COORDINATOR ENGINEERING FIELD COORDINATOR ENGINEERING TECHNICIAN II INSPECTOR PUBLIC SAFETY IT SPECIALIST PLANNER
11	\$63,071	\$68,636	\$74,201	\$79,767	\$85,332	ASSISTANT FINANCE DIRECTOR
12	\$68,116	\$74,126	\$80,136	\$86,146	\$92,156	BUILDINGS SUPERINTENDENT FLEET SUPERINTENDENT HIGHWAY SUPERINTENDENT INSPECTIONS SUPERVISOR SEWER SUPERINTENDENT PARKS & FORESTRY SUPERINTENDENT INFORMATION TECHNOLOGY MANAGER
13	\$74,686	\$80,897	\$87,108	\$93,319	\$99,530	
14	\$79,451	\$86,461	\$93,471	\$100,482	\$107,492	~~BATTALION CHIEF~~
15	\$81,518	\$90,161	\$98,804	\$107,447	\$116,091	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	\$92,670	\$100,848	\$109,025	\$117,202	\$125,380	
17	\$107,877	\$116,394	\$124,911	\$133,429	\$141,946	DIRECTOR OF COMMUNITY DEVELOPMENT DIRECTOR OF PUBLIC WORKS FINANCE DIRECTOR ~~FIRE CHIEF~~ POLICE CHIEF
18	Established by Employment Contract					CITY ADMINISTRATOR

Attachment: Exhibit A: 2023 Compensation Plan (RESOLUTION 3994 : 2023 Compensation Plan)



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Office of Administration

TO: Common Council
FROM: Justin Schoenemann, Assistant City Administrator
DATE: November 1, 2022
SUBJECT: RESOLUTION 3995 A Resolution Approving an Engagement Letter for the Provision of Labor & Employment Legal Services with von Briesen & Roper, s.c., Madison, Wisconsin, During the Period January 1, 2023 - December 31, 2024

Background

In July of 2020, staff issued a Request-for-Proposals (RFP) for Labor and Employment Legal Services. The RFP's primary genesis was to ensure the City is receiving quality services at a competitive rate. Previously, the City had not bid out its labor and employment legal services contract for at least a decade, if not longer. During that time, Buelow Vetter, LLC had provided labor and employment legal services to the City. Based on the RFP process, client references, and experience, the City transitioned to von Briesen & Roper, s.c., Attorney Kyle Gulya, for labor and employment legal services. Attorney Gulya has been practicing law since 2004 and has experience in employment and labor-related issues, including regulatory compliance, collective bargaining, antidiscrimination practices, contractual and workplace policy matters, and personnel management. The City's two-year engagement agreement with von Briesen & Roper, s.c., is set to conclude in December of this year.

Analysis

Attorney Gulya has provided the City with excellent service through multiple collective bargaining agreement negotiations, advises on Wisconsin's Public Records Law and Open Meetings Law, assisted with complex employment matters and crisis situations. Additionally, it should be noted that Attorney Gulya assisted the City early on during the COVID-19 pandemic with the development and application of personnel policies in response to the Families First Coronavirus Response Act and with the development of emergency leave benefits to support emergency responders. Based on the previously mentioned experience with Attorney Gulya, it is staff's recommendation to enter into a successor agreement with Attorney Gulya for labor and employment legal services.

Fiscal Impact

If approved, the attached agreement will govern the period from January 1, 2023, through December 31, 2024. Attorney Gulya's rate will rise from \$295 to \$315, which is approximately a 7% increase. The increase is due to City staff negotiating a 2-year rate lock in 2020 while the majority of other clients saw rate increases over the last two years. The proposed agreement includes a not-to-exceed increase to \$325 in the second year. The City incurs costs based on services rendered. In 2022, the City allocated \$10,000 for labor legal services.

Furthermore, the City will see a reduction in anticipated personnel expenses with the Fire Department assuming its costs in 2023 as part of the merger with the Village of Thiensville Fire Department. The Southern Ozaukee Fire & EMS Department will utilize the same firm as the City for operational synergies. The City's 2023 annual budget includes \$10,000, which are sufficient to support the continued engagement with Attorney Gulya.

Recommendation

A recommendation is forthcoming from the Finance-Personnel Committee on November 9, 2022.

Attachments:

Engagement letter - 10 11 2022 (PDF)

COMMON COUNCIL
OF THE
CITY OF MEQUON

RESOLUTION 3995

A Resolution Approving an Engagement Letter for the Provision of Labor & Employment Legal Services with von Briesen & Roper, s.c., Madison, Wisconsin, During the Period January 1, 2023 - December 31, 2024

RECITALS

A. The City completed a Request For Proposals (RFP) to select a firm to provide labor and employment legal services to the City of Mequon in 2020, and thereafter, determined that contracting with Attorney Kyle J. Gulya from von Briesen & Roper, s.c. was in the best interests of, and value to, the organization.

B. Based on the high quality of services rendered by Attorney Gulya over the last two years and the hourly rates submitted for the next two years, it is staff's recommendation that the Finance-Personnel Committee authorize the engagement of Attorney Kyle J. Gulya from von Briesen & Roper, s.c. for another two-year term.

C. On November 9, 2022, the Finance-Personnel Committee forwarded a favorable recommendation to the Common Council.

BASED UPON THE FOREGOING RECITALS, IT IS RESOLVED by the Common Council of the City of Mequon, Wisconsin that City staff be authorized to execute the enclosed engagement letter with von Briesen & Roper, s.c. for labor and legal employment services and to engage Attorney Kyle J. Gulya as the City's primary labor counsel for the period of January 1, 2023 - December 31, 2024.

Approved by: Andrew Nerbun, Mayor

Date Approved: November 9, 2022

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, 2022.

Caroline Fochs, City Clerk

TAGLaw International Lawyers

Kyle J. Gulya
 Direct Telephone
 608-316-3177
 kgulya@vonbriesen.com

VIA EMAIL TO jschoenemann@ci.mequon.wi.us

October 5, 2022

City Administrator William Jones
 Assistant City Administrator Justin Schoenemann
 City Attorney Brian Sajdak
 City of Mequon
 11333 N. Cedarburg Road
 Mequon, WI 53092

Re: Engagement of Service and Waiver of Conflicts

Dear Administrator Jones and Attorney Sajdak:

Thank you for asking von Briesen & Roper, s.c. (the “Firm”) to continue representing the City of Mequon (the “City”). We look forward to working with you and thought it best to set out in writing the terms and conditions upon which we will provide legal services. The purpose of this letter is to articulate and confirm those terms and conditions.

SCOPE OF SERVICES

As attorneys, we owe certain professional obligations to our clients. With respect to the matter set forth in this letter, you have asked the Firm to represent the City in connection with labor and employment matters and other related matters for which the City requests our legal advice. We understand that you may request additional services in the future and the terms of this letter will govern those services.

RESPONSIBILITIES

In reliance upon information and guidance provided by you, we will provide legal services and assistance in accordance with this letter.

FEES FOR LEGAL SERVICES

Our fees for legal services rendered to the City will be based on the amount of time required and the hourly rates of the attorneys and paralegals who render the services. Our billing rates for the attorneys and paralegals we anticipate will be working on behalf of the City are \$315.00 per hour for 2023 and will not exceed the rate of \$325.00 per hour for 2024. These rates will be periodically

Attachment: Engagement letter - 10 11 2022 (RESOLUTION 3995 : Labor Services)

City Administrator William Jones
Assistant City Administrator Justin Schoenemann
City Attorney Brian Sajdak
October 5, 2022
Page 2

adjusted thereafter to reflect increased efficiency, skills and cost increases. The adjusted rates will apply to all services performed thereafter.

LIMITED LIABILITY

von Briesen & Roper, s.c., is a limited liability entity under Wisconsin law. This means that if we fail to perform our duties in our representation of the City, and that failure causes the City damages, our Firm and any shareholder(s) directly involved in the representation may be responsible to the City for those damages, but the Firm's other shareholders will not be personally responsible.

Our professional liability insurance exceeds the minimum amounts required by the Wisconsin Supreme Court for limited liability entities of our size.

COMMUNICATION BY E-MAIL

Our firm primarily communicates with its clients via unencrypted internet e-mail, and this will be the way in which we communicate with you. While unencrypted e-mail is convenient and fast, there is risk of interception, not only within our internal networks and the systems used by internet service providers, but elsewhere on the internet and in the systems of our clients and their internet service providers.

FILE RETENTION AND DESTRUCTION

In accordance with our records retention policy, most paper and electronic records that we maintain are subject to a 10-year retention period from the last matter activity date or whatever date we deem appropriate. Extended retention periods may apply to certain types of matters or pursuant to your specific directives.

After the expiration of the applicable retention period, we will destroy the records without further notice to you, unless you notify us otherwise. At the conclusion of your matter, you may opt to retrieve your records from our Firm. We are happy to accommodate you in this regard.

GENERAL PROVISIONS

Enclosed is a statement entitled "General Provisions" setting forth additional terms and conditions which are incorporated into this letter and apply to our representation to the extent they are not inconsistent with the terms of this letter.

We are pleased to have this opportunity to be of service to the City. If at any time during the course of our representation you have any questions or comments about our costs, services, or any aspect of how we provide services, please do not hesitate to call me.

Attachment: Engagement letter - 10 11 2022 (RESOLUTION 3995 : Labor Services)

City Administrator William Jones
 Assistant City Administrator Justin Schoenemann
 City Attorney Brian Sajdak
 October 5, 2022
 Page 3

POTENTIAL CONFLICTS OF INTEREST AND WAIVER

We are a relatively large law firm and we represent many companies, government entities, and individuals. The City understands that the Firm represents clients who may have interests adverse to the City in a wide variety of matters (including zoning, financing, environmental, real estate, traffic, ordinance compliance, condemnation, tax and litigation against the City, in which the City has separate counsel); that the Firm's ability to represent the City for the aforementioned matters identified in this letter is not limited by the representation of the other clients in such other matters, and that the City waives all current and future conflicts in those enumerated areas up to and including litigation against the City in those areas.

Your signature on this letter confirms our understanding that nothing in this engagement shall preclude the Firm from representing the interests of its other clients or any related entities in the future, in matters other than the aforementioned matters, and in the event the interests of these related entities become adverse at some point to the City, the City has agreed that nothing in this engagement shall prohibit the Firm, at the election of those related entities, from representing those related entities in connection with those matters, provided that the attorneys involved in those representations are different.

If you have any questions pertaining to this matter, then please contact me. On behalf of our firm, thank you for the opportunity to represent the City.

Very truly yours,

von BRIESEN & ROPER, s.c.



Kyle J. Gulya

I have read the above letter and I am authorized on behalf of the City of Mequon to consent to services by von Briesen & Roper, s.c. as outlined in this letter.

By: _____
 _____, Authorized Representative

Date: _____

Attachment: Engagement letter - 10 11 2022 (RESOLUTION 3995 : Labor Services)

von Briesen & Roper, s.c.

GENERAL PROVISIONS

Except as modified by the accompanying engagement letter, the following provisions will apply to the relationship between von Briesen & Roper, s.c., and our clients:

- (1) The time for which a client will be charged will include, but will not be limited to, telephone and office conferences with a client, a client's representatives, counsel, witnesses, consultants, court personnel, and others with whom we communicate to handle a matter; conferences among our personnel; factual investigation; legal research; responding to clients' requests to provide information to auditors in connection with reviews or audits of financial statements; drafting letters, pleadings, briefs, and other documents; travel time; waiting time in court or elsewhere; and time in depositions and other discovery proceedings.
- (2) Clients are responsible for payment to reimburse us for costs incurred in performing services such as messenger and delivery, air freight, computerized research, videotape recording, travel (including mileage, parking, airfare, lodging, meals, and ground transportation), court costs, and filing fees. To the extent we directly provide any of these services, we reserve the right to adjust the amount we charge, at any time or from time to time, as we deem appropriate, in light of our direct costs, our estimated overhead allocable to the services, and outside competitive rates. Unless special arrangements are made, fees and expenses of others (such as experts, investigators, witnesses, consultants, and court reporters) and other large disbursements will not be paid by our firm and will be the responsibility of, and billed directly to, the client.
- (3) We may, on occasion, furnish estimates of fees or charges we anticipate will be incurred on a client's behalf, these estimates are by their nature inexact. We are not bound by any estimates except as expressly set forth in the engagement letter or otherwise agreed to by us in writing.
- (4) Fees, disbursements, and other charges will be billed monthly and are payable upon presentation. We expect prompt payment.
- (5) A client shall have the right at any time to terminate our services and representation upon written notice to the firm. Such termination shall not, however, relieve the client of the obligation to pay for all services rendered and disbursements and other charges made or incurred on behalf of the client prior to the date of termination.

- (6) We reserve the right to withdraw from our representation with the client's consent or for good cause. Good cause may include the client's failure to honor the terms of the engagement letter, the client's failure to pay amounts billed in a timely manner, the client's failure to cooperate or follow our advice on a material matter, or any fact or circumstance that would, in our view, impair an effective attorney-client relationship or would render our continuing representation unlawful or unethical. If we elect to do so, the client will take all steps necessary to free us of any obligation to perform further, including the execution of any documents (including forms for substitution of counsel) necessary to complete our withdrawal, and we will be entitled to be paid for all services rendered and disbursements and other charges made or incurred on behalf of the client prior to the date of withdrawal.

38768394_1.DOCX

Attachment: Engagement letter - 10 11 2022 (RESOLUTION 3995 : Labor Services)



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: November 1, 2022
SUBJECT: RESOLUTION 3996 A Resolution Authorizing Execution of the Fifteenth-Amended Agreement for Operation of the Mid-Moraine Municipal Court Through April 30, 2051

Background

In 2010, the City of Mequon became a member of the Mid-Moraine Municipal Court System (MMMCS), a consortium of 16 municipalities that was founded nearly fourteen years ago as part of an effort to establish an efficient and convenient forum for the adjudication of local ordinance violations within participating communities. As the consortium has grown to accept additional members since its founding in 1991, an intergovernmental agreement that governs the administration of the court system has been amended each time, to the point that the MMMCS is presently governed by a fourteenth-amended version of the agreement that originally established the Court. The current agreement is set to expire on April 30, 2051, and it should be noted that it allows member municipalities to withdraw from the MMMCS with proper notice, should a community not wish to participate through the agreement's full term.

Analysis

More recently, the Court received requests from the Town of Polk, the Town of West Bend, and the Big Cedar Lake Protection and Rehabilitation District to join the MMMCS. Based on the three requests and the Court's analysis, the additional workload is within the Court's ability to manage with current resources and poses no concern. The Court's Administrative Committee, which is comprised of representatives from each member municipality, has unanimously approved a motion to amend the current agreement for the addition of all three organizations.

