

CITY OF MEQUON
COMMON COUNCIL
Regular Meeting
October 14, 2014

Mayor Abendroth called the meeting of the Common Council to order at 7:43 PM with the Pledge of Allegiance and the roll call.

PRESENT: Mayor Abendroth, Aldermen Strzelczyk, Pukaite, Mayr, Leszczynski, Gierl, Hawkins, Nerbun, Adams; Acting City Administrator/Clerk Thyges, City Attorney Sajdak, Deputy City Clerk Fochs, Community Development Director Tollefson, Deputy Director of Public Works/Asst. City Engineer Jahncke; Finance Director Watson; Assistant Finance Director Rudychev; press and interested public

ABSENT: None

1) **Public Hearings:**

- a) Moved by Alderman Mayr, seconded by Alderman Leszczynski to open a public hearing to discuss **ORDINANCE 2014-1430** – Text amendment to the City of Mequon, Chapter 58, Zoning Code, related to permitted uses in all residential zoning districts to allow chickens on parcels of any size.

The motion passed by voice acclamation.

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

- b) Moved by Alderman Strzelczyk, seconded by Alderman Nerbun to open a public hearing to discuss **ORDINANCE 2014-1431** – Amendment to the City of Mequon Zoning Map and Land Use Plan map for property located at 7625 W. Mequon Road from R-3 (1 acre) to B-3 (Office) and from Residential 1-1.5 acres to Neighborhood Commercial.

The motion passed by voice acclamation.

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

- c) Moved by Alderman Strzelczyk, seconded by Alderman Leszczynski to open a public hearing to discuss **ORDINANCE 2014-1432** – Amendment to the approved Planned Unit Development (PUD) zoning for Heron Pond subdivision to modify provisions within the PUD related to the percentage of side entry garages.

The motion passed by voice acclamation.

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

- d) Moved by Alderman Strzelczyk, seconded by Alderman Nerbun to open a public hearing to discuss **ORDINANCE 2014-1433** – Amendment to the City of Mequon Zoning Map for property located at 12300 W. Highland Road from R-2-B (1.5 acres) to R-1-B (2.5 acres).

The motion passed by voice acclamation.

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

- e) Moved by Alderman Strzelczyk, seconded by Alderman Pukaite to open a public hearing to discuss **ORDINANCE 2014-1434** – Amendment to the approved Planned Unit Development (PUD) zoning for Sarah Chudnow senior living community facility located at 10995 W. Market Street to modify the overall total number of units as well as the number of units in each residential type of unit.

The motion passed by voice acclamation.

There being no one wishing to speak, moved by Alderman Strzelczyk, seconded by Alderman Hawkins 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:** New City Attorney Brian Sajdak of Wesolowski, Reidenbach & Sajdak SC was welcomed.
- b) **City Administrator:** None.

- 4) **Consent Agenda:**

- a) Common Council meeting minutes of September 9 and Special Common Council meeting minutes of August 26 and September 30, 2014
- b) Board of Review meeting minutes of June 10, September 4 and September 16, 2014
- c) Bureau of Permits and Inspections Report for August 2014
- d) Special Finance-Personnel Committee meeting minutes of August 13, 2014
- e) Revised Fire Department Report for July 2014 and Report for August 2014
- f) Mequon Festivals Committee meeting minutes of August 25, 2014
- g) Mequon/Thiensville Bike/Pedestrian Commission meeting minutes of September 12, 2014
- h) Park Board meeting minutes of July 16, 2014
- i) Public Welfare Committee meeting minutes of August 13, 2014
- j) Public Works Committee meeting minutes of August 5, 2014
- k) Sewer Utility District Commission meeting minutes of August 13, 2014
- l) Zoning Enforcement Report for September 2014

Moved by Alderman Adams, seconded by Alderman Nerbun to approve the consent agenda.

The motion passed by voice acclamation.

5) **Ordinances:**

- a) Moved by Alderman Pukaite, seconded by Alderman Hawkins to approve **ORDINANCE 2014-1430** – Text amendment to the City of Mequon, Chapter 58, Zoning Code, related to permitted uses in all residential zoning districts to allow chickens on parcels of any size.

Tollefson clarified that Home Owner Associations would need to approve the initial permit to have chickens for the single parcel. If the property owner changes then all adjacent property owners would need to approve.

Moved by Alderman Nerbun, seconded by Alderman Gierl to amend the ordinance to apply only to parcels of land 1.5 acres or greater.

Motion passed by voice acclamation.

Mayor Abendroth encouraged the removal of the condition to get prior consent from adjacent property owners adding that this condition is not applicable to other zoning codes.

Tollefson stated she was expecting Council direction on initial fee, annual renewal fee and level of enforcement. Discussion ensued on initial permit fee.

