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www.ci.mequon.wi.us

Office of the City Clerk
Taped and Televised

**Common Council
Tuesday, April 14, 2020 - 7:30 PM
or immediately following the Mequon
Municipal Water Utility Commission Meeting
Virtual Meeting**

ELECTRONIC MEETING NOTICE: Pursuant to the current recommendation of the CDC limiting the size of public gatherings and the various federal and state orders implementing that recommendation, and to help protect our community from the Coronavirus (COVID-19) pandemic, this meeting will be held virtually through the GoToMeeting platform with each member accessing the meeting remotely. Citizens wishing to attend the meeting are encouraged to watch the live broadcast of the meeting on the City's YouTube Account (<https://www.youtube.com/channel/UCZDJETJJa2M-KQgIcEDiyMQ>), or on the City's Agenda Management Website (<http://mequoncitywi.iqm2.com/Citizens/default.aspx>). Citizens may also join the meeting online or by phone. Please go to <https://www.gotomeet.me/Mequon/cc> and enter access code 298-967-317 to join the meeting online or call into the meeting by dialing 1-866-899-4679 and enter access code 298-967-317.

PUBLIC COMMENTS will be accepted in writing only. Public comments should be directed at least 2 hours prior to the meeting to the City Administrator's Office in advance by email at jschoenemann@ci.mequon.wi.us or by leaving a written public comment addressed to the intended committee in the drop box at City Hall on 11333 N. Cedarburg Road, Mequon, by 5:30 PM on Tuesday, April 14. Comments received timely will be forwarded to all members of the body for their consideration.

Reasonable accommodations will be made for those citizens who are unable to attend the meeting in the methods identified above upon at least two hours' notice. Notice can be given to the City Clerk's Office at 262-236-2914.

AGENDA

- 1) Call to Order and Roll Call**
- 2) RESOLUTION 3717 - A Resolution Ratifying Mayoral COVID-19 Emergency Proclamation No. 3 Providing for Electronic Meetings; Recommendation Forthcoming by Public Welfare Committee April 14, 2020.**
- 3) Public Officials' Reports:**
 - a) Mayor
 - b) City Administrator

4) Consent Agenda:

- a) Architectural Board meeting minutes of February 10, 2020
- b) Finance-Personnel Committee meeting minutes of January 28 and February 11, 2020
- c) Fire Department Report for January 2020
- d) Mequon Municipal Water Utility Commission meeting minutes of February 11, 2020
- e) Planning Commission meeting minutes of February 10, 2020
- f) Public Safety Committee meeting minutes of February 11, 2020
- g) Public Welfare Committee meeting minutes of February 11, 2020
- h) Public Works Committee meeting minutes of February 11, 2020
- i) Sewer Utility District Commission meeting minutes of February 11, 2020
- j) Ordinance First Reading

NOTE: First reading of Ordinances will not be acted upon unless a suspension of the rules is approved by a recorded vote of two-thirds majority of all aldermen.

- 1. **ORDINANCE 2020-1573** - An Ordinance Amending Chapter 14, Businesses, Authorizing the City Clerk to Issue Operator Licenses; **Recommendation Forthcoming by Finance-Personnel Committee April 14, 2020; First Reading.**

5) Committee of the Whole:

- a) Update and Discussion Concerning Coronavirus Disease (COVID-19) Public Health Emergency
- b) Reconvene as the Common Council

6) Ordinances: None.

7) Resolutions:

- a) **RESOLUTION 3718** - A Resolution Ratifying Mayoral COVID-19 Emergency Proclamation No. 2 Exempting Certain City of Mequon Employees from the Families First Coronavirus Response Act; **Recommendation Forthcoming by Finance-Personnel Committee April 14, 2020.**
- b) **RESOLUTION 3720** - A Resolution Approving a Policy Related to the Provision and Use of Temporary Paid Leave Benefits by Certain City of Mequon Employees Exempted from the Families First Coronavirus Response Act; **Recommendation Forthcoming by Finance-Personnel Committee April 14, 2020.**
- c) **RESOLUTION 3719** - A Resolution Approving a Memorandum of Understanding Between the City of Mequon and the Mequon Fire & EMS Association Allowing for a Temporary Increase in Compensation for Paramedic Pay, Fire Call Pay and EMS Call Pay from March 29, 2020 through the Expiration of the Coronavirus (COVID-19) Public Health Emergency; **Recommendation Forthcoming by Finance-Personnel Committee April 14, 2020.**

- d) **RESOLUTION 3721** - A Resolution Addressing the Claim of David Simenz Related to Vehicle Damage; **Recommendation Forthcoming by Public Works Committee April 14, 2020.**
- e) **RESOLUTION 3722** - A Resolution Awarding the 2020 Range Line Court Watermain and Road Reconstruction Contract to Kruczek Construction, Inc. of Green Bay, Wisconsin in an Amount Not-to-Exceed \$850,000; **Recommendation Forthcoming by Public Works Committee April 14, 2020.**
- f) **RESOLUTION 3723** - A Resolution Awarding the 2020 Catch Basin, Storm Sewer, and Curb and Gutter Contract to Zenith Tech, Inc. of Waukesha, Wisconsin, in an Amount Not-to-Exceed \$368,000; **Recommendation Forthcoming by Public Works Committee April 14, 2020.**
- g) **RESOLUTION 3724** - A Resolution Awarding the 2020 Crack Sealing Contract to Thunder Road, LLC of Oconomowoc, Wisconsin, in an Amount Not-to-Exceed \$220,000; **Recommendation Forthcoming by Public Works Committee April 14, 2020.**
- h) **RESOLUTION 3725** - A Resolution Awarding the 2020 Road Improvements Contract to Stark Pavement Corporation of Brookfield, Wisconsin, in an Amount Not-to-Exceed \$447,481; **Recommendation Forthcoming by Public Works Committee April 14, 2020.**
- i) **RESOLUTION 3726** - A Resolution Authorizing Execution of a Concurrence Request from the Wisconsin Department of Transportation Confirming the Section 4(f) Temporary Occupancy Finding for Installation of a Fish Creek Box Culvert in Katherine Kearney Carpenter Park as Required for the I-43 North-South Freeway Project; **Recommendation Forthcoming by Public Works Committee, April 14, 2020.**

8) Potential Closed Session:

Land Acquisition Regarding 11236, 11242, 11248 and 11254 N. Cedarburg Road: The Common Council may convene into closed session pursuant to Wis. Stat. 19.85 (1)(e), for the purpose of deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever Competitive or bargaining reasons required a closed session and then may reconvene into open session to take such action as deemed appropriate.

9) Adjourn

Dated: April 9, 2020 /s/ John Wirth, Mayor

.....
 Notice is hereby given that a quorum of other governmental bodies may be present at this meeting to present, discuss and/or gather information about a subject over which they have decision-making responsibility, although they will not take formal action thereto at this meeting. Persons with disabilities requiring accommodations for attendance at this meeting should contact the City Clerk’s Office at 262-236-2914, twenty-four (24) hours in advance of the meeting.

Any questions regarding this agenda may be directed to the City Clerk’s Office at 262-236-2914, Monday through Friday, 8:00 AM – 4:30 PM.



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Office of Administration

TO: Common Council
FROM: William Jones, City Administrator
DATE: April 14, 2020
SUBJECT: RESOLUTION 3717 A Resolution Ratifying Mayoral COVID-19 Emergency Proclamation No. 3 Providing for Electronic Meetings

Background

Last December, the Common Council adopted an ordinance amending Chapter 2 of the Mequon Municipal Code, allowing limited electronic participation by members of certain boards, committee and commissions of the City, including the following:

- Economic Development Board
- Festivals Committee
- Library Board
- Joint Bike & Pedestrian Way Commission
- Landmarks Commission
- River Advisory Committee
- Park & Open Space Board
- Tree Board

All other City boards, commissions and committees not included in the approved amendments have heretofore been prohibited from using electronic means to allow member meeting attendance/participation. With the onset of the COVID-19 crisis throughout Wisconsin in recent weeks, there is a need to maintain social distancing and strict occupancy limits in rooms and other areas where groups of more than 10 individuals may gather. In order to facilitate the continued business of the City, Mayor Wirth issued a proclamation last week allowing all City boards, committees and commissions to convene meetings allowing all members to participate electronically for the duration of the COVID-19 crisis.

Analysis

Under Wis. Stat. § 323.14(4)(b), the Mayor's Proclamation is "subject to ratification, alteration, modification, or repeal by the governing body as soon as that body can meet." Attached is a copy of the referenced proclamation, and a resolution for the Common Council's ratification of such, that is recommended for adoption on April 14, 2020. Ratifying the resolution will confirm the provisions therein, however, "subsequent action taken by the governing body shall not affect the prior validity of the proclamation." Id.

Recommendation

Adoption of the Proposed Resolution.

Attachments:
MAYORAL PROCLAMATION #3 - 4.3.20 (PDF)

COMMON COUNCIL
OF THE
CITY OF MEQUON

RESOLUTION 3717

A Resolution Ratifying Mayoral COVID-19 Emergency Proclamation No. 3 Providing for
Electronic Meetings

A. COVID-19, a novel strain of coronavirus, was detected in December of 2019 and has subsequently spread throughout numerous countries and the United States, including Wisconsin.

B. In order to protect the health and well-being of residents and visitors, while being ever-mindful of the constitutional rights of all persons, it is appropriate for the City of Mequon to avail itself of all proper resources needed to respond to, contain and assist in the eradication of COVID-19.

C. With the onset of the COVID-19 public health emergency throughout Wisconsin in recent weeks, there is a need to maintain social distancing and strict occupancy limits in rooms and other areas where groups of more than 10 individuals may gather.

D. In order to facilitate the continued business of the City, it is necessary to allow all City boards, committees and commissions to convene meetings electronically for the duration of the COVID-19 public health emergency.

E. On April 3, 2020, the Mayor of the City of Mequon, pursuant to Wisconsin Statutes Section 323.11 and 323.14(4)(b) and Sections 26-24 and 26-26 of the Mequon Code of Ordinances, issued a Proclamation Providing for Electronic Meetings by all boards, commissions and committees of the City of Mequon (the "Proclamation").

F. Pursuant to Wisconsin Statutes Section 323.14(4)(b), the Proclamation is subject to ratification, alteration, modification or repeal by the Common Council.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Mequon, that:

The Proclamation providing all City of Mequon boards, commissions and committees with the ability to convene electronic meetings for the duration of the COVID-19 public health emergency in the City of Mequon is ratified.

Approved by: John Wirth, Mayor

Date Approved: April 14, 2020

I certify that the foregoing Resolution was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on April 14, 2020.

Caroline Fochs, City Clerk

COVID-19 EMERGENCY PROCLAMATION NO. 3

PROCLAMATION PROVIDING FOR ELECTRONIC MEETINGS

I, John M. Wirth, as Mayor and Chief Executive Officer of the City of Mequon, make the following Proclamation in consideration of the following:

A. COVID-19, a novel strain of coronavirus, was detected in December of 2019 and has subsequently spread throughout the world, including every state in the United States.

B. On January 3, 2020, the World Health Organization declared COVID-19 to be a Public Health Emergency of International Concern.

C. On March 12, 2020, Governor Tony Evers declared a public health emergency in connection with COVID-19.

D. On March 13, 2020, President Donald Trump proclaimed a National Emergency in connection with concerning COVID-19.

E. On March 16, 2020, I proclaimed, on behalf of the City of Mequon, a Public Health Emergency as defined in Wisconsin Statutes Section 323.02(16) and a Disaster as defined in Wisconsin Statutes Section 323.02(6); accordingly, the City of Mequon implemented its emergency authority under Wisconsin Statutes Section 323.11. The Common Council affirmed that proclamation at its meeting on March 17, 2020.

F. According to the Wisconsin Department of Health Services, there were 1,730 total confirmed cases of people with COVID-19 in Wisconsin as of April 2, 2020, with 31 confirmed deaths, and COVID-19 had been confirmed in 52 counties in the State of Wisconsin, including Ozaukee County. According to the Washington Ozaukee Public Health Department, there were 49 total confirmed cases of people with COVID-19 in Ozaukee County as of April 2, 2020, with five confirmed deaths. Mequon-Thiensville had 23 of the 49 confirmed cases in Ozaukee County.

G. With a few exceptions, the Mequon Code of Ordinances (the “Code”) contains various provisions mandating that officials and the public appear and vote in person at meetings of the Common Council, Planning Commission and the City’s various other boards, commissions and committees (each of the foregoing being a “City body”).

H. Meetings of the various City bodies have been postponed since March 17, 2020, allowing the City time to plan for future meetings while maintaining social distancing.

I. The City of Mequon always values public input and believes that, generally, meetings should be in person; however, during the current emergency, and considering various orders of the Governor and the policy in favor of social distancing, in-person meetings would be inappropriate.

J. The City should resume meetings for the following and other reasons:

1. No one knows how long the current emergency situation will last.
2. Without meetings of the City bodies, the City is unable to move forward with its own policies and initiatives, to proceed with its own construction projects, including its road program, to effectively govern and provide the services the public expects from the City or to support those Essential Activities, Essential Governmental Functions and Essential Businesses and Operations authorized under Wisconsin's Safer at Home Order (the "Governor's Order").
3. Various residential and commercial construction projects cannot move forward without approvals by the applicable City bodies despite being Essential Businesses and Operations under the Governor's Order, and delays in approvals by the City might prompt defaults under various private contracts.
4. Fairness to various parties interested in deliberations of the City's bodies dictates prompt consideration of the matters considered during such deliberations.

K. It is necessary and proper, pursuant to Wisconsin Statutes Section 323.14(4)(b), in order to provide for the health, safety, protection and welfare of people and property within the City, for me to issue this Proclamation in advance of a Common Council meeting in order to allow (a) the Common Council's standing committees to meet electronically in advance of the Common Council's consideration and (2) the Common Council to meet electronically to consider the provisions of this Proclamation.

BASED ON THE FOREGOING and pursuant to Wisconsin Statutes Sections 323.14(4)(b) and 323.52(1) and Sections 26-24 of the Code, I proclaim as follows:

1. Generally. Based on the imprudence of holding in-person meetings, the location for all meetings of City bodies shall be held electronically and in compliance with the regulations set forth in this Proclamation. No City body other than the *ad hoc* Emergency Management Committee or the Common Council, if a special meeting becomes necessary, shall meet prior to April 14, 2020. A City body, at the discretion of its chair and subject to staff availability, may hold a special meeting after that date outside of its regularly meeting schedule to replace a meeting that has been postponed.

2. Architectural Board. Due to the number of reserve panel members of the Architectural Board (as described in Section 2-443(b) of the Code), and the difficulty of coordinating an electronic meeting with a large number of potential attendees, including reserve panel members who only participate for part of the meeting, the Architectural Board will only consist of the five at-large members, as defined in Sec. 2-443(a) of the Code. A quorum shall consist of three members. Any reserve panel member may serve as an alternate member if the permanent alternate member(s) are unable to participate.

3. Regulations. Each electronic meeting shall be subject to the following regulations:

(a) Packets. No paper copies of the packet for any City body's meeting shall be made by the City; instead, links to the packets shall be electronically transmitted to members of the City body.

(b) Notices. The City shall provide notices of the meeting pursuant to state law and the Code. Notices shall (a) inform the public that the meeting will be held remotely, (b) provide all information necessary for the public to monitor the meeting, including the telephone number, video conference link and any necessary passcodes or other login information; (c) provide that, except with respect to a public hearing, public comments should be sent to an email address specified in the notice or delivered in writing to the City depository at City Hall, in either instance no later than two hours prior to the meeting (except with respect to a morning meeting, no later than 4:00 p.m. on the day prior to the meeting); and (d) provide that reasonable accommodations will be made for people without telephone or internet access or who are deaf or hard of hearing provided that notice of such need is provided to the City in the same manner as public comments.

(c) Platform. Unless otherwise approved by city staff, all meetings shall be held using an electronic (internet and/or conference call) platform provided by the City.

(d) Telephonic Option. To the extent an internet-based meeting is conducted, participants and the public shall be provided with an alternative local or toll-free telephone dial-in option for listening to the meeting so that lack of internet access is not a barrier to listening to the meeting.

(e) Recording of Meetings. All meetings shall be recorded. To the extent a video of a meeting would ordinarily be posted to the City's website, Channel 25 or youtube.com, the recording shall be posted instead of the video.