Furthermore, if approved, the amended agreement will allow administrative officers to serve a three-year term instead of the current two-year term and provides the President with the flexibility to appoint members to the Nominating Committee as needed instead of by February 15 of each year.

Fiscal Impact

Adding three more organizations stands to benefit the City of Mequon. If approved, there will be three additional member organizations paying for the Court's operational and capital costs. All three new organizations will have to pay the Court a start-up fee over three years to fund the MMMCS's costs to expand its scope of work to their respective jurisdictions. Lastly, the proposed agreement includes a clause that all communities must pay at least 0.25% of the Court's cost annually to ensure that organizations who might not have a case in a given year still support the administrative and capital costs of the Court.

A copy of the fifteenth-amended agreement with changes recommended by the Administrative Committee is enclosed for review.

Recommendation

A recommendation from the Finance-Personnel Committee is forthcoming on November 9, 2022.

Attachments:

15th Amended Agreement (PDF)

COMMON COUNCIL
OF THE
CITY OF MEQUON

RESOLUTION 3996

A Resolution Authorizing Execution of the Fifteenth-Amended Agreement for Operation of the
Mid-Moraine Municipal Court Through April 30, 2051

RECITALS

A. The City of Mequon has entered into an intergovernmental agreement for its participation in the Mid-Moraine Municipal Court System. The current agreement will expire on April 30, 2051.

B. The City of Mequon is one of the current sixteen municipalities that jointly comprise the Mid-Moraine Municipal Court. The other municipalities included in the agreement are: City of Cedarburg, Village of Grafton, City of Hartford, Town of Hartford, Village of Fredonia, Village of Jackson, Village of Kewaskum, Village of Germantown, Village of Newburg, City of Port Washington, Village of Saukville, Village of Slinger, Village of Thiensville, Town of Trenton, and City of West Bend.

C. The attached amendment to the intergovernmental agreement providing for the inclusion of the Town of Polk, the Town of West Bend, and the Big Cedar Lake Protection and Rehabilitation District, as well as the proposed administrative changes, has hereby been endorsed by the Finance-Personnel Committee.

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

1. The Fifteenth Amended Agreement for the Operation of the Mid-Moraine Municipal Court 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.

Approved by: Andrew Nerbun, Mayor

Date Approved: November 9, 2022

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, 2022.

Caroline Fochs, City Clerk

~~FOURTEENTH~~FIFTEENTH-AMENDED AGREEMENT
FOR THE OPERATION OF THE
MID-MORAINÉ MUNICIPAL COURT
(§66.0301, *Wisconsin Statutes*)

This Agreement is entered into by and between the City of Cedarburg, Village of Germantown, Village of Grafton, City of Hartford, Town of Hartford, Village of Fredonia, Village of Jackson, Village of Kewaskum, City of Mequon, Village of Newburg, Town of Polk, City of Port Washington, Village of Saukville, Village of Slinger, Village of Thiensville, Town of Trenton, and City of West Bend, Town of West Bend, and Big Cedar Lake Protection and Rehabilitation District municipal corporations organized and existing under the laws of the State of Wisconsin hereinafter called the “Member Municipalities”. The Member Municipalities contract and agree as follows:

1. GENERAL. The Municipal Court shall be organized and shall operate pursuant to the *Wisconsin Statutes*, the ordinances adopted by the Member Municipalities, and the terms of this Agreement. In the event of conflicts, the provisions of the *Wisconsin Statutes* shall govern.
2. ORGANIZATION. Except for matters required by statutes to be determined by the respective governing bodies of Member Municipalities, the general operation of the court shall be by the Judge and the Court Administrative Committee.
3. COURT ADMINISTRATIVE COMMITTEE.
 - (a) **Composition**. The Court Administrative Committee shall be comprised of one representative of each Member Municipality, who shall be appointed by the mayor, president, or chairman of the Member Municipality, subject to confirmation by the municipality’s governing body. In order to assure participation and continuity of representation, each Member Municipality may provide for an alternate representative who shall act on committee matters in the absence of the representative. Neither the representative nor the alternative representative of a Member Municipality shall be a police officer for the municipality or an attorney representing the municipality.
 - (b) **Powers and Duties**. The Administrative Committee shall have general control over the operation of the court, except where such control is specifically granted to the Judge or the governing bodies by statute, in which case the Administrative Committee shall be a recommending agency. The Administrative Committee shall be responsible for the selection of the Clerk of the Municipal Court, subject to appointment by the Judge. The Administrative Committee shall recommend to the governing bodies for determination the salary of the Judge and the number and salary of the Clerks and/or Deputy Clerks. The Administrative Committee shall cause appropriate bank accounts to be established for the deposit of all fees, forfeitures, assessments, and costs paid into the court and shall adopt appropriate accounting procedures to ensure the proper handling of said funds. The Administrative Committee shall, with the assistance of the Clerk and Judge, prepare an annual budget for the operation of the court.
 - (c) **Procedure and Voting**. The Court Administrative Committee shall be governed by *Robert’s Rules of Order Revised*. A majority of the members of the committee shall constitute a quorum. A majority vote shall be required to adopt any motion or resolution.

- (d) **Voting Members.** The duly appointed and confirmed representative or alternate representative of each Member Municipality shall be a permanent voting member of the Court Administrative Committee.
- (e) **Officers.** The Officers of the Court Administrative Committee shall consist of a President, Vice President, Treasurer and Deputy Treasurer.
- (f) **Term.** Officers shall serve a term of ~~three~~ two years. No member may serve in the same office for more than one term, except the Treasurer and Deputy Treasurer who may serve for two consecutive terms. The term of office of each Officer shall begin on July 1 and end on June 30.
- (g) **Compensation.** Officers shall serve without compensation.
- (h) **Nominating Committee.** ~~On or before February 15 of each year, the~~ The President shall appoint a Nominating Committee consisting of three representatives on the Court Administrative Committee. The Nominating Committee shall endeavor to provide at least two candidates for each open seat, except the Nominating Committee need not find two candidates for a seat held by an incumbent that is seeking reelection.
- (i) **Election of Officers.** Officers shall be elected by the Court Administrative Committee at their Spring meeting.
- (j) **Vacancies.** Vacancies in any Officer position shall be filled by the Court Administrative Committee. Any person filling an unexpired term of an Officer may serve in that same capacity until June 30 when the term expires.
- (k) **Duties of the President.** The President shall preside at all meetings of the Court Administrative Committee; perform the duties customary to that office; appoint members of the standing committees; appoint such special committees as are necessary for the proper functioning of the Court Administrative Committee.
- (l) **Duties of the Vice President.** The Vice President shall act as President in the event of the President's absence or inability to serve and during any period in which the office of President is vacant. The Vice President shall become President after the President's term is completed.
- (m) **Duties of Treasurer.** The Treasurer shall act as Treasurer of the Court Administrative Committee; perform the duties customary to that office.
- (n) **Duties of Deputy Treasurer.** The Deputy Treasurer shall act as Treasurer in the event of the Treasurer's absence or inability to serve and during any period in which the office of Treasurer is vacant.

4. JUDGE'S SALARY. The salary of the Judge shall be set by a majority of the governing bodies of Member Municipalities of the Court Administrative Committee.
5. COURT PERSONNEL.
 - (a) **Clerk.** The selection of the Clerk of the Municipal Court shall be made by the Judge and Administrative Committee. The Clerk must be appointed by the Judge pursuant to *Wis. Stats.* §755.01 and §755.10.
 - (b) **Compensation.** The salary and fringe benefits of the Clerk and any other court personnel shall be established by a majority of the governing bodies of Member Municipalities of the Court Administrative Committee after recommendation of the committees.
 - (c) **Administration.** The Judge, Clerk and any other court personnel shall be employees of the Municipal Court.
6. FORFEITURES, FEES, PENALTY ASSESSMENTS, AND COSTS. All forfeitures, fees, penalty assessment, domestic abuse assessment, and costs paid to the Municipal Court under a judgment before the Municipal Judge shall be paid to the respective municipal treasurers within seven (7) days after receipt of the money by the Municipal Judge or other court personnel. At the time of the payment, the Municipal Judge shall report to the treasurers the title of the action, the offense for which a forfeiture was imposed, and the total amount of the forfeiture, fees, penalty assessment, domestic abuse assessments, and costs if any. The treasurers shall disburse the fees, costs, and assessment as provided in *Wis. Stats.* §§165.87(2), 167.31(5), 346.655(2), 814.65(1), and 973.055(2). All jail assessments paid to the Municipal Court under a judgment before the Municipal Judge shall be paid to the respective county treasurers within seven (7) days after receipt of the money by the Municipal Judge or other court personnel. The municipal portions of the court costs, as provided in §§814.65(1), shall be maintained in the Municipal Court operational account. Any excess revenue over budgeted expenditures shall be disbursed at the end of the fiscal year. All forfeitures shall be disbursed at least monthly to the Member Municipality for which judgment was entered.
7. BUDGET PROCESS.
 - (a) **Time and Approval.** The Clerk and the Judge shall submit a proposed budget to the Court Administrative Committee annually no later than November 15th of each year for the next succeeding year. Approval by a majority of all of the Administrative Committee members shall constitute approval of the budget.
 - (b) **Court Costs.** The local share of the court costs required to be collected pursuant to *Wis. Stats.* §814.65(1) shall be applied to the expenses of the court as determined in the budget. The local share shall not be credited to a Member Municipality's account.

- (c) **Expenses.** The net expenses, whether denominated start-up expenses, capital expenditures, operating expenses, or otherwise, and including those charged under ¶5, after application of the local share of court costs, shall be paid by the Municipal Court, which shall in turn charge each of the Member Municipalities its share. Each Member Municipality's share shall be determined as follows:
- (1) For the year 1991, the shares shall be proportional to the populations of the Member Municipalities as estimated by the Wisconsin Department of Administration for 1989.
 - (2) For the year 1992, the shares shall be proportional to the populations of the Member Municipalities as determined by the 1990 federal census.
 - (3) For the year 1993, the shares shall be proportional to the populations of the Member Municipalities as estimated by the Department of Administration for 1992.
 - (4) For each year thereafter, the ~~Administrative Committee shall determine a minimum amount to be paid by each municipality. The balance total amount~~ of the expenses shall be paid proportional to the number of citations and complaints filed with the court by each Member Municipality during the current calendar year, except as otherwise specifically provided below. All Member Municipalities are required to pay at least 0.25% of the Court's total expenses.
 - (5) For the year 1996, the Village of Grafton shall pay 11.54% and the City of Port Washington shall pay 13.61% of the net expenses of the court. Thereafter, the shares of those municipalities shall be determined based on the number of citations and complaints filed as provided above. In addition to the amounts payable under this paragraph, the Village of Grafton shall pay to the court \$4,214.01 in three annual installments of \$1,404.67 each; and the City of Port Washington shall pay to the court \$4,232.67 in three annual installments of \$1,410.89 each. The additional payments shall be made by January 15th of each of the years 1996, 1997, and 1998.
 - (6) In addition to the amounts payable under this paragraph, the Town of Erin shall pay to the court \$1,053.65 in three annual installments of \$351.22 each; the Village of Germantown shall pay to the court \$5,265.04 in three annual installments of \$1,755.01 each; the Town of Hartford shall pay to the court \$1,152.32 in three annual installments of \$384.11 each; the Village of Saukville shall pay to the court \$1,333.77 in three annual installments of \$444.59 each; and the Town of Trenton shall pay to the court \$1,381.52 in three annual installments of \$460.51 each. The additional payments shall be made by January 15th of each of the years 1999, 2000, and 2001.
 - (7) In addition to the amount payable under this paragraph, the Village of Newburg shall pay to the court \$984.03 in three annual installments of \$328.01 each. The payments shall be made by January 15th of each of the years 2001, 2002, and 2003.

- (8) In addition to the amount payable under this paragraph, the City of Cedarburg shall pay to the court \$6,144.18 in three annual installments of \$2,048.06 each. The payments shall be made by March 15th of each of the years 2003, 2004, and 2005.
- (9) In addition to the amount payable under this paragraph, the Village of Fredonia shall pay to the court \$819.95 in three annual installments of \$273.32 each. The payments shall be made by March 15th of each of the years 2006, 2007, and 2008.
- (10) In addition to the amount payable under this paragraph, the Village of Thiensville shall pay to the court \$2,150.02 in three annual installments of \$716.67 each. The payments shall be made by March 15th of each of the years 2010, 2011, and 2012.
- (11) In addition to the amount payable under this paragraph, the City of Mequon shall pay to the court \$10,780.80 in three annual installments of \$3,593.60 each. The payments shall be made by March 15th of each of the years 2011, 2012, and 2013.

(12) In addition to the amounts payable under this paragraph, the Big Cedar Lake Protection and Rehabilitation District shall pay to the court \$409.26 in three annual installments of \$136.42 each; the Town of Polk shall pay to the court \$1,961.67 in three annual installments of \$653.89 each; and the Town of West Bend shall pay to the court \$2,377.80 in three annual installments of \$792.60 each. The payments shall be made by January 25th of each of the years 2023, 2024, and 2025.

- 8. LOCATION OF SESSIONS. Each Member Municipality shall provide a place for the Judge to hold court, or it may authorize him or her to hold court in another Member Municipality at a convenient place. Court sessions shall be held exclusively in each such place at least once monthly and, to the extent reasonably possible, at a convenient time for the Member Municipality bringing the action.
- 9. CONTRACT ADMINISTRATION AND AMENDMENTS. The affirmative vote of a majority of all the governing bodies of Member Municipalities shall be required to adopt any resolution pertaining to the operation of the court.
- 10. WITHDRAWAL. Any Member Municipality may withdraw from this Agreement by giving notice in writing to the Judge no later than August 31st of any year. Upon giving such notice, the Member Municipality's participation in the Municipal Court shall terminate at the end of said year.
- 11. ADDITIONAL MEMBERS. Additional municipalities may become Member Municipalities under such condition as may be determined by the Court Administrative Committee upon approval by the governing bodies of all the existing Member Municipalities.
- 12. TERM. This Agreement shall terminate as of April 30, 2051 for all Member Municipalities. Upon termination, any surplus of assets over expenses held by the court shall be distributed to the Member Municipalities in proportion to their contributions to the expenses of the court over the life of the Agreement. For purposes of this paragraph, Member Municipalities does not include those who withdraw under ¶10.

13. SURVIVAL OF OBLIGATIONS. The obligation to contribute to expenses under ¶7 and the right to receive distributions under ¶6 shall survive the withdrawal from or termination of the Agreement, except that a municipality which withdraws shall not be responsible for expenses incurred after its withdrawal.

This agreement as amended is effective on ~~January~~ May 1, ~~2021~~2023.

