

CITY OF MEQUON COMMON COUNCIL

Regular Meeting

April 12, 2016

PRESENT: Mayor Abendroth, Aldermen Strzelczyk, Pukaite, Mayr, Leszczynski, Gierl, Hawkins, Nerbun, Adams; City Clerk/Administrator Jones; Assistant City Administrator Thyges; Deputy City Clerk Fochs; City Attorney Sajdak; Community Development Director Tollefson; City Engineer/Public Works Director Lundeen; Police Chief Graff; press and interested public

1) Mayor Abendroth called the meeting of the Common Council to order at 7:30 PM with the Pledge of Allegiance and the roll call.

2) **Public Hearing:**

- a) Moved by Alderman Nerbun, seconded by Alderman Strzelczyk to open a public hearing to discuss **ORDINANCE 2016-1469** - An Ordinance Amending Chapter 58, City of Mequon Zoning Map for Approximately 2.22 Acres Located at 11351-11363 N. Port Washington Road from B-3 (Office) to B-2 (Community Commercial) and Amending the Land Use Plan Map from Office to Community Commercial. **Recommendation of denial by Planning Commission February 8, 2016; First Reading at Common Council February 9, 2016.**

The motion passed by voice acclamation 8/0.

The following citizens spoke in opposition to **ORDINANCE 2016-1469**: Norb Laskowski, Steve Richman, and Bernie Berson. They expressed concerns about the traffic patterns, lack of full disclosure to the public and lack of consultation with the area residents. Jim Hlavacek registered his opposition to this ordinance but did not wish to speak.

There being no one else wishing to speak, moved by Alderman Pukaite seconded by Alderman Strzelczyk to close the public hearing.

The motion passed by voice acclamation 8/0.

Moved by Alderman Adams, seconded by Alderman Nerbun to suspend the rules and take action on **ORDINANCE 2016-1469** - An Ordinance Amending Chapter 58, City of Mequon Zoning Map for Approximately 2.22 Acres Located at 11351-11363 N. Port Washington Road from B-3 (Office) to B-2 (Community Commercial) and Amending the Land Use Plan Map from Office to Community Commercial.

Motion passed by roll call vote 8/0:

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

Opposed: None

Moved by Alderman Mayr, seconded by Alderman Nerbun to deny **ORDINANCE 2016-1469**.

Director Tollefson stated that although the Planning Commission recommended denial of this ordinance, staff said that a text amendment to the zoning code to include only the uses specific to the applicant could be an option, i.e., fitness center or dry cleaning facility. Typically text amendments do not include a specific notification to property owners. In the event a text amendment is proposed in the future, staff could notify the neighbors who expressed opposition tonight or the neighbors could follow up with City staff for an update.

Motion to deny passed upon roll call vote 8/0.

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

Opposed: None

3) **Personal appearances and public comment:** None

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

- a) **Mayor:** Alderman Pukaite stated that a service club called Interact at Homestead High School will be doing a service project to remove the teasel from the grounds of Oriole Lane School on April 23rd. The Department of Public Works will assist with the removal of the invasive species, the Ozaukee Washington Land Trust will treat the new plants with herbicide in the spring, and a mowing schedule will be implemented by the School District in the hopes of controlling this invasive plant. Mayor Abendroth reminded residents that Arbor Day festivities will be held at the Logemann Center on April 24th.
- b) **City Administrator:** The ground breaking ceremony for the new Department of Public Works Combined Facility will be held on Thursday, April 14th at 11:00 am.

Deputy City Clerk Fochs presented the results of the April 5, 2016 election. Mayor Abendroth and Alderman Strzelczyk were reelected to a new three year terms. Alderman-elect John Wirth was elected to a three year term as well. All Council members will be sworn in at the Organization meeting on April 19th at 7:00 pm.

5) **Consent Agenda:**

- a) Common Council meeting minutes of February 9, 2016
- b) Architectural Board meeting minutes of January 11, 2016
- c) Board of Appeals meeting minutes of February 4, 2016
- d) Bureau of Permits and Inspections Report for January 2016
- e) Economic Development Board meeting minutes of February 2, 2016
- f) Finance-Personnel Committee meeting minutes of January 12, 2016
- g) Fire Department Report for January 2016
- h) Mequon Festivals Committee meeting minutes of October 2, 2015
- i) Park Board meeting minutes of December 16, 2015
- j) Planning Commission meeting minutes of January 11, 2016
- k) Public Safety Committee meeting minutes of December 14, 2015
- l) Public Welfare Committee meeting minutes of December 8, 2015
- m) Public Works Committee meeting minutes of January 12, 2016
- n) Tree Board meeting minutes of December 16, 2016

- o) Zoning Enforcement and Site Compliance Reports through March 1, 2016

Moved by Alderman Strzelczyk, seconded by Alderman Pukaite to approve the consent agenda.

The motion passed by voice acclamation 8/0.

6) **Ordinances:**

- a) **ORDINANCE 2016-1468** - An Ordinance Amending Chapter 58, the City of Mequon Zoning Map by Lakeside Development for a 10 Acre Property Located Immediately South of 11104 Oriole Lane from R-3 (Single-Family Residential) with C-2 (General Conservancy) to R-3 with C-2 and Planned Unit Development (PUD (Planned Unit Development) to Allow a 9 Lot Single Family Residential Development
Recommendation to table by Planning Commission on February 8, 2016; Recommendation forthcoming by Planning Commission on April 11, 2016; First Reading.
- b) **ORDINANCE 2016-1467** - An Ordinance Amending A Planned Unit Development (PUD) approval for the Sarah Chudnow Campus located at 10995 N. Market Street Reducing the Overall Site Acreage from 19.4 to 16.9 Acres. **Recommendation to table by Planning Commission on February 8, 2016; Recommendation forthcoming by Planning Commission on April 11, 2016; First Reading.**
- d) Moved by Alderman Pukaite, seconded by Alderman Hawkins to approve **ORDINANCE 2016-1470** – An Ordinance Amending Chapter 46, Article IV, Division 2 of the Mequon Municipal Code as it Relates to Hunting and the Discharge of Certain Weapons Within the City.

Motion passed by roll call vote 8/0:

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

Opposed: None

7) **Resolutions:**

- a) Moved by Alderman Adams, seconded by Alderman Hawkins to approve **RESOLUTION 3369** – A Resolution Awarding the 2016 Crack Sealing Contract to American Pavement Solutions, Inc., Green Bay, WI in the amount of \$157,162.

Motion passed by roll call vote 8/0:

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

Opposed: None

- b) Moved by Alderman Pukaite, seconded by Alderman Strzelczyk to approve **RESOLUTION 3371** – A Resolution Approving the Award of a Contract for the Replacement of a Generator and Transfer Switch at Lift Station A to Frank Gillitzer Electric, Mequon, WI in the Amount of \$47,489

Motion passed upon roll call vote 8/0:

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

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) **Closed Session:**

- a) Moved by Alderman Hawkins, seconded by Alderman Nerbun to convene into closed session at 7:57 PM pursuant to Section 19.85(1)(g), Wisconsin State Statutes, conferring with legal counsel for the government body who is rendering oral and written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved (Claim of the Lakes of Ville du Parc Condominium Association).

Motion passed by roll call vote 8/0:

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

Opposed: None

12) **Adjourn:** Moved by Alderman Gierl, seconded by Alderman Adams to adjourn at 8:25 PM.

Motion passed by voice acclamation 8/0.

William H. Jones, Jr., City Clerk