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Office of the City Clerk
Taped and Televised

**COMMON COUNCIL
Regular Meeting
Wednesday, November 9, 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 7:44 PM.

2) Pledge of Allegiance

3) Roll Call

Present:

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

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

4) Convene as Appropriations Committee

The Common Council convened as the Appropriations Committee at 7:44 PM.

a) Approve Appropriations Committee meeting minutes of October 6, 2022

Motion to approve the Appropriations Committee meeting minutes of October 6, 2022.

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

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

b) Reconvene as the Common Council

The Appropriations Committee reconvened as the Common Council at 7:45 PM.

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; First Reading at Common Council October 11, 2022.**

1) Public Hearing

Motion to open the public hearing for **ORDINANCE 2022-1629**.

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

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

Motion to close the public hearing for **ORDINANCE 2022-1629**.

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

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

2) Consideration of ordinance

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.

Motion to approve **ORDINANCE 2022-1629.**

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

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

- 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

Motion to open the public hearing for **ORDINANCE 2022-1631.**

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

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

Motion to close the public hearing for **ORDINANCE 2022-1631.**

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

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

2) Consideration of ordinance (Potential waiver of rules related to second readings.)

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.

Motion to suspend the rules and take action on **ORDINANCE 2022-1631.**

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

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

Motion to approve **ORDINANCE 2022-1631**.

Council discussion ensued on the money budgeted for the Weyenberg Library, other uses for these funds, equitable funding from Mequon and Thiensville, and the history of library funding. Council decided to approve the budget as is, further consult with Library staff to gain answers to address Council's concerns about this budget and the American Rescue Plan Act (ARPA) funds, and then provide authorization to staff to disburse monies if Council recommends.

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

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

6) Personal Appearances and Public Comment: None.

7) Public Officials' Reports:

- a) Mayor: Mayor Nerbun announced that there will be a Veteran's Day celebration at the American Legion Hall on November 11th, from 11:00 am to noon. Winter Wonderland will take place on December 11th, from 3:30 - 6:30 pm in front of City Hall. Finally, Small Business Saturday is slated for November 26th. Be sure and support our local businesses.
- b) City Administrator: City Administrator Jones announced that Ozaukee County approved the 3-party agreement for the transfer of dispatch services starting January 1, 2023. All current dispatch personnel will still be employed, either reassigned at the Mequon Police Department or relocated to Ozaukee County. In addition, there will be a Special Election for Aldermanic District 8 on January 10, 2023. Nomination papers are available in the City Clerk's Office and must be submitted to the Clerk by 5:00 pm on November 15, 2022. If needed, the Primary for the Special Election will be held on December 13, 2022. Finally, presentations on the Compensation Analysis and the Lemke Park Pavilion design will also be presented at an upcoming Committee of the Whole.

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.

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

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

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

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 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.

RESULT: **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.

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

Motion to suspend the rules and take action on **ORDINANCE 2022-1634**.

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

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

Motion to approve **ORDINANCE 2022-1634**.

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

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

- 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.

Motion to suspend the rules and take action on **ORDINANCE 2022-1635**.

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

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

Motion to approve **ORDINANCE 2022-1635**.

City Attorney Sajdak stated that the recommendation from the Public Welfare Committee included one minor amendment to remove the word "new" in the first sentence of Section a) Survey. It should read "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 plat of survey."

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

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

- 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.

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

Motion to suspend the rules and take action on **ORDINANCE 2022-1632**.

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

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

Motion to approve **ORDINANCE 2022-1632**.

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

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

9) Ordinances:

- 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.

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

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

10) Resolutions:

- a) **RESOLUTION 3992** - A Resolution Approving the FY2023 Southern Ozaukee Fire & Emergency Medical Services Department Operating and Capital Budgets.

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

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

- 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.

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

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

- c) **RESOLUTION 3994** - A Resolution Adopting the 2023 Compensation Plan for Non-Represented Employees.

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

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

- 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.

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

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

- e) **RESOLUTION 3996** - A Resolution Authorizing Execution of the Fifteenth-Amended Agreement for Operation of the Mid-Moraine Municipal Court Through April 30, 2051.

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

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

- 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.

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

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

- g) **RESOLUTION 3991** - A Resolution Adopting the Fiscal Year 2023 Sanitary Sewer Utility Budget and Establishing the 2023 Sanitary Sewer User Fee Schedule.

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

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

- h) **RESOLUTION 3998** - A Resolution Rejecting the Bids for a Back-up Pumping System at Lift Station E (Ranch Road).

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

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

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

12) **Specified New Business:** None.

13) **Adjourn**

Motion to adjourn at 8:27 PM

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

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

Respectfully Submitted,
Kathy Andrykowski
Deputy Clerk
Approved 12/13/22