CITY OF CEDARBURG

Approved on: _____

By: _____
[Name], Mayor

Attest: _____
[Name], Clerk

VILLAGE OF FREDONIA

Approved on: _____

By: _____
[Name], President

Attest: _____
[Name], Clerk

VILLAGE OF GERMANTOWN

Approved on: _____

By: _____
[Name], President

Attest: _____
[Name], Clerk

VILLAGE OF GRAFTON

Approved on: _____

By: _____
[Name], President

Attest: _____
[Name], Clerk

Attachment: 15th Amended Agreement (RESOLUTION 3996 : MMMC Agreement)

CITY OF HARTFORD

Approved on: _____

By: _____
[Name], MayorAttest: _____
[Name], Clerk**TOWN OF HARTFORD**

Approved on: _____

By: _____
[Name], ChairmanAttest: _____
[Name], Clerk**VILLAGE OF JACKSON**

Approved on: _____

By: _____
[Name], PresidentAttest: _____
[Name], Clerk**VILLAGE OF KEWASKUM**

Approved on: _____

By: _____
[Name], PresidentAttest: _____
[Name], Clerk**CITY OF MEQUON**

Approved on: _____

By: _____
[Name], MayorAttest: _____
[Name], Clerk

VILLAGE OF NEWBURG

Approved on: _____ By: _____
[Name], President
Attest: _____
[Name], Clerk

TOWN OF POLK

Approved on: _____ By: _____
[Name], Chairman
Attest: _____
[Name], Clerk

CITY OF PORT WASHINGTON

Approved on: _____ By: _____
[Name], Mayor
Attest: _____
[Name], Clerk

VILLAGE OF SAUKVILLE

Approved on: _____ By: _____
[Name], President
Attest: _____
[Name], Clerk

VILLAGE OF SLINGER

Approved on: _____ By: _____
[Name], President
Attest: _____
[Name], Clerk

Attachment: 15th Amended Agreement (RESOLUTION 3996 : MMMC Agreement)

VILLAGE OF THIENSVILLE

Approved on: _____ By: _____
[Name], President
Attest: _____
[Name], Clerk

TOWN OF TRENTON

Approved on: _____ By: _____
[Name], Chairman
Attest: _____
[Name], Clerk

CITY OF WEST BEND

Approved on: _____ By: _____
[Name], Mayor
Attest: _____
[Name], Clerk

TOWN OF WEST BEND

Approved on: _____ By: _____
[Name], Chairman
Attest: _____
[Name], Clerk

BIG CEDAR LAKE PRD

Approved on: _____ By: _____
[Name], Chairman
Attest: _____
[Name], Clerk

Attachment: 15th Amended Agreement (RESOLUTION 3996 : MMMC Agreement)



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 1, 2022
SUBJECT: RESOLUTION 3997 A Resolution Approving an Agreement for Municipal Prosecution Services with Houseman & Feind LLP, Grafton, Wisconsin, for the Period December 1, 2022 - December 31, 2024

Background

Earlier this year, staff initiated a review of the City's legal services. As part of this process, a Request-for-Proposals (RFP) was issued in May, seeking applications for both the provision of general legal services across the organization, as well as for municipal prosecution services through the Mid-Moraine Municipal Courts System. Following a review of the proposals received, a determination was reached to split the provision of general legal services and municipal prosecution services amongst two of the responding firms.

Accordingly, staff has been working with the firm Houseman & Feind, LLP to draft a multi-year agreement for municipal prosecution services and with the City's current law firm, Wesolowski, Reidenbach & Sajdak on a multi-year agreement for general legal services. Presently, one of the principals of Wesolowski, Reidenbach & Sajdak, Brian Sajdak, serves as Mequon City Attorney, a role he was appointed to in 2014.

As the City Administrator's Office continues to work on finalizing an agreement for general legal services, terms on an agreement with Houseman & Feind have been finalized. Consequently, a two-year agreement is being presented for Common Council consideration, in advance of taking effect on December 1 next month.

Analysis

The decision to assign municipal prosecution services, which include both the adjudication of traffic citations and municipal code violations via the Mid-Moraine Municipal Court System, mirrors an approach the City has taken in recent years towards utilizing specialized outside counsel. Currently, the City contracts with another outside law firm, von Briesen, s.c, for all labor and personnel matters. Additionally, specialized counsel has also been routinely used for issuing debt (bond counsel), complex land use matters, and the handling of litigation claims, depending upon their nature. Houseman & Feind, a local firm based in Grafton, represents a number of jurisdictions locally as municipal prosecutor, and staff believes that utilizing a firm that specializes in this area will result in improved service both within, and outside of, the City organization. A copy of the proposed two-year agreement with Houseman & Feind, as well as a copy of the firm's original proposal dated July 1, 2022, are attached.

Fiscal Impact

Pursuant to the attached two-year agreement, standard prosecution services will be provided at a cost of \$2,000 per month in 2023, and \$2,500 per month in 2024. Notably, the \$2,500 per month rate was originally included in the proposal submitted by Houseman & Feind in July, and the firm has agreed to a reduction in the monthly retainer amount during the first year of the agreement.

Additionally, all other matters covered outside of the normal monthly retainer, which is likely to include the resolution of, and follow-up on, various code enforcement matters handled by the Department of Community Development, will be billed at a rate of \$200 per hour. For 2023, \$30,000 has been included in the City's Legal Services Budget for municipal court and related prosecution matters.

Recommendation

A recommendation is forthcoming from the Finance-Personnel Committee on November 9, 2022.

Attachments:

Legal Services Agreement for Municipal Prosecution Services (DOCX)
Houseman & Feind Proposal - July 1, 2022 (PDF)

COMMON COUNCIL
OF THE
CITY OF MEQUON

RESOLUTION 3997

A Resolution Approving an Agreement for Municipal Prosecution Services with Houseman & Feind LLP, Grafton, Wisconsin, for the Period December 1, 2022 - December 31, 2024

RECITALS

A. During Fiscal Year 2022, the City of Mequon conducted a periodic review of its legal services, which include both advice and counsel on general legal matters, as well as the prosecution of matters through the Mid-Moraine Municipal Court.

B. Following the receipt of proposals submitted in response to a Request-for-Proposals issued in May, the City Administrator's Office recommends the appointment of a separate law firm to handle municipal prosecution matters on behalf of the City.

C. This recommendation aligns with the City's recent approach to utilizing outside counsel for specialized matters, such as labor & personnel, complex land use agreements and litigation claims.

D. The Finance-Personnel Committee has reviewed the above recommendation and recommends the approval of the attached 2-year agreement with the firm Houseman & Feind LLP, for municipal prosecution services.

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

1. The Legal Services Agreement for Municipal Prosecution Services with Houseman & Feind LLP, of Grafton, Wisconsin, 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.

Approved by: Andrew Nerbun, Mayor

Date Approved: November 9, 2022

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, 2022.

Caroline Fochs, City Clerk

LEGAL SERVICES AGREEMENT FOR MUNICIPAL PROSECUTION SERVICES

This Legal Services Agreement for Municipal Prosecution Services (“Agreement”) is made by and between the City of Mequon (“Mequon”) and Houseman & Feind LLP (“Houseman.”)

Mequon and Houseman agree as follows:

TERM AND RENEWAL

The Term of this Agreement is from December 1, 2022, through December 31, 2024.

SCOPE OF ENGAGEMENT

Houseman shall be appointed as the City’s Prosecuting Attorney, pursuant to Mequon Municipal Code § 2-183(b)(1). Attorney Johnathan G. Woodward shall be the principal Prosecuting Attorney.

Pursuant to its appointment as Prosecuting Attorney, Houseman shall provide services to Mequon in two categories: Routine Services and Extraordinary Services.

The Routine Services comprise the following:

1. Attendance at each month’s initial appearance date in the Mid-Moraine Municipal Court;
2. Conducting pretrial conferences with defendants or their attorneys for municipal court citations for which a not guilty plea has been entered;
3. Preparation for and attendance at motion hearings and trials in the Mid-Moraine Municipal Court, or before another municipal judge in the event the Mid-Moraine Municipal Judge is recused or substituted;
4. Routine communications with the Mid-Moraine Municipal Court incidental to the above tasks, including but not limited to scheduling communications;
5. Routine advice to the City of Mequon’s Police Department related to traffic and municipal ordinance enforcement;
6. Initial advice comprising enforcement strategy and procedure to the Community Development Department related to code enforcement matters;
7. Annual in-service training to members the City of Mequon Police Department regarding traffic and municipal ordinance enforcement.
8. Assisting in any matters concerning the return of personal property from the Mequon Police Department to a named defendant, as may be necessary.

Extraordinary Services comprise the following:

1. Legal services related to the prosecution of any matter which has been transferred to, appealed to, or initiated in the first instance in the Ozaukee County Circuit Court, or any appellate court;

2. Prosecuting any matter before, or furnishing advice to, a quasi-judicial or administrative body of Mequon, including but not limited to the Common Council or the Zoning Board of Appeals. This includes but is not limited to prosecution of suspension, revocation, non-renewal, or non-issuance of alcohol beverage licenses;
3. Legal services or advice to any Mequon department other than the Police Department, including but not limited to code enforcement and inspection services, not otherwise identified above as a Routine Service;
4. Any legal services not otherwise specified as a Routine Service.

To avoid any ambiguity, advice relating to public record requests is not a prosecutorial function and shall be handled by Mequon's general city attorney.

COMPENSATION

Compensation for Routine Services shall be as follows:

From December 1, 2022, through December 31, 2023, a flat rate of **\$2,000.00 per month**.

From January 1, 2024, through December 31, 2024, a flat rate of **\$2,500.00 per month**.

Compensation for Extraordinary Services shall be as follows:

For the term of the Agreement, **\$200.00 per hour**, billed in increments of one-tenth of an hour.

COSTS AND EXPENSES

In addition to the foregoing compensation, Mequon shall reimburse Houseman for costs and expenses advanced by Houseman related to the legal services rendered. The most common costs and expenses are: fees to sheriffs and private process servers for service of legal process, witness fees, court filing fees, court transcript fees, fees for certification of court or other public records, postage charges, and express courier charges. Some of these expenses may ultimately be taxed to a judgment against a defendant if Mequon prevails in court, and would potentially be recouped by Mequon upon the Court's collection of a judgment.

BILLING AND PAYMENT

Houseman will furnish an invoice to Mequon each month; Mequon shall pay Houseman within 30 days of receipt of any invoice.

LIMITATION OF SCOPE OF REPRESENTATION AND CONFLICTS

Houseman shall represent Mequon only in the matters set forth in the "Scope of Engagement" above. Mequon may ask Houseman to perform additional work, which if performed may be

subject to the terms of this Agreement or may be subject to the terms of a separate written agreement limited to the additional work. Otherwise, this Agreement can only be modified by a writing signed by both parties. Houseman agrees not to engage in litigation against the City or to represent clients that have interests which are directly adverse to the City without first securing informed consent as provided by the Rules of Professional Conduct for Attorneys, as may be amended from time to time. Houseman shall have a continuing duty to disclose such information. This Agreement is subject to a contemporaneous Informed Consent request due to a matter ongoing at the time of this Agreement.

SPECIAL PROSECUTOR

From time to time, it may be necessary for Houseman to refer an individual matter to a special prosecutor due to a conflict of interest. Mequon hereby provides general consent for any of the following to serve as special prosecutor in individual cases:

1. Mequon's general city attorney or other attorneys employed by the firm of the general city attorney;
2. Any attorney who serves as the regular prosecuting attorney for a municipality in Ozaukee County or any neighboring county.

INSURANCE

Houseman shall maintain professional liability insurance in the amount of two million (\$2,000,000.00) dollars with respect to services rendered pursuant to this Agreement.

The coverage maintained by Houseman shall be primary; provided, however, that the coverage maintained by the City shall be primary as to any claim that is not covered by the insurance maintained by the Attorney or for which such carrier refuses or reserves its rights against a demand for tender of defense or payment of claim.

PRIVILEGED COMMUNICATIONS

The provisions of Chapters 19 and 905 of the Wisconsin Statutes, SCR Chapter 20 and related case law shall govern all communications between the parties.

INDEPENDENT CONTRACTOR STATUS AND PUBLIC RECORDS LAW STATUS

At all times during the scope of this Representation, Houseman shall be deemed an independent contractor for Mequon. Houseman shall not be the custodian of or authority for any public records.

TERMINATION

Either party may terminate this Agreement without cause upon written 60-day notice to the other party. Unless otherwise agreed, such Representation shall terminate at the end of the month following the 60-day notice. The Wisconsin Rules of Professional Conduct for Attorneys shall govern any termination of this Agreement.

MISCELLANEOUS

This Agreement, and the interests hereunder shall not be assigned without the written consent of the other party. This Agreement shall be binding upon and inure to the benefit of the parties to this Agreement and their respective successors and permitted assigns. This Agreement shall be governed by, and construed under the laws of the State of Wisconsin. Any disputes regarding this Agreement shall be venued in Ozaukee County. Any provision of this Agreement which is prohibited or unenforceable shall be ineffective to the extent of such prohibition or unenforceability without invalidating the remaining provisions of this Agreement or affecting the validity or enforceability of such provision. Headings in this Agreement are included for the convenience of reference and may not be varied, modified or amended as to any term or condition expressed herein except in a writing duly signed on behalf of both parties.

IN WITNESS WHEREOF, the parties have executed this Agreement, or caused this Agreement to be executed by their respective officers on the dates indicated below.

Dated _____.

CITY OF MEQUON

Andrew Nerbun, Mayor

Countersigned:

Caroline Fochs, City Clerk

Dated _____.

HOUSEMAN & FEIND LLP

Michael P. Herbrand



HOUSEMAN & FEIND L.L.P.
ATTORNEYS AT LAW
 1650 NINTH AVENUE
 GRAFTON, WISCONSIN 53024-2450
 WWW.HOUSEMANLAW.COM

IN MEMORIAM
 Ralph E. Houseman
 1916 - 2012

OF COUNSEL
 Donald P. O'Meara

TELEPHONE
 (262) 377-0600
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 (262) 377-6080

Robert L. Feind, Jr.
 John M. Gallo
 Michael P. Herbrand
 Margaret G. Zickuhr
 Timothy S. Schoonenberg
 Johnathan G. Woodward

Amber J. Hollrith
 Lisa Vizanko
 Bennett H. Jenkins

July 1, 2022

Via Email Only to wjones@ci.mequon.wi.us

William H. Jones, Jr., City Administrator

City of Mequon

11333 North Cedarburg Road

Mequon, WI 53092

Re: Proposal for Municipal Prosecution Services

Dear Mr. Jones:

Houseman & Feind LLP is pleased to present the following proposal to the City of Mequon ("City") for municipal prosecution services only in response to the City's request for proposals for legal services. To avoid any ambiguity, Houseman & Feind LLP is not proposing to serve as the general City Attorney.