(f) Roll Call and Announcement. At the beginning of each meeting, the chair or staff liaison shall conduct the roll call. Upon determination that a quorum is on-line, the chair shall (i) request that members of the City body identify themselves before they begin to speak; (ii) remind all members of the City body not to speak over one another; (iii) tell all people participating in or observing the meeting to silence their phones or microphones except when speaking; and (iv) inform the public that public comments cannot be heard during the meeting (except with respect to public hearings, if applicable) but that, for future meetings, comments can be provided in advance of the meeting as specified on the public notice.

(g) Public Hearings.

(i) If a public hearing is on the agenda, the section describing the public hearing shall notify the public that, in order to be recognized during such meeting, a person must notify the City of his or her request to be recognized by email to an email address specified in the notice or by leaving a message on the voice mail of a person specified in the notice, in either instance no later than two hours prior to the meeting (except with respect to a morning meeting, no later than 4:00 p.m. on the day prior to the meeting).

(ii) Only people who have registered as described above to speak during a public hearing shall be recognized.

(iii) Matters for which a public hearing is held shall be considered by the City body immediately following the public hearing.

(h) Speaking at Meetings. Only the following people may speak during a meeting:

(i) Members of the City body.

(ii) City staff and consultants engaged by the City.

(iii) The public during any public hearing.

(iv) Whenever a City body is acting as a quasi-judicial body, any party to the matter being reviewed, any agent for such a party and any witness called by a party or the City.

(v) In the discretion of the chair, any applicant, or the agent for any applicant. An applicant shall be a person or entity who has paid the required fee in connection with the matter being discussed.

(i) Public Comments. Public comments received by the City pursuant to Section 3(b) shall be read (or summarized in the discretion of the chair) by staff or the chair when the applicable matter is discussed.

(j) Recognition by Chair. No person shall speak at a meeting unless he or she first states his or her name and then is recognized by the chair.

(k) Disruption. The chair may cut-off any person on the call if such person is not allowed to speak or if a person is otherwise allowed to speak but becomes disruptive to the orderly conduct of the meeting.

(l) Non-Verbal Communications. Members of the City body shall not communicate with other members during any meeting utilizing any non-verbal means, including without limitation email, text messaging or any digital chat feature within the platform.

(m) Closed Sessions. To the extent a City body goes into closed session, either (i) all connections to the electronic meeting shall be disconnected and locked other than those people legally entitled to participate in the closed session, and no action shall be taken on any matter discussed in closed session until another scheduled and noticed meeting after the closed session; or (ii) people legally entitled to participate in the closed session will transition to a private telephonic conference, and no action shall be taken on any matter discussed in closed session until the City body returns to the original open session electronic meeting if so noted in the agenda, or until another scheduled and noticed meeting after the closed session.

4. Common Council Meetings. In order to keep Common Council meetings orderly, and to reduce the time of meetings that will necessarily be made longer through electronic meetings, the following additional changes are made:

(a) Amendments. Any member of the Common Council who desires to propose an amendment to any ordinance, resolution or other matter being considered by the Common Council should email a written copy of the amendment to the City Administrator, the department member named on the memorandum for the item and all members of the Common Council at least two hours prior to the meeting. No amendment shall be precluded if it is not so emailed; however, if the Mayor or other presiding officer determines that consideration of an amendment offered orally (other than an amendment to this Proclamation when it is considered pursuant to Section 7) will cause confusion or unduly delay the meeting, such presiding officer may order that such item be tabled until the next meeting so the amendment can be put in writing and distributed to the Council.

(b) Public Appearances and Public Comments. The Section of the normal Common Council agenda entitled Public Appearances and Public Comments shall be deleted. To the extent written comments are received by the Clerk that would otherwise be heard in that part of the meeting, the Clerk shall provide copies to the Common Council.

5. Postponement. Nothing in this Proclamation shall remove any discretion by a chair to postpone, to the extent allowed by law, a meeting or matter if the chair determines that postponement is in the public interest.

6. Conflicting Ordinances. To the extent that this Proclamation conflicts with any provision of the Code, the provisions of this Proclamation shall govern and shall constitute an amendment to such provision of the Code until such time as the City's emergency proclamation is terminated or this Proclamation is amended or terminated. To the extent any ordinance is not amended by this Proclamation explicitly or by necessary implication, including any ordinance governing the procedures of a City body, such ordinance remains in full force and effect.

7. Common Council Ratification. Pursuant to Wisconsin Statutes Section 323.14(4)(b), this Proclamation is subject to ratification, alteration, modification or repeal by the Common Council at its next meeting, which shall occur as soon as the Common Council can meet, but the subsequent action taken by the Common Council shall not affect the prior validity of this Proclamation.

Dated April 3, 2020.



John M. Wirth
Mayor



ARCHITECTURAL BOARD MINUTES
Monday, February 10, 2020
6:30 PM
Downstairs Conference Room

Minutes

1. Call to Order, Roll Call

- Present:** Chairman Roger Davison
- Members at Large: Bobbi Schroeder, Dawn Sederholm, Paul Apfelbach
- Aldermanic District Members: Joe Berkhahn
- Building Inspector: Paul Launer and Mike Hadley

2. Meeting Minutes

Minutes from the January 13, 2020 meeting were approved by the Chairperson At Large, Roger Davison and seconded by Member At Large, Dawn Sederholm.

A vote was taken, and the meeting minutes were passed 4-0.

Attachment: Arch Brd minutes_02-10-20 (4992 : Architectural Board meeting minutes of February 10, 2020)

3. Application Submittals:

No.	Alder. District /Time	Type of App	Owner(s) / Project Address	Contractor
1)	Dist. 4 6:30 pm	New Single-Family Residence	Tim O'Brien Homes 10900 N. Wildcat Way Subd: Highlander Estates	Cont: Tim O'Brien Homes Arch: Andrew Elder
<p>Moved to Approve: <u>Berkhahn</u></p> <p>Seconded by: <u>Sederholm</u></p> <p>Approved: <u>Yes</u></p> <p>Vote: <u>5-0</u></p> <p>Conditions: Plans approved as submitted with the condition that shutters need to be added to all four elevations where appropriate or do not add shutters at all; builders/homeowners' choice.</p>				
2)	Dist. 4 6:35 pm	New Single-Family Residence	Brian & Sarah Clendening 10871 N. Raider Court Subd: Highlander Estates	Cont: Allan Builders Arch. Allan Builders
<p>Moved to Approve: <u>Apfelbach</u></p> <p>Seconded by: <u>Berkhahn</u></p> <p>Approved: <u>Yes</u></p> <p>Vote: <u>5-0</u></p> <p>Conditions: Plans approved as submitted with the following conditions:</p> <ol style="list-style-type: none"> 1. On right elevation, add double row of grids on picture window 2. On rear elevation, add double row of grids on patio door 3. On right and rear elevations, add 4" dog ears on roof elevations 				
3)	Dist. 4 6:40 pm	New Single-Family Residence	Lakeside Development Co. 11050 N. Weston Dr., Bldg. C Subd: Foxtown	Cont: Lakeside Development Arch: Lakeside Development
<p>Moved to Approve: <u>Apfelbach</u></p> <p>Seconded by: <u>Sederholm</u></p> <p>Approved: <u>Yes</u></p> <p>Vote: <u>5-0</u></p> <p>Conditions: Plans approved as submitted.</p>				

Attachment: Arch Brd minutes_02-10-20 (4992 : Architectural Board meeting minutes of February 10, 2020)

4. **Action:**

Member At Large, Paul Apfelbach made a motion to adjourn
Chairperson At Large, Roger Davison seconded the motion
A vote was taken; vote passed 5-0

Meeting adjourned at 6:50 p.m.



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Office of the City Administrator

FINANCE-PERSONNEL COMMITTEE
Tuesday, January 28, 2020
6:00 PM
South Conference Room

Minutes

1) Call to Order, Roll Call

Present:

Alderman Andrew Nerbun
Alderman Robert Strzelczyk
Mayor John Wirth
Alderman Mark Gierl -- **Absent**

Also Present: Assistant City Administrator Schoenemann, Police Chief Pryor, City Clerk Fochs, City Attorney Sajdak, Attorney Debbie Tomczyk

2) Ordinance

- a. **ORDINANCE 2020-1564** An Ordinance Repealing and Recreating Article III, Chapter 14 of the Mequon Municipal Code, in Connection with the Licensing of Various Second-Hand Resale Establishments

City Attorney Sajdak stated at the last Finance Personnel Committee meeting there were concerns raised about certain provisions in Ordinance 2020-1564. Attorney Sajdak noted that revisions were made after discussing the changes with the Mequon Police Department, the potential applicant who was present at the Committee's January 14 meeting, and with other police departments who utilize the NEWPRS system.

The following amendments were made to Ordinance 2020-1564: Sec. 14-51. - change (3) (d) Clothing to read: Clothing and accessories including shoes, sunglasses, and handbags; delete (3) (z); (9) (c) delete has a value of; Sec. 14-55. - records (b) (2) delete the word book and delete in such book; Sec. 14-51. (9) (c) changed to read, any transaction involving clothing offered for sale at less than \$200 or any other Article which is offered for sale at less than \$100.

Staff recommended maintaining two different licenses for articles and jewelry.

The Committee discussed the electronic reporting of sales NEWPRS (Northeastern Wisconsin Property Reporting System).

RESULT: Approved with Amendments [Unanimous]
MOVED BY: Alderman Nerbun
SECONDED BY: Alderman Strzelczyk

AYES: Nerbun, Strzelczyk

3) Motion to adjourn the meeting at 6:54 PM.

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

AYES: Nerbun, Strzelczyk

Respectfully Submitted,

Lina Prosser



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Office of the City Administrator

FINANCE-PERSONNEL COMMITTEE
Tuesday, February 11, 2020
7:00 PM
North Conference Room

Minutes

1) Call to Order, Roll Call

Present:

- Alderman Mark Gierl
- Alderman Andrew Nerbun
- Alderman Robert Strzelczyk
- Mayor John Wirth

Also Present: City Administrator Jones, Finance Director Krueger, City Clerk Fochs, City Attorney Sajdak, Kevin Miller-M3 Insurance

2) Approve Meeting Minutes

a. January 2020 Minutes

RESULT: Approved by Voice Acclamation [Unanimous]
MOVED BY: Alderman Nerbun
SECONDED BY: Alderman Gierl

AYES: Gierl, Nerbun, Strzelczyk
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3) License applications

a. February 2020 Licenses

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

AYES: Gierl, Nerbun, Strzelczyk
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4) Vouchers for payment

a. January 2020 Voucher Approval List

Attachment: Finance Personnel Minutes_02-11-20 (4996 : Finance-Personnel Committee meeting minutes of January 28 and February 11, 2020)

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

AYES: Gierl, Nerbun, Strzelczyk

5) Resolutions

a. RESOLUTION 3692 A Resolution Amending Resolution 3284 to Update Authorized Signatories on the City of Mequon's BMO Harris N.A. Bank Accounts

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

AYES: Gierl, Nerbun, Strzelczyk

b. RESOLUTION 3696 A Resolution Approving the Following in Connection with the City of Mequon's Insurance Program for Fiscal Year 2020: A) A Contract with Chubb Insurance, Warren, New Jersey, for Property Casualty Insurance in the Amount of \$31,037; B) A Contract with Employers Mutual Casualty Company, Des Moines, Iowa, for Auto, General, Law Enforcement, Workers' Compensation, Commercial Crime, Public Officials Legal and Umbrella Liability Coverage in the Amount of \$404,589; and C) A Contract with The Hartford Insurance Company, Hartford, Connecticut, for Accident Insurance in the Amount of \$1,299

Finance Director Krueger stated at the end of 2019 staff met with Kevin Miller of M3 Insurance to review the City's current insurance policies. The Committee was provided with the premium prices for both 2019 and 2020. Director Krueger noted the carriers recommended the 2020 insurance coverage and policies remain unchanged from 2019. Director Krueger mentioned that staff will be conducting a comprehensive review of the City's insurance contracts to identify possible areas of concern and/or cost savings during the 2020 calendar year, prior to the 2021 renewal. Kevin Miller of M3 insurance was present at the meeting to answer questions.

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

AYES: Gierl, Nerbun, Strzelczyk

6) Information Items

a. February 2020 Work Plan

The Committee did not have any topics to add to the work plan.

7) Motion to adjourn the meeting at 7:11 PM.

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

AYES: Gierl, Nerbun, Strzelczyk

Respectfully Submitted,

Lina Prosser

Mequon Fire Department Monthly Report – January 2020



Calls for Service

Call Type	January 2020	YTD 2020	YTD 2019
EMS	175	175	134
Fire	47	47	35
Interfacility Transports	5	5	7
Total	227	227	176

Response Times

Call Type	Average Response Time
First Responder	4:39
Ambulance	10:16
Fire	12:06

Fire Calls

Type/Cause	Number
Fire (structure, car or vegetation)	4
Rescue/EMS (water/ice rescue or search for lost person)	9
Hazardous Condition (no fire, chemical/electrical problem, gas leak)	8
Service Call (smoke removal, mutual aid standby)	7
Good Intent Call (cancelled enroute to alarm or smoke mistaken for fire)	2
False Alarm/False Call (fire alarm, co alarm, or malfunction of system)	17
Severe Weather	0
Monthly Total	47

EMS Calls – By Dispatch Reason/Most Common

Type/Cause	Number
Fall Victim	36
Breathing Problem	18
Unconscious Person	10
Lift Assist	9
Stroke/CVA	10
Sick	10
Traffic Accident	11
Altered Mental Status	5
Chest Pain	5
Seizures	2

Monthly Training

Type	Average Attendance
Fire/EMS	32
Dive/Tech Rescue	21

Community Education

Activity	Number
Department Tours/Fire Prevention Presentations* (Tour groups, birthday parties, community events)	20
CPR, 1st Aid, Fire Training (On/Offsite-school, facility, business)	30

Administrative

Activity	Number
False Alarm Charges	9
Burn Permits Issued	62
Fire Inspections	NA



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Water Utility
Taped and Televised

MEQUON MUNICIPAL WATER UTILITY COMMISSION

Tuesday, February 11, 2020

7:30 PM

Christine Nuernberg Hall

Minutes

- 1) Call to Order, Roll Call
Commissioner Wirth called the meeting to order at 7:30PM.

Present:

- Commissioner John Wirth
- Commissioner Robert Strzelczyk
- Commissioner Glenn Bushee
- Commissioner Dale Mayr
- Commissioner Jeffrey Hansher
- Commissioner Mark Gierl
- Commissioner Kathleen Schneider
- Commissioner Andrew Nerbun
- Commissioner Brian Parrish -- **Absent**

Also present were City Administrator Jones, City Attorney Sajdak, City Engineer/Director of Public Works Lundeen, Deputy Director of Utilities Driscoll, Water Utility/City Water LLC Director of Operations Voigt, and Administrative Assistant Deuster.

- 2) Approval of Meeting Minutes

a. January 14, 2020 Minutes

RESULT: **Approved [Unanimous]**
MOVED BY: Commissioner Strzelczyk
SECONDED BY: Commissioner Nerbun

AYES:	Wirth, Strzelczyk, Bushee, Mayr, Hansher, Gierl, Schneider, Nerbun
ABSENT:	Parrish

- 3) Discussion Items

Action requested: review and approve.

- a. Authorization of 2020 Water Meter Purchase

Attachment: Mins_ Water Utility minutes_02-11-20 (4993 : Mequon Municipal Water Utility Commission meeting minutes of February 11, 2020)

b. Approve the Authorization of Water Meter Purchase

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

MOVED BY: Commissioner Mayr

SECONDED BY: Commissioner Schneider

AYES: Wirth, Strzelczyk, Bushee, Mayr, Hansher, Gierl, Schneider, Nerbun

4) Motion to Adjourn at 7:33 PM.

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

MOVED BY: Commissioner Nerbun

SECONDED BY: Commissioner Strzelczyk

AYES: Wirth, Strzelczyk, Bushee, Mayr, Hansher, Gierl, Schneider, Nerbun

Respectfully Submitted,

Casey Deuster



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Department of Community Development
 Taped and Televised

PLANNING COMMISSION
Regular Meeting
Monday, February 10, 2020
6:00 PM
Christine Nuernberg Hall

Minutes

1) Call to Order, Roll Call

Mayor Wirth called the meeting to order at 6:00 p.m.

