

**CITY OF MEQUON
COMMON COUNCIL
Regular Meeting
November 11, 2014**

Council President Mayr called the meeting of the Common Council to order at 7:30 PM with the Pledge of Allegiance and the roll call.

PRESENT: 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 Director Finance Director Rudychev; Police Chief Graff; press and interested public

ABSENT: Mayor Abendroth

1) **Public Hearings:**

- a) Moved by Alderman Nerbun, seconded by Alderman Strzelczyk to open a public hearing to discuss **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.

The motion passed by voice acclamation.

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

- b) Moved by Alderman Pukaite, seconded by Alderman Strzelczyk to open a public hearing to discuss **ORDINANCE 2014-1436** – Appropriating the funds necessary for the operations of the government and the administration of the City of Mequon for the year 2015.

The motion passed by voice acclamation.

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

- 2) **Personal appearances and public comment:** The following citizens spoke regarding the growing coyote problem and the need for action by the city: Jenny Herro, Craig Zurawski, Doreen Festge, Michael Festge, Brenda Quick, and Patti Schulz. Council stated that this topic will be taken up by the Public Welfare Committee in the near future.

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

- a) **Acting Mayor:** Thanks were extended to all the veterans for their service as we commemorate Veterans Day. Alderman Hawkins extended an invitation to attend the American Legion grand opening on Nov. 15th from 11:00 am – 3:00 pm.

b) **City Administrator:** None.

4) **Convene as Appropriations Committee:**

There was a motion and a second to convene as the Appropriations Committee at 8:00 PM. The motion to convene passed upon roll call vote (8/0):

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

- a) Moved by Alderman Adams, seconded by Alderman Hawkins to approve the minutes of October 21, 2014. The motion passed by voice acclamation.
- b) Moved by Alderman Pukaite, seconded by Alderman Strzelczyk to reconvene as Common Council at 8:01 PM. Motion passed by voice acclamation.

5) **Consent Agenda:**

- a) Common Council meeting minutes of October 14, 2014
- b) Appropriations Committee meeting minutes of October 21, 2014
- c) Architectural Board meeting minutes of September 8, 2014
- d) Bureau of Permits and Inspections Report for September 2014
- e) Finance-Personnel Committee meeting minutes of September 9, 2014
- f) Fire Department Report for September 2014
- g) Mequon Festivals Committee meeting minutes of September 8, September 22 and October 13, 2014
- h) Park Board meeting minutes of September 17, 2014
- i) Public Welfare Committee meeting minutes of September 9, 2014
- j) Zoning Enforcement Report through October 31, 2014
- k) **RESOLUTION 3252** – Designation of US Bank as a Public Depository for the City of Mequon.
- l) **RESOLUTION 3253** – Transfer of Funds from the General Fund to the Capital Project Fund.
- m) **RESOLUTION 3254** – Transfer of Funds within the Sanitary Sewer Capital Budgets.
- n) **RESOLUTION 3255** – Approving the certified survey map for the property located south of Freistadt Road, east of Oak Shore Lane that results in a road tight-of-way dedication of 50 feet for Freistadt Road.
- o) **RESOLUTION 3256** – Approving the Estates of Mequon Preserve Subdivision development agreement for the lands located south of 10631 N Wauwatosa Road which includes 76 lots.

Alderman Mayr requested the removal of Item o – **RESOLUTION 3256** - Approving the Estates of Mequon Preserve Subdivision development agreement for the lands located south of 10631 N Wauwatosa Road which includes 76 lots.

Moved by Alderman Hawkins, seconded by Alderman Adams to approve the amended consent agenda. The motion passed by voice acclamation.

Tollefson stated that Item o was recommended by the Planning Commission with the condition that the language of a couple items of the development agreement be worked

out between developer and the City. The developer has requested that **RESOLUTION 3256** be tabled; it will be brought back to Council next month.

Moved by Alderman Leszczynski, seconded by Alderman Pukaite to table Item o – **RESOLUTION 3256**.

The motion passed by voice acclamation.

6) **Ordinances:**

- a) Moved by Alderman Nerbun, seconded by Alderman Leszczynski to approve **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.

Joan Khalia spoke against having smaller lots sizes for the development citing the desire to maintain the high quality of the neighborhoods and the education system.

