

CITY OF MEQUON
COMMON COUNCIL
Regular Meeting
June 9, 2015

Mayor Abendroth called the meeting of the Common Council to order at 7:34 PM with the Pledge of Allegiance and the roll call.

PRESENT: Mayor Abendroth, Aldermen Strzelczyk, Pukaite, Mayr, Leszczynski, Gierl, Hawkins, Nerbun, Adams; City Clerk/Administrator Jones; 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; Assistant Finance Director Rudychev; Police Chief Graff; press and interested public

ABSENT: None

1) **Public Hearings:**

- a) Moved by Alderman Strzelczyk, seconded by Alderman Nerbun to open a public hearing to discuss **ORDINANCE 2015-1451**– An Ordinance Amending Chapter 58 as it Relates to Permitted Uses in Table 58-301-1 and 58-302-2 of the Town Center and Arrival Corridor Zoning Districts to Allow Nicotine Products / E-Cigarette Shops of 2,000 Square Feet or Less. The motion passed by voice acclamation 8/0.

There being no one wishing to speak, moved by Alderman Mayr, seconded by Alderman Nerbun to close the public hearing. The motion passed by voice acclamation 8/0.

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

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

- a) **Mayor:** The Mayor welcomed Boy Scout Troop 865 who have been working on their Citizenship in the Community Badge.
- b) **City Administrator:** Staff is actively working to fill the city assessor position and is still able to assist residents during the transition. The Police Department will be holding a Donuts with Detectives meeting for all local businesses at 8:00 on June 11, 2015 at the Public Safety Building. The next recycling event will be July 11, 2015 in the area just east of the Public Safety Building.

4) **Consent Agenda:**

- a) Common Council meeting minutes of May 12, 2015
b) Architectural Board meeting minutes of April 13, 2015
c) Fire Department Report for April and May 2015
d) Municipal Water Utility Commission meeting minutes of March 24, 2015
e) Park Board meeting minutes of April 22, 2015
f) Planning Commission meeting minutes of April 13, 2015
g) Police and Fire Commission meeting minutes of March 2, 2015
h) Public Works Committee meeting minutes of March 10 and April 14, 2015

- i) Sewer Utility District Commission meeting minutes of March 24, 2015
- j) Zoning Enforcement and Site Compliance Reports through June 1, 2015
- k) **RESOLUTION 3310**-Private property Inflow and Infiltration (PP/I) Pilot Project for West Shoreland and Lift Station K Service Area.
- l) **RESOLUTION 3312**-Approving the certified survey map that results in a road right-of-way dedication of 40 feet for Donges Bay Road.
- m) **RESOLUTION 3313**-Approving a 4-lot Certified Survey Map for a 16 Acre Property Located at South of Lakeshore Road and West of Lake Bluff Lane in the Town of Grafton Under the State Platting Requirements in the City of Mequon's Extraterritorial Jurisdiction.

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

The motion passed by voice acclamation 8/0.

- 5) **Convene as Committee of the Whole**: There being no objection, the Mayor declared the Council convened as the Committee of the Whole (7:41 PM).

- a) **ORDINANCE 2015-1452** – Text amendment to the City of Mequon, Chapter 58, zoning code, relating to definitions and the use of single-family dwellings in the residential zoning districts.

Director Tollefson confirmed that the Planning Commission did not act on this ordinance the previous evening. It arose out of concerns related to short-term rental of single-family homes. The City currently regulates how owners use their dwellings and regulates very limited commercial operations within residential zoning districts. For example, guest houses and mother-in-law suites require conditional use approvals by Planning Commission, and a covenant recorded at the County. "Accessory use" means the principal use is long-term rental or owner occupancy of the single-family dwelling. Definitions of short and long-termed rentals and neighborhood notification regulations were outlined. The goal of this discussion was to get Committee's feedback prior to the Planning Commission revisiting this issue in late July. Discussion ensued on screening for renters, modification of definition(s) in code, enforcement challenges, permitting process, constituent input, rental lengths, contacting homeowner associations and conditions of revocation. Bed & breakfasts are allowed as a conditional use in rural residential single-family districts. The Committee is not looking to prohibit short-term rental but regulate it.

- b) Item for Discussion: WisDOT required Modifications on Wauwatosa Road for Central Growth.

Director Lundeen wanted to make the Committee aware that the developers for the Central Growth Area notified staff that WisDOT is requiring significant modifications to Wauwatosa Road at each of the three entrance locations; lanes which will allow for traffic to decelerate outside of the driving lane. The City's opinion is that the 300 foot long lane with an additional 150 foot taper, is excessive. These WisDOT requirements are a function of speed limit alone. There was no contemplation for traffic volume or

crash history. The City's only recourse would be to request a speed limit reduction. Access permits for developments adjacent to Hidden Creek and Essex Drive do require City signature since they will be public roads that the City will own. The required improvements of the third access point, Knightsbridge Drive, will be covered under a Memo of Understanding (MOU) with WisDOT, later in this meeting. The developers would be required to pay for and construct these modifications and the State will be required to maintain it. Any City objection to the improvements would postpone the developer's application for access.

- c) The Mayor declared the Committee of the Whole reconvened as Common Council (8:25 PM).