Present:

Chair John Wirth
 Alderman/Vice Chair Robert Strzelczyk
 Commissioner Martin Choren
 Commissioner Stephanie Hawley
 Commissioner Rick Lemke
 Commissioner Rebecca Schaefer
 Commissioner John Stoker
 Alternate Dan Gentges
 Alternate Greg Bach
 Alternate James Baka
 Commissioner James Schaefer - **Absent**

a) Approval of Minutes from January 13, 2020

Action

Ald. Strzelczyk made a motion to approve the minutes from January 13, 2020.
 Commissioner Stoker seconded the motion.
A voice vote was taken; vote passed (8-0)

RESULT:	APPROVED [8 TO 0]
MOVER:	Robert Strzelczyk, Alderman/Vice Chair
SECONDER:	John Stoker, Commissioner
AYES:	Wirth, Strzelczyk, Bach, Baka, Choren, Hawley, Lemke, Stoker
ABSENT:	J. Schaefer

2) Public Hearing

Attachment: Planning Comm minutes_02-10-20 (5037 : Planning Commission meeting minutes of February 10, 2020)

- a) E-Collectique, LLC. The applicant is seeking conditional use grant approval to allow for a resale clothing and clothing accessories consignment store for the property located at 1550-1556 W. Mequon Road.

Action

Commissioner Stoker made a motion to go into public hearing.

Ald. Strzelczky seconded the motion.

A voice vote was taken; vote passed (8-0)

Action

Commissioner Stoker made a motion to close the public hearing.

Ald. Strzelczky seconded the motion.

A voice vote was taken; vote passed (8-0)

Planner Vang stated that on January 14, 2020 the Common Council approved a text amendment to allow for resale clothing and clothing accessory stores as a conditional use in the B-2 zoning district. E-Collectique has an existing location in Thiensville which will remain open and the Mequon location will be their second store. Ms. Vang stated that the applicant has submitted window display renderings as PC approval is a requirement of the conditional use grant (CUG). Staff does support the aesthetics of the window displays as they are minimal, and the applicant has indicated that the garments placed on the mannequins will be planned cohesive pieces.

The proposed hours of operation are 10:00 a.m. – 6:00 p.m. with a maximum of 11 staff at any given time. Based on the type of use and floor plan space, a total of 18 parking spaces are required. There are two other tenants in the building; a plastic surgeon and a restaurant, and per the code a total of 29 stalls are required for these two tenants. The total parking requirement is 52 stalls and the site has a total of 53 stalls. The applicant has indicated that the surgeon is only in the office 16 hours a week with a total of two employees while the restaurant has hours of operation until 2:00 pm daily. The site has insufficient parking per the code but considering the limited hours of operation of the other tenants, staff believes that the available parking is sufficient for the three tenants. Staff supports this CUG request based on the conditions in the staff report.as the type of use is harmonious with the surrounding area and other uses in the zoning district.

There was a suggestion from the Commission that the hours of operation be extended to give the applicant flexibility in operating their business. It was discussion that when applicable, it is good practice to allow as much flexibility as possible.

Action

Commissioner Stoker made a motion to approve the conditional use grant with amended hours of operation of 8:00 a.m. – 9:00 p.m.

Ald. Strzelczky seconded the motion.

A voice vote was taken; vote passed (8-0)

RESULT:	APPROVED WITH CONDITIONS [9 TO 0]
MOVER:	John Stoker, Commissioner
SECONDER:	Robert Strzelczyk, Alderman/Vice Chair
AYES:	Wirth, Strzelczyk, Bach, Baka, Choren, Hawley, Lemke, R. Schaefer, Stoker
ABSENT:	J. Schaefer

- b) Nearly New Consignment Shop. The applicant is seeking conditional use grant approval to allow for a resale clothing and clothing accessories consignment store for the property located 10042 N. Port Washington Road.

Action

Commissioner Stoker made a motion to open a public hearing.
Commissioner Becky Schaefer seconded the motion.
A voice vote was taken; vote passed (8-0)

Action

Commissioner Stoker made a motion to close the public hearing.
Commissioner Becky Schaefer seconded the motion.
A voice vote was taken; vote passed (8-0)

Planner Vang stated the request is for a clothing and accessory clothing retail store located in the B-2 zoning district. The floor plan shows 1,450 sq. ft. which meets the 1,500 sq. ft. requirement. The land use is designated Community Commercial, and the surrounding properties are B-2 and B-3. This type of use is considered compatible with the land use and zoning in the area. The applicant is not proposing any window displays at this time, but if they choose to do so in the future, it will require Planning Commission approval per the CUG requirement. The applicant has indicated there will be a total of 3 employees on site during the hours of operation which requires 10 parking stalls. There are three other tenants in the building; Hong Anh restaurant, Well Body and Hair by Renee, requiring a site total of 45 parking stalls. By code, the site will be 22 parking stalls deficient. She explained that at the time of the Hong Anh CUG, the Commission approved a reduced number of required stalls for the restaurant and Well Body. Based on the conditions of that CUG approval, the site is only deficient by 2 stalls. At the time of approval of the restaurant, the Commission did consider requiring the parking lot be expanded but the CUG was approved with the recommendation that parking would need to be considered for additional tenants in the future, so no changes were made to the parking lot at that time. Approval was based on tenant parking demand submitted at that time. During a recent weekday site visit, staff did note that the parking was at 80%-90% capacity. Due to the number of existing tenants and the vacant tenant space square footage, any tenant that occupies that space will likely cause the parking to be considered deficient per the code.

Planner Vang explained that the Commission may approve the CUG based on the 2-stall deficiency due to the reduced number of required stalls approved in the past; or the Commission may consider adding a requirement that the parking lot be expanded to provide additional parking for the site. Other than the parking issue, based on the conditions in the report, staff supports the approval of the CUG.

The applicant, Peggi Hoerter, stated that the property manager is considering relining the parking lot to create more stalls.

The Commission provided feedback that the operations of business need to be restricted to 5:00 p.m. as it is a very busy parking lot for the restaurant in the evenings and some Commissioners feel that it is already under-parked. There was discussion about the parking lot and what improvements could be made.

Asst. Dir. Zader suggested that this issue could be reviewed again in 6 months and there can be a requirement for improvements to be made. He explained that at the time of the Hong Anh approval the rest of the building was vacant and under-utilized. He stated that the applicant suggested that possibly 14 stalls could be added but Asst. Dir. Zader stated that will be difficult to achieve at the site without a waiver for setbacks or greenspace. By revisiting the issue in 6 months, waivers could be granted at that time if necessary. He stated that staff can work with the property owners to reconfigure the parking lot to maximize the number of stalls. He stated that some stalls can be added; possibly 5-10, but that site will not ever be code complaint.

The Commission made it clear to the applicant to be aware that she is entering this tenant space well informed that there is deficient parking at the site.

Action

Commissioner Stoker made a motion to approve the CUG with the deletion of condition #2. Commissioner Lemke seconded the motion.

A roll call vote was taken; vote passed (6-2){No votes: Ald. Strzelczyk, Choren}

RESULT:	APPROVED WITH CONDITIONS [6 TO 2]
MOVER:	John Stoker, Commissioner
SECONDER:	Rick Lemke, Commissioner
AYES:	Wirth, Baka, Hawley, Lemke, R. Schaefer, Stoker
NAYS:	Strzelczyk, Choren
ABSENT:	J. Schaefer

3) Consent

- a) Andrew Novak. The applicant is seeking approval for an accessory structure greater than 1,000 sq. ft. to allow for a 5,760 sq. ft. agricultural storage building for the property located at 10800 W. Mequon Road.

Action

Ald. Strzelczyk made a motion to approve per the 3 consent agenda items.

Commissioner Choren seconded the motion.

A voice vote was taken; vote passed (8-0)

Attachment: Planning Comm minutes_02-10-20 (5037 : Planning Commission meeting minutes of February 10, 2020)

RESULT: APPROVED [8 TO 0]
MOVER: Robert Strzelczyk, Alderman/Vice Chair
SECONDER: Martin Choren, Commissioner
AYES: Wirth, Strzelczyk, Baka, Choren, Hawley, Lemke, R. Schaefer, Stoker
ABSENT: J. Schaefer

- b) MLG Capitol. The applicant is seeking certified survey map approval for a 3-lot land division for the property located north of Executive Drive, between Essex Place and Executive Court.

RESULT: APPROVED [8 TO 0]
MOVER: Robert Strzelczyk, Alderman/Vice Chair
SECONDER: Martin Choren, Commissioner
AYES: Wirth, Strzelczyk, Baka, Choren, Hawley, Lemke, R. Schaefer, Stoker
ABSENT: J. Schaefer

- c) Bonnilake Real Estate, LLC. The applicant is seeking certified survey map approval for a 4-lot land division for the property located at the southwest corner of N. Birchwood Lane and W. Hemlock Lane.

RESULT: APPROVED [8 TO 0]
MOVER: Robert Strzelczyk, Alderman/Vice Chair
SECONDER: Martin Choren, Commissioner
AYES: Wirth, Strzelczyk, Baka, Choren, Hawley, Lemke, R. Schaefer, Stoker
ABSENT: J. Schaefer

4) Regular Business

- a) Design to Construct for Athlete Performance. The applicant is seeking a consultation for a new 33,390 sq. ft. athletic facility for the property located northwest of Executive Court (Currently Lot 1 of Mequon II Business Park).

The applicant was represented by Mark Hertzfeldt from Design 2 Construct and Steve Becker; owner of Athlete Performance (AP).

Planner Vang stated that this item is related to the certified survey map (CSM) on the consent agenda. This proposal will be located on the 4.05-acre lot; northwest of Executive Court. The applicant will need conditional use grant (CUG) approval as it is required for a fitness facility in the B-5 zoning district. The floorplan is provided in the packet and includes 3 basketball courts, a baseball area, AP training facility and space for 3 other tenants. The proposal does meet the district requirements for the B-5 zoning district. The site plan shows future additions which will cause the site to be non-conforming to the open space requirement. The applicant indicated they

Attachment: Planning Comm minutes_02-10-20 (5037 : Planning Commission meeting minutes of February 10, 2020)

plan to utilize open space borrowing from the Outlot 1 (shown on the CSM). Outlot 1 is not developable per the Development Agreement. In order to accommodate the additions, this site will need to borrow 11,000 sq. ft. from the Outlot. The future addition(s) will require an amendment to the CUG.

Planner Vang explained the total number of parking stalls proposed is 152. The three basketball courts will generate the greatest number of users; the applicant indicates that will be about 120 users during daytime peak hours of 8:00 a.m. - 5:00 p.m. The applicant indicated that there will be tournaments hosted on the weekends in which they plan to shuttle users in from Brown Deer and Homestead High School. This can be added as a condition of the CUG. The applicant did provide approximately 25% more parking than required by code to accommodate future parking needs.

Planner Vang talked about the proposed building design and the lighting and landscape plans which will be reviewed at time of Building and Site Plan and Conditional Use Grant approvals.

The applicant stated they are interested in feedback from the Commission and that they are also going through a value engineering process. They are making some minor modifications to the site plan and floor plan. They will be back in front of the Commission with final plans and request for Building and Site Plan and CUG approval.

The Commission provided supportive feedback and the sentiment is that this type of use is needed in the community and they feel this is an ideal space for this facility.

b) Mequon Medical, LLC & Project 4 Services. The applicant is seeking rezoning recommendation from R-2B to B-2 with PUD and certified survey map approval for a 2-lot land division to allow for a medical office clinic for the property located at 1310 W. Highland Road.

Dir. Tollefson stated that she and Asst. Dir. Zader worked together on the analysis and recommendation of this item. They have been meeting frequently with the applicant and their development team to gain a better understanding of their development interest; specifically, their desired uses. She explained that this request is unique in that the Policy Subcommittee is in the midst of evaluating the zoning of this area; and there is a focus on that intersection at Port Washington and Highland Roads.

The request is for a 3.4-acre rezoning recommendation of a 40-acre parcel which also requires a land use plan amendment and a certified survey map (CSM). The portion requested for rezoning is right at the intersection of Port Washington Road and Highland Road and the intent is to rezone it for a medical office (approx. 33,000 sq. ft.). Staff recommended that the applicant also request approval for a Planned Unit Development (PUD) along with the commercial use request. The reason for this is to ensure that an office would be the only use allowed on that parcel under the B-2 zoning which otherwise allows for gas stations or fast food with a drive-thru.

Dir. Tollefson explained that the property is currently zoned R-2B (Single Family Residential 1.5 Acre) and the land use plan matches that zoning as well. The staff report includes an outline of the partners involved, as well as a briefing of the overall project. She stated that the project, as an

entirety, includes a number of other uses than just the medical office: senior housing, assisted living memory care facility, a daycare facility, a potential institutional use and a hotel.

Due to the policy analysis going on, staff did recommend the development team present their proposed project to the Common Council as an opportunity to receive feedback and insight from the ultimate decision makers. The presentation to the Council took place in November and there were a variety of reactions provided by the Council. After accessing the Council's feedback, the applicant reached out to staff and indicated their plan to postpone a request for rezoning for the remaining portion of the 40-acre site; but due to timing and their need for new and additional square footage for the medical office, they are now before the Commission with this narrowed rezoning request.

Dir. Tollefson provided some context of the site and its surrounding uses. She also discussed some of the public indicators of the area and public feedback from two recent community surveys which were focused on development and zoning in the East Growth area.

Staff believes that the rezoning of this portion for office to B-2 zoning does not necessarily set the tone for the rest of the corridor nor set an obligation for continuing zoning for commercial uses north of Highland Road. But, by placing a medical office here without a better understanding of the type of uses on the remaining 40-acres, there could be an impact on the decisions for the remaining 40-acres. It also raises a question as to how viable other desired land uses may be at this location. It is difficult for staff to recommend approval with confidence that the proposed zoning and use would be the best fit at this location. Additionally, in the midst of the broader policy debate that is on-going, it would be a disservice at this time and creates a high risk of error on the City's part. The past 10-12 years have shown that when the City is proactive in our policy analysis and work methodically through the process, success is achieved. Town Center and Central Growth are examples of such. In summary, staff recommends denial at this point. She added that at a minimum staff recommends tabling the item to provide an opportunity to work through the policy decisions sooner rather than later to allow the applicant to continue to consider this site for their proposed use.

She added that in regard to the proposed site plan and concept plan, staff does have some strong recommendations regarding modifications to the architecture.

Mary Macharne – 12727 N. Forest Court – she is opposed to the proposal as she feels that the neighborhood feedback was not considered. She is concerned about the impact on the traffic and the number of people in the area that this use would bring.

Dan Abendroth – 12960 NW. Shoreland – he is opposed as he feels that residential neighborhoods are the strength of the community. He feels that the land use plan should be followed and that this site is surrounded by residential properties and should remain zoned as residential.

The applicant was represented by Paul Weaver from Highland Investments LLC, John Ford from Mequon Medical and Blake Estes, Vice-President for Ascension Ambulatory. Mr. Weaver stated that they have spent a considerable amount of time developing a thoughtful plan for this site. He

said that they have taken the feedback and advice from staff and they are only requesting approval for this medical office at this time and have tabled the opportunity of uses for the remaining 36 acres.

Mr. Ford stated that they have spent the past 2 years meeting with staff, local officials and the public. He explained that they have 4 commitments from potential users that bring significant benefits to the community (taxes, city and school revenue benefits and over 100 jobs). Based on feedback received, they have eliminated select uses and drastically reduced the overall density. They have tabled all their other potential users until the City completes their analysis study this summer, with the exception of the medical office.

He stated that Ascension is looking for a greater commitment to the City, the greater good of the residents and the medical community. There is a need for their doctors to have close proximity to the hospital. They also have a relationship with Concordia University that will allow their students hands-on instruction.

He listed the project highlights:

- Proximity to the hospital and Concordia
- \$15M of total development cost
- Long term commitment to the City
- 30,000 sq. ft. for 3 users: Ascension, Madison Medical & Premier Radiology
- 70 good-paying jobs
- Improved technology and healthcare for the community

Mr. Estes stated that this is a very exciting and important project. He stated that they currently care for approximately 80,000 patients annually and employ approximately 700 people at Ozaukee St. Mary's Hospital and the primary-care facility across the street. There are currently 3 primary-care providers across the street, and they are looking to expand to 8 primary-care providers including specialty care. The project will include an outpatient imaging center that will not be associated with the hospital but will add affordable and convenient imaging services.

The Commission gave feedback that Ascension is a great neighbor and a respected business in the community. There were several comments regarding the importance of that corner and the reluctance to decide the zoning before the on-going analysis has been concluded. It was stated that this is a process that takes time to be done correctly. It would not be good policy to decide about one parcel before the zoning of the entire area is decided. There was mention of the interchange going in and the unknown implications.