Houseman & Feind was founded in Grafton in 1939. We have served as municipal attorneys and prosecutors for communities in Ozaukee and Washington Counties for decades.

Attorney Johnathan Woodward would serve as the Prosecuting Attorney for the City. Attorney Woodward has been with Houseman & Feind since 2006; he has been the prosecutor for the Village of Grafton since that year, for the City of West Bend since 2012, and for the City of Cedarburg since 2013. Another attorney in our office, Attorney Amber Hollrith, took over prosecution duties for the Village of Thiensville in approximately 2018; Attorney Hollrith would be the primary backup for Attorney Woodward. Attorney Woodward resides in the Village of Germantown, and is therefore both very familiar with the Mequon community as well as physically nearby in the event of any urgent situations.

Our reputation and experience in municipal prosecution is unmatched. Put simply, when prosecutors in other communities have questions about unusual cases, they call Attorney Woodward. Attorney Woodward has successfully argued to the Supreme Court of Wisconsin in one of the few municipal prosecution cases to reach that level, and has been a presenter at the OWI Prosecutor's Seminar held by the Wisconsin Department of Justice on municipal court prosecution issues. We have a strong working relationship with the Ozaukee County District Attorney's Office, as cases in municipal court often overlap with criminal charges handled by that office. We likewise have excellent working relationships with legal counsel at the Wisconsin Department of Transportation and the Wisconsin Department of Justice Traffic Safety Resource Prosecutor.

Logistical Information

We pride ourselves on efficient handling of routine matters, without sacrificing the attention and preparation needed for complicated cases. Since the pandemic, we have shifted pretrial conferences to be held by e-mail or telephone exclusively. This is more efficient for us and, perhaps more importantly, keeps defendants from taking a full or half day off of work for a matter that could otherwise be resolved with a brief e-mail or telephone exchange.

Attorney Woodward is familiar with ProPhoenix RMS and is an authorized eTIME user. To the extent the Police Department is willing to do so, providing remote access to ProPhoenix RMS and an eTIME account would greatly reduce the amount of police department staff time involved in preparing paper files. Likewise, our firm is established as an agency in the Axon video evidence system for easy transfer of body camera and dash camera evidence.

This proposal assumes that the general City Attorney, and not the Prosecuting Attorney, will provide advice and counsel to the Police Department on matters related to the Wisconsin Public Records Law.

We would be pleased to discuss in an interview setting particulars as to our office's standard amendments and prosecution philosophy. Put simply, we are firm but fair, and we do not hesitate to set cases for trial. We have strong working relationships with school staff in all communities where police departments have one or more School Resource Officers assigned to the high school.

Billing Rate Proposals

We have three different options for your consideration.

Option 1: Hourly billing for attorney time at \$175.00/hour

Attorney time would be billed on a tenth-of-an-hour basis.

Option 2: Flat fee of \$2,900.00 per month for "included items"

Hourly billing for attorney time at \$175.00/hour for "special items"

"Included items" are attendance at the monthly municipal court initial appearance date, handling of all municipal court pretrial conferences, preparation for and attendance at municipal court trials and motion hearings, handling of traffic and ordinance citations, other than "special items," that are transferred or appealed to the Circuit Court or an appellate court, researching and providing responses to prosecution-related questions from the Police Department, and providing in-service training to Police Department staff on an annual basis.

"Special items" would include any other matter, primarily but not limited to:

- Any matter relating to raze orders and/or special inspection warrants
- Any matter relating to building, electrical, fire, plumbing, property maintenance, or zoning code violations

- Any matter relating to daily or continuing violations for nuisances or similar matters
- Any matter relating to prosecuting the revocation, suspension, non-renewal, or non-issuance of a permit or license before the Village Board or other entity that is not a court, including but not limited to alcohol beverage licenses

These types of matters generally fall outside the general scope of matters enforced by the police department and often involve other City departments. They are more time-intensive and do not neatly fall into the usual municipal court framework. Therefore, we propose that they be billed separately under the flat fee framework.

Option 3: Flat fee of \$2,500.00 per month for “included items”

Hourly billing for attorney time at \$175.00/hour for “special items” and for citations handled in circuit or appellate courts

This option is the same as Option 2, except that matters handled in the circuit court or the appellate courts would not be included in the monthly flat fee, and would instead be billed on an hourly rate. This would therefore expand the hourly items to include (a) OWI cases, and any companion citations, which bypass the municipal court on a defendant’s jury demand, (b) appeals to the circuit court after a municipal court decision, and (c) further appeals to the appellate courts after a circuit court decision. These matters occur less frequently but are more time-intensive when they do, such as jury trials and drafting appellate briefs.

Regardless of the option, we would further bill for any actual disbursements, which commonly comprise the following items:

- *U.S. Mail postage and overnight courier fees
- *Fees to sheriff’s offices or private process servers for process service (primarily of trial subpoenas to witnesses)
- *Fees for the preparation of transcripts of court proceedings
- *Statutory witness fees
- *Other required court filing fees
- *Preparation of enlargements and visual aids for use in jury trials

Our experience has been that these disbursements in most months are nominal; the most expensive items are process service charges for out-of-area service which are often \$50-\$100 per attempt. To the extent police department personnel are willing to effect service within a reasonable geographic area, this will reduce these charges. If the City ultimately prevails at trial, items such as process service and witness fees may be taxed onto the amount owed by the Defendant, which would result in the City being reimbursed through the Court’s collection process.

We look forward to meeting with you to discuss this proposal in more detail.

Very truly yours,

HOUSEMAN & FEIND LLP

/s/

Johnathan G. Woodward

JOHNATHAN G. WOODWARD

Education

Pepperdine University School of Law, Malibu, California
Juris Doctor

August 2003-May 2006

- Business Editor, *Pepperdine Dispute Resolution Law Journal*
- Member, Honors Trial Team

University of Missouri-Columbia

August 1999-May 2003

Bachelor of Journalism, Broadcast News Emphasis, Minors in Political Science and Spanish

Honors and Awards

The Order of Barristers

“Excellence In Preparation for Trial Practice” Award, ABOTA Los Angeles Chapter, 2006

Wisconsin Super Lawyers Rising Star, Government/Municipalities, 2012 through 2021

Professional Experience

Houseman & Feind LLP, Grafton, Wisconsin

Attorney, October 2006-present

Areas of practice: Municipal Law, emphasis in public records, open meetings, litigation matters, and election law

Traffic and Municipal Ordinance Enforcement and Prosecution

General Civil Litigation, emphasis in real estate litigation, collections, liens, foreclosures, landlord/tenant matters

Appeals

Traffic/Criminal Defense

Assistance with civil litigation aspects of family law (discovery, contempt)

Basic estate planning

Representative matters:

- Prosecuted thousands of municipal traffic and ordinance cases, including hundreds of bench trials, numerous jury trials, and several appeals
- Successfully argued to the Wisconsin Supreme Court to close a loophole in how prior OWI convictions are counted
- Successfully argued to the Court of Appeals that ignition interlock devices are mandatory on first offense OWI cases with a prior “uncounted” offense
- Advised a school district clerk and staff on election law and administration through a contentious, highly-publicized recall of four school board members
- Successfully argued to a municipal governing body to revoke an establishment’s alcohol beverage license, and successfully argued to uphold that decision to the circuit court
- Successfully argued for dismissal on various procedural grounds of an 8 million dollar lawsuit by a developer against a municipal client, and successfully defended result on appeal
- Advised municipal building inspectors on raze orders, and successfully defended the orders when challenged in circuit court
- Sued the officers and directors of a bankrupt regional home improvement chain that left small local contractors with tens of thousands of dollars of unpaid bills, obtained highly favorable settlements with the errors and omissions insurer

Municipal Clients
Washington County

City of West Bend, prosecuting attorney, 2012-present
Town of Trenton, assistant town attorney, 2006-present
Village of Richfield, special counsel/circuit court prosecutor, 2008-present
Village of Newburg, prosecuting attorney, 2015-present
Town of Erin, town attorney, 2010-2018

Ozaukee County

City of Cedarburg, assistant city attorney, 2013-present
Village of Grafton, assistant village attorney, 2006-present
Village of Fredonia, assistant village attorney, 2006-present
Village of Thiensville, assistant village attorney, 2006-present
Town of Port Washington, town attorney, 2019-present

Published Cases

Supreme Court of Wisconsin

City of Cedarburg v. Hansen, 2020 WI 11, 390 Wis. 2d 109, 938 N.W.2d 463, *reconsideration granted on City's motion*, 2020 WI 45, 391 Wis. 2d 671, 943 N.W.2d 544

Wisconsin Court of Appeals

Village of Grafton v. Seatz, 2014 WI App 23, 352 Wis. 2d 747, 845 N.W.2d 672

Appointments

Supplemental Court Commissioner, appointed by Hon. Steven M. Cain, Ozaukee County Circuit Court, September 2019-present

Supreme Court of Wisconsin, Office of Lawyer Regulation, Special Investigative Panel, March 2020-present

Volunteer Activities

American Mock Trial Association

Member, National Board of Directors, 2007-present

Executive Committee member, 2009-present

President-Elect, July 2021-present (Presidential term May 2022-May 2024)

Washington County Bar Association, President, 2019-2020, Vice President, 2018-2019, Secretary, 2017-2018

Leadership West Bend (West Bend Chamber of Commerce), class member, Sept. 2021-present

Empire Mock Trial, tournament staff, 2011-present

Wisconsin Leadership Seminars, Inc., seminar volunteer, 1998-present (various years)

Immanuel Presbyterian Church, Milwaukee, member of session (governing body), 2007-2010

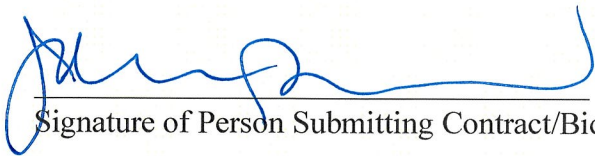
ATTACHMENT A:

**PROPOSAL SUBMISSION FORM
REQUEST FOR PROPOSAL (RFP)**

~~COMMUNITY DEVELOPMENT DEPARTMENT OPERATIONAL ANALYSIS~~
LEGAL SERVICES

CERTIFICATE OF NON-COLLUSION: REQUIRED FORM

The undersigned certifies under penalties of perjury that this bid has been made and submitted in good faith and without collusion or fraud with any other person. As used in this certification, the word "person" shall mean any natural person, business partnership, corporation, union, committee, club or other organization, entity or group of individuals.



Signature of Person Submitting Contract/Bid

7-1-2022

Date

HOUSEMAN & FEIND LLP

Name of Business

ACKNOWLEDGEMENT OF ADDENDA:

Acknowledge the receipt of addenda, if any (indicate date(s)): 6-22-22, _____, _____.



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

www.ci.mequon.wi.us

Office of Sewer Utility District Commission

TO: Common Council
FROM: Kevin Driscoll, Deputy Director of Utilities
DATE: November 9, 2022
SUBJECT: RESOLUTION 3991 A Resolution Adopting the Fiscal Year 2023 Sanitary Sewer Utility Budget and Establishing the 2023 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 recommended 2023 budget for review and adoption by the Common Council, which also functions as Mequon's Sewer Utility District Commission.

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 establishment of the 2023 User Rates.
- 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 and self-funds for Sewer Utility capital projects. The recommended FY2023 budget attached to this memo identifies a proposed mill rate of \$1.59 per \$1,000 assessed value.

As proposed, the \$1.59 tax levy will generate \$2,073,286 in capital self-funding. The user charge portion of the budget funds annual operation and maintenance expenses and several ongoing capital needs, such as design services for the replacement of Ranch Road Lift Station "E". A full detail of capital projects is outlined in Exhibit A.

The user charges are billed differently for residential and non-residential accounts. Residential accounts receive a flat quarterly fee and non-residential accounts are charged based upon volumetric water uses. Both fees are based upon a combination of the pass-through charges to the Sewer Utility from MMSD and Sewer Utility operation and maintenance costs. The full detail of the calculation for user fees are included in Exhibit B.

FY2022 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 2022, the Sewer Utility accomplished a number of objectives including:

- Continued efforts towards 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 sanitary sewers to the environment, while protecting sewage collection and treatment facilities from high flows.
- Continued commercial sewer meter replacements and improvements.
- Of 3,873 structures, 898 manholes were inspected and 71 rehabilitated with grouting; internal/external manholes were applied seals as part of a preventive maintenance program and Inflow/Infiltration (I/I) reduction was performed 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 140,000 feet and televised 21,700 feet of mainline sewer, year-to-date).
- Continued to collect and update City infrastructure data and incorporate such into GIS.
- Updated Hydraulic modeling for the East Trunk Sewer shed and drafted a 5-year Planning Study that identified necessary improvements in Lift Station Areas E, F & G.
- Repaired Ranch Road Lift Station "E" pump #4.
- Prepared bids for the Ranch Road Lift Station "E" back-up pumping system contract.
- Held public information meetings and performed outreach to secure a site for replacing Ranch Lift Station E outside of the floodplain and to increase capacity.
- Monitored meters and reviewed monthly metering reports for the East Trunk Relief Sewer operations and PPI/I Priority areas (Lift Stations E, F & H) following wet weather events.
- Completed Sewer Lateral Work, Manhole and Mainline Rehabilitation in the Riverdale Park Lift Station "F" and Riverland Drive Lift Station "H" areas.
- Completed rehabilitation of 2,400 feet of the sanitary collection system in Country Club Drive, 365 feet in Cedarburg Road and 389 feet in the easement west of Port Washington Road, south of Glen Oaks Lane.
- Repaired sewer laterals in Cedarburg Road from County Line Road to Mequon Road.
- Constructed flow equalization in Cedarburg Road at Donges Bay Road and Sherwood Drive, per a funding agreement with the WisDOT STH 57 paving contract.
- Completed lateral repairs in Cedarburg Road prior to STH 57 resurfacing in 2022.
- Constructed flow equalization in Cedarburg Road at Donges Bay Road and Sherwood Drive.
- Replaced pumps at 4 locations: River Road Lift Station C, Grace Avenue Lift Station D, Riverland Drive Lift Station H and Juniper Lane Lift Station L.
- Secured a \$953,000 Funding Agreement with MMSD and prepared a contract for

Sewer Lateral Work to test and seal with grout 217 laterals in the Riverland Drive Lift Station H and Riverdale Park Lift Station F Areas.

