



11333 N. Cedarburg Road
Mequon, WI 53092
Phone: 262-236-2914
Fax: 262-242-9655

www.ci.mequon.wi.us

Office of the City Clerk
Taped and Televised

**COMMON COUNCIL
Regular Meeting
Tuesday, December 14, 2021 - 7:30 PM
or Immediately Following the
Sewer Utility District Commission Meeting
Christine Nuernberg Hall**

Minutes

1) Call to Order

Mayor Wirth called the meeting to order at 7:38 PM.

2) Pledge of Allegiance

3) Roll Call

Present:

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

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

4) Public Hearings:

- a) **ORDINANCE 2021-1605** - An Ordinance Amending Chapter 58 of the Mequon Municipal Code to: A) Rezone the Property Located at 2233 W. Mequon Road (The Peltz Center for Jewish Life) from R-3 (Residential) to IPS (Institutional Public Service); and B) Amend the City's Land Use Plan Map for the Same Property from Residential 1-1.5 Acres to Institutional.

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

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

1) Public hearing

Motion to open the public hearing for **ORDINANCE 2021-1605**.

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

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

Motion to close the public hearing for **ORDINANCE 2021-1605**.

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

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

2) Consideration of ordinance

Motion to approve **ORDINANCE 2021-1605**.

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

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

- b) **ORDINANCE 2021-1606** - An Ordinance Amending Chapter 58 of the Mequon Municipal Code to: A) Rezone the Property Located at 2415 W. Mequon Road (Congregation Anshai Lebowitz) from R-3 (Residential) to IPS (Institutional Public Service); and B) Amend the City's Land Use Plan Map for the Same Property from Residential 1-1.5 Acres to Institutional.

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

AYES:	Strzelczyk, Bushee, Mayr, Hansher, Gierl, Parrish, Schneider, Nerbun
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1) Public hearing

Motion to open the public hearing for **ORDINANCE 2021-1606**.

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

AYES:	Strzelczyk, Bushee, Mayr, Hansher, Gierl, Parrish, Schneider, Nerbun
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Motion to close the public hearing for **ORDINANCE 2021-1606**.

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

AYES:	Strzelczyk, Bushee, Mayr, Hansher, Gierl, Parrish, Schneider, Nerbun
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2) Consideration of ordinance

Motion to approve **ORDINANCE 2021-1606**.

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

AYES:	Strzelczyk, Bushee, Mayr, Hansher, Gierl, Parrish, Schneider, Nerbun
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- c) **ORDINANCE 2021-1607** - An Ordinance Amending Chapter 58 of the Mequon Municipal Code to: A) Rezone the Property Located at 10055 N. Wauwatosa Road from R-1 (Residential) to IPS (Institutional Public Service); and B) Amend the City's Land Use Plan Map for the Same Property from Residential 5-Acre to Institutional.

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

AYES:	Strzelczyk, Bushee, Mayr, Hansher, Gierl, Parrish, Schneider, Nerbun
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1) Public hearing

Motion to open the public hearing for **ORDINANCE 2021-1607**.

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

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

Motion to close the public hearing for **ORDINANCE 2021-1607**.

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

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

2) Consideration of ordinance

Motion to approve **ORDINANCE 2021-1607**.

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

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

- d) **ORDINANCE 2021-1608** - An Ordinance Amending Chapter 58 of the Mequon Municipal Code to: A) Rezone the Property Located at 7420 W. Donges Bay Road from R-2B (Residential) to IPS (Institutional Public Service); and B) Amend the City's Land Use Plan Map for the Same Property from Residential 1.5 Acres to Institutional.

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

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

1) Public hearing

Motion to open the public hearing for **ORDINANCE 2021-1608**.

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

AYES:	Strzelczyk, Bushee, Mayr, Hansher, Gierl, Parrish, Schneider, Nerbun
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Motion to close the public hearing for **ORDINANCE 2021-1608**.

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

AYES:	Strzelczyk, Bushee, Mayr, Hansher, Gierl, Parrish, Schneider, Nerbun
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2) Consideration of ordinance

Motion to approve **ORDINANCE 2021-1608**.

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

AYES:	Strzelczyk, Bushee, Mayr, Hansher, Gierl, Parrish, Schneider, Nerbun
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- e) **ORDINANCE 2021-1609** - An Ordinance Amending Chapter 58 of the Mequon Municipal Code, Allowing Animal Hospitals and Veterinary Clinics as a Permitted Use in the Town Center Zoning District.

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

AYES:	Strzelczyk, Bushee, Mayr, Hansher, Gierl, Parrish, Schneider, Nerbun
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1) Public hearing

Motion to open the public hearing for **ORDINANCE 2021-1609**.

