

CITY OF MEQUON COMMON COUNCIL

Regular Meeting March 10, 2015

Mayor Abendroth called the meeting of the Common Council to order at 7:33 PM with the Pledge of Allegiance and the roll call.

PRESENT: Mayor Abendroth, Aldermen Strzelczyk, Pukaite, Mayr, Leszczynski, Gierl, Hawkins, Nerbun; 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; press and interested public

NOT PRESENT: Alderman Adams

ALSO PRESENT: Dr. Demond Means, Superintendent of the Mequon-Thiensville School District; Ryan Marks of Ryan Companies US, Inc.

1) **Public Hearing:**

- a) Moved by Alderman Strzelczyk, seconded by Alderman Nerbun to open a public hearing to discuss **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.

John S. Kesselmen spoke against **ORDINANCE 2015-1443** citing his concerns over traffic, safety, creation of spot zoning.

Al Washko spoke in favor of **ORDINANCE 2015-1443**, however, he asked to be assured that the elevations and drainage plans are such that there will not flooding in the area.

There being no one else wishing to speak, moved by Alderman Mayr, seconded by Alderman Nerbun to close the public hearing. The motion passed by voice acclamation.

2) **Personal appearances and public comment:** None.

3) **Public official's reports:**

- a) **Mayor:** Dr. Demond Means, Superintendent of the Mequon-Thiensville School District, spoke about the School District referendum on the April 7, 2015 ballot. Highlighted points are: 1) referendum is for \$18.2M; 2) all 7 facilities need work; 2) 80% of the money will go towards general maintenance; 3) 20% of the money will go towards creating student learning environments, such as renovating the Instructional Media Centers (IMCs) at both middle schools, renovating the lecture hall at Homestead High and expanding Room 909 and 911 to allow for a collaborative teaching/learning environment; 4) 3 years are left on paying off the last referendum; 5) if passed, the new

referendum would overlap 3 years, resulting in an increased levy for taxpayers from the current \$.54/\$1000 of equalized value to \$.71/\$1000 of equalized value for those 3 years; and 6) after those 3 overlap years the levy is estimated to decrease to \$.46/\$1000 equalized value. He further clarified that “general maintenance” monies will address capital improvements in areas that they have not been able to address through funding in their annual budget, i.e. furnace replacement and new windows. The School Board has made a concerted effort to invest the proper amount of dollars into the classroom throughout the years of declining enrollment. He added that the State legislature created flexibility recently to create a separate Fund 46 that will fund ongoing capital improvement issues; the School Board will be diligent in funding this account. He acknowledged that enrollment has decreased approximately 11% since 2005, however, administrative costs have increased due to unfunded government mandates, and overhead costs do not decrease proportionately. Dr. Means invites all to attend any of the facility tours to see the state of the schools for themselves.

b) **City Administrator:** None

4) **Consent Agenda:**

- a) Common Council meeting minutes of February 10, 2015
- b) Board of Appeals meeting minutes of February 3, 2013
- c) Bureau of Permits and Inspections Report for January 2015
- d) Economic Development Board meeting minutes of December 9, 2014
- e) Finance-Personnel Committee meeting minutes of January 13, 2015
- f) Fire Department Report for January 2015
- g) Mequon Festival Committee meeting minutes of February 2, 2015
- h) Park Board meeting minutes of January 21, 2015
- i) Planning Commission meeting minutes of January 12, 2015
- j) Police and Fire Commission meeting minutes of January 26, 2015
- k) Public Safety Committee meeting minutes of January 27, 2015
- l) Public Welfare Committee meeting minutes of January 13 and 27, 2015
- m) Zoning Enforcement and Site Compliance Reports through March 1, 2015
- n) **RESOLUTION 3271**- A resolution addressing the need for an exception of Trans 75 Standards on WisDOT Project #1229-04-01.
- o) **RESOLUTION 3279** – Approving the Development Agreement for Veridian Homes, a 50-lot single-family subdivision located at 10729-10839 N. Wauwatosa Road.
- p) **RESOLUTION 3280** – Approving the Development Agreement for Veridian Homes, a five-lot single-family subdivision located at 10565 N. Wauwatosa Road.
- q) **RESOLUTION 3281** – Granting easement to WE Energies.

