

CITY OF MEQUON
COMMON COUNCIL
Regular Meeting
February 10, 2015

Mayor Abendroth called the meeting of the Common Council to order at 7:35 PM with the Pledge of Allegiance and the roll call.

PRESENT: Mayor Abendroth, Aldermen Strzelczyk, Pukaite, Mayr, Leszczynski, Gierl (via telephone), Hawkins, Nerbun, Adams; City Administrator/Clerk Jones, Assistant Administrator Thyges; City Attorney Sajdak, Deputy City Clerk Fochs, Community Development Director Tollefson, City Engineer/Public Works Director Lundeen; Deputy Director of Public Works/Asst. City Engineer Jahncke; Finance Director Watson; Director of Parks and Operations Curran; press and interested public

ALSO PRESENT: David Simons, President of Veridian Homes

- 1) **Personal appearances and public comment:** None.
- 2) **Public official's reports:**
 - a) **Mayor:** None
 - b) **City Administrator:** None
- 3) **Consent Agenda:**
 - a) Common Council meeting minutes of January 13, 2015
 - b) Board of Appeals meeting minutes of December 3, 2013
 - c) Bureau of Permits and Inspections Report for December 2014
 - d) Finance-Personnel Committee meeting minutes of December 9 and December 23, 2014
 - e) Mequon Festival Committee meeting minutes of December 1, 2014
 - f) Mequon/Thiensville Bike/Pedestrian Commission meeting minutes December 5, 2014
 - g) Municipal Water Utility Commission meeting minutes of October 14 and December 9, 2014
 - h) Park Board meeting minutes of October 30, 2014
 - i) Planning Commission meeting minutes of December 1, 2014
 - j) Police and Fire Commission meeting minutes of September 4, 2014 and Special Police and Fire Commission meeting minutes of October 14, 2014
 - k) Public Safety Committee meeting minutes of November 18 and December 9, 2014
 - l) Public Welfare Committee meeting minutes of December 9 and December 16, 2014
 - m) Public Works Committee meeting minutes of September 9 and December 9, 2014
 - n) Sewer Utility District Commission meeting minutes of September 9, 2014
 - o) Zoning Enforcement and Site Compliance Reports through February 1, 2015
 - p) **RESOLUTION 3273-** Approving the certified survey map that results in a road right-of-way dedication of approximately 33 feet for Freistadt Road.
 - q) **RESOLUTION 3274** – Approving the certified survey map that results in a road right-of-way dedication of approximately 17 feet for Donges Bay Road.

- r) **RESOLUTION 3275** – Approving final condominium plat for residential properties located at 4811-4815 W. Donges Bay Road.
- s) **RESOLUTION 3270** – 2015 Equipment Replacement program.

Moved by Alderman Pukaite, seconded by Alderman Strzelczyk to approve the consent agenda. Motion passed by voice acclamation.

4) **Committee of the Whole:**

- a) Moved by Alderman Adams, seconded by Alderman Strzelczyk to approve the Committee of the Whole meeting minutes of January 20, 2015. The motion passed by voice acclamation.
- b) Item for Discussion: Funding Recuperation Method: Central Growth Sanitary Sewer Extension

Director Lundeen summarized the history of the sanitary sewer extension on Wauwatosa Road that would provide sewer service to the Central Growth Area. The Sewer Utility District Commission has directed us to move forward with a city-wide project whereby we would design and construct the main line and then establish a funding recuperation mechanism, so the end result would be a net result of zero to the city. The goal tonight is to receive a recommendation from the Council to implement a special assessment mechanism and receive authorization to move forward with the resolution that would come forward in March. A special assessment would recuperate the funds right away and considerations are: 1) set a deadline for lump sum payment ahead of special assessment levied on the tax roll, 2) consider the option to defer the special assessment and pay over 10 years, subject to interest charges, 3) consider the option to defer the special assessment until final plat or until connection; and 4) allow the developer to reallocate the special assessment to the individual properties at the time of final plat.

David Simon, President of Operations from Veridian Homes, spoke in support of the City's recommendation for a special assessment, especially in regards to terms, deferment and reallocation options.

Lundeen confirmed that the existing impact fees are still being collected and would be unaffected. Any impact fees for this sewer project would be in addition to the existing fees.

Attorney Sajdak clarified how an assessment works. Upon sale of a property, title companies request that special assessments be paid. So if you assess a large track before it is subdivided into individual parcels, the title company will look for full assessment on the large track for any one of those individual lots, in essence requiring payment up front. That is why we would reallocate the special assessment on a per lot basis which would then allow it to be sold. Reallocation also saves us the special assessment and public hearing process on each individual lot.

Council has recommended implementing a special assessment and authorized moving forward with the resolution.

- c) The Mayor declared the Committee of the Whole reconvened as Common Council.

5) **Ordinances:**

- a) Moved by Alderman Pukaite, seconded by Alderman Adams to suspend the rules and take up **ORDINANCE 2015-1442** – An Ordinance Amending Section 46-157 of the Mequon Municipal Code so as to Adjust the Penalty Imposed for Violations of the Social Host Regulations.

Alderman Pukaite explained that the current language of the ordinance is incorrect in that a Class II offense carries with it a limit that could be fined. This ordinance will correct that error and eliminate the Class II offense and establish the range within which an officer could fine an individual.

