

CITY OF MEQUON COMMON COUNCIL

Regular Meeting August 13, 2014

Mayor Abendroth called the meeting of the Common Council to order at 8:15 PM with the Pledge of Allegiance and the roll call.

PRESENT: Mayor Abendroth, Aldermen Strzelczyk, Pukaite, Mayr, Leszczynski, Gierl, Nerbun, Adams; Acting City Administrator/Clerk Thyges, City Attorney DeStefanis, Deputy City Clerk Fochs, Director of Public Works/City Engineer Lundeen, Deputy Director of Public Works/Asst. City Engineer Jahncke; press and interested public

ABSENT: Alderman Hawkins

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

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

a) **Mayor:** Congratulations to the Lakeshore Chinooks who won the Northwoods League Southern Division championship and will now play in the Northwoods League World Series.

b) **City Administrator:** Introduction of Jesse Thyges, Acting City Administrator.

3) **Consent Agenda:**

- a) Common Council meeting minutes of July 8, 2014 and Special Common Council of July 29, 2014
- b) Architectural Board meeting minutes of June 9, 2014
- c) Fire Department Report for June 2014
- d) Park Board meeting minutes of June 11, 2014
- e) Public Safety Committee meeting minutes of May 13, 2014
- f) Zoning Enforcement and Site Compliance Report for January to August 2014

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

The motion passed by voice acclamation.

4) **Ordinances:**

a) **ORDINANCE 2014-1423** - Ordinance creating Section 46-157, Mequon Code, Social host ordinance. **Recommended by Public Safety July 22, 2014; First Reading.**

b) **ORDINANCE 2014-1425** - A request by Concord Development to amend the City of Mequon Zoning Map from AC (Arrival Corridor) to B-2 (Community Commercial) for a portion of the property located at 7373 W. Mequon Road to allow for the expansion of the existing Sommer's Automotive car dealership. **Recommended by Planning Commission July 21, 2014; First Reading.**

- c) **ORDINANCE 2014-1426** - A request by Niemann / Fromm to amend the City of Mequon Zoning Map from R-4 (Residential ¾ acre) to B-3 (Office) with a PUD (Planned Unit Development) and a Land Use Plan Map Amendment from Residential 1 – 1.5 acre to Office for the property located at 11352 Buntrock Avenue to allow for an office use within the existing residential home. **Recommended by Planning Commission July 21, 2014; First Reading.**
- d) **ORDINANCE 2014-1427** - A request by TWP Architects to amend the City of Mequon Zoning Map from R-3 (Residential 1 acre) to B-1 (Neighborhood Commercial) and a Land Use Plan Map Amendment from Residential 1 – 1.5 acre to Community Commercial for the property located at 11015 N. Market Street to allow for an expansion of the existing office use located at 1539 W. Market Street. **Recommended by Planning Commission July 21, 2014; First Reading.**
- e) **ORDINANCE 2014-1428** - An ordinance repealing Section 2-232, Mequon Code (The Ordinance to be repealed Mandates Residency of the City Administrator and the Fire and Police Chiefs in the City of Mequon) and Amending Section 2-209 (5), Mequon Code (Salary Rates). **Recommendation forthcoming by Finance-Personnel August 13, 2014; First Reading.**

Ordinance was tabled by Finance-Personnel Committee for further review.

5) **Resolutions:**

- a) Mayor Abendroth read **RESOLUTION 3241** –A resolution approving the form and substance of a new master open space easement for the Ville du Parc area.

Mayor Abendroth stated that tonight’s goal is to discuss modifications to the easement and suggested tabling the resolution to allow the modifications to take place.

Attorney DeStefanis stated that Council’s efforts over the last several months have been to address some current issues, deficiencies, and lack of clarity with respect to open space easements in the Ville du Parc area. He clarified that associations, lands acquired by the City of Mequon, and outlots, i.e. Deer Trail, will not be impacted by this master open space easement.

This master open space easement is intended to encumber the exterior outlots for Ville du Parc #1 and 3, the club-owned outlot adjacent to VDP #4, the parcel of land at the corner of Fieldwood and Highland, and all the country club lands. It will impact the parcel at Fieldwood and Highland, where the country club sign is, in so much as this easement will limit what uses can be made of this parcel; this parcel is not available for access or use by any particular association or citizen group.

Mayor Abendroth added that the country club-owned land behind the homes along Yvonne Drive will become open space for the residents of Yvonne Drive. This easement does not speak to access; it limits what the golf course can do.

Residents want clarity on no building in perpetuity on these parcels, and clear designation on what their rights are to the parcel.

DeStefanis read proposed additional language to the master open space easement (section D7) regarding Yvonne Drive. Abendroth reiterated that easement language prohibits building on any parcels and Yvonne Drive is now one of them. Discussion on including the words “in perpetuity” ensued. Built in to this particular easement is the provision that this particular easement can only be amended or extinguished if the affected associations and the City agree to such amendment or removal. However, since Yvonne Drive residents are individual lot owners and not part of a subdivision, DeStefanis stated that section E5 would be amended to include the Yvonne Drive residents. The verbage will also be amended to clarify the meaning of “physically adjacent”.

Moved by Alderman Pukaite, seconded by Alderman Adams to table **RESOLUTION 3241** until the August 26, 2014 Special Common Council meeting.

The motion passed upon roll call vote (7/0):

Favor: Strzelcyz, Pukaite, Mayr, Leszczynski, Gierl, Nerbun, Adams

Opposed: None

- b) Moved by Alderman Nerbun, seconded by Alderman Adams to approve **RESOLUTION 3243** – Contract No. 3796 Force Mains H and C Reconstruction Award.

The motion passed upon roll call vote (7/0):

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

Opposed: None

- 6) **Specified Unfinished:** None

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

- 8) **Specified Miscellaneous New Business:** None

- 9) **Convene to Closed Session:** Moved by Alderman Strzelczyk, seconded by Alderman Mayr to adjourn to closed session at 8:45 PM pursuant to Section 19.85(1)(c), Wisconsin State Statutes, considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility (Personnel).

The motion passed by roll upon roll call vote (7/0):

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

Opposed: None

- 10) **Adjourn:** There was a motion, second and vote to adjourn.

Jesse Thyges, Acting City Administrator/City Clerk