Alderman Mayr requested the removal of Item o – **RESOLUTION 3279** - Approving the Development Agreement for Veridian Homes, a 50-lot single-family subdivision located at 10729-10839 N. Wauwatosa Road and Item p – **RESOLUTION 3280** - Approving the Development Agreement for Veridian Homes, a five-lot single-family subdivision located at 10565 N. Wauwatosa Road from the consent agenda.

Moved by Alderman Mayr, seconded by Alderman Nerbun to approve the consent agenda. The motion passed by voice acclamation.

Director Tollefson confirmed that the roads in the proposed development are public and that the homeowner or homeowners association shall maintain the sidewalks, including snow and ice removal.

Moved by Alderman Mayr, seconded by Alderman Nerbun to approve **Resolution 3279** and **RESOLUTION 3280**. The motion passed by voice acclamation.

5) **Convene as Committee of the Whole**: There being no objection, the Mayor declared the Council convened as the Committee of the Whole (8:17 PM).

- a) **ORDINANCE 2015-1445** – Text amendment to the City of Mequon, Chapter 58, Zoning Code, related to the maximum size of accessory structures and the overall lot coverage in the residential zoning districts.

The goal is to provide feedback of the proposed ordinance to staff. Currently the code states that any property may have, in addition to any permissible garage, one detached storage structure not exceeding one percent of the property area or one percent of the property's minimum lot size zoning requirement, whichever is less.

Staff recommendations are 1) to allow for up to the 1% so long as the parcel cannot be subdivided; 2) not to change the allowable structure in the R-1 district; and 3) to modify the lot coverage requirements in several of the zoning districts via a graduated scale based on the lot size (5% through 20%). Planning Commission recommended approval of this text amendment; however, they questioned whether the lot coverages for R-3, R-4 and R-5 shouldn't be increased closer to twenty percent.

Tollefson confirmed the role of the Architectural Review Board is to review applications for compatibility, harmony, structure staggering, protection of view, notification of neighbors, setback compliance, etc. Keep in mind we are talking about storage structures and those can serve a variety of needs, and about the size of the structure in comparison to the lot. Staff wants to provide flexibility of the size of the structure they want based on their storage needs.

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

6) **Ordinances:**

- a) **ORDINANCE 2015-1441** – An Ordinance Creating Section 14-32 of the Mequon Code of Ordinances regarding Reserve “Class B” Liquor Licenses. Recommended by Finance-Personnel Committee March 10, 2015; First Reading.
- b) Moved by Alderman Nerbun, seconded by Alderman Hawkins to approve **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.

Director Tollefson stated that action on the rezoning is contingent upon an amendment to deed restriction in which the City requested the parcel be limited to residential use only at the time the JCC pool was approved (Resolution #3276 that follows). That residential development has not occurred and thus staff is suggesting, under the B-3 zoning district, that the only permissible use is the medical office. Rezoning won't take place until the building permit for the office building is applied for. Appropriate building, architecture and parking placements, and lighting have been discussed with Ryan Companies, with neighborhood feedback. A new traffic impact analysis indicates improvements are not warranted. Drainage and storm water will be addressed as the application heads back to Planning Commission for final building and site plan approval.

Council members expressed concerns about traffic, the need for a traffic light, drainage issues in the area, and City officials past commitment to keep Mequon Road residential. Mr. Marks of Ryan Companies US, Inc. confirmed this would be a non-urgent care, appointment-based facility operating Monday- Friday, approximately 8:00 am-5:00 pm.