6) **Ordinances:**

- a) **ORDINANCE 2015-1450** – An Ordinance Amending Chapter 6 of the Mequon Code as it relates to Regulation of Dogs and Vicious Animals within the City of Mequon. **Recommended by Public Safety Committee April 28, 2015; First Reading.**
- b) Moved by Alderman Pukaite, seconded by Alderman Mayr to approve **ORDINANCE 2015-1451** - An Ordinance Amending Chapter 58 as it Relates to Permitted Uses in Table 58-301-1 and 58-302-2 of the Town Center and Arrival Corridor Zoning Districts to Allow Nicotine Products / E-Cigarette Shops of 2,000 Square Feet or Less.

Motion passed upon roll call vote 8/0.

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

Opposed: None

- c) **ORDINANCE 2015-1452** - Text amendment to the City of Mequon, Chapter 58, zoning code, relating to definitions and the use of single-family dwellings in the residential zoning districts. **Tabled by Planning Commission June 8, 2015, First Reading.**
- d) **ORDINANCE 2015-1453** - An Ordinance Amending Chapter 58 of the Mequon Municipal Code as it relates to Stormwater Management Practices. **Recommended by Planning Commission June 8, 2015; First Reading.**

7) **Resolutions:**

- a) Moved by Alderman Pukaite, seconded by Alderman Nerbun to remove **RESOLUTION 3278** – Final resolution levying special assessments against benefitted property- Wauwatosa Road sanitary sewer extension from the table.

The motion passed by voice acclamation 8/0.

Moved by Alderman Pukaite, seconded by Alderman Adams to approve **RESOLUTION 3278.**

Director Tollefson provided a brief history of discussions with property owners regarding the city service boundary expansion, options to opt-out under certain conditions and the Central Growth Area expansion. Seven of the nine subject property owners were already in the sewer service boundary.

Resident Patrick McDonald spoke against the resolution citing the financial hardship it would create for him and argued that the perception is that new residents are more important than long time residents.

Since last month's Council meeting, Director Lundeen stated that the City revisited the search for a more equitable calculation for the special assessment and possible exceptions for existing single family home owners (i.e., deferrals, installment period of time). Front footage based, unit based, residential equivalent unit based or area based assessments were reexamined. They concluded 1) the most equitable way to share the cost of this project evenly across all of the benefitting property owners is the area based assessment, 2) the City must treat all the benefitting property owners the same, 3) any installment payments received after the term of the debt we borrowed for this project would place a financial burden on all of the sewer utility users, 4) it would create an inequity issue in terms of treatment of the homeowners within the sewer shed vs. those outside of the sewer shed, and 5) property owners have financial options outside of the city (i.e., Home Equity Loan) that could be used alone, or in addition to the options offered by the City.

Attorney Sajdak summarized the assessment process from a statutes and equity standpoint. The statutes say that the apportionment among the benefitting property owners that has to be "reasonable". Staff has examined all the potential methods of making the reasonableness determination and determined that this is the most equitable as it relates to most properties. The Court will look at the assessment as a whole, the process as a whole, not on a case-by-case parcel basis.

Motion passed upon roll call vote 6/2:

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

Opposed: Mayr, Gierl

- b) Moved by Alderman Pukaite, seconded by Alderman Nerbun to remove **RESOLUTION 3309** – Approving Written Agreements Addressing Assignment of the Special Assessments within the Central Growth Area from the table.

Motion passed by voice acclamation 8/0.

Moved by Alderman Pukaite, seconded by Alderman Adams to approve **RESOLUTION 3309**.

Attorney Sajdak clarified that any reallocation of assessments from larger parcels into individual parcels would be under the same terms. Terms would not be extended in these instances.

Motion passed upon roll call vote 8/0:

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

Opposed: None

- c) Moved by Alderman Strzelczyk, seconded by Alderman Pukaite to approve **RESOLUTION 3306** – Approving Land Sale Brokerage Services Contract Award.

Motion passed upon roll call vote 8/0:

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

- d) Moved by Alderman Adams, seconded by Alderman Hawkins to approve **RESOLUTION 3314** – Approving the County Line Road (Swan Road to 68th Street) Reconstruction – Phase 3 Contract Award.

Motion passed upon roll call vote 8/0:

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

- e) Moved by Alderman Adams, seconded by Alderman Nerbun to approve **RESOLUTION 3315** – 2015 Seal Coating and 2015 GSB-88 Bituminous Seal Contract Awards.

The motion passed upon roll call vote 8/0:

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

- f) Moved by Alderman Adams, seconded by Alderman Nerbun to approve RESOLUTION 3316 – Memorandum of Understanding (MOU) for the reconstruction of the Intersection of Wauwatosa Road (WIS 181) and Knightsbridge Drive.

The motion passed upon roll call vote 8/0:

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

8) **Specified Unfinished Business:** None

9) **Presentation of Petitions, Memorials, and/or Remonstrance’s and Communications:**
 None

10) **Specified Miscellaneous New Business:**

- a) Mayoral Appointment

Board of Review		
Name	Title	District
Rick Shneyder	Alternate Member	At Large

Moved by Alderman Adams, seconded by Alderman Pukaite to confirm the Mayoral appointment. The motion passed by voice acclamation 8/0.

- 11) **Adjourn:** Moved by Alderman Strzelczyk, seconded by Alderman Nerbun to adjourn at 9:03 PM. The motion passed by voice acclamation 8/0.

William H. Jones, Jr., City Clerk