Tollefson stated that rezoning is required because there are 6 TDR credits being requested for this parcel. Important points about the development are: 1) overall average is one dwelling unit/.91 acre; 2) average lot sizes range between .33 and .57 acre; 3) project plan complies with the Central Growth Overlay District; 4) tree preservation condition exists on property easements; 5) historical local landmark on property will be located in an out lot, and therefore will not be a habitable dwelling; 6) 36% open space that meets the Central Growth Overlay District requirement; 7) Wauwatosa Road access is mandated by WisDOT; 8) at last half of lots are over .5 acre. Home prices are expected to be in the \$420K+ range, even for the smaller lot sizes.

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

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

Opposed: None

- b) Moved by Alderman Nerbun, seconded by Alderman Hawkins to suspend the rules and take action on **ORDINANCE 2014-1436** - Appropriating the funds necessary for the operations of the government and the administration of the City of Mequon for the year 2015.

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

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

Opposed: None

Acting City Clerk Thyges summarized the budget and highlights included: 1) expenditures are budgeted to increase by just over 3% due to fixed cost and material pricing increasing rising faster than CPI; 2) overall revenues are forecast to increase due to development related fees and increase in transportation state aid; 3) City is still exempted from County levy library tax; 4) Capital Projects Fund will be for road improvements, equipment replacements, drainage way improvement program, and park maintenance projects 5) City was able to maintain a \$3.04 tax rate.

Moved by Alderman Adams, seconded by Alderman Strzelczyk, to approve
ORDINANCE 2014-1436.

Council thanked staff for their efforts in preparing this budget. Nerbun cautioned against using reductions in excess reserve or internal transfers to balance the budget. Finance Director Watson explained that although the TIF#3 development has been slow starting and the increment we planned on getting hasn't materialized yet, in the future the TIF will generate an increment that will support itself and repay the Capital Project Fund for monies borrowed. The TIF sunsets in 2026. Council is being proactive in bringing in developments so that payback can be sooner.

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

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

Opposed: Nerbun

- c) Moved by Alderman Nerbun, seconded by Alderman Pukaite to suspend the rules and take action on **ORDINANCE 2014-1437** – Appropriating the necessary funds from the City of Mequon's Sewer Utility District for the Year 2015 for Capital Charge Payments to the Milwaukee Metropolitan Sewerage District (MMSD) and the City of Mequon Capital Debt Service Requirements.

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

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

Opposed: None

Director Watson summarized that the Milwaukee Metropolitan Sewerage District (MMSD) capital charge is increasing resulting in an increase in the mill rate of \$0.12, just from the pass through charge from MMSD.

Moved by Alderman Hawkins, seconded by Alderman Strzelczyk, to approve
ORDINANCE 2014-1437.

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

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

Opposed: None

- d) **ORDINANCE 2014-1438** – Amendment to the City of Mequon Zoning Map for the property located at 10922 and 10950 N Cedarburg Road from B-3 (Office and Service)/FFO (Flood Fringe Overlay)/FW (Floodway) to B-3 (Office and Service)/FFO (Flood Fringe Overlay) to modify zoning for consistency with the approvals of Department of Natural Resources and Federal Emergency Management Administration.
Recommendation forthcoming by Planning Commission November 10, 2014; First Reading.

7) **Resolutions:**

- a) Moved by Alderman Pukaite, seconded by Alderman Hawkins to approve
RESOLUTION 3257 – Resolution in Support of the Creation of a Single United Way of Ozaukee County Organization.

Alderman Pukaite clarified that this is a vote recommending United Way organization take a look at its division. Under the current division, Northern Ozaukee County is limited in the areas they can fund raise. Having a dedicated County United Way does not prohibit donating in Greater Milwaukee.

The motion passed by voice acclamation.

8) **Specified Unfinished:** None

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

10) **Specified Miscellaneous New Business:**

a) Confirmation of Mayoral Appointment: Library Board: Allen McIlwraith, Trustee

Moved by Alderman Nerbun, seconded by Alderman Pukaite to approve the Mayoral appointment. The motion passed by voice acclamation.

11) **Adjourn:** Moved by Alderman Leszczynski, seconded by Alderman Strzelczyk to adjourn at 8:40 PM. The motion passed by voice acclamation.

Jesse Thyas, Acting City Administrator/City Clerk