- Completed 180 Clear Water Compliance Inspections that required 2 corrections.
- Secured a \$756,000 Funding Agreement with MMSD for work on up to 506 Sewer Laterals in the Lift Station E Area.
- Continued flow monitoring at 12 locations in the Central Trunk.
- Installed flow meters at 3 locations: Lift Station O, Lift Station R & Lift Station Q.
- Designed Tamerlane Drive Lift Station O capacity improvements to replace the pumps and add a second force main along County Line Road.
- Awarded a contract to examine sewers in STH 167/Mequon Road from Port Washington Road to the Milwaukee River, in advance of the WisDOT Paving project.

FY2023 Projects and Objectives:

The following are projects and elements that will influence the 2023 budget:

- Design the Lift Station E replacement at Laguna Drive.
- Advertise for Bid the Lift Station E replacement at Laguna Drive.
- Establish a capacity improvement approach - decide on either lower cost storage, or more expensive relay and/or relief sewers.
- Design gravity sewer capacity improvements on Ranch Road extended from Laguna Drive, to a point 1,000 feet east of St. James Lane.
- Design capacity improvements in the Fieldwood Drive Lift Station “G” Area
- Continue efforts towards 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 the City’s infrastructure data and easement records and incorporate such into GIS.
- Evaluate SCADA upgrades.
- Install flow meters on lift stations to monitor sewer sheds.
- Acquire and install additional flow meters and perform quarterly monitoring reports to verify the Central Trunk sewer flow allocation and system 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.

- Complete a planning study of the City's Central Trunk sewers that can allow for future development and infill, including flow equalization at Mequon Road (STH 167 & STH 57 intersection).
- Substantially complete Sewer Lateral Work by testing and sealing from mains in the Lift Station E Area.
- Complete a Design Study Report for sewers in STH 167/Mequon Road from Port Washington Road to the Milwaukee River in advance of a WisDOT Paving project.

Fiscal Impact

The proposed FY2023 Sewer Utility budget is attached to this memo. Table 1 below summarizes the history of the various sewer fees for the past five years. Please note that the mill rate was previously reduced when the Sewer Utility opted out of MMSD's Green Infrastructure program. The mill rate was lowered again in 2022 due to a revaluation of property throughout the City.

Table 1 - Historic Charges Chart

	2018	2019	2020	2021	2022
Residential User Charge (Quarterly):	\$71.00	\$72.00	\$73.00	\$73.00	\$74.00
Non-Residential User Charge Rate:	\$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	\$1.90/ \$1,000	\$1.81/ \$1,000	\$1.81/ \$1,000	\$1.62/ \$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), and self-funding for the Sewer Utility capital projects.

User Rate

The user rates are proposed to increase because operating costs have increased. The user rates are made up of City operation and maintenance costs, in addition to pass through costs of MMSD operation and maintenance (O&M) costs. The City's operation and maintenance costs have remained level, but MMSD's O&M charges have increased since 2022. The Sewer Utility passes through MMSD capital charges and costs for operation and maintenance, where overall these combined MMSD charges have remained relatively stable. However, for FY2023, MMSD shifted costs from capital to O&M and that impacts the Mequon Sewer Utility rates as a pass-through cost. This results in an increase to the quarterly residential user charge, and it also increases the non-residential user charge rate. More detail on the 2023 calculation of sewer user charges and these percentage increases is in the Exhibit B.

Table 2 - Cash Flow Analysis*

Cash Flow Analysis	2021 Actual	2022	2022	2023
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		Budgeted	Projected	Proposed
Cash/Cash Equivalents Balance (January 1st)	\$7,902,120	\$7,928,210	\$8,202,586	\$8,429,709
Net Income	1,667,669	1,555,000	1,711,700	2,057,286
Plus: Depreciation	1,049,431	1,200,000	1,125,000	1,200,000
Less: Debt Payments	(1,355,000)	(1,405,000)	(1,405,000)	(1,455,000)
Less: Capital Projects	(999,292)	(2,821,000)	(1,142,235)	(2,312,000)
Less: Amortization of Bond Premium	(62,342)	(62,342)	(62,342)	(62,342)
Net Change in Cash / Cash Equivalents	300,466	(1,533,342)	227,123	(572,056)
Cash/Cash Equivalents Balance (December 31)	\$8,202,586	\$6,394,868	\$8,429,709	\$7,857,653
Restricted Unspent Bond Proceeds	-	-	-	-
Reserved for Capital Projects	5,264,351	3,239,343	5,407,407	5,168,693
Unassigned	2,938,235	3,155,525	3,022,302	2,688,960

* Additional budget detail of Capital Improvements Projects is found in Exhibit A. This includes estimated construction cost in the amount of \$4.6~\$6.2M to replace Lift Station E, based on the 2021 Condition Assessment and 2022 Engineer's Estimate from hydraulic modeling.

Recommendation

Staff recommends that the Sanitary Utility District Commission favorably endorse, and the Common Council approve the resolution for the 2023 sanitary sewer budget and establishing the 2023 sanitary sewer user fee schedule as follows.

	2023
Residential User Charge (Quarterly Flat Rate):	\$78.00
Non-Residential / Volumetric User Charge Rate:	\$7.55 / 1000 gal

Attachments:

Exhibit A - 2023 Capital Fund Details (PDF)
Exhibit B - 2023 Sewer Budget Rate data (PDF)
Exhibit C - 2023 Sewer Budget Details (PDF)

COMMON COUNCIL
OF THE
CITY OF MEQUON

RESOLUTION 3991

A Resolution Adopting the Fiscal Year 2023 Sanitary Sewer Utility Budget and Establishing the
2023 Sanitary Sewer User Fee Schedule

RECITALS

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, 2023, requires that an operating budget for the sanitary sewer operations be adopted.

C. The Sewer Utility District Commission at their meeting on October 27, 2022, has reviewed a schedule of sewer user fee rates for 2023 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 2023 Sanitary Sewer Budget attached hereto is adopted.
2. The following schedule of sewer user charge rates is established for the year 2023:

Residential (non-metered):	\$78.00 per quarter per unit / \$312 per year
Residential and Commercial Metered:	\$7.55/1,000 gallons

Approved by: Andrew Nerbun, Mayor

Date Approved: November 9, 2022

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, 2022.

Caroline Fochs, City Clerk

2023 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, Donges Bay Road Flow Equalization, and various subdivision gravity sewer pipe rehabilitation projects, including testing and sealing with grout in the Riverland Drive and Riverdale Park areas, along with various 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

	2017	2018	2019	2020	2021	2022
Self-Funding Capital	\$1,000,000	\$1,040,000	\$720,000	\$1,420,000	\$1,350,000	\$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	2023	2024	2025	2026	2027
1. Gravity Sanitary Sewer Fund	\$750,000	\$750,000	\$750,000	\$750,000	\$750,000
2. Sanitary Lift Station Fund	\$923,000	\$923,000	\$923,000	\$350,000	\$350,000
3. Sanitary Force Main Fund	\$350,000	\$350,000	\$350,000	\$923,000	\$923,000
4. Asset Management Fund	\$15,286	\$15,286	\$15,286	\$15,286	\$15,286
5. Equipment Replacement	\$35,000	\$35,000	\$35,000	\$35,000	\$35,000
TOTALS	\$2,073,286	\$2,073,286	\$2,073,286	\$2,073,286	\$2,073,286

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 Lift Station E, is estimated at \$4.8-\$6.2M and accumulation of annual allocations (along with remaining bond proceeds from 2020 relief sewer project) makes self-funding the replacement of Lift Station a possibility. 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.

2023 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 3,873 manhole structures that will require renewal over anticipated life cycles. Methods of sewer installation include open-cut trenching and trenchless technologies such as directional drilling, 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 efforts were substantially completed in 2022, and additional capacity improvements and a new Lift Station E are anticipated for design in 2023. In addition, improvements to the Tamerlane Drive Lift Station “O” were designed in 2022, following a planning study for the West Trunk was completed in 2021.

Prioritized projects include:

- Design Study and Review of Sanitary Exams in STH 167/Mequon Road from Parkview Drive to Port Washington Road (\$25,000)
- Design Sewer Extension from Ranch Road Lift Station to New Station (\$75,000)
- Construct 1,000 feet of Gravity Sewer to new Lift Station in Laguna Drive (\$1,000,000)
- Design Sewer Capacity Improvements in Basin ME4002, E Area (\$91,000)
- Construct Sewer Capacity Improvements in ME4002, E Area (\$1,300,000)
- Design Sewer Capacity Improvements in Basin ME4001, E Area (\$135,000)
- Construct Phase I Sewer Capacity Improvements in ME4001, E Area (\$1,300,000)
- Construct Phase II Sewer Capacity Improvements in ME4001, E Area (\$1,700,000)
- Rehabilitate Sanitary Sewer Mains for PPI/I Priority Area “E” (\$250,000)
- Design Sewer Capacity Improvements in Basin ME4001, F Area (\$75,000)
- Construct 1,500 feet in Circle Drive from Center Court to River Forest Drive
- Construct Sewer Capacity Improvements in ME4001, F Area (\$1,500,000)
- Update System Model of East Trunk Sewer north of Mequon Road (\$50,000)
- Rehabilitate Sanitary Sewer Mains for Lift Station Areas A, B and D (\$1,000,000)
- Sanitary Manhole Seal Replacement (\$75,000)
- Design Study Report for Heritage Estates Siphon (\$15,000)
- Design Study Report for River Road Sewer under Milwaukee River, D Area (\$15,000)

2023 SEWER CAPITAL PROJECT FUND

2. Sanitary Lift Station Fund

The Sanitary Lift Station Fund is required for various types of projects for the 23 existing lift 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 potentially for replacement of the Ranch Road Lift Station E, borrowed funds would be necessary for major construction improvements unless the mill l rate is increased to accumulate additional funds in 2023 for construction expenses in 2024.

Prioritized projects include:

- Construct Tamerlane Drive Lift Station O Capacity Improvements (\$285,000)
- Design Replacement for Lift Station E* in Laguna Drive, extended (\$167,000)
- Construct Replacement of Lift Station E* in Laguna Drive, extended (\$4,784,000)
- Design Study Report with Preliminary and Final Plans for Fieldwood Drive Lift Station G Capacity Improvements (\$35,000)
- Construct Fieldwood Drive Lift Station “G” Capacity Improvements (\$275,000)
- 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 (\$60,000/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 P, E** (\$25,000)

** In the 2021 Sewer Utility Budget, bond proceeds from the East Trunk Relief Sewer Project (south of Mequon Road) in the amount of \$3,404,000 were reallocated to replace the Ranch Road Lift Station E. The LS E Condition Assessment completed in 2020 estimated replacement costs ranging from \$4.8M to \$6.2M. A substantial amount of self-funding is available but borrowing or an increase in the mill rate is required for construction in 2024.*

***The decommissioning study will evaluate replacing (or augmenting) lift station operations with gravity sewer extensions, where feasible.*

2023 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 the systematic replacement of cast iron force mains, the 2018 force main maintenance study, and 2021 Condition Assessments for Fieldwood Drive Lift Station G and Riverdale Park Lift Station 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:

- Construct Forcemain for Tamerlane Drive Lift Station O (\$440,000)
- Design Force Mains for Lift Station E in Laguna Drive, extended (\$45,000)
- Construct Force Mains for new Lift Station E in Laguna Drive, extended (\$450,000)
- Design Fieldwood Drive Lift Station G Force Main Improvements (\$77,000)
- Construct Fieldwood Drive Lift Station G Force Main Improvements from Woodland Drive to Freistadt Road to Glen Oaks Lane (\$2,200,000)
- 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 (\$250,000)
- Secure Easement for Force Main Replacement in Huntington Park Outlot (\$25,000)

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)
- Flow Meter Installations, Rain Gauge Installation at City Hall and Flow Monitoring in Collection System (\$125,000)
- CCTV Camera Software and Hardware Upgrades (\$25,000)
- GIS Tools for CMAR and CMOM Reporting (\$25,000)

2023 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 (\$20,000)
- Portable Back-up Pumps Replacement (\$15,000)
- Lateral Inspection Camera Acquisition (\$35,000)
- Vacuum Truck Replacement (\$425,000)
- CCTV Camera Replacement (\$125,000)
- Camera Truck Replacement (\$275,000)
- Grout Truck (\$450,000)
- Maintenance Crew Pick-up Trucks Replacement (\$65,000)

REIMBURSABLE CAPITAL ACCOUNT

Private Property Infiltration and Inflow Reimbursement 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 available funding in the amount of \$726,343 was approved by SUDC for allocation to complete the work in the Lift Station F Area and goes to the MMSD Commission for adoption in November. Additional funding in the amount of \$282,291 is required to complete the work in the Lift Station H Area. The annual allocation from MMSD of approximately \$225,000 is anticipated for the 2021-2030 funding cycle. Also, in October MMSD released a competitive funding application where staff can complete that additional funding request for prioritized projects, including the Lift Station H project. In the event the competitive funding is not awarded to Mequon Sewer Utility, then staff will bring back an item to the Commission to address utilization of the annual allocation from MMSD and/or any considerations for self-funding to complete necessary sewer lateral work.

2023 SEWER CAPITAL PROJECT FUND

Reimbursable Prioritized Sewer Lateral projects include:

- Sanitary Lateral Rehab Contract (PPI/I Targeted Areas) Lift Stations F&H (\$953,000)
 - Clean and Examine Laterals completed in 2020-2021
 - Locate Laterals with Sonde completed 2022
 - Test and Seal Laterals from Mains, awarded 2022
 - Install Clean-outs, pending MMSD funding
 - Test and Seal Laterals from Clean-outs, pending MMSD funding
- Sanitary Lateral Contract (PPI/I Targeted Areas) Lift Station E (\$756,000) in 2023

The Utility's 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 the utilization of the funds.