Tollefson confirmed that all the typical engineering requirements for review and approval of grading, drainage, sewer plans are in the ordinance and will be followed through with any eventual building and site approval.

Motion passed upon roll call vote (5/2):

Favor: Strzelczyk, Leszczynski, Gierl, Hawkins, Nerbun

Opposed: Pukaite, Mayr

- c) **ORDINANCE 2015-1444** - A request by Lumen Christi to amend the City of Mequon Zoning Map from R-4 (Residential 3/4 acre) to IPS (Institutional Public Service) and a Land Use Plan Map Amendment from Residential 1 – 1.5 acres to Institutional for the property located at 2640 W Mequon Road to allow for an expansion of the existing religious institution located at 2700 W. Mequon Road. **Recommended by Planning Commission March 9, 2015; First Reading.**
- d) **ORDINANCE 2015-1445** - Text amendment to the City of Mequon, Chapter 58, Zoning Code, related to the maximum size of accessory structures and the overall lot coverage in the residential zoning districts. **Recommended by Planning Commission March 9, 2015; First Reading.**

7) **Resolutions:**

- a) Moved by Alderman Nerbun, seconded by Alderman Hawkins to approve **RESOLUTION 3276** – Amendment to deed restrictions for property located at the southwest corner of Mequon Road and Market Street.

Motion passed upon roll call vote (5/2):

Favor: Leszczynski, Gierl, Hawkins, Nerbun, Strzelczyk

Opposed: Pukaite, Mayr

- b) Moved by Alderman Nerbun, seconded by Alderman Pukaite to approve **RESOLUTION 3277** – A Resolution Declaring Intent to Levy Special Assessments under the Police Power of the City of Mequon Pursuant to Section 66.0703, Wisconsin Statutes for the Wauwatosa Road Sanitary Sewer Extension.

Nerbun reminded Council this is a notice of intent to special assess and any resident's concerns can/should be addressed when Council discusses the terms and conditions of the special assessment.

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

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

Opposed: None

- c) Moved By Alderman Strzelczyk, seconded by Alderman Gierl to approve **RESOLUTION 3282** - Initial Resolution Authorizing General Obligation Bonds in an Amount Not to Exceed \$5,800,000.

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

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

Opposed: None

- d) Moved by Alderman Strzelczyk, seconded by Alderman Pukaite to approve **RESOLUTION 3283** – Resolution Approving a Transfer of Funds from the General Fund to Special Revenue Fund.

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

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

Opposed: None

- e) Moved by Alderman Gierl, seconded by Alderman Strzelczyk to approve **RESOLUTION 3284** - A Resolution Designating BMO Harris Bank N.A. as a Public Depository for the City of Mequon.

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

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

Opposed: None

- f) Moved by Alderman Hawkins, seconded by Alderman Nerbun to approve **RESOLUTION 3285** - Contract Award for Design Services of the Combined DPW Facility.

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

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

Opposed: None

- g) Moved by Alderman Gierl, seconded by Alderman Nerbun to approve **RESOLUTION 3286** - Initial Resolution Authorizing General Obligation Bonds in an Amount Not to Exceed \$1,325,000.

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

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

Opposed: None

- 8) **Specified Unfinished Business:** None
- 9) **Presentation of Petitions, Memorials, and/or Remonstrance's and Communications:**
None
- 10) **Specified Miscellaneous New Business:** None
- 11) **Convene to Closed Session:**
a) Moved by Alderman Strzelczyk, seconded by Alderman Nerbun to adjourn into closed session at 9:05 PM pursuant to Section 19.85(1)(e), Wisconsin State Statutes, 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 (Land Acquisition).
- Motion passed upon roll call vote (7/0):
Favor: Pukaite, Mayr, Leszczynski, Gierl, Hawkins, Nerbun, Strzelczyk
Opposed: None
- 12) **Adjourn:** There was a motion and a second to adjourn at 10:05 PM.

William H. Jones, Jr., City Clerk