



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

www.ci.mequon.wi.us

Office of the City Clerk
Taped and Televised

COMMON COUNCIL
Regular Meeting
Wednesday, August 10, 2016
7:30 PM
Christine Nuernberg Hall

Minutes

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

Present:

Mayor Dan Abendroth
Alderman Robert Strzelczyk
Alderman Connie Pukaite
Alderman Dale Mayr
Alderman John Wirth
Alderman Mark Gierl
Alderman John Hawkins
Alderman Andrew Nerbun
Alderman Pam Adams

Alderman Mayr arrived to the meeting at 8:25 PM.

Also Present: City Administrator Jones; City Clerk Fochs; City Attorney Sajdak; Community Development Director Tollefson; City Engineer/ Public Works Director Lundeen; Finance Director Watson; Cindy Shaffer of Shaffer Development; Mark Ernst of Engberg Anderson Architects; Aaron Koch of Pinnacle Engineering; press and interested public.

2) Public Hearing:

- a) **2016-1475** - An Ordinance Amending the City of Mequon Land Use Plan Map from Neighborhood Commercial to Residential 1-1.5 Acres to Allow for a Single-Family Home Located at 4200 County Line Road **Recommended by Planning Commission June 13, 2016; First Reading at Common Council July 12, 2016.**

Motion to open public hearing for **ORDINANCE 2016-1475** - An Ordinance Amending the City of Mequon Land Use Plan Map from Neighborhood Commercial to Residential 1-1.5 Acres to Allow for a Single-Family Home Located at 4200 County Line Road.

RESULT: **Approved by Voice Acclamation [Unanimous]**
MOVED BY: Alderman Wirth

SECONDED BY: Alderman Nerbun

AYES: Strzelczyk, Pukaite, Mayr, Wirth, Gierl, Hawkins, Nerbun, Adams

Shirley Huxhold spoke in opposition to **ORDINANCE 2016-1475**, inquiring about proposed square footage, utility hookups, the City's financial obligations and water and sanitary sewer supply.

Director Tollefson stated that she does not have answers to the resident's questions at this time. This is only a Land Use Plan Map Amendment and there is no development proposal at this time. What is known is that the existing building is intended to be a home. The owner of the property and the prospective buyer have requested that this item be tabled until September in order to finalize the sale and close on the property.

There was a motion to close the public hearing for **ORDINANCE 2016-1475**.

RESULT: **Approved by Voice Acclamation [Unanimous]**
MOVED BY: Alderman Wirth
SECONDED BY: Alderman Pukaite

AYES: Strzelczyk, Pukaite, Mayr, Wirth, Gierl, Hawkins, Nerbun, Adams

3) Personal Appearances and Public Comment:

None.

4) Public Officials' Reports:

a) Mayor

The Taste of Mequon will be held on Saturday, September 10th from noon to 9:00 pm in front of City Hall. It's a good family event filled with food, music, and crafts.

b) City Administrator

None.

5) Consent Agenda:

RESULT: **Approved by Voice Acclamation [Unanimous]**
MOVED BY: Alderman Wirth
SECONDED BY: Alderman Pukaite

AYES: Strzelczyk, Pukaite, Mayr, Wirth, Gierl, Hawkins, Nerbun, Adams

Alderman Hawkins requested the removal of Item a - Common Council meeting minutes of June 14 and July 12, 2016 from the consent agenda. Language regarding the storm water management plan for **ORDINANCE 2016-1468** was not sufficient enough in the June 14, 2016 minutes to communicate exactly what was being proposed.

After further consideration of the proposed stricter engineering and drainage requirements Alderman Hawkins moved that the Mayor put **ORDINANCE 2016-1468** on the September 2016 Common Council meeting agenda for either a rescission or an amendment to that proposal.

There was no second.

Attorney Sajdak clarified that the June 14, 2016 minutes are on the agenda and any potential action on **ORDINANCE 2016-1468** should not be discussed.

Attorney Sajdak distinguished between the June 14, 2016 motion to reconsider and this current motion. The June motion to reconsider was to reconsider that exact motion that had been approved whereas the motion in this case is to take some action that is different than what's been done. These instances have different time limits, respectively.

- a) Common Council meeting minutes of June 14 and July 12, 2016
- b) Architectural Board meeting minutes of June 13, 2016
- c) Economic Development Board meeting minutes of May 31, 2016
- d) Finance-Personnel Committee meeting minutes of June 14, 2016
- e) Fire Department Reports June and July 2016
- f) Mequon Festivals Committee meeting minutes of June 6, 2016
- g) Planning Commission meeting minutes of May 9 and June 13, 2016
- h) Public Welfare Committee meeting minutes of June 14, 2016
- i) Public Works Committee meeting minutes of June 14 and June 16, 2016
- j) Sewer Utility District Commission meeting minutes of May 17, 2016
- k) Zoning Enforcement and Site Compliance Report through August 1, 2016
- l) **RESOLUTION 3394** - A Resolution Approving the Enclave at Mequon Preserve Phase I Final Plat for 17 Lots Located at 10729-10839 N. Wauwatosa Road.

