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Office of the City Clerk
Taped and Televised

**COMMON COUNCIL
Regular Meeting
Tuesday, November 14, 2023 - 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 7:37 PM.

2) Pledge of Allegiance

3) Roll Call

Present:

Mayor Andrew Nerbun
Alderman Robert Strzelczyk (virtually)
Alderman Kelly Tolocko
Alderman Dale Mayr
Alderman Jeffrey Hansher
Alderman Gregg Bach
Alderman Brian Parrish
Alderman Kathleen Schneider
Alderman William Gebhardt

Also present: City Administrator Jones, Assistant City Administrator Schoenemann, City Attorney Sajdak, City Clerk Fochs, Finance Director Engroff, Police Chief Pryor, Fire Chief Bialk, City Engineer/Public Works Director Lundeen, Community Development Director Tollefson, Assistant Community Development Director Zader, press and interested public.

4) Convene as Appropriations Committee

The Common Council convened as the Appropriations Committee at 7:37 PM.

a) Approve Appropriations Committee meeting minutes of October 9, 2023

Motion to approve the Appropriations Committee meeting minutes of October 9, 2023.

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

AYES: Strzelczyk, Tolocko, Mayr, Hansher, Bach, Parrish, Schneider, Gebhardt

b) Reconvene as the Common Council

The Appropriations Committee reconvened as the Common Council at 7:37 PM.

5) Public Hearing:

- a) **ORDINANCE 2023-1655** - 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 2024 and Levying for the Same; **Recommended by Appropriations Committee October 9, 2023; First Reading.**

Motion to open the public hearing for **ORDINANCE 2023-1655.**

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

AYES: Strzelczyk, Tolocko, Mayr, Hansher, Bach, Parrish, Schneider, Gebhardt

Motion to close the public hearing for **ORDINANCE 2023-1655.**

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

AYES: Strzelczyk, Tolocko, Mayr, Hansher, Bach, Parrish, Schneider, Gebhardt

6) Consideration of Resolutions and Ordinances (Potential waiver of rules related to second readings.)

- a) **RESOLUTION 4079** - A Resolution Authorizing an Exception to the Levy Limit for Charges for the Southern Ozaukee Fire & Emergency Medical Services Department, Pursuant to Wisconsin Statute § 66.0602(3)(h) for the 2024 Fiscal Year.

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

AYES: Strzelczyk, Tolocko, Mayr, Hansher, Bach, Parrish, Schneider, Gebhardt

- b) **RESOLUTION 4080** - A Resolution Approving the Fiscal Year 2024 Operating and Capital Budgets for the Southern Ozaukee Fire & Emergency Medical Services Department.

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

AYES: Strzelczyk, Tolocko, Mayr, Hansher, Bach, Parrish, Schneider, Gebhardt

Motion to suspend the rules and take action on **ORDINANCE 2023-1655**.

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

AYES: Strzelczyk, Tolocko, Mayr, Hansher, Bach, Parrish, Schneider, Gebhardt

- c) **ORDINANCE 2023-1655** - 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 2024 and Levying for the Same.

Motion to approve **ORDINANCE 2023-1655**.

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

AYES: Strzelczyk, Tolocko, Mayr, Hansher, Bach, Parrish, Schneider, Gebhardt

7) **Personal Appearances and Public Comment:** None.

8) **Public Officials' Reports:**

a) Mayor

- 1) WisDOT Update: I-43 Expansion Project: Rachel Andreoli and Atoni Keegan of HNTB Consulting provided a progress update on the I-43 expansion project. Highlights are: 1) work south of Brown Deer Road is ongoing; 2) the Mequon interchange segment has just begun, 3) the northend segment is getting paved in both directions, 4) Highway C bridge is being built and southbound ramps are completed and the northbound ramps and bridge should be opening by year end; 5) work at Hwy 60 and Highland Road work is ongoing; 6) Highland Road northbound ramps will be closed again in December in order to pave the road near the ramps; 7) utility work at Mequon Road and Port Washington Road is on-going; 8) there will be one lane open under the Mequon Road bridge until the project

is done; 9) Mid-2025 the project will be substantially complete; 10) Brown Deer interchange is open during reconstruction; and 11) final layer of asphalt is needed at Highland Road interchange. The project website is a valuable tool to view the updates of each segment.

Discussion and questions ensued, particularly concerning the Highland Road interchange and the 3-way stop sign and the number of signs.

- 2) Proclamation for America Recycles Day: To continue, Mayor Nerbun read a proclamation commemorating America Recycles Day on November 15th and he also announced that the Wisconsin Policy Forum will present an Intergovernmental Cooperation Award to the City of Mequon and Village of Thiensville on November 15th for the creation of the Southern Ozaukee Fire and Emergency Medical Services Department.

b) City Administrator: None.