Table 3 – 5 Year Project Plan

Gravity Sanitary Sewer Fund	2023	2024	2025	2026	2027
Design Study Report for Mequon Rd / STH 167 from CTH W to Milw. River	\$25,000				
STH167 Sewer Rehabilitation Work					\$300,000
Laguna Drive Sewer Connection to New Station, Design	\$75,000				
Laguna Drive Sewer Connection to New Station, Construct 1000ft	\$125,000	\$875,000			
Ranch Road (extended) Area E Sewer Improvements, Design	\$91,000				
Ranch Road (extended) Area E Sewer Improvements, Construct 1300 ft		\$650,000	\$650,000		
Glen Oaks Lane Area E Gravity Sewer Improvements, Design	\$67,500	\$67,500			
Glen Oaks Lane Area E Gravity Sewer Improvements, Construct 1300ft, Phase I		\$650,000	\$650,000		
Glen Oaks Area E Gravity Sewer Improvements, Construct 1700ft, Phase II			\$850,000	\$850,000	
Sewer Main Exams and Rehabilitation in PPI/I Targeted Area (E)	\$250,000				
Riverdale Park Area F Gravity Sewer Improvements, Design			\$75,000		
Riverdale Park Area F Gravity Sewer Improvements, Construction				\$750,000	\$750,000
Sewer Main Improvements in Areas A, B, C, D				\$500,000	\$500,000
Update System Hydraulic Modeling with Improvements			\$50,000		
Heritage Estates Siphon Design Study		\$15,000			

2023 SEWER CAPITAL PROJECT FUND

River Rd at Milw. River Design Study		\$15,000			
Mequon Rd Flow Equalization @ STH 57				\$35,000	\$175,000
Gravity Sanitary Sewer Fund (Category 1) TOTALS	\$633,500	\$2,272,500	\$2,275,000	\$2,135,000	\$1,725,000
Lift Station Fund	2023	2024	2025	2026	2027
Huntington Park Capacity Improvements	\$285,000				
Ranch Rd Lift Station E Design	\$167,000				
Ranch Rd Lift Station E Construction	\$478,000	\$4,306,000			
Fieldwood Drive Lift Station G Design Design Study Report for Improvements		\$35,000			
Construct Fieldwood Drive Lift Station G Capacity Improvements			\$275,000		
Replace Pumps, Valves, Motors (E,F,G,O,R,S,T,U)	\$150,000	\$50,000	\$50,000	\$50,000	\$50,000
Install Magnetic Flow Meters (A,B,C,D,O,R)	\$30,000		\$30,000	\$15,000	\$15,000
Install Lift Station Emergency Generators with Transfer Switches (K,H,Q,J,M)	\$60,000	\$60,000	\$60,000	\$60,000	\$60,000
Replace and Upgrade Transducers, Control Panels and Cathodic Protection	\$15,000	\$15,000	\$15,000	\$15,000	\$15,000
Condition Assessments (A,X)				\$50,000	\$50,000
Replacement and Generator Installations			\$50,000	\$50,000	\$50,000
Decommissioning Studies (LS E, P)		\$40,000	\$15,000		
Lift Station Fund (Category 2) TOTALS	\$900,000	\$4,506,000	\$445,000	\$190,000	\$190,000
Force Main Fund	2023	2024	2025	2026	2027
Tamerlane Drive LS O Force Main Construct 2,400ft	\$440,000				
Laguna Drive LS E Force Main Design new Connection	\$45,000				
Laguna Drive LS E Force Main Construct for new Connection		\$450,000			
Lift Station G Force Main Design Capacity Improvements			\$77,000		
Lift Station G Force Main Construct 6,200ft				\$1,100,000	\$1,100,000
Concord Drive Lift Station R Force Main Replacement				\$50,000	\$250,000
Retrofit Force Mains with Access Ports (A,E)			\$20,000	\$10,000	\$10,000
Sanitary Force Main Cleaning (A,E,T,V)			\$150,000	\$75,000	\$75,000
Forcemain Fund (Category 3) TOTALS	\$485,000	\$450,000	\$247,000	\$1,235,000	\$1,435,000

Exhibit A

2023 SEWER CAPITAL PROJECT FUND

Asset Management Fund	2023	2024	2025	2026	2027
Flow Meters, Rain Gauge, Flow Monitoring Quarterly Reports (East, Central, and West Trunk Gravity System)	\$25,000	\$25,000	\$25,000	\$25,000	\$25,000
Flow Metering - Lift Stations (A,D,U,O, R,T)	\$6,000	\$6,000	\$6,000	\$6,000	\$6,000
Software Upgrade – CCTV Camera	\$25,000				
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 4) TOTALS	\$66,000	\$41,000	\$41,000	\$141,000	\$41,000
Equipment Replacement Fund	2023	2024	2025	2026	2027
Equipment Replacement (Trucks, CCTV, Back Up Pumps)	\$75,000	\$75,000	\$75,000	\$75,000	\$75,000
Equipment Replacement Fund (Category 5) TOTALS	\$75,000	\$75,000	\$75,000	\$75,000	\$75,000
TOTALS (Categories 1 to 5)	\$2,159,500	\$7,344,000	\$3,083,000	\$3,776,000	\$3,466,000
PPI/I Reduction – Reimbursable Account	2023	2024	2025	2026	2027
Riverdale Park Lift Station F Area Implementation (ME10005-ME01)	\$726,000				
Riverland Drive Lift Station H Area Implementation (ME10005-ME01)		\$300,000			
Ranch Road Lift Station E Area Implementation (M10005-ME02)	\$756,000				
Continue Priority Sewer Lateral Allocation			\$220,000	\$220,000	\$220,000
Private Property Inflow Infiltration Reduction TOTALS	\$1,482,000	\$300,000	\$220,000	\$220,000	\$220,000

Attachment: Exhibit A - 2023 Capital Fund Details (RESOLUTION 3991 : Resolution Approving the 2023 Sewer Utility Budget)

2023 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 with Mill Rate at 1.62

	2022	2023	2024	2025	2026
Budget Available (Jan.1)*	\$4,499,456	\$4,707,221	\$4,621,007	(\$650,207)	(\$1,659,921)
Capital Funding	\$1,350,000	\$2,073,286	\$2,073,286	\$2,073,286	\$2,073,286
Total Funds Available	\$5,849,456	\$6,780,507	\$6,694,293	\$1,423,079	\$413,365
Capital Expenses	\$1,142,235	\$2,159,500	\$7,344,500	\$3,083,000	\$3,776,000
End of Year Balance**	\$4,707,221	\$4,621,007	(\$650,207)	(\$1,659,921)	(\$3,362,635)

*Includes the \$3.404 million in debt proceeds from the \$19.4 million East Trunk Sewer project financing in 2018, minus \$15.9 million in expenditures.

**In 2024 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 is anticipated for design in 2023 and construction in 2024. Additional work for capacity improvements to the gravity system and lift stations have also been identified. A determination on the type of capacity improvements, relief sewer or storage facilities will need to be made. For purposes of this budget, the more expensive relief sewer is accounted for in Exhibit A.

2023 CALCULATION OF SEWER USER CHARGE RATES

Exhibit B

<u>Rate Components</u>	<u>Annual Cost</u>	<u>Total (1,000 gals)</u>	<u>2023 Rate (1,000 gals)</u>	<u>2022 Rate (1,000 gals)</u>	<u>Change</u>	
MMSD O&M	\$1,672,293	478,206	\$3.497	\$3.050	0.447	
Mequon O&M	\$1,375,635	478,206	\$2.877	\$2.943	(0.066)	
Self Funded Capital	\$563,500	478,206	\$1.178	\$0.850	0.328	
Capital Debt Service	\$0	478,206	0.000	\$0.000	0.000	
Totals:	\$3,611,428		\$7.552	\$6.844	0.709	10.4%

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>2023</u>	<u>2022</u>	<u>Change</u>
Residential	\$7.552	2.31	49.0	365	\$78.00	\$74.00	5.1%
			41,314				

Estimated Flow Volume:

<u>Customer Type</u>	<u>Customers</u>	<u>MMSD ROF</u>	<u>MMSD ERU</u>	<u>Days</u>	<u>Total 2023 (1,000 gals)</u>	<u>2022</u>	<u>2023 Revenues</u>
Residential	7,484	2.31	49.0	365	309,206	317,162	\$2,335,135
Commercial	472	N/A	N/A	N/A	169,000	172,000	\$1,276,293
Totals:	7,957				478,206	489,162	\$3,611,428

MMSD O&M Charges

	<u>2023</u>	<u>2022</u>	<u>Change</u>	<u>% Change</u>
Estimated User Charge Billings Provided from MMSD	\$1,672,293	\$1,492,138	\$180,155	12.07%

Mequon O&M Charges

<u>Expense Type</u>	<u>2023</u>	<u>2022</u>	<u>Change</u>
Total Operating Costs	\$7,810,987	\$7,899,316	(\$88,329)
* Less - MMSD O&M	(\$1,672,293)	(\$1,492,138)	(\$180,155)
** Less - MMSD Capital	(\$4,604,759)	(\$4,911,405)	\$306,646
*** Less - Other Income	(\$158,300)	(\$56,300)	(\$102,000)
Totals:	\$1,375,635	\$1,439,473	(\$63,838)

* 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>2023</u>	<u>2022</u>	<u>Change</u>
<u>Tax Exempt Capital Rate</u>			
Budgeted MMSD Capital Costs	\$4,604,759	\$4,911,405	(\$306,646)
Mequon Capital Costs	\$260,000	\$0	\$260,000
(CSM, MATC, Concordia)			
Total annual estimated sewer flow	478,206	489,162	-10,956
Calculated rate per 1,000 gallons	\$10.17	\$10.04	1.3%

Attachment: Exhibit B - 2023 Sewer Budget Rate data (RESOLUTION 3991 : Resolution Approving the 2023 Sewer Utility Budget)

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PROJECTION: 623 2023 SEWER AND WATER UTILITY BUDGETS

FOR PERIOD 99

ACCOUNTS FOR:

Sewer	UT	Fund	2021 ACTUAL	2022 ORIG BUD	2022 REVISED BUD	2022 ACTUAL	2022 PROJECTION	2023 APP COMM	COMMENT
610669	Sewer UT Operations								
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	-40,350.00	.00	.00	
	TOTAL GENERAL FEES		.00	.00	.00	-40,350.00	.00	.00	
55	SPECIAL ASSESSMENTS								
610669	455102	Special As	.00	-2,000.00	-2,000.00	.00	.00	.00	
610669	455103	S/A Intere	-262.29	-300.00	-300.00	.00	-300.00	-300.00	
	TOTAL SPECIAL ASSESSMENTS		-262.29	-2,300.00	-2,300.00	.00	-300.00	-300.00	
58	OTHER REVENUE								
610669	458201	LTDebtPrd	.00	.00	.00	.00	.00	.00	
610669	458203	Amort - BP	-62,341.65	-62,342.00	-62,342.00	.00	-62,341.65	-62,342.00	
610669	458301	PILOT Rev	-47,195.16	-11,000.00	-11,000.00	-10,185.49	-10,185.49	-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		-109,536.81	-73,342.00	-73,342.00	-10,185.49	-72,527.14	-73,342.00	
59	INVESTMENT REVENUE								
610669	459101	Interest	1,033.44	-30,000.00	-30,000.00	109,869.63	.00	-120,000.00	
610669	459102	PrdcsCapLe	.00	.00	.00	.00	.00	.00	
	TOTAL INVESTMENT REVENUE		1,033.44	-30,000.00	-30,000.00	109,869.63	.00	-120,000.00	
60	SEWER - OPERATING								
610669	460201	ResMeas	-928,776.39	-799,734.00	-799,734.00	-668,118.36	-799,734.00	-890,230.00	
610669	460202	PubAuth	.00	.00	.00	.00	.00	.00	
610669	460203	ComMeas	-1,208,432.56	-1,177,094.00	-1,177,094.00	-834,662.70	-1,095,000.00	-1,276,293.00	
610669	460204	SrvMMSDCap	.00	.00	.00	.00	.00	.00	
610669	460205	ResFlat	-1,353,055.00	-1,370,783.00	-1,370,783.00	-1,027,725.51	-1,370,783.00	-1,444,905.00	
610669	460206	TaxExptCap	-468,514.54	-420,000.00	-420,000.00	-278,115.33	-420,000.00	-429,000.00	
610669	460208	Misc Opera	-20,605.35	-15,000.00	-15,000.00	-17,690.68	-17,290.68	-15,000.00	

Attachment: Exhibit C - 2023 Sewer Budget Details (RESOLUTION 3991 : Resolution Approving the 2023

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PROJECTION: 623 2023 SEWER AND WATER UTILITY BUDGETS

FOR PERIOD 99

ACCOUNTS FOR:

Sewer UT Fund	2021 ACTUAL	2022 ORIG BUD	2022 REVISED BUD	2022 ACTUAL	2022 PROJECTION	2023 APP COMM	COMMENT
TOTAL SEWER - OPERATING	-3,979,383.84	-3,782,611.00	-3,782,611.00	-2,826,312.58	-3,702,807.68	-4,055,428.00	
61 SEWER - NON OPERATIN							
610669 461101 Sewer Prop	-7,063,475.00	-7,213,956.00	-7,213,956.00	-7,213,955.99	-7,213,955.99	-7,213,956.00	
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	-7,063,475.00	-7,213,956.00	-7,213,956.00	-7,213,955.99	-7,213,955.99	-7,213,956.00	
63 WATER - OTHER OPERAT							
610669 463701 LatePnlty	-12,815.18	-9,000.00	-9,000.00	-11,488.55	-12,000.00	-12,000.00	
610669 463702 TaxCertFee	.00	.00	.00	.00	.00	.00	
TOTAL WATER - OTHER OPERAT	-12,815.18	-9,000.00	-9,000.00	-11,488.55	-12,000.00	-12,000.00	
64 WATER - NON OPERATIN							
610669 465421 ContrCap	-1,076,919.10	.00	.00	.00	.00	.00	
TOTAL WATER - NON OPERATIN	-1,076,919.10	.00	.00	.00	.00	.00	
69 PROJECT FUNDING							
610669 469009 TransferIn	.00	.00	.00	.00	.00	.00	
TOTAL PROJECT FUNDING	.00	.00	.00	.00	.00	.00	
70 SALARIES							
610669 670101 Salaries	384,227.41	514,141.00	514,141.00	343,348.56	394,771.00	524,943.00	
610669 670104 Vacation	.00	.00	.00	.00	.00	.00	
610669 670105 Sick Pay	.00	.00	.00	.00	.00	.00	
610669 670106 CompTime	25,426.07	15,000.00	15,000.00	21,152.74	24,000.00	25,000.00	
610669 670201 OverTime	2,570.53	6,000.00	6,000.00	1,344.12	3,000.00	3,000.00	
610669 670202 Stand By	9,664.68	16,000.00	16,000.00	1,063.26	3,000.00	10,000.00	
610669 670205 FMLA	.00	.00	.00	3,288.48	3,288.48	.00	
610669 670206 EmergLeave	.00	.00	.00	.00	.00	.00	
610669 670301 Longevity	.00	.00	.00	.00	.00	.00	
610669 670401 MuniSupSvs	156,554.47	179,000.00	179,000.00	.00	180,000.00	192,000.00	
TOTAL SALARIES	578,443.16	730,141.00	730,141.00	370,197.16	608,059.48	754,943.00	
73 FRINGE BENEFITS							
610669 673101 Social Sec	33,366.00	38,425.00	38,425.00	28,450.83	36,632.00	39,046.00	
610669 673102 Retirement	31,489.52	33,161.00	33,161.00	25,766.92	34,611.00	35,200.00	
610669 673103 W/C Insure	15,325.55	16,089.00	16,089.00	13,767.66	13,800.00	13,800.00	

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PROJECTION: 623 2023 SEWER AND WATER UTILITY BUDGETS

FOR PERIOD 99

ACCOUNTS FOR:

Sewer	UT	Fund	2021 ACTUAL	2022 ORIG BUD	2022 REVISED BUD	2022 ACTUAL	2022 PROJECTION	2023 APP COMM	COMMENT
610669	673104	UnempComp	.00	.00	.00	.00	.00	.00	
610669	673201	Health Ins	124,804.59	139,494.00	139,494.00	108,501.91	137,277.00	145,612.00	
610669	673202	Dental Ins	5,007.66	5,962.00	5,962.00	4,584.79	5,963.00	5,788.00	
610669	673203	Life Ins	1,439.59	1,501.00	1,501.00	1,146.52	1,809.00	1,543.00	
610669	673204	Disability	1,569.88	2,250.00	2,250.00	1,456.25	2,250.00	2,250.00	
TOTAL FRINGE BENEFITS			213,002.79	236,882.00	236,882.00	183,674.88	232,342.00	243,239.00	
75	OTHER STAFF COSTS								
610669	675101	Uniforms	2,070.00	2,250.00	2,250.00	.00	2,100.00	2,250.00	
TOTAL OTHER STAFF COSTS			2,070.00	2,250.00	2,250.00	.00	2,100.00	2,250.00	
76	ADMIN & GENERAL EXP								
610669	676205	OPEB Pen	-58,130.00	7,000.00	7,000.00	.00	.00	.00	
TOTAL ADMIN & GENERAL EXP			-58,130.00	7,000.00	7,000.00	.00	.00	.00	
80	MATERIALS & SUPPLIES								
610669	680101	Office Sup	231.51	1,000.00	1,000.00	181.36	250.00	1,000.00	
610669	680301	WS-Admin	18,015.25	20,000.00	20,000.00	21,450.95	15,000.00	17,000.00	
610669	680402	Motor Fuel	11,407.87	15,000.00	15,000.00	12,343.32	12,500.00	17,500.00	
610669	680504	Telephone	1,675.09	2,000.00	2,000.00	1,278.33	1,641.00	2,000.00	
610669	680505	Postage	9,802.21	14,500.00	14,500.00	10,975.83	12,500.00	14,500.00	
TOTAL MATERIALS & SUPPLIES			41,131.93	52,500.00	52,500.00	46,229.79	41,891.00	52,000.00	
83	PURCHASED SERVICES								
610669	683101	Cnsult-Gen	21,653.15	25,000.00	25,000.00	24,545.04	24,380.00	24,000.00	
610669	683201	Cntrct-Gen	20,828.39	23,000.00	23,000.00	7,532.47	22,130.00	23,500.00	
610669	683202	Cntrct-Mnt	6,334.02	5,000.00	5,000.00	1,408.08	2,455.00	5,000.00	
610669	683401	Liab Ins	28,106.50	20,000.00	20,000.00	.00	30,000.00	28,500.00	
610669	683402	Auto Insur	4,081.60	5,500.00	5,500.00	4,922.95	4,922.95	5,000.00	
610669	683501	Train/Conf	3,265.00	7,500.00	7,500.00	8,275.22	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			84,268.66	86,000.00	86,000.00	46,683.76	89,776.95	93,500.00	
88	EQUIPMENT / LEASES								
610669	688120	Rentals	61,101.00	61,000.00	61,000.00	2,200.00	62,000.00	68,000.00	
TOTAL EQUIPMENT / LEASES			61,101.00	61,000.00	61,000.00	2,200.00	62,000.00	68,000.00	
95	OPERATING EXPENSES								
610669	695102	Power/Fuel	80,495.91	100,000.00	100,000.00	82,510.80	84,285.00	100,000.00	

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PROJECTION: 623 2023 SEWER AND WATER UTILITY BUDGETS
FOR PERIOD 99
ACCOUNTS FOR:

Sewer UT Fund		2021 ACTUAL	2022 ORIG BUD	2022 REVISED BUD	2022 ACTUAL	2022 PROJECTION	2023 APP COMM	COMMENT
610669 695103	SystemReh	11,497.50	135,000.00	135,000.00	151,346.75	118,892.00	135,000.00	
610669 695104	TV Equip	6,955.86	15,000.00	15,000.00	94.20	10,000.00	15,000.00	
610669 695105	System Rep	41,398.28	60,000.00	60,000.00	26,654.01	53,705.00	60,000.00	
610669 695108	SewageO&M	1,475,994.56	1,492,138.00	1,492,138.00	1,497,436.00	1,492,138.00	1,672,293.00	
610669 695109	SewageCap	4,935,663.00	4,911,405.00	4,911,405.00	4,896,635.00	4,906,902.00	4,604,759.00	
610669 695111	Transport	2,184.38	5,000.00	5,000.00	1,690.51	2,529.00	5,000.00	
610669 695114	Equip Repl	3,613.03	5,000.00	5,000.00	38.43	3,377.00	5,000.00	
610669 695201	TranCapRes	.00	.00	.00	.00	.00	.00	
TOTAL OPERATING EXPENSES		6,557,802.52	6,723,543.00	6,723,543.00	6,656,405.70	6,671,828.00	6,597,052.00	
96	NON-OPERATING EXPENS							
610669 686604	BadDebt	1,259.59	.00	.00	408.39	.00	.00	
610669 696101	Depreciati	1,049,430.66	1,200,000.00	1,200,000.00	.00	1,125,000.00	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	510,628.71	456,893.00	456,893.00	353,236.23	456,893.00	406,756.00	
TOTAL NON-OPERATING EXPENS		1,561,318.96	1,656,893.00	1,656,893.00	353,644.62	1,581,893.00	1,606,756.00	
TOTAL Sewer UT Operations		-3,200,349.76	-1,555,000.00	-1,555,000.00	-2,333,387.07	-1,711,700.38	-2,057,286.00	
TOTAL Sewer UT Fund		-3,200,349.76	-1,555,000.00	-1,555,000.00	-2,333,387.07	-1,711,700.38	-2,057,286.00	
TOTAL REVENUE		-12,241,358.78	-11,111,209.00	-11,111,209.00	-9,992,422.98	-11,001,590.81	-11,475,026.00	
TOTAL EXPENSE		9,041,009.02	9,556,209.00	9,556,209.00	7,659,035.91	9,289,890.43	9,417,740.00	
GRAND TOTAL		-3,200,349.76	-1,555,000.00	-1,555,000.00	-2,333,387.07	-1,711,700.38	-2,057,286.00	

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BUDGET PROJECTION 623 2023 SEWER AND WATER UTILITY BUDGETS

ORG	OBJECT PROJ	ACCOUNT DESCRIPTION	CURRENT ADJ BUDGET	PROJECTED ACTUAL	APP COMM	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	.00	.00	-100.00
	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	-62,342.00	-62,341.65	-62,342.00	.00
	0610-10-669-000-458203-					
610669	458301	PILOT Revenue	-11,000.00	-10,185.49	-11,000.00	.00
	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	-30,000.00	.00	-120,000.00	300.00
	0610-10-669-000-459101-					
610669	459102	Proceeds - Capital Lease	.00	.00	.00	.00
	0610-10-669-000-459102-					
610669	460201	Residential-Measured	-799,734.00	-799,734.00	-890,230.00	11.32
	0610-10-669-000-460201-					
610669	460202	Public Authority	.00	.00	.00	.00
	0610-10-669-000-460202-					
610669	460203	Commercial-Measured	-1,177,094.00	-1,095,000.00	-1,276,293.00	8.43
	0610-10-669-000-460203-					
610669	460204	Service-MMSD Capital	.00	.00	.00	.00
	0610-10-669-000-460204-					

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BUDGET PROJECTION 623 2023 SEWER AND WATER UTILITY BUDGETS

ORG	OBJECT PROJ	ACCOUNT DESCRIPTION	CURRENT ADJ BUDGET	PROJECTED ACTUAL	APP COMM	PERCENT CHANGE
610669	460205	Residential-Flat Rate	-1,370,783.00	-1,370,783.00	-1,444,905.00	5.41
	0610-10-669-000-460205-					
610669	460206	Tax Exempt Capital Fees	-420,000.00	-420,000.00	-429,000.00	2.14
	0610-10-669-000-460206-					
610669	460208	Misc Operating Revenue	-15,000.00	-17,290.68	-15,000.00	.00
	0610-10-669-000-460208-					
610669	461101	Sewer Property Tax	-7,213,956.00	-7,213,955.99	-7,213,956.00	.00
	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	-12,000.00	-12,000.00	33.33
	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	514,141.00	394,771.00	524,943.00	2.10
	0610-10-669-000-670101-					
			1.00	67,743.00	67,743.00	
			1.00	70,978.00	70,978.00	
			1.00	67,743.00	67,743.00	
			1.00	84,149.00	84,149.00	
			.50	88,352.00	44,176.00	
			1.00	50,711.00	50,711.00	
			1.00	50,175.00	50,175.00	
			.50	74,962.00	37,481.00	
			.50	45,334.00	22,667.00	
			1.00	29,120.00	29,120.00	
	INTERNS					
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-					

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BUDGET PROJECTION 623 2023 SEWER AND WATER UTILITY BUDGETS

ORG	OBJECT PROJ	ACCOUNT DESCRIPTION	CURRENT ADJ BUDGET	PROJECTED ACTUAL	APP COMM	PERCENT CHANGE
610669	670106	Comp Time	15,000.00	24,000.00	25,000.00	66.67
	0610-10-669-000-670106-					
610669	670201	OverTime	6,000.00	3,000.00	3,000.00	-50.00
	0610-10-669-000-670201-					
610669	670202	Stand By Pay	16,000.00	3,000.00	10,000.00	-37.50
	0610-10-669-000-670202-					
610669	670205	Medical Leave	.00	3,288.48	.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	179,000.00	180,000.00	192,000.00	7.26
	0610-10-669-000-670401-					
610669	673101	Social Security	38,425.00	36,632.00	39,046.00	1.62
	0610-10-669-000-673101-					
			.00	.00	3,985.00	
			.00	.00	932.00	
			.00	.00	4,022.00	
			.00	.00	941.00	
			.00	.00	3,872.00	
			.00	.00	905.00	
			.00	.00	5,000.00	
			.00	.00	1,169.00	
			.00	.00	2,529.00	
			.00	.00	591.00	
			.00	.00	2,793.00	
			.00	.00	653.00	
			.00	.00	2,769.00	
			.00	.00	648.00	
			.00	.00	2,208.00	
			.00	.00	516.00	
			.00	.00	1,285.00	
			.00	.00	300.00	
	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	33,161.00	34,611.00	35,200.00	6.15
	0610-10-669-000-673102-					
			.00	.00	4,606.00	
			.00	.00	4,826.00	
			.00	.00	4,606.00	
			.00	.00	5,722.00	
			.00	.00	3,004.00	
			.00	.00	3,448.00	

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BUDGET PROJECTION 623 2023 SEWER AND WATER UTILITY BUDGETS

ORG	OBJECT PROJ	ACCOUNT DESCRIPTION	CURRENT ADJ BUDGET	PROJECTED ACTUAL	APP COMM	PERCENT CHANGE
			.00	.00	3,412.00	
			.00	.00	2,549.00	
			.00	.00	1,542.00	
		WRS ON STANDBY/OT	1.00	1,485.00	1,485.00	
610669	673103	Worker's Comp Insurance 0610-10-669-000-673103-	16,089.00	13,800.00	13,800.00	-14.23
610669	673104	Unemployment Compensation 0610-10-669-000-673104-	.00	.00	.00	.00
610669	673201	Health Insurance 0610-10-669-000-673201-	139,494.00	137,277.00	145,612.00	4.39
			.00	.00	9,437.00	
			.00	.00	23,197.00	
			.00	.00	23,197.00	
			.00	.00	23,197.00	
			.00	.00	11,599.00	
			.00	.00	9,437.00	
			.00	.00	22,351.00	
			.00	.00	11,598.00	
			.00	.00	11,599.00	
610669	673202	Dental Insurance 0610-10-669-000-673202-	5,962.00	5,963.00	5,788.00	-2.92
			.00	.00	349.00	
			.00	.00	1,018.00	
			.00	.00	1,018.00	
			.00	.00	1,018.00	
			.00	.00	509.00	
			.00	.00	349.00	
			.00	.00	1,018.00	
			.00	.00	509.00	
610669	673203	Life Insurance 0610-10-669-000-673203-	1,501.00	1,809.00	1,543.00	2.80
			.00	.00	225.00	
			.00	.00	83.00	
			.00	.00	225.00	
			.00	.00	572.00	
			.00	.00	49.00	
			.00	.00	46.00	
			.00	.00	51.00	
			.00	.00	254.00	
			.00	.00	38.00	
610669	673204	Long Term Disability 0610-10-669-000-673204-	2,250.00	2,250.00	2,250.00	.00

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BUDGET PROJECTION 623 2023 SEWER AND WATER UTILITY BUDGETS

ORG	OBJECT PROJ	ACCOUNT DESCRIPTION	CURRENT ADJ BUDGET	PROJECTED ACTUAL	APP COMM	PERCENT CHANGE
610669	675101	Uniforms & Clothing	2,250.00	2,100.00	2,250.00	.00
	0610-10-669-000-675101-					
610669	676205	OPEB & Supp Pension Expense	7,000.00	.00	.00	-100.00
	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	15,000.00	17,000.00	-15.00
	0610-10-669-000-680301-					
610669	680402	Motor Fuels & Lubricant	15,000.00	12,500.00	17,500.00	16.67
	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	14,500.00	12,500.00	14,500.00	.00
	0610-10-669-000-680505-					
610669	683101	Consultants - General	25,000.00	24,380.00	24,000.00	-4.00
	0610-10-669-000-683101-					
		Lockbox Fees	1.00	4,000.00	4,000.00	
		Metering and Facility Plan Reviews	2.00	5,000.00	10,000.00	
		Condition Assessments	2.00	5,000.00	10,000.00	
610669	683201	Contracted Services - General	23,000.00	22,130.00	23,500.00	2.17
	0610-10-669-000-683201-					
		Dumpster Fees	1.00	5,000.00	5,000.00	
		USIC - Locating Services	1.00	5,000.00	5,000.00	
		Conley Media Bid Advertisement	1.00	1,000.00	1,000.00	
		Audit Services	1.00	12,500.00	12,500.00	
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	30,000.00	28,500.00	42.50
	0610-10-669-000-683401-					
			1.00	28,500.00	28,500.00	
610669	683402	Auto Insurance	5,500.00	4,922.95	5,000.00	-9.09
	0610-10-669-000-683402-					
			1.00	5,000.00	5,000.00	
610669	683501	Training/Conferences	7,500.00	5,889.00	7,500.00	.00
	0610-10-669-000-683501-					
			1.00	6,000.00	6,000.00	
		MUNIS TRAINING FOR PROFESSIONAL STAFF	2.00	750.00	1,500.00	