There was a motion to amend Item a - June 14, 2016 Common Council minutes.

Alderman Wirth requested that on Page 5, paragraph 2, the word "meets" should be replaced by "exceeds" and should read "Motion to amend **ORDINANCE 2016-1468** to require the Developer to return to Council with a storm water management plan that exceeds the current ordinance and standards in order to identify the baseline improvements."

RESULT: **Approved by Voice Acclamation [Unanimous]**
MOVED BY: Alderman Wirth
SECONDED BY: Alderman Pukaite

AYES: Strzelczyk, Pukaite, Mayr, Wirth, Gierl, Hawkins, Nerbun, Adams
--

Motion to approve the July 12, 2016 and the amended June 14, 2016 Common Council meeting minutes.

RESULT: **Approved by Voice Acclamation [Unanimous]**
MOVED BY: Alderman Pukaite
SECONDED BY: Alderman Wirth

AYES: Strzelczyk, Pukaite, Mayr, Wirth, Gierl, Hawkins, Nerbun, Adams

6) Committee of the Whole:

There being no objection, the Mayor declared the Council convened as Committee of the Whole at 8:40 PM.

a) Approval of the June 7 and July 19, 2016 meeting minutes

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

AYES: Strzelczyk, Pukaite, Mayr, Wirth, Gierl, Hawkins, Nerbun, Adams

b) Overview of Proposed Architecture Related to Shaffer Development's Town Center Planned Unit Development

The goal was to go over the building designs, specifically to gain feedback from Council on the architecture related to the project. Ms. Shaffer summarized the process to date has included weekly meetings with staff to work through site challenges, focus groups with local residents to gauge housing needs, three market research studies to gauge demand for rentals, and they have dedicated a portion of their website to obtain community feedback. Research shows demand for multi-family housing could be as high as 150 units in the Mequon-Thiensville community over the next ten years.

Mr. Ernst explained that they are very interested in adaptively reusing existing buildings to preserve the character and remain as authentic to the history of the site as possible. He showed numerous samples of recent projects to the Council.

The existing and concept utilities and easements were discussed as well as storm water management plan, wetlands, environmental issues (impacted soils), existing footprint of buildings, railroad tracks and roads that make this project very challenging. The site plan evolved from the original Request for Proposal but has remained consistent with the original design intent. Southern half is retail area, north is residential area. Although the plan is very conceptual at this point, the following are aspects of their site plan: 1) two-story town homes on the west side, 2) three story units on the east, 3) save specimen trees, 4) variety of roof lines, 5) variety of building material, i.e., brick, clapboard, stone, and 6) amenities for residents and community, i.e. splash park, courtyard, bike racks.

Council discussion ensued on the materials to be used and the percentage usage of these materials, lake elements, connection to the bike trail across the railroad tracks, variation in style of residential units, space between town homes, community activity space, garage aesthetics, lack of business traffic during the week to support a hotel option, parking, delivery and service capabilities, plans for the to-be-determined building, balance between urban and suburban feel, entryway design concept, and family entertainment/recreation space.

c) Policy Discussion Related to Text Amendments for the Town Center Zoning District

Director Tollefson stated that City staff is initiating a policy discussion related to the building composition, entrances, and window coverings with the Town Center neighborhood. Currently, there is a requirement to maintain complete transparency with our store front windows. The regulation of window coverings and displays has represented a long-standing policy for Mequon throughout all of its commercial areas. This policy discussion is therefore will also apply to the City's other commercial areas as a whole. After discussions with various stakeholders, it seems apparent that there is a consensus on what are acceptable and unacceptable solutions. The goal was to gain direction from the Council on the categories of design solutions proposed and begin formulation of the technical standards and bring forward a text amendment to the Town Center and Arrival Corridor zoning districts to the Planning Commission in September and then to Common Council. Preferred treatment options are: awnings, architecture that incorporates passive solar design, formalized design standards for window displays, and principal entrances that are operable and functional. Acceptable options are: perforated or banded decals, signage, roller shades, architectural details and features in lieu of windows, and shelving for product displays. Unacceptable options are: Films, curtains, inconsistent treatment applied to same building, 100% opacity, grilles or metal rollers, and excessive shelving.

Mr. Charles Friedlein from the American Legion Post spoke in support of text amendments to accommodate the business owners. He talked about the frosted windows on the west side of the Legion Post building, the large bank of windows on three sides and the need for a window coverings for the office and private events.