A few Commissioners do support this proposal as there are commercial uses on the other 3 corners of that intersection and it is not perceived that residential use will not be desired on that immediate corner. It was suggested that residential properties could go behind this project on the remainder of the parcel.

Action

Commissioner Choren made a motion to table the item.

Ald. Strzelczyk seconded the motion.

A voice vote was taken; vote passed (6-2) {No votes: Becky Schaefer, Lemke}

RESULT:	TABLED [6 TO 2]
MOVER:	Martin Choren, Commissioner
SECONDER:	Robert Strzelczyk, Alderman/Vice Chair
AYES:	Wirth, Strzelczyk, Baka, Choren, Hawley, Stoker
NAYS:	Lemke, R. Schaefer
ABSENT:	J. Schaefer

- c) Concord Development. The applicant is seeking a text amendment to Chapter 62, Sign Code, related to I-43 freestanding signs.

Asst. Dir. Zader stated that a request was made from Christ Church to modify the city sign code to allow religious institutions a freestanding sign along I-43. He explained that the City adopted Ordinance 2011-1363 which permitted I-43 freestanding signage in certain circumstances. The code section allows signs for identification of a business park, retail center or educational facility that contains 4-acres and 400 feet of direct frontage on I-43. He further explained that prior to 2011 signs along I-43 were prohibited. After discussion the Planning Commission recommended to the Common Council that the number of signs would be limited along I-43, specifically freestanding signs, to areas that have a greater regional draw and a branding name for the site. It was contemplated at the time that The Pavilions, Concordia University and the Mequon Corporate Park would benefit from this type of signage. The approach also limited the number of development signs that would be permitted to prevent visual sign clutter.

In this case, staff feels that the religious institution is similar to any other single use or multi-use tenant along I-43 and is somewhat contradictory to the policy established in 2011. Unless there is a broader policy discussion among the Commission to open it up to other uses, staff does not support the amendment to allow I-43 sign specifically for a religious institution and recommends denial of the request.

The applicant was represented by Andrew Petzold of Concord Development Company. He stated they are requesting a freestanding sign along I-43 which is permitted in the City if 7 conditions are met. Christ Church does meet all but 1 of the conditions. They do not meet condition #3 which states; *“One freestanding sign shall be permitted for identification of a business park, retail center or education facility that contains a minimum of four acres and 400 feet of direct frontage on I-43 right-of-way”*. He explained that they have 26 acres and more than the required 400 feet of frontage but they are not defined as one of the types of businesses listed. Although they do have an educational component they are not defined as an educational facility.

Mr. Petzold commented that neither “educational facility” or “business park” are defined terms in the Ordinance. The business park definition does include and allow for quasi-public uses. The quasi-public municipal city ordinance definition specifically allows for religious uses. Based on this, they do not feel that this is a stretch and that the church shall be an approved user and allowed to have the freestanding sign along I-43. Mr. Petzold suggested that the text amendment modification could include language referring to “quasi-public” use instead of religious

institution. He stated that this is very important to the Church as they have invested in the community over many decades and their facility has been used for many different public uses over the years. They do not feel that this allowance would cause a proliferation of signs along I-43 and they ask that the Commission approve this request.

There was discussion about the history of the approvals and the intention of signs allowed along I-43. Some Commissioners feel that the use of “quasi-public” is more appropriate language to use and they are supportive of this I-43 sign request.

Action

Commissioner Lemke made a motion to approve a text amendment modification to include “quasi-public” use in the language.

Mayor Wirth seconded the motion.

A voice vote was taken; vote passed (7-1){No vote: Becky Schaefer}

The text amendment recommendation will be made to the Common Council.

RESULT:	APPROVED AS AMENDED [7 TO 1]
MOVER:	Rick Lemke, Commissioner
SECONDER:	John Wirth, Chair
AYES:	Wirth, Strzelczyk, Baka, Choren, Hawley, Lemke, Stoker
NAYS:	R. Schaefer
ABSENT:	J. Schaefer

5) Policy

- 1) An Ordinance Amending Chapter 62 of the Mequon Municipal Code, Related to the Allowance of Auxiliary and Banner Signs in the B-2 (Community Commercial), B-4 (Business Park) and B-5 (Light Industrial) Commercial Zoning Districts.

Dir. Tollefson stated that this initiated from a request by the Public Welfare Committee (PWC) based on a specific business interest but is addressed as a city policy issue. The PWC did a survey of the Chamber of Commerce business members regarding signage to ascertain their interest and feedback. Although there was a low response rate, the feedback provided included two changes:

- 1. Auxiliary Signs- which are already allowed and defined in the sign code.
- 2. Special Event Signs

The PWC recommended approval of the text amendment by a vote of 2-0 at their January meeting; which allows for a secondary auxiliary sign that is much smaller in scale for certain properties that have the following conditions:

- More than one business tenant

- 400 feet of street frontage

The intent is to narrow this down to larger sites that have a great deal of street frontage so that they are afforded their monument sign along the street and a smaller secondary sign at another site along the street. It is limited to 16 square feet and a maximum of four feet in height. There are several design standards that have been recommended by the Planning staff to be included as conditions of approval.

The second change regarding the temporary special event signs was initiated by staff as there have been more feather flags in use. Staff has recommended the modification of the language of the sign code for special event banner signs to also include feather flag style signs. Due to the fabric used on the feather flags they seem to hold up better in weather conditions and hold their color better.

The Commission asked about the height restriction for feather flags. It was recommended that it should not exceed 14 feet. There was discussion about properties that have a master sign plan and that those properties would be evaluated on an individual basis if they request additional secondary signage.

Action

Ald. Strzelczyk made a motion to recommend this text amendment to the Council for approval with the conditions of feather flags no larger than 30 sq. ft with a height restriction of 14 feet, change the language to read B-4 or B-5 and ~~striking out B-2~~ for the auxiliary monument signs. Commissioner Stoker seconded the motion.
A voice vote was taken; vote passed (8-0)

Action

Mayor Wirth made an amendment to the motion to add B-2 back into the language of the text amendment. Commissioner Baka seconded the motion.
A roll call vote was taken; vote passed (6-2){No votes: Ald. Strzelczyk, Becky Schaefer}

RESULT:	APPROVED AS AMENDED [8 TO 0]
MOVER:	Robert Strzelczyk, John Stoker
AYES:	Wirth, Strzelczyk, Baka, Choren, Hawley, Lemke, R. Schaefer, Stoker
ABSENT:	J.Schaefer

6) Announcements

The next meeting is March 9, 2020 at 6:00 p.m.

7) Adjourn

Action

Commissioner Choren made a motion to adjourn.

Ald. Strzelczyk seconded the motion.
A voice vote was taken; vote passed (8-0)

The meeting concluded at 8:00 p.m.

Respectfully Submitted,

Jac Zader



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Police and Fire Departments

PUBLIC SAFETY COMMITTEE
Tuesday, February 11, 2020
6:00 PM
Lower Conference Room

Minutes

1) Call to Order

The meeting was called to order at 6:00 PM

Present:

Alderman Glenn Bushee
Chair Kathleen Schneider
Alderman Brian Parrish -- **Absent**

Also Present: Police Chief Pryor, Fire Chief Bialk, Executive Assistant Kowalchuk

2) Approve Meeting Minutes

Public Safety Committee - Regular Meeting - Jan 14, 2020 6:15 PM

RESULT: **Approved by Voice Acclamation [Unanimous]**
MOVED BY: Alderman Bushee
SECONDED BY: Alderman Schneider

AYES: Bushee, Schneider

3) Information Items

a. False alarm waiver request - 1928 W Mequon Road

Chief Pryor advised the Committee of the officers' response to this alarm call. No one was found on the scene at the time, the house was checked, found to be secure, and a memo was left for the homeowner about the alarm.

Resident Betty Nash explained she was not home at the time of this alarm so is unsure of what actually triggered it, but feels that because the road is in such need of repair, when the huge trucks go by, they cause her foundation to shake terribly to the extent of moving a clock on her wall. Ms. Nash stated she has contacted the State to make them aware of her concerns of the road but was advised it would be some three years out before any resurfacing would occur.

Alderman Bushee shared that he too has traveled this road and feels without question, there is a break in the road in front of Ms. Nash's home. He suggested that Ms. Nash work with her home security company to adjust the sensitivity of her alarm given the effects of road

Attachment: Public Safety minutes_02-11-20 (4999 : Public Safety Committee meeting minutes of February 11, 2020)

vibrations to her house and while referencing the Q&A alarm information on acts of nature, made motion that the City not enforce this first alarm penalty.

It was additionally suggested that Ms. Nash have her security company check her alarm system for any potential flaws as a next false alarm in this calendar year would be at the higher 2nd alarm fee rate.

Motion that the City not enforce this first alarm penalty.

RESULT: **Approved by Voice Acclamation [Unanimous]**
MOVED BY: Alderman Bushee
SECONDED BY: Alderman Schneider

AYES: Bushee, Schneider

b. False alarm waiver request - 6818 W. Mendota Court

Chief Pryor advised the Committee of the officers’ response to this alarm call. They met one of the residents and it was confirmed that this was a false alarm.

Resident Issa Yesufu explained this is a rental property and the alarm triggered due to a faulty lock on the door to the garage. They had placed items behind the door to try to prevent its opening and had also contacted the property management company to alert them of this problem which is now fixed.

Upon further questioning from committee members, it was confirmed that while two officers were dispatched to this call, the second officer was waived off as he pulled up to the residence by the first officer who was already speaking with the resident.

Concluding that waiving off the second officer as he pulled up to the residence resulted in providing half the service, the Committee motioned to charge a partial false alarm fee of \$50.00.

It was also suggested to Mr. Yesufu that it would not be unreasonable to speak with the property management company about paying the false alarm fee incurred.

Motion to charge this false alarm incident at a partial fee of \$50.00.

RESULT: **Approved by Voice Acclamation [Unanimous]**
MOVED BY: Alderman Schneider
SECONDED BY: Alderman Bushee

AYES: Bushee, Schneider

c. False alarm waiver request - 10004 N. Otto Road

Chief Pryor advised the Committee that the October 2nd alarm call to this residence was

cancelled by the alarm company prior to officers’ arrival. However, as is department policy, once dispatched, officers complete their response to confirm that the homeowners are safe in their situation. He further explained that while the officer was nearing the residence for this alarm event, he was called to another emergency in the area. Upon completion of that emergency call, the officer did return and spoke to the homeowners confirming the alarm cancellation.

With the 2nd alarm call of October 12th, no one was found at home. Officers checked the residence, found it to be secure, and were then able to communicate with the homeowners via their video doorbell. The homeowners confirmed that they have been having trouble with their alarm system.

Resident Randi Arnstein explained that she appreciates the Police Department and while she is uncomfortable asking that these fees be waived, she stated she has already paid \$350 in false alarm charges. She stated she feels Mequon’s fees are extremely high as compared to other communities (i.e. Fox Point). Ms. Arnstein also stated that the alarm company had been advised that there was something faulty with their alarm system and that they should not dispatch. However, when the alarm company called the homeowner, they acknowledged that they did not see the note. Ms. Arnstein recognizes that she should have the alarm company pay the fee, but she chose to come before the Committee. She also commented that the alarm company has now fixed the system.

Upon further Committee discussion, it was suggested that these two October alarm events be viewed as a joint call. Motion was made to void the October 2nd alarm and charge the October 12th alarm as the 2nd alarm.

Motion to void the October 2, 2019 false alarm fee and charge the October 12, 2019 false alarm fee at the 2nd fee amount of \$150.

RESULT: **Approved by Voice Acclamation [Unanimous]**
MOVED BY: Alderman Schneider
SECONDED BY: Alderman Bushee

AYES: Bushee, Schneider

d. 2019 Fire Department Annual Report

Chief Bialk provided the Committee with a brief summary of the 2019 Annual Fire Department report pointing out the following highlights:

- 2019 ended with 194 calls ahead of 2018
- 91 interfacility transports were conducted which generates funds for the Department
- The Department switched to online training for renewing EMT licenses
- Recruitment efforts continue and include posting solicitations at gyms in the area, direct mailings and social media.
- Partnered with the Red Cross and have secured several smoke detectors for distribution as needed within the community.

- Talks with Concordia students resulted in bringing volunteers in and a desire to start a fall prevention program within the community.

4) Adjourn

Motion to adjourn the meeting at 6:45 PM.

RESULT: **Approved by Voice Acclamation [Unanimous]**
MOVED BY: Alderman Bushee
SECONDED BY: Alderman Schneider

AYES: Bushee, Schneider

Respectfully Submitted,
Diane Kowalchuk



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Office of the City Administrator

PUBLIC WELFARE COMMITTEE
Tuesday, February 11, 2020
5:30 PM
South Conference Room

Minutes

1) Call to Order, Roll Call

Present:

Chairman Dale Mayr
Alderman Mark Gierl
Alderman Andrew Nerbun

Also Present: Mayor Wirth (5:45), Alderman Bushee (left 6:00 p.m.), City Administrator Jones, Assistant City Administrator Schoenemann, Community Development Director Tollefson, City Clerk Fochs, City Attorney Sadjak

2) Approval of Meeting Minutes

a. January 2020 Minutes

RESULT: Approved by Voice Acclamation [Unanimous]
MOVED BY: Alderman Gierl
SECONDED BY: Alderman Nerbun

AYES: Mayr, Gierl, Nerbun

3) Resolutions

a. RESOLUTION 3693 A Resolution Designating Mequon, Wisconsin as a Bee City USA

RESULT: Approved by Voice Acclamation [Unanimous]
MOVED BY: Alderman Gierl
SECONDED BY: Alderman Nerbun

AYES: Mayr, Gierl, Nerbun

Attachment: Public Welfare minutes_02-11-20 (4998 : Public Welfare Committee meeting minutes of February 11, 2020)

b. RESOLUTION 3694 A Resolution Approving the Renewal Application with Bird City Wisconsin and to Observe International Migratory Bird Day in Conjunction with Arbor Day

RESULT: Approved by Voice Acclamation [Unanimous]
MOVED BY: Alderman Nerbun
SECONDED BY: Alderman Gierl

AYES: Mayr, Gierl, Nerbun

4) Ordinances

a. ORDINANCE 2020-1567 An Ordinance Amending Zoning Regulations – Re-Referral to Planning Commission and Protest Petitions

At the Public Welfare Committee’s January meeting, Alderman Gierl requested that the Committee consider the elimination of the re-referral provisions found within Sec. 58-42 and to adopt a protest petition provision into the municipal code. City Attorney Sajdak was present at the meeting to review a proposed ordinance that covers both requests.

The Committee agreed to the suggestion to split the re-referral provision and protest petition provision into two ordinances. Amendments to the protest petition provision to include: require a percentage of 51% of the residential properties within a quarter of a mile, a requirement for the circulator’s signature to be notarized, and the same process for a conditional use will be followed.

5) Discussion Items

a. Architectural Review Board Architect Membership

Community Development Director Tollefson stated as per the request of Mayor Wirth, staff is providing a modification to the required membership of a registered architect as part of the Architectural Board. The ordinance amendment would allow the option of an experienced home designer or registered architect.

RESULT: Approved by Voice Acclamation [Unanimous]
MOVED BY: Alderman Nerbun
SECONDED BY: Alderman Mayr

AYES: Mayr, Gierl, Nerbun

b. Review of Article II Governing the Common Council and Standing Committees

The Committee continued the review of Article II-Common Council which governs all standing committees in the City. An updated ordinance was provided to the Committee based on the discussion at the January meeting for further feedback.

Attachment: Public Welfare minutes_02-11-20 (4998 : Public Welfare Committee meeting minutes of February 11, 2020)

In addition to the updated ordinance provided in the meeting packet, Mayor Wirth provided three additional changes to Article II for the Committee's consideration: add an additional requirement for an emailed notice for special meetings, place the Economic Development Board under the Finance Personnel Committee, and revisions to the Mayor's role in the administration of the city.

The Committee will continue the discussion of Article II - Governing the Common Council and Standing Committees and Sec. 2-180 at the March meeting.

6) Information Items

a. Working Calendar

Add Public Notice for Zoning to the work plan for March.

7) Motion to adjourn the meeting at 6:42 p.m.