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

AYES:	Strzelczyk, Bushee, Mayr, Hansher, Gierl, Parrish, Schneider, Nerbun
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Motion to close the public hearing for **ORDINANCE 2021-1609**.

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

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

Discussion ensued on the concern of allowing unsupervised boarding overnight in residential buildings. Assistant Director Zader suggested adding another guideline to the code in buildings that are mixed use.

Motion to amend **ORDINANCE 2021-1609** by adding the following 4th guideline: "No animal shall be allowed to be left unsupervised between the hours of 10:00 PM and 6:00 AM in a building that contains residential units."

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

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

2) Consideration of ordinance

Motion to approve **ORDINANCE 2021-1609** as amended.

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

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

5) Personal Appearances and Public Comment: None.

6) Public Officials' Reports:

- a) Mayor: Mayor Wirth wished everyone a belated Happy Hanukkah and a Merry Christmas. He announced that the Joint Review Board met last week. They typically meet at least annually to review the Tax Incremental Districts (TIDs) and submit a report to the State of Wisconsin. Our TIDs are doing well and will close on time with positive cash flow. Lastly, he reported on the upcoming changes to the Committee of the Whole process. Department Heads are being asked to submit monthly reports to the Committee of the Whole before each month's meeting to assist in streamlining, prioritizing, and time management.

- b) City Administrator: City Administrator Jones announced that the recent COVID clinic provided 600+ shots. Midland Health will be hosting additional clinics at Mequon City Hall from December 20-23, from 1:00 pm - 6:00 pm. The sign-up link is on our City's website.

7) Consent Agenda:

- a) Common Council meeting minutes of November 9, 2021.
- b) Architectural Board meeting minutes of October 11, 2021.
- c) Board of Appeals meeting minutes of May 20, 2021.
- d) Economic Development Board meeting minutes of October 26, 2021.
- e) Festivals Committee meeting minutes of October 14, 2021.
- f) Finance-Personnel Committee meeting minutes of October 12, 2021.
- g) Joint Mequon-Thiensville Bike and Pedestrian Way Commission meeting minutes of October 14, 2021.
- h) Park and Open Space Board meeting minutes of October 20, 2021.
- i) Planning Commission meeting minutes of October 28, 2021.
- j) Public Safety Committee meeting minutes of September 14, 2021.
- k) Public Welfare Committee meeting minutes of October 12, 2021.
- l) Sewer Utility District Commission meeting minutes of October 28, 2021.
- m) 2021 Joint Mequon-Thiensville Bike and Pedestrian Way Annual Report.
- n) 2021 Park and Open Space Board Annual Report.
- o) Ordinance First Readings

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

- 1) **ORDINANCE 2021-1614** - An Ordinance Amending Chapter 58 of the Mequon Municipal Code to Rezone the Property at the Southwest Corner of Freistadt and Villa Grove Roads from R-3 (1-Acre Single-Family), C1 (Wetlands) and FW (Floodway) to R-3, C1 and FW with a PUD (Planned Unit Development) Overlay, in Connection with Development of a Seven-Lot Residential Subdivision (The Greens at Mequon).

RESULT: First Reading

- 2) **ORDINANCE 2021-1615** - An Ordinance Amending Chapter 2 of the Mequon Municipal Code, Relating to Paid Time Off (PTO) Benefits for Fire Department Battalion Chiefs.

RESULT: First Reading

- 3) **ORDINANCE 2021-1616** - An Ordinance Creating Section 62-21 of the Mequon Municipal Code Relating to Signs Along Streets and on Public Property.

RESULT: First Reading

Motion to approve the Consent Agenda Items A-N.

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

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

The Common Council convened as the Committee of the Whole at 8:02 PM.

8) Committee of the Whole

- a) Discussion Regarding **ORDINANCE 2021-1616** - An Ordinance Creating Section 62-21 of the Mequon Municipal Code Relating to Signs Along Streets and on Public Property

The Planning Commission recommended the ordinance without amendments. The goal tonight is to receive feedback from the Committee of the Whole. Discussion ensued on the struggle between free speech rights vs. providing equal time and space on city-owned public property, potential for legal action against the city, the need for input from all donors/sponsors of the electronic sign, community development's public hearing signs, proximity of free space to gateway sign, potential for damage to landscaping, feasibility of leasing the message board, future of other electronic signs in the city, and waiting until we get through one election cycle.

Committee of the Whole will need to further address the status of the library's electronic sign, the Community Development public hearing signs, subdivisions signs and also consult with the donors/sponsors of the Gateway sign, and what content the city would approve to be displayed on the Gateway sign.

Motion to table the discussion of **ORDINANCE 2021-1616** until January 2022.