Council expressed their view points on the staff's efforts to-date, the role of government in regulating businesses, subjectiveness of the restrictions, history of the development approvals for the Town Center regarding windows, need for further discussion for specifics of opaque films, setting precedents, quality of treatment options, the potential for having to review business compliance on an individual basis, the business' input into the list of preferred, acceptable and unacceptable options, difficulty to enforce.

d) Reconvene as Common Council

There being no objection, the Mayor declared the Committee of the Whole reconvened as the Common Council at 9:42 PM.

7) **Ordinances:**

- a) **ORDINANCE 2016-1475** - An Ordinance Amending the City of Mequon Land Use Plan Map from Neighborhood Commercial to Residential 1 - 1.5 Acres To Allow for a Single-Family Home Located at 4200 County Line Road.

RESULT: **Tabled [Unanimous]**
MOVED BY: Alderman Nerbun
SECONDED BY: Alderman Wirth

AYES: Strzelczyk, Pukaite, Mayr, Wirth, Gierl, Hawkins, Nerbun, Adams

- b) **ORDINANCE 2016-1476** - An Ordinance Approving a Rezoning to Town Center with a Planned Unit Development and the Land Use Plan Map for the Properties Located at 6200 & 6300 W. Mequon Road and 11300-11350 N. Buntrock Avenue.

RESULT: **First Reading**

- c) **ORDINANCE 2016-1477** - An Ordinance Creating § 2-137(b)(9) of the Mequon Municipal Code Relating to the Imposition of an Affirmative Duty Upon Officials to Act with Honesty in Their Dealings with the Public.

RESULT: **First Reading**

Public Welfare Committee did not recommend this ordinance.

8) Resolutions:

- a) **RESOLUTION 3384** - A Resolution Approving a Transfer of Funds from the Capital Project Fund's Urban Forestry Account to the Emerald Ash Borer Account.

RESULT: **Approved by Voice Acclamation [Unanimous]**

MOVED BY: Alderman Strzelczyk

SECONDED BY: Alderman Nerbun

AYES: Strzelczyk, Pukaite, Mayr, Wirth, Gierl, Hawkins, Nerbun, Adams

- b) **RESOLUTION 3395** - A Resolution Canceling the Special Assessment Against Benefited Property (The Enclave at Mequon Preserve) in Connection with Completion of the Wauwatosa Road Sanitary Sewer Expansion Project.

Public Works did recommend this resolution with the caveat that **RESOLUTION 3396** would also be approved.

RESULT: **Approved by Voice Acclamation [Unanimous]**

MOVED BY: Alderman Adams

SECONDED BY: Alderman Pukaite

AYES: Strzelczyk, Pukaite, Mayr, Wirth, Gierl, Hawkins, Nerbun, Adams

- c) **RESOLUTION 3396** - A Resolution Levying Reallocated Special Assessments Against Benefited Property (The Enclave at Mequon Preserve) in Connection with Completion of the Wauwatosa Road Sanitary Sewer Expansion Project.

RESULT: **Approved by Voice Acclamation [Unanimous]**

MOVED BY: Alderman Adams

SECONDED BY: Alderman Nerbun

AYES: Strzelczyk, Pukaite, Mayr, Wirth, Gierl, Hawkins, Nerbun, Adams

- d) **RESOLUTION 3397** - Adoption of a Resolution Awarding the Mequon Nature Preserve Permeable Parking Lot Paving Contract to Willkomm Excavating, Inc., Union Grove, Wisconsin, in the Amount of \$144,894.

There is no financial obligation to the city.

RESULT: Approved by Roll Call Vote [Unanimous]
MOVED BY: Alderman Adams
SECONDED BY: Alderman Pukaite

AYES: Strzelczyk, Pukaite, Mayr, Wirth, Gierl, Hawkins, Nerbun, Adams

- e) **RESOLUTION 3398** - A Resolution Approving the Award of a Contract for the Lift Station L Force Main Relay Project to Advance Construction, Inc. of Green Bay, Wisconsin in the Amount of \$91,111.

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

AYES: Strzelczyk, Pukaite, Mayr, Wirth, Gierl, Hawkins, Nerbun, Adams

9) Specified Unfinished Business:

None.

10) Presentation of Petitions, Memorials, and/or Remonstrances and Communications:

None.

11) Specified Miscellaneous New Business:

None.

12) Closed Session:

- a) Convene into closed session pursuant to Section 19.85(1)(e), Wisconsin State Statutes, to deliberate or negotiate 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 (Possible road right of way acquisition in Central Growth area)

Motion to convene into closed session at 9:47 PM.

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

AYES:	Strzelczyk, Pukaite, Mayr, Gierl, Hawkins, Nerbun, Adams
RECUSED:	Wirth

13) Adjourn

Motion to adjourn at 10:15 PM.

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

AYES:	Strzelczyk, Pukaite, Mayr, Wirth, Gierl, Hawkins, Nerbun, Adams
--------------	---