Respectfully Submitted,

Lina Prosser



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Public Works Department

PUBLIC WORKS COMMITTEE
Tuesday, February 11, 2020
6:45 PM
South Conference Room

Minutes

- 1) Call to Order, Roll Call
Alderman Bushee called the meeting to order at 6:45 PM.

Present:

Chairman Glenn Bushee
Alderman Jeffrey Hansher
Alderman Dale Mayr

Also present were Director of Public Works/City Engineer Lundeen, Deputy Director of Public Works Weyker, Assistant City Administrator Schoenemann, Parks and Forestry Superintendent Gies, Engineering Technician Dandy, and Administrative Assistant Deuster.

- 2) Approval of Minutes

a. January 14, 2020 Minutes

RESULT: **Approved [Unanimous]**

MOVED BY: Alderman Hansher

SECONDED BY: Alderman Mayr

AYES: Bushee, Hansher, Mayr

- 3) Ordinances

Action requested: review and recommend approval

a. **ORDINANCE 2020-1566** An Ordinance Amending Chapters 14 and 54 of the Mequon Municipal Code in Connection with the Licensing and Permitting of Special Events, and Requiring a Template Special Event Agreement

Director of Public Works/City Engineer Lundeen provided the committee with verbiage corrections from the Mayor on the Ordinance.

Alderman Bushee questioned the status of persons staying overnight in the park and where that stood in the agreement. He also stated his preference that the only people permitted to stay the night would be security.

Attachment: Public Works minutes_02-11-20 (4994 : Public Works Committee meeting minutes of February 11, 2020)

Director of Public Works/City Engineer Lundeen stated that the template agreement does not include any waivers to the ordinance. Requested exceptions would require an agreement approved by Park and Open Space Board, Public Works, and Common Council as an amendment to the agreement template for consideration.

Alderman Bushee wanted to have clarification on the statement of no smoking in a park facility, he felt it would be point to the City ordinance because the smoking includes e-cigarettes and vaping. It is clear of what the definition of what smoking means in the ordinance.

Director of Public Works/City Engineer Lundeen stated that there needs to be a good way to incorporate standard language with respect to any escalation in cost, whether that is a 2% increase on an annual basis so that doesn't have to come back through for approval and addressing increased costs over time.

RESULT: Approved by Voice Acclamation [Unanimous]
MOVED BY: Alderman Bushee
SECONDED BY: Alderman Hansher

AYES: Bushee, Hansher, Mayr

4) Resolutions

Action requested: review and recommend approval

- a. **RESOLUTION 3681** A Resolution Approving a Second Amendment to the Cell Tower License Agreement with Cellco Partnership d/b/a Verizon Wireless, Extending the License Term and Expanding the Licensed Area for the Tower Located at 11800 N. Port Washington Road

Assistant City Administrator Schoenemann provided an overview on the existing cell tower location at the Fire Station on Port Washington Road. This contract would extend the lease for another 25 years. If the lease amendment is approved the City would realize a significant increase in revenue over the life of the 25 year lease as there is a 5% acceleration rate applied to the base rent annually. The lease includes two proposed easement amendments.

RESULT: Approved [Unanimous]
MOVED BY: Alderman Mayr
SECONDED BY: Alderman Bushee

AYES: Bushee, Hansher, Mayr

- b. **RESOLUTION 3697** A Resolution Approving the Purchase of a John Deere 6120E Cab Tractor and Diamond Side & Rear Flail Mower Attachments from Mid-State Equipment, Jackson, Wisconsin for a Total Cost of \$102,265

Alderman Mayr inquired regarding the number of proposals. He questioned why other makes and models were not considered.

Deputy Director of Public Works Weyker stated staff utilized the state contract for this purchase. The City fleet currently includes a John Deere with a good performance record and which is compatible with City operational needs.

Alderman Mayr inquired regarding the life expectancy of the current tractor. Also stating in the future staff should look at other quotes aside from the state contract.

RESULT: **Approved [Unanimous]**

MOVED BY: Alderman Hansher

SECONDED BY: Alderman Mayr

AYES: Bushee, Hansher, Mayr

- c. RESOLUTION 3699: A Resolution: A) Reaffirming the Award of a Contract for the Mequon Road: Traffic Signal and Ozaukee Interurban Trail Crossing Design to Traffic Analysis & Design, Inc. of Cedarburg, Wisconsin in an Amount Not-to-Exceed \$68,000; B) Terminating the Previous Contract Award to Traffic Analysis & Design, Inc. and Approving the Subject Contract Award to Traffic Engineering Services of Elm Grove, Wisconsin in an Amount Not-to-Exceed \$31,000

Director of Public Works/City Engineer Lundeen presented the proposal which was omitted from the January award and stated if staff had been aware of the proposal at the time of the original resolution, it would have been included for consideration. Staff is looking for a recommendation for approval of Resolution 3699A or 3699B.

Alderman Bushee stated the initial contract with TADI and the contingency was not to exceed \$68,000. The TES proposal would have come out to \$31,000. TADI has already started on the project. Alderman Bushee stated he had reached out to TES for more documentation and provided a sample of work that was previously done to promote bike and pedestrian safety. He stated they do have a good background in what they are implementing.

Alderman Hanser inquired why there is such a price difference.

Director of Public Works/City Engineer Lundeen stated since TES did not provide a detailed breakdown of their proposal she could not speak to the price difference.

Alderman Mayr made a motion to accept Resolution 3699A.

RESULT: **Approved [2 to 1]**

MOVED BY: Alderman Mayr

SECONDED BY: Alderman Hansher

AYES: Hansher, Mayr
NAYS: Bushee

5) Discussion Items

- a. 2020 Annual Road Program

Director of Public Works/City Engineer Lundeen stated Staff is looking to release the maintenance contracts for award in March. Maintenance contracts include the crack sealing, GSB-88, and flex patching. Staff will bring back the road rating map at the same time so the Committee can see both.

b. 2020 Work Plan (2.11.20)

Director of Public Works/City Engineer Lundeen provided the committee with an update of the work plan.

6) Motion to Adjourn at 7:23 PM.

RESULT: Approved by Voice Acclamation [Unanimous]
MOVED BY: Alderman Hansher
SECONDED BY: Alderman Mayr

AYES: Bushee, Hansher, Mayr

Respectfully Submitted,

Casey Deuster

Attachment: Public Works minutes_02-11-20 (4994 : Public Works Committee meeting minutes of February 11, 2020)



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Public Works/Engineering
Taped and Televised

SEWER UTILITY DISTRICT COMMISSION

Tuesday, February 11, 2020

7:30 PM

Christine Nuernberg Hall

Minutes

- 1) Call to Order, Roll Call
Commissioner Wirth called the meeting to order at 7:33 PM.

Present:

- Commissioner John Wirth
- Commissioner Robert Strzelczyk
- Commissioner Glenn Bushee
- Commissioner Dale Mayr
- Commissioner Jeffrey Hansher
- Commissioner Mark Gierl
- Commissioner Kathleen Schneider
- Commissioner Andrew Nerbun
- Commissioner Brian Parrish -- **Absent**

Also present were City Administrator Jones, City Attorney Sajdak, City Engineer/Director of Public Works Lundeen, Deputy Director of Utilities Driscoll, and Administrative Assistant Deuster.

- 2) Approval of Meeting Minutes

a. January 14, 2020 Minutes

RESULT: **Approved [Unanimous]**
MOVED BY: Commissioner Strzelczyk
SECONDED BY: Commissioner Bushee

AYES:	Wirth, Strzelczyk, Bushee, Mayr, Hansher, Gierl, Schneider, Nerbun
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- 3) Resolutions

Action requested: review and recommend approval

- a. **RESOLUTION 3700** A Resolution Authorizing Execution of a Funding Letter of Agreement with the Wisconsin Department of Transportation for Completion of Sewer Flow Equalization Work on Cedarburg Road in the Estimated Amount of \$175,000

Attachment: Sewer Utility District minutes_02-11-20 (4995 : Sewer Utility District Commission meeting minutes of February 11, 2020)

RESULT: Approved by Voice Acclamation [Unanimous]
MOVED BY: Commissioner Strzelczyk
SECONDED BY: Commissioner Schneider

AYES: Wirth, Strzelczyk, Bushee, Mayr, Hansher, Gierl, Schneider, Nerbun

- b. **RESOLUTION 3701** A Resolution Approving the Award of a Contract to Examine Sanitary Sewer Mains and Building Sewer Laterals to Great Lakes TV & Seal, Inc, of Green Bay, Wisconsin in the Amount of \$126,983

RESULT: Approved by Voice Acclamation [Unanimous]
MOVED BY: Commissioner Schneider
SECONDED BY: Commissioner Strzelczyk

AYES: Wirth, Strzelczyk, Bushee, Mayr, Hansher, Gierl, Schneider, Nerbun

- c. **RESOLUTION 3702** A Resolution Approving the Award of a Contract for a Condition Assessment of Ranch Road Lift Station “E” to Applied Technologies, Inc. of Brookfield, Wisconsin in the Amount of \$49,250

Commissioner Mayr inquired what is included in the study.

Deputy Director of Utilities Driscoll described the scope of services as outlined in the lift station condition assessment contract.

Commissioner Schneider questioned the cost and if it being labor intensive increased the price.

Director of Public Works/City Engineer Lundeen stated there is a significant amount of analysis for both the current demand and the capacity issues. Where the Ranch Road lift station receives flows from a number of other lift stations. The city has already addressed a large amount of capacity issues with the East Trunk Sewer Project, but the sewer system still experienced surcharging issues in the area during wet weather events. This condition assessment is one step to evaluate the system, and to address how the lift station interacts with our system to determine whether or not there is the potential for improvements that would alleviate those issues.

RESULT: Approved by Voice Acclamation [Unanimous]
MOVED BY: Commissioner Bushee
SECONDED BY: Commissioner Gierl

AYES: Wirth, Strzelczyk, Bushee, Mayr, Hansher, Gierl, Schneider, Nerbun

4) Motion to Adjourn at 7:40 PM.

RESULT: Approved by Voice Acclamation [Unanimous]
MOVED BY: Commissioner Schneider
SECONDED BY: Commissioner Strzelczyk

AYES: Wirth, Strzelczyk, Bushee, Mayr, Hansher, Gierl, Schneider, Nerbun

Respectfully Submitted,

Casey Deuster



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Office of City Attorney

TO: Common Council
FROM: Brian Sajdak, City Attorney
DATE: April 6, 2020
SUBJECT: ORDINANCE 2020-1573 An Ordinance Amending Chapter 14, Businesses, Authorizing the City Clerk to Issue Operator Licenses

Background

Historically, the Common Council has been tasked with the responsibility of issuing alcohol beverage operator's licenses (a/k/a bartender licenses) in the City. In 2019 Wis. Act 166, the Wisconsin legislature amended the statutes to allow the Common Council to designate a municipal official as the party to issue alcohol beverage operator's licenses. At the request of Mayor Wirth and upon staff's recommendation, the proposed ordinance designates the City Clerk as the party authorized to issue operator's licenses.

Discussion

The proposed ordinance makes the simple change of allowing the City Clerk to issue operator's licenses within the City. This change would mean that operator's licenses would not need to come before the Finance-Personnel Committee for approval, which would free up additional time at those meetings for other items. The ordinance does not make any changes to the requirements for the license and applicants would still be required to pass a background check. Anyone wishing to appeal a denial of a license would still be able to do so before the Committee as has been standard practice.

Note that this change only applies to operator's licenses. All other licenses, including premises licenses, would continue to go to the Committee for approval.

Fiscal Impact

None.

Recommendation

Staff recommends adoption of the proposed ordinance amendment.

COMMON COUNCIL
OF THE
CITY OF MEQUON

ORDINANCE 2020-1573

An Ordinance Amending Chapter 14, Businesses, Authorizing the City Clerk to Issue Operator Licenses

RECITALS

A. The Common Council previously adopted Article II of Chapter 14 which establishes local licenses for the sale of alcoholic beverages with the City of Mequon.

B. In 2019 Wis. Act 166, the Wisconsin legislature amended the statutes to allow the Common Council to designate a municipal official as the party to issue alcohol beverage operator's licenses.

C. The Common Council desires to adopt these provisions to ensure compliance with state law and to exercise the authority granted to it thereunder.

D. The Common Council having found and determined that the regulation of the sale of alcoholic beverages through licensing is necessary to protect the public health, safety and welfare.

BASED UPON THE FOREGOING RECITALS, THE COMMON COUNCIL OF THE CITY OF MEQUON, OZAUKEE COUNTY, STATE OF WISCONSIN, DO ORDAIN AS FOLLOWS:

SECTION I

Section 14-25(8)a of the Mequon Municipal Code is amended to read as follows (NOTE: Added text is underlined, deleted text is ~~struck-through~~):

Operator's licenses may be granted to individuals by the City Clerk upon receipt of a written report from the Police Chief or their designee that the applicant has no disqualifying criminal history~~common council~~ for the purposes of complying with Wis. Stat. § 125.32(2) and Wis. Stat. § 125.68(2).

SECTION II

Section 14-26(d) is amended to read as follows (NOTE: Added text is underlined, deleted text is ~~struck-through~~):

Delegation of authority. The common council delegates its authority to issue regular, temporary, and provisional operator's licenses to the City Clerk. Appeals

to decisions of the Clerk shall be to the finance-personnel committee. The common council delegates its authority to issue all other licenses under this Article II to the finance-personnel committee of the common council, and all All decisions made by the Committee shall be final except as may be provided by Wis. Stat. § 125.12. In the event of common council review of any revocation, suspension or nonrenewal, all arguments in support of an objection to the committee's report shall be made solely in writing.

SECTION III

The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

SECTION IV

All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.

SECTION V

This ordinance shall be in full force and effect upon its passage and on the day after its publication.

Approved by: John Wirth, Mayor

Date Approved: April 14, 2020

I certify that the foregoing Ordinance was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on April 14, 2020.

Caroline Fochs, City Clerk

Published: _____



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Office of Administration

TO: Common Council
FROM: Justin Schoenemann, Assistant City Administrator
DATE: April 8, 2020
SUBJECT: RESOLUTION 3718 A Resolution Ratifying Mayoral COVID-19 Emergency Proclamation No. 2 Exempting Certain City of Mequon Employees from the Families First Coronavirus Response Act

Background

On March 31, Mayor Wirth issued a Proclamation exempting certain City of Mequon employees from the Families First Coronavirus Response Act (FFCRA). This Proclamation was issued under the authority granted to the Mayor as the City's Chief Executive Officer because the FFCRA required action by April 1, before the Common Council's meeting on April 14.

Analysis

The FFCRA allows employers to exempt emergency responders from the additional benefits of the FFCRA. The FFCRA does not define the phrase "emergency responder"; however, the United States Department of Labor provides guidance that staff members who fall under the emergency responder clause are employees whose nature of their work necessitates their availability to respond and support vital operations, as well as to mitigate exigent circumstances where additional staffing is limited to the point the City can't respond to the needs of the community during the COVID-19 emergency. The City of Mequon's Emergency Management Administrative Committee has carefully reviewed the City's personnel and has unanimously determined that, except as described in the attached Proclamation, all employees of the City fall within the definition of emergency responder. Alternatively, and also before the Common Council at the April 14 meeting is a resolution to adopt a supplemental policy that provides exempted with the same benefits contained in the FFCRA to exempted personnel, all while retaining the City's ability to staff these vital functions as may otherwise be necessary throughout the duration of this public health emergency.

Please visit the following website to view a summary of the FFCRA from the Department of Labor: <https://www.dol.gov/agencies/whd/pandemic/ffcra-employer-paid-leave>.

Under Wis. Stat. § 323.14(4)(b), the Mayor's Proclamation is "subject to ratification, alteration, modification, or repeal by the governing body as soon as that body can meet." Accordingly, enclosed is a resolution Ratifying the Mayor's Proclamation Exempting Certain City of Mequon Employees from the Families First Coronavirus Response Act. As proposed, ratification of the resolution will confirm all the provisions contained within the proclamation. Please note, however, that any "subsequent action taken by the governing body shall not affect the prior validity of the proclamation." Id.

Recommendation

Adoption of the proposed resolution.

Attachments:

Proclamation - FFCRA (PDF)

COMMON COUNCIL
OF THE
CITY OF MEQUON

RESOLUTION 3718

A Resolution Ratifying Mayoral COVID-19 Emergency Proclamation No. 2 Exempting Certain City of Mequon Employees from the Families First Coronavirus Response Act

A. COVID-19, a novel strain of coronavirus, was detected in December of 2019 and has subsequently spread throughout numerous countries and the United States, including Wisconsin.