Motion passed upon roll call vote (7/0):

Favor: Strzelczyk, Pukaite, Mayr, Leszczynski, Hawkins, Nerbun, Adams

Opposed: None

Moved by Alderman Pukaite, seconded by Alderman Nerbun to approve **ORDINANCE 2015-1442**.

Motion passed upon roll call vote (7/0):

Favor: Pukaite, Mayr, Leszczynski, Hawkins, Nerbun, Adams, Strzelczyk

Opposed: None

- b) **ORDINANCE 2015-1443** - Amendment to the approved Planned Unit Development (PUD) zoning for Winding Hollow from R-6/ PUD (Suburban Residential Attached / Planned Unit Development) to B-3/PUD (Office Service District / Planned Unit Development) and a Land Use Plan map change from Residential 1 – 1.5 acres to Office to allow a two-story, 42,500 square-foot medical office use located at the southwest corner of Mequon Road and Market Street. **Recommended by Planning Commission February 9, 2015; First Reading.**

6) **Resolutions:**

- a) Moved by Alderman Nerbun, seconded by Alderman Adams to approve **RESOLUTION 3265** – 2015 Sanitary Sewer Budget.

Director Lundeen explained there is a proposed increase of the user fee from \$68 to \$69 and subsequent proposed changes to the non-residential user charge rate should have minimal impact on the quarterly bills.

Motion passed upon roll call vote (7/0):

Favor: Mayr, Leszczynski, Hawkins, Nerbun, Adams, Strzelczyk, Pukaite

Opposed: None

- b) Moved by Alderman Strzelczyk, seconded by Alderman Nerbun to approve **RESOLUTION 3268** – Approving the Agreement between the City of Mequon and the Mequon Police Association.

Motion passed upon roll call vote (7/0):

Favor: Leszczynski, Hawkins, Nerbun, Adams, Strzelczyk, Pukaite, Mayr

Opposed: None

- 7) **Specified Unfinished Business:** None
- 8) **Presentation of Petitions, Memorials, and/or Remonstrance's and Communications:**
None
- 9) **Specified Miscellaneous New Business:** None
- 10) **Convene to Closed Session:**
 a) At this point in the meeting Mayor Abendroth polled the Council as to whether a Closed Session would be necessary. Being no one found it necessary, the Council did not convene into Closed Session.

 b) Reconvene into Open Session: Council did not reconvene into Open Session.
- 11) Moved by Alderman Hawkins, seconded by Alderman Pukaite to approve **RESOLUTION 3272** - Approving and ratifying the substance and form of contract for the purchase by the City of Mequon of the property known as 6200 West Mequon Road.

Alderman Mayr asked for a clarification on Alderman Gierl's ability to vote. Attorney Sajdak stated that initial review of the State Statutes and Mequon Codes determined there are generally no rules one way or the other that would prohibit a member from appearing and participating by phone to have discussions; and Alderman Gierl was allowed to participate by phone. However, just prior to tonight's meeting it was called to his attention that Mequon Code 2-30(a)(11), which he had not looked at previously, states "Every alderman when within the bar of the council chamber at the time a question is put shall give his vote...". Therefore, since Alderman Gierl is not physically within the bar of the chambers he will not be allowed to vote. He can, however, participate and comment, if he so chooses.

Mayr recommended amending the resolution in the following ways: 1) clarify the property by changing title to "A Resolution...By the City of Mequon of the property known as the Wells & Sons property located as 6200 West Mequon Road"; 2) change all other references to the property as "the Wells & Sons property; 3) eliminate the 5th WHEREAS paragraph because it has nothing to do with this resolution; 4) eliminate the 7th WHEREAS paragraph because it is redundant of the last paragraph.

Moved by Alderman Hawkins to approve the resolution as printed, however, propose these changes to the seller at contract signing. Mayor Abendroth clarified that the resolution is only to authorize the City to enter into a contract to purchase, and does not affect the sale contract; therefore making the changes would not affect the sale. Attorney Sajdak did not have significant objections to any of the recommendations. Hawkins rescinded his proposal.

Moved by Alderman Mayr, seconded by Alderman Adams to amend **RESOLUTION 3272** as recommended above.

Alderman Gierl expressed concerns about the high price/acre and the environmental concerns and potential cleanup costs, and cannot support this purchase.

Motion passed upon roll call vote (7/0):

Favor: Hawkins, Nerbun, Adams, Strzelczyk, Pukaite, Mayr, Leszczynski
Opposed: None

Council discussion ensued on strategic location of property; high purchase price; added value to our current property; potential to enhance this struggling TIF district; lack of contingencies on property; uncertainty of environmental cleanup costs and research done throughout the purchase process to predict costs.

Motion to approve the amended **RESOLUTION 3272** passed upon roll call vote (6/1):
Favor: Nerbun, Adams, Strzelczyk, Pukaite, Leszczynski, Hawkins
Opposed: Mayr

- 12) **Adjourn:** Moved by Alderman Strzelczyk, seconded by Alderman Hawkins to adjourn at 8:10 PM. The motion passed by voice acclamation.

William H. Jones, Jr., City Clerk