9) Consent Agenda:

- a) Common Council meeting minutes of October 10, 2023.
- b) Architectural Board meeting minutes of September 11, 2023.
- c) Board of Appeals meeting minutes of March 2, 2023.
- d) Festivals Committee meeting minutes of September 6, 2023.
- e) Finance-Personnel Committee meeting minutes of September 12, 2023.
- f) Joint Mequon-Thiensville Bike and Pedestrian Way Commission meeting minutes of September 14 and October 12, 2023.
- g) Mequon Municipal Water Utility Commission meeting minutes of September 12 and October 10, 2023.
- h) Public Safety Committee meeting minutes of August 8, 2023.
- i) Public Welfare Committee meeting minutes of September 12, 2023.
- j) Public Works Committee meeting minutes of September 12, 2023.
- k) Sewer Utility District Commission meeting minutes of August 8 and October 10, 2023.
- l) Zoning Enforcement and Site Compliance Report Through November 1, 2023.
- m) **RESOLUTION 4081** - A Resolution Approving a Certified Survey Map and Accepting the Dedication of 1.17 Acres of Public Right-of-Way Along West Highland Road, Abutting the Frontage of 12650 North Wasaukee Road.

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

AYES: Strzelczyk, Tolocko, Mayr, Hansher, Bach, Parrish, Schneider, Gebhardt

- n) **RESOLUTION 4082** - A Resolution Approving a Certified Survey Map and Accepting the Dedication of 0.36 Acres of Public Right-of-Way Along 9832 North Range Line Road.

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

AYES: Strzelczyk, Tolocko, Mayr, Hansher, Bach, Parrish, Schneider, Gebhardt

- o) **RESOLUTION 4083** - A Resolution Approving a Development Agreement for The Enclave at Mequon Preserve - Phase VII.

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

AYES: Strzelczyk, Tolocko, Mayr, Hansher, Bach, Parrish, Schneider, Gebhardt

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

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

AYES: Strzelczyk, Tolocko, Mayr, Hansher, Bach, Parrish, Schneider, Gebhardt

- p) 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 2023-1656** - An Ordinance Appropriating the Necessary Funds from the City of Mequon's Sewer Utility District for the Year 2024 for Capital Charge Payments to the Milwaukee Metropolitan Sewerage District (MMSD) and City of Mequon Capital Debt Service Requirements.

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

Motion to suspend the rules and take action on **ORDINANCE 2023-1656**.

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

AYES: Strzelczyk, Tolocko, Mayr, Hansher, Bach, Parrish, Schneider, Gebhardt

Motion to approve **ORDINANCE 2023-1656**.

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

AYES:	Strzelczyk, Tolocko, Mayr, Hansher, Bach, Parrish, Schneider, Gebhardt
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10) Ordinances: None.

11) Resolutions:

- a) **RESOLUTION 4084** - A Resolution Adopting an Incentive Policy for Tax Increment Financing Districts #4 and #5.

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

AYES:	Strzelczyk, Tolocko, Mayr, Hansher, Bach, Schneider, Gebhardt
NAYS:	Parrish

- b) **RESOLUTION 4085** - A Resolution Adopting the City of Mequon's Annual Fee Schedule for Fiscal Year 2024.

RESULT: **Approved by Roll Call Vote [Unanimous]**
MOVED BY: Alderman Bach
SECONDED BY: Alderman Gebhardt

AYES:	Strzelczyk, Tolocko, Mayr, Hansher, Bach, Parrish, Schneider, Gebhardt
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Alderman Strzelczyk left the meeting for a brief moment.

- c) **RESOLUTION 4086** - A Resolution Amending the Allocation of \$2,552,000 in Funding Received through the American Rescue Plan Act.

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

AYES:	Tolocko, Mayr, Hansher, Bach, Parrish, Schneider, Gebhardt
NOT PRESENT:	Strzelczyk

Alderman Strzelczyk returned to the meeting.

- d) **RESOLUTION 4087** - A Resolution Adopting the 2024 Pay Plan for Non-Represented Employees.

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

AYES:	Strzelczyk, Tolocko, Mayr, Hansher, Bach, Parrish, Schneider, Gebhardt
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- e) **RESOLUTION 4088** - A Resolution Authorizing a Development Agreement with DJS Land Management LLC for a Tax Increment District No. 5 Development Incentive (Tier 2) in the Estimated Amount of \$808,500, for the Property Located at 10404 North Port Washington Road.

Motion to approve **RESOLUTION 4088** contingent upon Planning Commission's satisfaction of the building and site plan and to clarify that \$808,500 is an estimated amount of the incentive.