B. On March 18, 2020, President Donald Trump signed the Families First Coronavirus Response Act (the “FFCRA”), which expands the Family and Medical Leave Act (Emergency Family and Medical Leave Expansion Act) and creates a paid sick leave entitlement for certain eligible employees (Emergency Paid Sick Leave Act).

C. The FFCRA allows employers to exempt emergency responders from the additional benefits of the FFCRA. The FFCRA does not define the phrase “emergency responder”; however, the United States Department of Labor provides guidance, and allows the exemption of “law enforcement officers, ... fire fighters, emergency medical services personnel, ...emergency medical technicians, paramedics, emergency management personnel, 911 operators, public works personnel, and persons with skills or training in operating specialized equipment or other skills needed to provide aid in a declared emergency as well as individuals who work for such facilities employing these individuals and whose work is necessary to maintain the operation of the facility.”

D. The City of Mequon’s Emergency Management Administrative Committee has carefully reviewed the City’s personnel and has determined that, except as described in the enclosed Proclamation, all employees of the City fall within the definition of emergency responder.

E. On March 31, 2020, the Mayor of the City of Mequon, pursuant to Wisconsin issued the attached Proclamation Exempting Certain City of Mequon Employees from the Families First Coronavirus Response Act (the “Proclamation”).

F. Pursuant to Wisconsin Statutes Section 323.14(4)(b), the Proclamation is subject to ratification, alteration, modification or repeal by the Common Council.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Mequon, that:

The Proclamation Exempting Certain City of Mequon Employees from the Families First Coronavirus Response Act is ratified.

Approved by: John Wirth, Mayor

Date Approved: April 14, 2020

I certify that the foregoing Resolution was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on April 14, 2020.

Caroline Fochs, City Clerk

COVID-19 EMERGENCY PROCLAMATION NO. 2

PROCLAMATION EXEMPTING CERTAIN CITY OF MEQUON EMPLOYEES FROM
FAMILIES FIRST CORONAVIRUS RESPONSE ACT

I, John M. Wirth, as Mayor and Chief Executive Officer of the City of Mequon, make the following Proclamation in consideration of the following:

A. COVID-19, a novel strain of coronavirus, was detected in December of 2019 and has subsequently spread throughout the world, including every state in the United States.

B. On January 3, 2020, the World Health Organization declared COVID-19 to be a Public Health Emergency of International Concern.

C. On March 12, 2020, Governor Tony Evers declared a public health emergency in connection with COVID-19.

D. On March 13, 2020, President Donald Trump proclaimed a National Emergency in connection with concerning COVID-19.

E. On March 16, 2020, I proclaimed, on behalf of the City of Mequon, a Public Health Emergency as defined in Wisconsin Statutes Section 323.02(16) and a Disaster as defined in Wisconsin Statutes Section 323.02(6); accordingly, the City of Mequon implemented its emergency authority under Wisconsin Statutes Section 323.11. The Common Council affirmed that proclamation at its meeting on March 17, 2020.

F. On March 18, 2020, President Donald Trump signed the Families First Coronavirus Response Act (the “FFCRA”), which expands the Family and Medical Leave Act (Emergency Family and Medical Leave Expansion Act) and creates a paid sick leave entitlement for certain eligible employees (Emergency Paid Sick Leave Act).

G. As of Tuesday morning, March 30, 2020, there were 1,330 total confirmed cases of people with COVID-19 in Wisconsin, with 27 confirmed deaths. COVID-19 has been confirmed in 42 counties in the State of Wisconsin, including Ozaukee County. As of Tuesday morning, March 30, 2020, there were 42 total confirmed cases of people with COVID-19 in Ozaukee County with five confirmed deaths. Cases are not reported on a community-by-community basis, but there have been one or more confirmed cases in the City of Mequon.

H. The FFCRA allows employers to exempt emergency responders from the additional benefits of the FFCRA. The FFCRA does not define the phrase “emergency responder”; however, the United States Department of Labor provides guidance, and allows the exemption of “law enforcement officers, ... fire fighters, emergency medical services personnel, ... emergency

medical technicians, paramedics, emergency management personnel, 911 operators, public works personnel, and persons with skills or training in operating specialized equipment or other skills needed to provide aid in a declared emergency as well as individuals who work for such facilities employing these individuals and whose work is necessary to maintain the operation of the facility.”

I. The City of Mequon’s emergency management administrative committee has carefully reviewed the City’s personnel and has unanimously determined that, except as described in this Proclamation, all employees of the City fall within the definition of emergency responder.

J. The City of Mequon highly values its emergency responders and recognizes the unique and important contributions each makes to the safety and well-being of our community. I made the decision to exempt employees precisely because of those contributions, and the need to ensure the safety of our residents and the infrastructure of our community. I plan to propose replacement benefits for emergency responders and will have the Common Council address those replacement benefits at its next meeting.

K. It is necessary and proper, pursuant to Wisconsin Statutes Section 323.14(4)(b), in order to provide for the health, safety, protection and welfare of people and property within the City, and to ensure that the City appropriately follows federal law, for me to issue this Proclamation in advance of a Common Council meeting in order to meet the time requirements of the FFCRA and to implement provisions of the FFCRA prior to its effective date.

BASED ON THE FOREGOING and pursuant to Wisconsin Statutes Section 323.14(4)(b) and Sections 26-24 of the Mequon Code of Ordinances, I proclaim as follows:

1. All employees of the City of Mequon are emergency responders except for employees holding the following positions:

- Administration Executive Assistant
- Assessment Technician
- Deputy Clerks (after April 14, 2020)
- Engineering/City Clerks Administrative Assistant
- Planner
- Community Development Administrative Assistants
- Finance Administrative Assistants
- Custodian (PT)
- IT Intern

2. The City shall comply with the FFCRA provisions applicable to it.

3. City staff shall prepare amendments to the City’s personnel policies and handbook to be consistent with this Proclamation and the FFCRA. Such amendments shall be subject to review and approval by the Finance-Personnel Committee.

4. City staff shall prepare a replacement benefits proposal for review and approval by the Finance-Personnel Committee and Common Council.

5. Despite proclaiming certain employees as emergency responders, the City maintains its policies regarding social distancing and employee safety. Any employee who reasonably suspects that he or she has contracted COVID-19 should seek appropriate medical attention subject to all federal and state recommendations and, unless otherwise ordered by the City Administrator or a department head, no such employee may interact in person with the public or enter any public or private facility in the City of Mequon on behalf of the City.

6. Pursuant to Wisconsin Statutes Section 323.14(4)(b), this Proclamation is subject to ratification, alteration, modification or repeal by the Common Council at its next meeting, which shall occur as soon as the Common Council can meet, but the subsequent action taken by the Common Council shall not affect the prior validity of this Proclamation.

Dated March 31, 2020.



John M. Wirth
Mayor

Attachment: Proclamation - FFCRA (RESOLUTION 3718 : FFCRA Proclamation Exempting Certain Staff)



11333 N. Cedarburg Road
 Mequon, WI 53092
 Phone: 262-236-2941
 Fax: 262-242-9655

www.ci.mequon.wi.us

Office of Administration

TO: Common Council
FROM: Justin Schoenemann, Assistant City Administrator
DATE: April 8, 2020
SUBJECT: RESOLUTION 3720 A Resolution Approving a Policy Related to the Provision and Use of Temporary Paid Leave Benefits by Certain City of Mequon Employees Exempted from the Families First Coronavirus Response Act

Background

On Wednesday, March 18, 2020, the Families First Coronavirus Response Act (“FFCRA”) was signed into law. FFCRA provides two new benefits to eligible staff. The first new benefit is two weeks (80 hours) of paid leave for certain COVID-19 related matters for both full-time and part-time employees. The second new benefit is an expansion of Family and Medical Leave Act (FMLA) to provide 12 weeks of partially paid leave to care for an employee’s child, if the child’s school or other place of care has been closed, or the child care provider is unavailable, due to a COVID-19 related emergency.

While the FFCRA provides new benefits for employees, the act affords organizations with the flexibility to tailor implementation to balance the needs of staff with those necessary operations to maintain public health, order, safety, and essential services through an emergency responder clause. According to guidance from the Department of Labor, staff members who fall under the emergency responder clause are employees whose work necessitates their availability to respond and support vital operations, as well as to mitigate exigent circumstances where additional staffing is limited to the point the City can’t respond to the needs of the community during the COVID-19 emergency.

With that in mind, the City has evaluated potential operational impacts of the benefits associated with the FFCRA and chosen to exempt the majority of staff with the plan of providing alternative benefits. The intent is to implement new policies to support staff in all departments to the extent possible, while ensuring the availability of emergency responders to maintain public health, order, safety, and essential services.

Analysis

In order to support staff designated as emergency responders under the FFCRA, the attached policy would be retroactive to March 1, 2020, so that employees already impacted by COVID-19 can be made whole, and the policy will sunset at the end of the day on December 31, 2020. The policy provides all full-time employees with 120 hours of emergency medical leave (EML). Part-time employees will be awarded a prorated amount equivalent to their full-time-equivalency ratio.

Under terms of the proposed policy, a full-time or part-time employee will be able to draw upon all their EML if they are subject to a quarantine imposed by a government entity or health care provider due to concerns related to COVID-19, has symptoms related to COVID-19 and is seeking a diagnosis, or if the employee is caring for an individual within their household that is subject to a quarantine or advised to quarantine. Additionally, full-time employees may use up to 40 hours of EML, and part-time employees can use one-third of their EML, for the care of children under the age of 18 because of a school or daycare closure due to COVID-19 related concerns.

In the Fire Department, paid-on-call staff are paid different wages depending on the task being completed and if they are responding to a call or on stand-by. With that complexity in mind, and the City's wish to support all staff within the Fire Department equally, the policy provides \$200 per day for 15 days to a paid-on-call employee that contracted COVID-19 as a result of working for the City.

Lastly, the policy includes a clause stating that if an employee contracts COVID-19 while working for the City and is hospitalized, the City will continue to pay their regular wage for the length of stay in a hospital after EML hours are exhausted. The policy would allow the City to provide paid-on-call staff in the Fire Department \$200 a day for the length of their stay in a hospital.

Fiscal Impact

The costs of EML for full-time and part-time staff can be absorbed within the existing salary and benefit allocations included in the 2020 budget. The extension of EML to paid-on-call staff within the Fire Department will pose an additional cost upon the City that will have to be absorbed.

Recommendation

City staff recommends the Finance-Personnel Committee recommend the enclosed policy to the Common Council for adoption.

Attachments:

EML Policy for Act-Exempt Staff (PDF)

COMMON COUNCIL
OF THE
CITY OF MEQUON

RESOLUTION 3720

A Resolution Approving a Policy Related to the Provision and Use of Temporary Paid Leave Benefits by Certain City of Mequon Employees Exempted from the Families First Coronavirus Response Act

A. On March 18, 2020, President Donald Trump signed the Families First Coronavirus Response Act (the “FFCRA”), which expands the Family and Medical Leave Act (Emergency Family and Medical Leave Expansion Act) and creates a paid sick leave entitlement for certain eligible employees (Emergency Paid Sick Leave Act).

B. The FFCRA allows employers to exempt those designated as emergency responders from the additional benefits of the FFCRA, which the City’s emergency management administrative committee has carefully reviewed and has unanimously determined that the majority of employee fall within the FFCRA emergency responders clause.

C. On March 31, 2020, the Mayor of the City of Mequon issued a Proclamation Exempting Certain City of Mequon Employees from the Families First Coronavirus Response Act, which was subsequently ratified by the Common Council.

D. While the City has exempted employees from the FFCRA act, there is a need to provide additional support to employees in an alternative measure that allows the City to ensure continuation of operations to support the community.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Mequon, that:

1. The attached policy titled *COVID-19 Emergency Medical Leave Policy for City of Mequon Employee Designated as Emergency Responders* is adopted, and remains in effect through December 31, 2020.

Approved by: John Wirth, Mayor

Date Approved: April 14, 2020

I certify that the foregoing Resolution was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on April 14, 2020.

Caroline Fochs, City Clerk

**COVID-19 Emergency Medical Leave Policy for City of Mequon Employees
Designated as Emergency Responders**

- A. In response to the Coronavirus (COVID-19) pandemic, the City is implementing this emergency medical leave policy (EML) for all regular full-time and part-time employees designated by the City as emergency responders under the Families First Coronavirus Response Act. EML benefits are available to these employees who are impacted by COVID-19 and these benefits are separate from other time-off benefits. The benefits provided under this policy are retroactive to March 1, 2020 and, except as provided in Section D and unless extended by an act of the Common Council, will sunset upon the earlier of the expiration or termination of the City's Proclamation Declaring a Public Health Emergency, as amended or extended.
- B. All full-time employees shall be awarded 120 hours of emergency medical leave, and part-time employees shall receive a proration based on their full-time-equivalency ratio as determined in the sole discretion of the City. All EML hours can only be exercised by an employee for one of the following reasons:
1. An employee is subject to a local, state, or federal government order requiring quarantine or isolation due to COVID-19 exposure.
 2. An employee is subject to a self-quarantine mandated by a health care provider due to COVID-19 exposure or treatment.
 3. An employee has symptoms related to COVID-19 and is seeking medical treatment or diagnosis.
 4. An employee is caring for an individual within their household that is subject to quarantine or isolation or advised to quarantine or isolate due to COVID-19 exposure.
- EML hours are not an accrued benefit.
- C. If a full-time or part-time employee contracts COVID-19 and such employee regularly interreacts with the public on behalf of the City, as determined in the sole discretion of the City, and is hospitalized, then the City will pay the employee their regular wage for missed regularly scheduled work time for the duration of the hospitalization exceeding the EML hours used in Section B based on (1) 40 hours per week for full-time employees or (2) a proration of 40 hours per week based on their full-time equivalency ratio, determined in the sole discretion of the City, for part-time employees. Such additional leave is not an accrued benefit.

- D. All full-time employees may use up to 40 hours of EML, and part-time employees can use one-third of their EML, for the care of their child under the age of 18 because of school or place of childcare closure due to COVID-19 related concerns. The City reserves the right to determine whether spouses or other family members are available to provide needed care thus eliminating the employee's need for EML described in this Section. The City reserves the right to deny authorization to use such leave in the event the City determines the Employee must report for duty. To the extent the City denies such authorization, the such leave may be used after the sunset of this Policy; however, it must be used prior to December 31, 2020.
- E. Once EML hours have been exhausted and if the employee is still unable to return to work, the employee may use other available paid time off benefits, such as PTO, sick leave, vacation leave, or medical leave or may request unpaid leave, in addition to eligible family and medical leave under applicable state and federal law.
- F. Paid-on-call employees are not eligible for the benefits identified in Sections B-D. In the event that a paid-on-call employee within the Mequon Fire Department contracts COVID-19 subjecting them to a COVID-19 required quarantine, isolation or hospitalization, then that paid-on-call employee shall be paid \$200.00 per day from the first day of absence through the date 15 days after the commencement of the quarantine or isolation or, in the case of hospitalization, for the duration of the hospitalization.
- G. Employees in any department who use EML pursuant to this Policy will be allowed to return to work only when released by a medical provider and/or Public Health Agency.
- H. The City may unilaterally designate the use of these benefits for the employee. The City may retroactively apply these benefits for any employee who used leave for a permissible purpose identified herein retroactive to March 1, 2020. Under such circumstances, the City will restore paid leave used by that employee to his or her leave bank where such leave was accrued.
- I. The benefits identified in this Policy are only available to employees represented by a collective bargaining representative if agreed to by the collective bargaining representative.



11333 N. Cedarburg Road
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 Fax: 262-242-5042

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Office of Fire/Ambulance

TO: Common Council
FROM: David Bialk, Fire Chief
DATE: April 6, 2020
SUBJECT: RESOLUTION 3719 A Resolution Approving a Memorandum of Understanding Between the City of Mequon and the Mequon Fire & EMS Association Allowing for a Temporary Increase in Compensation for Paramedic Pay, Fire Call Pay and EMS Call Pay from March 29, 2020 through the Expiration of the Coronavirus (COVID-19) Public Health Emergency

Background

In order to provide basic Emergency Medical Services to the community, the Mequon Fire Department must ensure that six (6) responder positions are staffed on a twenty-four (24) hour basis. This equates to one hundred forty-four (144) hours of coverage per day. With the current staffing model utilizing a single paid-on-premises paramedic, five (5) volunteers are compensated for providing a commitment to respond from their offsite location to a station when a call occurs. This team of six (6) responders is adequate for a single Advanced Life Support (ALS) call that occurs in the City.