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

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

- b) Reconvene as the Common Council

The Committee of the Whole reconvened as the Common Council at 9:00 PM.

9) Ordinances:

- a) **ORDINANCE 2021-1610** - An Ordinance Amending Section 2-19 of the Mequon Municipal Code, Providing for Electronic Meeting Attendance by Members of the Common Council.

Council members recommended exploring other technologies, opening up electronic participation to the public also, and possibly revisiting the policy in 6-12 months.

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

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

- b) **ORDINANCE 2021-1611** - A Charter Ordinance Amending Provisions of the Mequon Municipal Code that Establishes the Planning Commission, to Allow for Electronic Meeting Attendance.

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

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

- c) **ORDINANCE 2021-1612** - An Ordinance Amending Section 2-803 of the Mequon Municipal Code Relating to the Term of Office for Municipal Court Judge.

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

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

10) Resolutions:

- a) **RESOLUTION 3900** - A Resolution Approving a Memorandum of Understanding Between the City of Mequon and the Village of Thiensville in Connection with Fire & EMS Department Consolidation.

Mayor Wirth announced that Thiensville unanimously approved this resolution last night.

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

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

- b) **RESOLUTION 3899** - A Resolution Authorizing Execution of a Letter of Agreement Between the City of Mequon and Veyo Inc. to Serve as the Fire Department's Medicaid Reimbursement Agent.

RESULT: **No Vote**

RESOLUTION 3899 was removed from the agenda prior to the meeting.

- c) **RESOLUTION 3901** - A Resolution Approving the Following in Connection with the City of Mequon's Insurance Program for Fiscal Year 2022: A) A Contract with Chubb Insurance, Warren, New Jersey, for Property Casualty and Storage Tank Liability Insurance in the Amount of \$54,695; B) A Contract with Employers Mutual Casualty Company, Des Moines, Iowa, for Auto, General, Law Enforcement, Workers' Compensation, Commercial Crime, Public Officials Legal and Umbrella Liability Coverage in the Amount of \$409,001; and C) A Contract with The Hartford Insurance Company, Hartford, Connecticut, for Accident Insurance in the Amount of \$1,299.

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

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

- d) **RESOLUTION 3902** - A Resolution Authorizing a Second Amendment to the Development Agreement Between the City of Mequon and Foxtown Center, LLC, Related to the Timing and Completion of Project Phases.

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

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

- e) **RESOLUTION 3898** - A Resolution Designating Polling Sites in the City of Mequon Based on the Approved 2022 Aldermanic Districts.

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

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

- f) **RESOLUTION 3903** - A Resolution Approving a State/Municipal Financial Agreement (SMFA) with the Wisconsin Department of Transportation for the Resurfacing of Mequon Road Between Buntrock Avenue and Cedarburg Road.

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

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

- g) **RESOLUTION 3904** - A Resolution Awarding a 2022 Janitorial Services Contract for City Hall, the Department of Public Works Combined Facility & the Public Safety Building to Vanguard Cleaning Systems, Greenfield, Wisconsin at an Annual Estimated Cost of \$81,312.

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

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

- h) **RESOLUTION 3905** - A Resolution Awarding a Contract for the Preparation of Contract Documents Related to Sewer Lateral Work in the Riverland Drive and Riverdale Park Lift Station Areas to raSmith of Brookfield, Wisconsin in an Amount Not-to-Exceed \$65,000.

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

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

- i) **RESOLUTION 3906** - A Resolution Awarding a Contract for Inspection and Construction Management Services on the Rehabilitation of Sanitary Sewer Mains in the Riverdale Park and Riverland Drive Lift Station Areas to raSmith of Brookfield, Wisconsin in the Amount of \$60,620.

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

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

- j) **RESOLUTION 3907** - A Resolution Awarding a Contract to Rehabilitate Sanitary Sewer Mains in the Riverdale Park and Riverland Drive Lift Station Areas to Visu-Sewer, Inc. of Pewaukee, Wisconsin in the Amount of \$343,655.

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

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

- k) **RESOLUTION 3908** - A Resolution Awarding a Contract for the Rehabilitation of Seventy-One (71) Sanitary Sewer Manholes to National Power Rodding of Chicago, Illinois in the Amount of \$61,408.

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

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

11) Specified Unfinished Business From Prior Meetings: None.

12) Specified New Business:

- a) Appointment of Election Inspectors and Special Voting Deputies for the Period of January 1, 2022 - December 31, 2023

Motion to approve the list of Election Inspectors and Special Voting Deputies.

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

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

13) Adjourn

Motion to adjourn at 9:12 PM.

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

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

Respectfully Submitted,
Kathy Andrykowski
Approved 01/11/22