Moved by Alderman Gierl, seconded by Alderman Leszczynski to remove Item 11, the requirement to have adjacent property owners, to the immediate rear and two immediate sides, provide consent on only the initial permit to allow the keeping of poultry in accordance with the above listed standards.

Tollefson and Attorney Sajdak clarified that the chicken coop would not count as an accessory structure due to size limitation and current code.

Motion passed upon roll call vote (5/3):

Favor: Pukaite, Leszczynski, Gierl, Hawkins, Nerbun

Opposed: Strzelczyk, Mayr, Adams

Motion to approve the amended **ORDINANCE 2014-1430** passed upon roll call vote (6/2):

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

Opposed: Mayr, Adams

- b) Moved by Alderman Adams, seconded by Alderman Leszczynski, to approve **ORDINANCE 2014-1431**– Amendment to the City of Mequon Zoning Map and Land Use Plan map for property located at 7625 W. Mequon Road from R-3 (1 acre) to B-3 (Office) and from Residential 1-1.5 acres to Neighborhood Commercial.

Motion passed upon roll call vote (6/1):

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

Opposed: Mayr

Note: Alderman Pukaite stepped away briefly.

- c) Moved by Alderman Adams, seconded by Alderman Nerbun to approve **ORDINANCE 2014-1432** - Amendment to the approved Planned Unit Development (PUD) zoning for Heron Pond subdivision to modify provisions within the PUD related to the percentage of side entry garages.

Tollefson clarified the need for this ordinance and how it compares to other recent developer requests.

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 **ORDINANCE 2014-1433** – Amendment to the City of Mequon Zoning Map for property located at 12300 W. Highland Road from R-2-B (1.5 acres) to R-1-B (2.5 acres).

Motion passed upon roll call vote (8/0):

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

Opposed: None

- e) Moved by Alderman Strzelczyk, seconded by Alderman Pukaite to approve **ORDINANCE 2014-1434** – Amendment to the approved Planned Unit Development (PUD) zoning for Sarah Chudnow senior living community facility located at 10995 W. Market Street to modify the overall total number of units as well as the number of units in each residential type of unit.

Watson clarified that a PILOT agreement is in effect; reconfiguration of internal units would be evaluated by the assessor and PILOT would be affected accordingly. City will follow up with the assessor to determine if changes in use of each unit will affect the PILOT.

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

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

Opposed: None

Note: Alderman Gierl stepped away briefly.

- f) **ORDINANCE 2014-1435** – Amendment to the City of Mequon Zoning Map for approximately 51 acres located at 10729-10839 Wauwatosa Road to allow for a 56-lot cluster development of single-family residential. **Recommended by Planning Commission October 13, 2014. First Reading.**

6) **Resolutions:**

- a) Moved by Alderman Strzelczyk, seconded by Alderman Nerbun to approve **RESOLUTION 3248** – Resolution Authorizing the Acting City Administrator to Negotiate a Service Contract with Value Rite, Corporation to Provide Assessment Maintenance and Services to the City of Mequon and to Appoint a Statutory City Assessor.

The motion passed upon roll call vote (8/0):

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

Opposed: None

- b) Moved by Alderman Hawkins, seconded by Alderman Strzelczyk to approve **RESOLUTION 3250** – Awarding the contract for banking services for the City of Mequon.

Watson outlined the efforts to get-the-word out to the residents: colored insert with the tax bill, website, and E-news, and indicated the service fee for on-line payments is provider-driven.

The motion passed upon roll call vote (8/0):

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

Opposed: None

- c) Moved by Alderman Strzelczyk, seconded by Alderman Nerbun to approve **RESOLUTION 3251** – Authorization to have MRA-The Management Association Conduct an Employee Engagement Survey of the City's Police and Fire Departments Employee Engagement Survey.

The motion passed upon roll call vote (8/0):

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

Opposed: None

- 7) **Specified Unfinished:** None

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

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

- 10) **Convene to Closed Session:**

- a) Moved by Alderman Strzelczyk, seconded by Alderman Nerbun to adjourn to closed session at 8:24 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); and
- b) Adjourn into closed session 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 (8/0):

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

Opposed: None

- c) There was a motion and a second to reconvene into Open Session at 8:35 PM to take formal action upon the item discussed in closed session or to conduct discussion or give further consideration where the subject matter is not appropriate for closed session consideration. The motion passed by voice acclamation.

- 11) Moved by Alderman Pukaite, seconded by Strzelczyk to approve **RESOLUTION 3240** – A resolution approving and ratifying the substance and form of contract for the purchase by the City of Mequon of the property known as 6200 West Mequon Road.

Council discussion ensued on the price, valuation, location, and opportunities for future development.

Motion passed upon roll call vote (7/1):

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

Opposed; Mayr

- 12) **Adjourn:** Moved by Alderman Nerbun, seconded by Alderman Strzelczyk to adjourn at 8:45 PM. The motion passed by voice acclamation.

Jesse Thyres, Acting City Administrator/City Clerk