At this time, each position on the staffing roster is defined in an online scheduling program and department members interested in filling any roles that they are qualified for are asked to sign up for any open timeframe that is available on a specific day. Historically, members are asked to provide their commitment to fill a position ten (10) days in advance of the first of the month. This time frame provides department management with the opportunity to work with individuals to ensure the minimum six EMS positions are staffed and there are no gaps.

On March 12, 2020 Governor Tony Evers announced a State of Emergency followed by a “Safer at Home” Order on March 23 to combat the COVID-19 crisis. The Mequon Fire Department responded by creating new policies and procedures to deal with this ever-evolving threat to patients and personnel.

Analysis

The new response plan matrix implemented to manage COVID-19 required advanced training in cooperation with the Fire Department’s Medical Director and St. Mary’s/Ascension Hospital. The key components of the new response matrix consist of advanced triage of the patient and the availability of personnel to transport the patient with the appropriate level of care followed by careful decontamination of both personnel and equipment. To assure adequate staffing and compensate personnel for the advanced training and hazards associated with COVID-19 calls, the Chair of the City’s ad hoc Future of Our Fire Department Committee, Alderman Mayr, has proposed a temporary incentive of \$10.00/hour in response pay and the hourly rate for the paid-

on-premises paramedic. The pay increase would be retroactive to March 29, 2020, and end with the conclusion of the COVID-19 Local Health Emergency declared by the City last month.

Members are currently compensated between \$16.50/hour and \$25.00/hour for response pay based on years of service and certification level. Members are paid a one hour minimum for responses and in quarter-hour increments for every hour thereafter. The new pay rates would range from \$26.50/hour to \$35.00/hour under the proposed incentive. The paid-on-premises paramedic pay would increase from \$22.32/hour to \$32.32/hour.

Fiscal Impact

Assuming Fire and EMS calls remain somewhat consistent, most calls only take an hour and 20% of calls are back-to-back. If calls are back-to-back, members still “on the clock” are only compensated for the first call and not an additional response pay.

The proposed increases in hourly response pay breaks down as follows:

- 130 calls/month x 80% = 104 calls x 5 members x \$10.00/hour = \$5,200 response pay/month
- 32 fire calls/month x 10 members responding per call x \$10.00/hour = \$3,200
- Paid-on-Premises Paramedic 24 hours x 30 days = 720 hours x \$10.00/hour = \$7,200/month
- Cost of EMS and Fire response pay plus POP Paramedic pay = \$15,600

The total cost of this temporary pay increase is expected to be nearly \$18,000 per month when factoring in FICA (social security) and WRS (retirement) costs.

Recommendation

Staff recommends adopting the proposed resolution approving the attached MOU with the Mequon Fire and EMS Association for the temporary incentive pay.

Attachments:

MOU covid (DOCX)

COMMON COUNCIL
OF THE
CITY OF MEQUON

RESOLUTION 3719

A Resolution Approving a Memorandum of Understanding Between the City of Mequon and the Mequon Fire & EMS Association Allowing for a Temporary Increase in Compensation for Paramedic Pay, Fire Call Pay and EMS Call Pay from March 29, 2020 through the Expiration of the Coronavirus (COVID-19) Public Health Emergency

A. The City of Mequon is required to provide adequate staffing for fire and emergency medical calls throughout the current COVID-19 crisis and throughout the year.

B. The City of Mequon recognizes the inherent danger associated with response to COVID-19 emergency calls and the additional training required to handle such complex emergencies.

C. The Mequon Fire & EMS Association and the City of Mequon wish to enter into a the attached Memorandum of Understanding to temporarily increase “response pay” to emergency medical calls and fire calls and increase the “Paid-on-Premises Paramedic pay” to incentivize personnel.

D. The Memorandum of Understanding will be in effect from March 29 2020, until the City of Mequon formally declares an Expiration of the Coronavirus (COVID-19) Public Health Emergency.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Mequon that:

The Memorandum of Understanding between the City of Mequon and the Mequon Fire & EMS Association is hereby approved and that the appropriate City officials are hereby authorized to sign this document.

Approved by: John Wirth, Mayor

Date Approved: April 14, 2020

I certify that the foregoing Resolution was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on April 14, 2020.

Caroline Fochs, City Clerk

MEMORANDUM OF UNDERSTANDING
BETWEEN
THE CITY OF MEQUON
AND
MEQUON FIRE AND EMS ASSOCIATION

The City of Mequon (City) and the Mequon Fire and EMS Association (Association) are parties to a Collective Bargaining Agreement (CBA) in effect through December 31, 2020.

The Association is the recognized exclusive bargaining agent for the employees of the Fire Department excluding supervisors, confidential, managerial, professional, and all other City employees.

To encourage bargaining unit members to respond to fire and EMS calls and perform work as paid-on-premises paramedics in order to ensure adequate staffing of the Mequon fire and EMS department during the COVID-19 crisis, the City and the Association have agreed that bargaining unit employees perform the following work at the request of the Department will be paid as follows:

- Respond to fire and EMS call,
Member’s rank pay plus an additional \$10.00/hour during the call
- Paid-on-Premises (POP) Paramedic Pay an additional \$10.00/hour

This MOU shall be in effect retroactively from 12:00 A.M. on March 29, 2020 until the City of Mequon formally declares an Expiration of the Coronavirus (COVID-19) Public Health Emergency. The incentive rates listed above will be in effect during the duration of this MOU.

This MOU is non-precedential to any future agreements between the City and the Association and does not constitute a past practice in this or any other matter.

CITY OF MEQUON

MEQUON FIRE AND EMS ASSOCIATION

City Administrator Date

President Date

Fire Chief Date

Secretary

Attachment: MOU covid (RESOLUTION 3719 : COVID 19 MOU with Fire and EMS Association)



11333 N. Cedarburg Road
Mequon, WI 53092

Phone:

Fax: 262-242-9655

www.ci.mequon.wi.us

Office of City Attorney

TO: Common Council
FROM: Brian Sajdak, City Attorney
DATE: April 14, 2020
**SUBJECT: RESOLUTION 3721 A Resolution Addressing the Claim of David Simenz
Related to Vehicle Damage**

See confidential memo included in your e-mail.

COMMON COUNCIL
OF THE
CITY OF MEQUON

RESOLUTION 3721

A Resolution Addressing the Claim of David Simenz Related to Vehicle Damage

A. David Simenz has filed a claim with the utility alleging damage to his vehicle in the amount of \$8,745.15, that resulted from a dislodged water line cap that was not properly maintained.

B. Following an investigation of the claim, City staff recommends denial of the claim.

BASED ON THE FOREGOING, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Mequon, Wisconsin, that:

1. The claim of David Simenz for vehicle damage is hereby denied.
2. The City Clerk is hereby authorized and directed to deliver notice of the disallowance of this claim to the claimant pursuant to Wisconsin Statute.

Approved by: John Wirth, Mayor

Date Approved: April 14, 2020

I certify that the foregoing Resolution was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on April 14, 2020.

Caroline Fochs, City Clerk



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

www.ci.mequon.wi.us

Office of Public Works Committee

TO: Common Council
FROM: Bridget Henk, Assistant City Engineer
DATE: April 14, 2020
SUBJECT: RESOLUTION 3722 A Resolution Awarding the 2020 Range Line Court Watermain and Road Reconstruction Contract to Kruczek Construction, Inc. of Green Bay, Wisconsin in an Amount Not-to-Exceed \$850,000

Background

At its March meeting, the Public Works Committee authorized staff to advertise the Range Line Court Watermain and Road Reconstruction project. The estimated cost prepared by the City's consultant was \$347,580 for the road improvements and \$435,450 for the watermain for a total of \$783,030.

Please see the attached location map and street list for roads included in the bid.

Analysis

The City received six bids for the 2020 Range Line Court contract with the low base bid of \$798,000 from Kruczek Construction, Inc. of Green Bay, WI.

The low bid is approximately 2% more than the consultant estimate. Asphalt prices and asphalt - based product prices have increased in the last year, resulting in a higher cost for the road improvements. The other 5 bids were similarly priced. The six bids were as follows:

Contractor	Road Improvements	Watermain	Total
Kruczek Construction	\$312,354.00	\$485,646.00	\$798,000.00
American Sewer Services	\$405,875.00	\$439,195.00	\$845,070.00
Vinton	\$374,844.10	\$556,511.00	\$931,355.10
Heartland Contractors	\$348,320.00	\$616,164.00	\$964,484.00
Mid-City Corporation	\$478,203.00	\$593,974.00	\$1,072,177.00
Super Excavators	\$439,970.50	\$631,113.00	\$1,071,083.50

As a result of several recent contract awards, the Public Works Committee and Common Council have requested consideration of adding a contingency to the award amounts. Therefore, staff is recommending that the resolution approve an amount not-to-exceed \$850,000, which includes a contingency of approximately 6.5% (\$52,000) for additionally authorized efforts.

Kruczek Construction has done work in Mequon in the past and has provided a quality work product.

Work on this contract can start as soon as the contract is fully executed. The bid opening sheet is attached.

Fiscal Impact

The project includes a portion of work relating to the road program relating to the replacement of watermain and a portion relating to the reconstruction of the roadway. There is adequate funding available in the Water Utility Capital Account and in the Annual Road Program account to award this project. The fiscal breakdown is outlined below:

Account	Bid Amount	Amount with Contingency
Road Program	\$312,354.00	\$332,657.00
Water Utility	\$485,646.00	\$517,343.00
Total	\$798,000.00	\$850,000.00

Recommendation

It is staff's recommendation that the Public Works Committee favorably endorse, and the Common Council approve the attached resolution awarding the Range Line Court Watermain and Roadway reconstruction contract to Kruczek Construction, Inc. of Green Bay, Wisconsin, for an amount not-to-exceed \$850,000.

Attachments:

Range Line Court Water Main and Road Reconstruction Area Map (PDF)

Bid Opening Sheet (PDF)

COMMON COUNCIL
OF THE
CITY OF MEQUON

RESOLUTION 3722

A Resolution Awarding the 2020 Range Line Court Watermain and Road Reconstruction Contract to Kruczek Construction, Inc. of Green Bay, Wisconsin in an Amount Not-to-Exceed \$850,000

- A. The City of Mequon Engineering Division has advertised and received bids for the Range Line Court Watermain and Road Reconstruction contract.
- B. Staff has reviewed the various bids and contractor qualifications for the contracts.
- C. Staff has determined that the bids received are reasonable considering the increased costs of asphalt-based material prices and that adequate funds are available to accomplish the work, and on that basis has made a recommendation to the Public Works Committee.
- D. Adequate funds for the watermain replacement portion of this contract are available from the water utility capital improvement account, Buried Utility Plant Fund.
- E. Adequate funds for this contract are available from the Capital Project - 0410, Project: Local Road Program - 10001 account.
- F. To provide for additional services that may result from unknown field conditions, the contract award amount shall be affirmed with a contingency, for a total not-to-exceed cost of \$850,000.
- G. The Committee on Public Works at its meeting on April 14, 2020, approved staff's recommendation.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Mequon that:

Staff is authorized to award and sign the appropriate contract agreement to Kruczek Construction, Inc of Green Bay, Wisconsin in an amount not-to-exceed \$850,000.

Approved by: John Wirth, Mayor

Date Approved: April 14, 2020

I certify that the foregoing Resolution was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on April 14, 2020.

Caroline Fochs, City Clerk

LEGEND



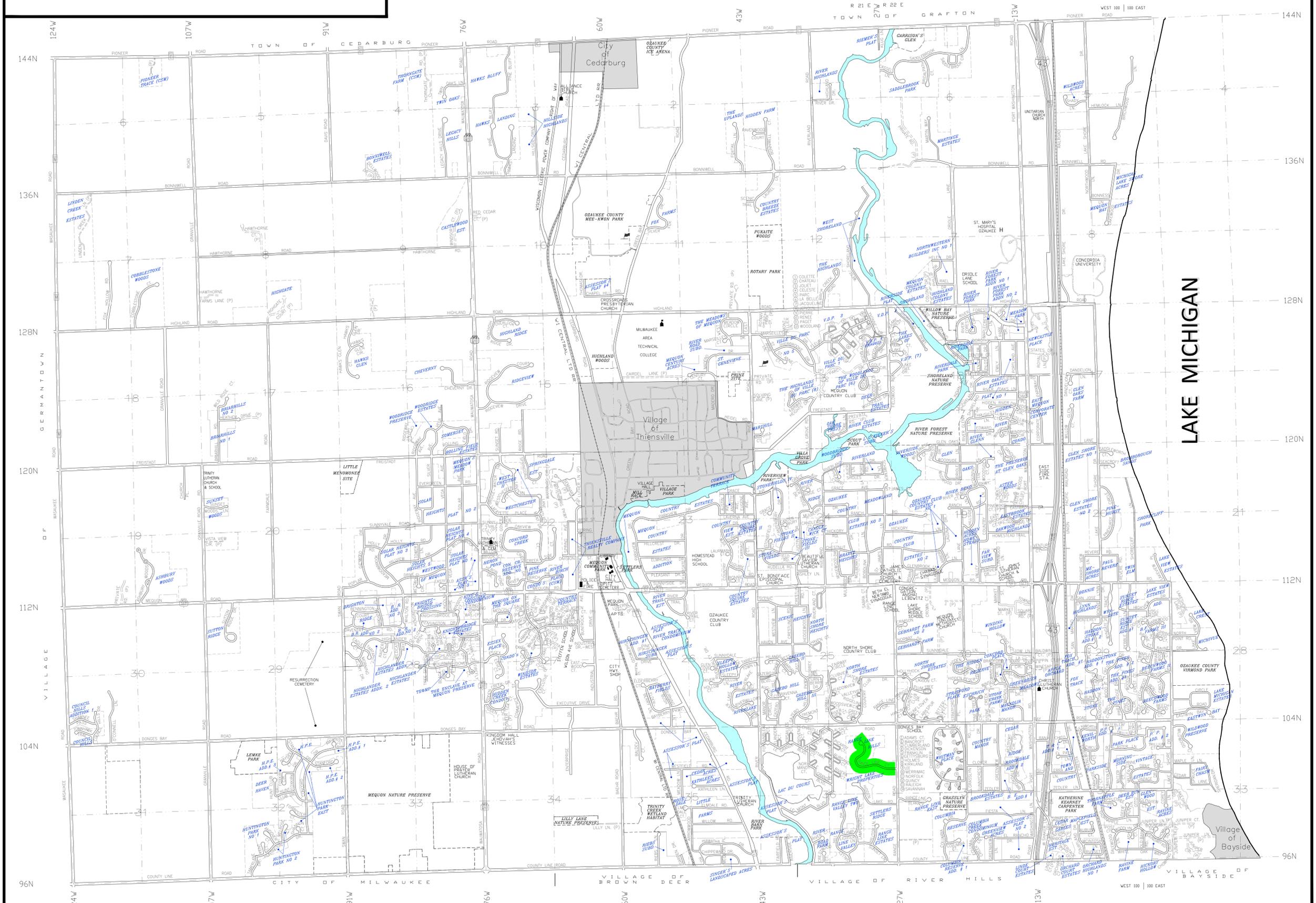
RANGE LINE COURT WATER MAIN & ROAD RECONSTRUCTION

CITY OF MEQUON

2020 Road Improvements



0 660 1320 2640 5280 Feet
0 1/8 1/4 1/2 1 Mile



Attachment: Range Line Court Water Main and Road Reconstruction Area Map (RESOLUTION 3722 : 2020 Range Line Court Contract)



11333 N. Cedarburg Road, 60W
Mequon, Wisconsin 53092

CITY OF MEQUON

WISCONSIN

BIDS RECEIVED FOR: 2020 RANGE LINE CT WATER MAIN & ROAD RECONSTRUCTION FILE #2420-20

BID OPENING:

3/31/2020

10:00 AM

DATE

TIME

BIDDER	TOTAL BASE BID	TOTAL ALTERNATE BID 27A
Kruczek	\$798,000.00	
Vinton	\$931,355.10	
Mid City	\$1,072,170.00	
Hearland	\$964,484.00	
Super Excavators	\$1,071,083.50	
American Sewer	\$845,070.00	

Attachment: Bid Opening Sheet (RESOLUTION 3722 : 2020 Range Line Court Contract)



11333 N. Cedarburg Road
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 Fax: 262-242-9655

www.ci.mequon.wi.us

Office of Public Works Committee

TO: Common Council
FROM: Bridget Henk, Assistant City Engineer
DATE: April 14, 2020
SUBJECT: RESOLUTION 3723 A Resolution Awarding the 2020 Catch Basin, Storm Sewer, and Curb and Gutter Contract to Zenith Tech, Inc. of Waukesha, Wisconsin, in an Amount Not-to-Exceed \$368,000

Background

At its March meeting, the Public Works Committee authorized staff to advertise the 2020 Catch Basin, Storm Sewer, and Curb and Gutter contract. Staff advertised for repair and replacement of the Business Park and Weschester Subdivision Catch Basins, Storm Sewer and Curbs and Gutter at an estimated cost of \$297,000. Please see the attached location maps for areas included in the bid.