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APP COMM BUDGET REQUESTSP
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BUDGET PROJECTION 623 2023 SEWER AND WATER UTILITY BUDGETS

ORG	OBJECT PROJ	ACCOUNT DESCRIPTION	CURRENT ADJ BUDGET	PROJECTED ACTUAL	APP COMM	PERCENT CHANGE
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	61,000.00	62,000.00	68,000.00	11.48
	0610-10-669-000-688120-					
			1.00	68,000.00	68,000.00	
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-					
		Electrical Repairs - Giltzer Electric	1.00	25,000.00	25,000.00	
		Sewer Emergency Repairs - DF Tomasini,	1.00	25,000.00	25,000.00	
		Globe				
		SCADA Repairs - 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	15,000.00	10,000.00	15,000.00	.00
	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	1,492,138.00	1,492,138.00	1,672,293.00	12.07
	0610-10-669-000-695108-					
		Milwaukee Metro Sewerage District	1.00	1,672,293.00	1,672,293.00	
610669	695109	Sewage Treatment-Capita	4,911,405.00	4,906,902.00	4,604,759.00	-6.24
	0610-10-669-000-695109-					
		Milwaukee Metro Sewerage District	1.00	4,604,759.00	4,604,759.00	
		Capital Charge				
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	

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CITY OF MEQUON
APP COMM BUDGET REQUESTS

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BUDGET PROJECTION 623 2023 SEWER AND WATER UTILITY BUDGETS

ORG	OBJECT PROJ	ACCOUNT DESCRIPTION	CURRENT ADJ BUDGET	PROJECTED ACTUAL	APP COMM	PERCENT CHANGE
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	1,125,000.00	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	456,893.00	456,893.00	406,756.00	-10.97
	0610-10-669-000-696501-					
		BUDGET CEILING:			-1,555,000.00	
		TOTALS:	-1,555,000.00	-1,711,700.38	-2,057,286.00	32.30

** END OF REPORT - Generated by Jennifer Engroff **



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

www.ci.mequon.wi.us

Office of Sewer Utility District Commission

TO: Common Council
FROM: Kevin Driscoll, Deputy Director of Utilities
DATE: November 9, 2022
SUBJECT: RESOLUTION 3998 A Resolution Rejecting the Bids for a Back-up Pumping System at Lift Station E (Ranch Road)

Background

At its meeting on October 27, 2022, the Sewer Utility District Commission discussed the condition assessment of Lift Station E (see attached map) in two separate agenda items. One item specifically addressed the identified need for a backup pumping system in case both of the power sources to the station simultaneously lost power. The full memo from that meeting is attached.

Analysis

Given the cost of the bids received and the discussion at the meeting, the project was identified as cost prohibitive. As also indicated at the meeting, Sewer Utility staff will release a scope of services for the design of a replacement lift station within City right-of-way. Replacement of the existing station will consider an on-site generator to address power failure concerns. In the interim, Sewer Utility staff will continue to evaluate other less costly alternatives to address surcharging and power failure.

Fiscal Impact

Two bids were opened on Tuesday, September 27, 2022, and are summarized below.

Contractor	Amount
August Winter and Son	\$598,000
Mid-City	\$656,900

Recommendation

On October 27, 2022, the Sewer Utility District Commission approved a recommendation to reject the bids.

Attachments:

Exhibit 1 - 10-27-22 SUDC Cover Memo - Item 4b (PDF)
 Exhibit 2 - Map of LS E Area (PDF)
 Exhibit 3 - Bid Summary (#3616) (PDF)

COMMON COUNCIL
OF THE
CITY OF MEQUON

RESOLUTION 3998

A Resolution Rejecting the Bids for a Back-up Pumping System at Lift Station E (Ranch Road)

RECITALS

A. A number of capital improvement projects were identified as part of the FY2022 Sanitary Sewer budget adopted by the Common Council on October 28, 2021.

B. The Sewer Utility advertised and received bids to install an automatic back-up pumping system for the lift station at Ranch Road, also known as Lift Station E.

C. Staff has reviewed the various bids and contractor qualifications for the contracts and discussed the rejection of the bids with the Sewer Utility District Commission on October 27, 2022.

D. The Sewer Utility District Commission at its meeting on October 27, 2022, recommended the rejection of the bids and directed staff to pursue other options.

BASED ON THE FOREGOING RECITALS, IT IS RESOLVED by the Common Council of the City of Mequon, Wisconsin, that the bids to install an automatic back-up pumping system for the Ranch Road Lift Station E are rejected.

Approved by: Andrew Nerbun, Mayor

Date Approved: November 9, 2022

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, 2022.

Caroline Fochs, City Clerk



11333 N. Cedarburg Road
Mequon, WI 53092-1930
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Office of Sewer Utility District Commission

TO: Sewer Utility District Commission
FROM: Kevin Driscoll, Deputy Director of Utilities
DATE: October 19, 2022
SUBJECT: Lift Station E Back-up Pumping System Consideration

Background

In addition to the replacement of Lift Station E (LS E) on Ranch Road, the condition assessment recommended consideration of several improvements to address operational and maintenance issues in the interim. Most notably, LS E currently has two electrical feeds. No back-up generator or automatic back-up pumping system is located on site. Over the last eight years, power failures have occurred annually to each one of the dual electrical feeds, however not simultaneously. These temporary power failures are due to incidents such as high winds and tree blow down or an accident where someone's vehicle impacts a power pole that knocks it over and out of service. If both of the power feeds go out then the station pumps would become temporarily inoperable and out of service. The station operates at up to 6,000 gallons per minute (gpm) during wet weather and 1,500 gpm during dry weather. For reference, the amount or volume of domestic wastewater flow handled by LS E is roughly equivalent to filling up the City's pool every 45 minutes or 3 hours, respectively for wet weather and dry weather operations. The Sewer Utility typically dispatches portable back-up pumps to address power outages and/or high wet wells, but none of the pumps has the capacity to handle the volume of flow at LS E.

Please note that an overflow due to a power failure would not only impact LS E, but those properties and residents that ultimately discharge to LS E. Power failure and high wet wells put the system at risk of surcharging, which could and historically has resulted in basement backups. The sewershed, or properties contributing directly to LS E, and those sewersheds that are processed through LS E are shown in the attached Exhibit A.

Based upon the condition assessment and risk, a back-up pumping system was designed to continue operations of the station in the event of dual power failure to avoid a catastrophic event and dire predicament. On April 12, 2022, the Sewer Utility District Commission awarded a contract to design a back-up pumping system to operate until a new lift station can be built. A copy of the consultant memo (dated 6/28/2022) evaluating a back-up generator compared to a back-up pumping system, that uses natural gas or diesel fuel, is enclosed as Exhibit B. The revised cost estimate (dated 8/29/2022) for back-up pumping system, with diesel fuel, is enclosed as Exhibit C. The diesel fuel allows for relocation, in contrast to a fixed natural gas hard piping.

Pending the approval of site selection for LS E, the anticipated schedule for replacement is 24 to 30 months once a site is selected and established.

Analysis

The Sewer Utility's condition assessment identified vulnerability with electric service connections, and the potential for pump failure. In the event both electrical feeds go out, then the station would be inoperable without a back-up power source. If an electrical power source

becomes temporarily unavailable, then a swimming pool sized volume would need to be pumped every half hour and/or bypassed to avoid basement back-ups during severe wet weather events.

In September the contract documents were advertised to procure and install an onsite automatic back-up pumping system with capacity of 3,000 gallons per minute. Two bids were opened on Tuesday, September 27, 2022, and are summarized below and in Exhibit D.

Contractor	Amount
August Winter and Son	\$598,000
Mid-City	\$656,900

If this contract is authorized, this back-up pumping system would be functional in summer 2023, with anticipated supply chain delivery schedule of 3-4 months. In addition, this back-up pumping system would be on stand-by for the full duration LS E operation, until it is replaced, in potentially 24-30 months.

This back-up pumping system is intended to maintain system reliability in the event of a power outage. This diesel back-up pumping system also has the ability for relocation in the future to another lift station or can be considered for resale. The resale cost in 3 years cannot be predicted and that is unknown but would generally be based on wear and tear of the pump. However, at this time pump resale can be more than 50% of the original pump cost for standby pumps with only a few years of use.

The bids were opened on September 27, 2022, and remain valid for 45 days until Friday, November 11, 2022. Therefore, the Sewer Utility District Commission and Common Council must either approve the contract award or reject the bids at the November 9 meeting.

Fiscal Impact

The low bidder is August Winter and Son at \$598,000. Funding is available to procure and install a back-up pumping system at LS E, but this would substantially reduce the balance available for the overall replacement of Lift Station E, which is estimated to range between \$4.8 - \$6.2 million.

Recommendation

Sewer Utility staff is concerned regarding the risk to public infrastructure and private property if there was a catastrophic power failure at LS E, before the replacement project is complete. An automatic back-up pumping system is one of the best options to mitigate surcharging should there be an overflow. The expenditure of \$598,000 significantly reduces the available funding for not only the replacement of LS E, but other identified capital projects.

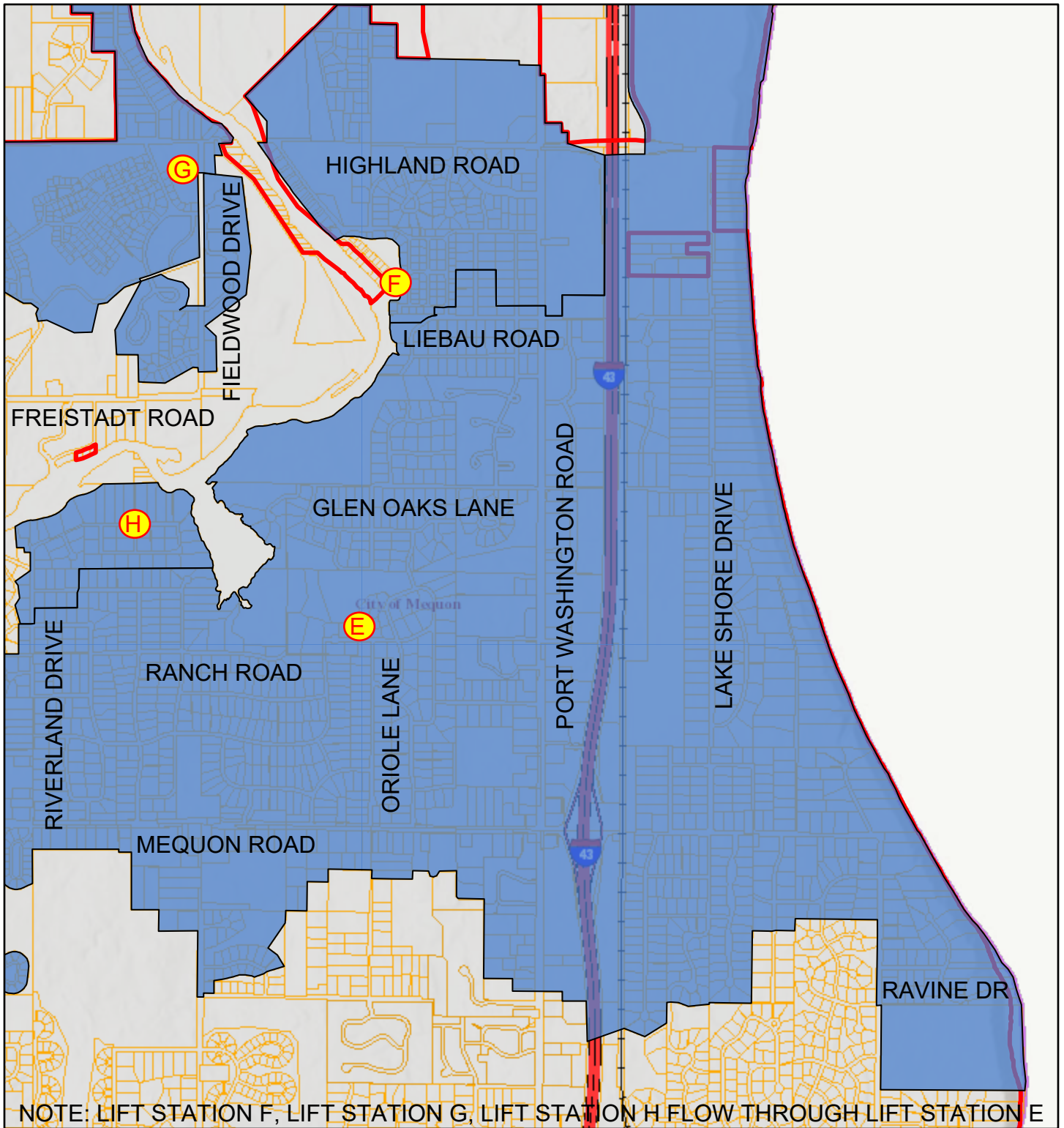
If the Sewer Utility District Commission authorizes the site selection for the LS E replacement and an attainable funding source is identified, then LS E replacement will ultimately address those issues identified. Acknowledging the risk of not implementing a back-up pumping system until LS E is replaced, staff is seeking feedback from the Sewer Utility District Commission on the award or rejection of the bids.

Please note if the Sewer Utility District Commission directs staff to bring a resolution to reject the bids at the November meeting, Sewer Utility staff will continue to evaluate other less costly alternatives to address surcharging and power failure.

Attachments:

- Exhibit A - Map of LS E Area (PDF)
- Exhibit B - LS E Preliminary Alternatives Analysis Memo (PDF)
- Exhibit C - Capital Cost Analysis (PDF)
- Exhibit D - Bid Summary (#3616) (PDF)

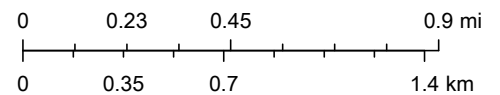
City of Mequon



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- | | | |
|-----------------------------|-------------------|---------------------|
| Sanitary_Lift_Station_Areas | Tax Parcel | US Highway |
| Sewer Service Areas | Road Reservation | State Highway |
| Civil Divisions | Road Right-of-Way | County Road |
| City | Condominium | Ramp |
| Village | Gap | Railroad Centerline |
| Town | Overlap | |



Esri, NASA, NGA, USGS, FEMA, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA



**CITY OF MEQUON
SEWER UTILITY**

BIDS RECEIVED FOR:

Back-Up Pumping System for Lift Station E, #3616

BID OPENING: 9/27/2022 1:00 PM
DATE TIME

Contractor	General PRE-QUAL	Bid Bond	ADDENDUM No. 1	Base Bid	Alternate Bid
August Winter & Sons, Inc.	X	X	X	\$598,000.00	\$593,000.00
Mid City Corporation	X	X	X	\$656,900.00	\$634,900.00