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

AYES:	Mayr, Hansher, Bach, Schneider, Gebhardt
NAYS:	Strzelczyk, Tolocko, Parrish

- f) **RESOLUTION 4089** - A Resolution Approving an Intergovernmental Agreement Between the City of Mequon and the Frank L. Weyenberg Library, in Connection with Relocation of the District 3 Polling Site Beginning in 2024.

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

AYES:	Strzelczyk, Tolocko, Mayr, Hansher, Bach, Parrish, Schneider, Gebhardt
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- g) **RESOLUTION 4090** - A Resolution Authorizing Execution of a Memorandum of Understanding Between the City of Mequon and the Wisconsin Elections Commission, Regarding the Purchase and Use of Electronic Poll Books.

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

AYES: Strzelczyk, Tolocko, Mayr, Hansher, Bach, Parrish, Schneider, Gebhardt

- h) **RESOLUTION 4091** - A Resolution Authorizing Execution of a Memorandum of Understanding Between the City of Mequon and the Village of Brown Deer, in Connection with Completing Design Services for a Portion of County Line Road in the Amount of \$33,600.

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

AYES: Strzelczyk, Tolocko, Mayr, Hansher, Bach, Parrish, Schneider, Gebhardt

- i) **RESOLUTION 4092** - A Resolution Approving an Agreement for the Deployment of Eight (8) Automated License Plate Reader Cameras with Flock Safety of Atlanta, Georgia in the Amount of \$101,300, for the Period January 1, 2024 - December 31, 2028.

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

AYES: Strzelczyk, Tolocko, Mayr, Hansher, Bach, Parrish, Schneider, Gebhardt

- j) **RESOLUTION 4076** - A Resolution Amending City of Mequon Financial Policy Statement 3: Reserve Requirements to Include the City of Mequon Sewer Utility.

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

AYES: Strzelczyk, Tolocko, Mayr, Hansher, Bach, Parrish, Schneider, Gebhardt

- k) **RESOLUTION 4077** - A Resolution Reassigning Undesignated Cash Reserves of \$1,950,000 within the Sewer Utility Fund to One-Time Capital Projects, in Accordance with City of Mequon Financial Policy Statement 3: Reserve Requirements.

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

AYES: Strzelczyk, Tolocko, Mayr, Hansher, Bach, Parrish, Schneider, Gebhardt

- l) **RESOLUTION 4078** - A Resolution Adopting the Fiscal Year 2024 Sanitary Sewer Utility Budget and Establishing the 2024 Sanitary Sewer User Fee Schedule.

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

AYES: Strzelczyk, Tolocko, Mayr, Hansher, Bach, Parrish, Schneider, Gebhardt

- m) **RESOLUTION 4093** - A Resolution Ratifying an Estimated Final Contract Amount of \$55,000 with S.E.H. of Sheboygan, Wisconsin, for Inspection Services in Connection with the Tamerlane Drive Lift Station O Parallel Sanitary Force Main and Pump Replacement Projects.

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

AYES: Strzelczyk, Tolocko, Mayr, Hansher, Bach, Parrish, Schneider, Gebhardt

12) Specified Unfinished Business From Prior Meetings: None.

13) Specified New Business: None.

14) Potential Closed Sessions:

- a) Aqueous Film-Forming Foam Products Liability Litigation, Multi-District Litigation No. 2:18-mn-02873 (3M & Dupont PFAS litigation class action settlement): 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 Aqueous Film-Forming Products Liability Litigation, Multi-District Litigation No. 2:18-mn-02873.

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

AYES: Strzelczyk, Tolocko, Mayr, Hansher, Bach, Parrish, Schneider, Gebhardt, Nerbun

- b) Request to Transfer a Reserve Liquor License to the Village of Thiensville: The Common Council may convene into closed session pursuant to Wis. Stat. §19.85(1)(e), for the purpose of deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining

reasons require a closed session, and then may reconvene into open session to take such action as deemed appropriate.

The Common Council did not go into Closed Session to discuss the Request to Transfer a Reserve Liquor License to the Village of Thiensville.

Council is tasked with deciding whether they want to approve the transfer and then if so, what the cost would be. The discussion of the cost would be done in a Closed Session. Council discussion ensued on whether to transfer a reserve license. City Clerk Fochs provided some background on the request. A transfer is permanent, and there are some particular circumstances under the law that Thiensville could in the future gain more licenses.

Motion to disallow the transfer of a Reserve License to the Village of Thiensville.

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

AYES:	Strzelczyk, Tolocko, Mayr, Hansher, Bach, Parrish, Schneider, Gebhardt, Nerbun
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The Common Council convened into Closed Session at 8:45 PM.

15) Adjourn

Motion to adjourn at 9:20 PM.

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

AYES:	Strzelczyk, Tolocko, Mayr, Hansher, Bach, Parrish, Schneider, Gebhardt
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Respectfully Submitted,
Kathy Andrykowski
Deputy Clerk
Approved 12-12-23