Analysis

The City received six bids for the 2020 Catch Basins, Storm Sewer, and Curb and Gutter contract with the low bid of \$333,912.90 from Zenith Tech, of Waukesha, Wisconsin.

Contractor	Bid Amount
Zenith Tech, Inc.	\$333,912.90
All-Ways Contractors, Inc.	\$412,440.40
BMCi Construction Inc.	\$483,290.00
American Sewer Services, Inc	\$537,712.00
Forward Contractors, LLC	\$551,122.00
Mid-City Corporation	\$671,880.00

The low bid is approximately 12% more than the original estimate. Staff recommends awarding the contract to the low bidder. Zenith Tech has worked in Mequon in the past and has provided a quality work product.

As a result of several recent contract awards, the Public Works Committee and Common Council have requested consideration of adding a contingency to the award amounts. Therefore, staff is recommending that the resolution approve an amount not to exceed \$368,000, which includes a contingency of approximately 10% (rounded up to the next \$1,000) for additionally authorized efforts. The contingency is intended for additional work that may be needed following this year's spring thaw.

Work on this contract can start as soon as the contract is fully executed. The bid opening sheet is attached.

Fiscal Impact

There is adequate funding available in the Annual Road Program account to award this project.

Recommendation

It is staff's recommendation that the Public Works Committee favorably endorse, and the Common Council approve the attached resolution awarding the 2020 Catch Basin, Storm Sewer and Curb and Gutter contract to Zenith Tech, Inc, of Waukesha, Wisconsin, for an amount not-to-exceed \$368,000.

Attachments:

Catch Basin_Business Park MAP (PDF)

Catch Basin_Westchester MAP (PDF)

Bid Opening Results (PDF)

COMMON COUNCIL
OF THE
CITY OF MEQUON

RESOLUTION 3723

A Resolution Awarding the 2020 Catch Basin, Storm Sewer, and Curb and Gutter Contract to Zenith Tech, Inc. of Waukesha, Wisconsin, in an Amount Not-to-Exceed \$368,000

A. The City of Mequon Engineering Division has advertised and received bids for the 2020 Catch Basin, Storm Sewer, and Curb and Gutter contract.

B. Staff has reviewed the various bids and contractor qualifications for the contracts.

C. Staff has determined that the bids received are reasonable and that adequate funds are available to accomplish the work and on that basis has made a recommendation to the Public Works Committee.

D. Adequate funds for this contract are available from the Capital Project - 0410, Project: Local Road Program - 10001 account.

E. To provide for additional services that may result from the spring thaw, the contract award amount shall be affirmed with a contingency, for a total not-to-exceed cost of \$368,000.

F. The Committee on Public Works at its meeting on April 14, 2020, approved staff's recommendation.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Mequon that:

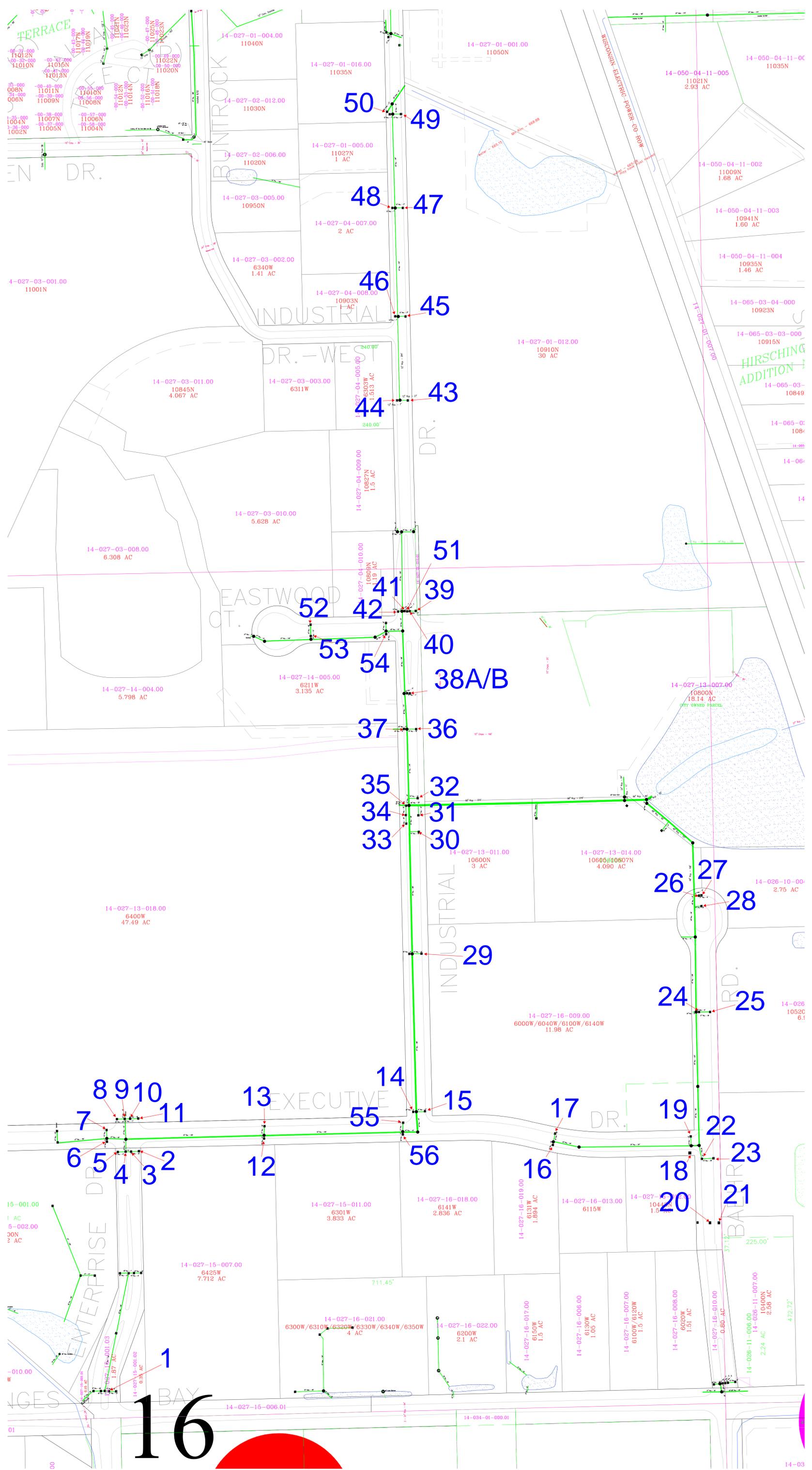
Staff is authorized to award and sign the appropriate contract agreement to Zenith Tech, Inc., of Waukesha, Wisconsin, in an amount not-to-exceed \$368,000.

Approved by: John Wirth, Mayor

Date Approved: April 14, 2020

I certify that the foregoing Resolution was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on April 14, 2020.

Caroline Fochs, City Clerk



Attachment: Catch Basin, Business Park Map (RESOLUTION 3723: 2020 Catch Basins, Storm Sewer and Curb Contract)

Catch Basins, Storm Sewer, and Curb & Gutter 3098-20A

<u>Street or Area</u>	<u>Structure Number/Letter</u>	<u>Description of Required Structure Work</u>	<u>Length of Curb & Gutter Replacemnt on Each side of Structure</u>
Enterprise Drive	1	Replace Top Block Section	3'
Enterprise Drive	2	Replace Top Block Section	3'
Enterprise Drive	3	Replace Top Block Section	3'
Enterprise Drive	4	Replace Top Block Section	3'
Enterprise Drive	5	Replace Top Block Section	3'
Enterprise Drive	6	Replace Top Block Section	3'
Enterprise Drive	7	Replace Top Block Section	3'
Enterprise Drive	8	Total Rebuild/Replace	3'
Enterprise Drive	9	Total Rebuild/Replace	3'
Enterprise Drive	10	Total Rebuild/Replace	3'
Enterprise Drive	11	Total Rebuild/Replace	3'
Executive Drive	12	Total Rebuild/Replace	5'
Executive Drive	13	Total Rebuild/Replace	3'
Executive Drive	14	Replace Top Block Section	3'
Executive Drive	15	Replace Top Block Section	3'
Executive Drive	16	Total Rebuild/Replace	3'
Executive Drive	17	Total Rebuild/Replace	3'
Executive Drive	18	Total Rebuild/Replace	3'
Executive Drive	19	Total Rebuild/Replace	3'
Baehr Road	20	Replace Top Block Section	3'
Baehr Road	21	Reset Frame & Replace Curb Only	3'
Baehr Road	22	Replace Top Block Section	3'
Baehr Road	23	Reset Frame & Replace Curb Only	3'
Baehr Road	24	Total Rebuild/Replace	3'
Baehr Road	25	Total Rebuild/Replace	3'
Baehr Road	26	Total Rebuild/Replace	3'
Baehr Road	27	Total Rebuild/Replace	3'
Baehr Road	28	Tuck Point/Back Plaster Only	
Industrial Drive	29	Total Rebuild/Replace	3'
Industrial Drive	30	Total Rebuild/Replace (Remove Curbhead Frame & Curb)	4'
Industrial Drive	31	Total Rebuild/Replace	3'
Industrial Drive	32	Total Rebuild/Replace	3'
Industrial Drive	33	Total Rebuild/Replace	3'
Industrial Drive	34	Total Rebuild/Replace	3'
Industrial Drive	35	Total Rebuild/Replace	3'
Industrial Drive	36	Total Rebuild/Replace	3'
Industrial Drive	37	Total Rebuild/Replace	3'
Industrial Drive	38A	Total Rebuild/Replace	3' & Nose
Industrial Drive	38B	Total Rebuild/Replace	
Industrial Drive	39	Replace Top Block Section	3'
Industrial Drive	40	Replace Top Block Section	3'
Industrial Drive	41	Total Rebuild/Replace	4'
Industrial Drive	42	Replace Deck & Rebuild from Deck Up	3'
Industrial Drive	43	Total Rebuild/Replace	3'
Industrial Drive	44	Reset Frame & Replace Curb Only	3'
Industrial Drive	45	Tuck Point/Back Plaster Only	
Industrial Drive	46	Reset Frame & Replace Curb Only	3'
Industrial Drive	47	Reset Frame & Replace Curb Only	3'
Industrial Drive	48	Reset Frame & Replace Curb Only	3'
Industrial Drive	49	Rebuild from Deck Up	3'
Industrial Drive	50	Rebuild from Deck Up	3'

Attachment: Catch Basin_Business Park MAP (RESOLUTION 3723 : 2020 Catch Basins, Storm Sewer and Curb Contract)



11335 N. Cedarburg Road, 60W
Mequon, Wisconsin 53092

CITY OF MEQUON

WISCONSIN

BIDS RECEIVED FOR: 2020 ROAD IMPROVEMENTS FILE #3098A-20

Catch Basins, Storm Sewer, and Curb & Gutter

BID OPENING: 3/31/2020 9:45 AM
DATE TIME

BIDDER	TOTAL BASE BID			
Forward Contractors	\$551,122.00			
Always Construction	\$412,440.40			
Zenith Tech	\$333,912.90			
Mid City	\$671,880.00			
BMCI	\$483,290.00			
American Sewer	\$537,712.00			



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

www.ci.mequon.wi.us

Office of Public Works Committee

TO: Common Council
FROM: Bridget Henk, Assistant City Engineer
DATE: April 14, 2020
SUBJECT: RESOLUTION 3724 A Resolution Awarding the 2020 Crack Sealing Contract to Thunder Road, LLC of Oconomowoc, Wisconsin, in an Amount Not-to-Exceed \$220,000

Background

At its February meeting, the Public Works Committee authorized staff to advertise the 2020 Annual Road Program. The Crack sealing contract was bid in February. The bids were rejected in March by the Public Works Committee due to a discrepancy related to the submission of required pricing information by one of the proposed contractors. Subsequently, the project was re-bid for an April award with a reduced list of streets. For the Crack Seal contract base bid, staff advertised 48 miles of Crack Sealing at an estimated cost of \$173,200.

Please see the attached location map and street list for roads included in the bid.

Analysis

The City received two bids for the 2020 Crack Sealing contract with the low base bid of \$194,943 from Thunder Road, of Oconomowoc, WI. It is common that only two bids are received for the crack sealing contract.

The low bid is approximately 13% more than the original estimate. Asphalt prices and asphalt-based product prices have increased in the last year, resulting in higher costs for crack sealant. Staff recommends awarding the 48 miles of base bid streets, additive item A52 for the Mequon Nature Preserve Parking Lot and additive item A53 Mequon DPW Combined Facility Parking Lot for this contract.

The Mequon Nature Preserve has requested that asphalt treatment of the parking lot be included in the City's contract. Upon approval from the Mequon Nature Preserve, the treatment will be added and paid for by using the Mequon Nature Preserve fund. A Memorandum of Understanding (MOU) was previously approved by the Common Council in March and will be executed prior to any work being completed at the Mequon Nature Preserve.

The Department of Public Works Parking Lot was included in the bid as an alternate bid item. The prices are favorable for crack sealing the parking lot. The sealing will utilize funds earmarked for parking lots in the 2019 road program borrowing.

Proposed Work	Total
---------------	-------

Base Bid	\$194,943
Additive Bid A52 - Mequon Nature Preserve Parking Lot	\$ 2,105
Additive Bid A53 - DPW Parking Lot	\$ 2,657
Total	\$199,705

As a result of several recent contract awards, the Public Works Committee and Common Council have requested consideration of adding a contingency to the award amounts. Therefore, staff is recommending that the resolution approve an amount not to exceed \$220,000, which includes a contingency of approximately 10% (rounded up to the nearest \$1,000) for additionally authorized efforts. The contingency will not be used for additive bid items, it is intended for additional work that may be needed following this year's spring thaw.

Thunder Road has applied crack sealer in Mequon in the past and has provided a quality work product.

Work on this contract can start as soon as the contract is fully executed. The completion date for this work is August 31, 2020. The bid opening sheet is attached.

Fiscal Impact

There is adequate funding available in the Annual Road Program account to award this project.

Recommendation

It is staff's recommendation that the Public Works Committee favorably endorse, and the Common Council approve the attached resolution awarding the 2020 Crack Seal contract to Thunder Road, of Oconomowoc, WI, for an amount not-to-exceed \$220,000.

Attachments:

Crack Seal Area Map (PDF)

Crack Seal Road List (PDF)

Bid Opening Sheet (PDF)

COMMON COUNCIL
OF THE
CITY OF MEQUON

RESOLUTION 3724

A Resolution Awarding the 2020 Crack Sealing Contract to Thunder Road, LLC of Oconomowoc, Wisconsin, in an Amount Not-to-Exceed \$220,000

A. The City of Mequon Engineering Division has advertised and received bids for the 2020 Crack Sealing contract.

B. Staff has reviewed the various bids and contractor qualifications for the contracts.

C. Staff has determined that the bids received are reasonable considering the increased costs of asphalt-based material prices and that adequate funds are available to accomplish the work, and on that basis has made a recommendation to the Public Works Committee.

D. The Mequon Nature Preserve will reimburse the Road Program \$2,105 for the sealing of the parking lot at 8200 W. County Line Road pursuant to a Memorandum of Understanding previously approved by the Common Council on March 10, 2020.

E. Adequate funds for this contract are available from the Capital Project - 0410, Project: Local Road Program - 10001 account.

F. To provide for additional services that may result from the spring thaw, the contract award amount shall be affirmed with a contingency, for a total not-to-exceed cost of \$220,000.

G. The Committee on Public Works at its meeting on April 14, 2020, approved staff's recommendation.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Mequon that:

Staff is authorized to award and sign the appropriate contract agreement to Thunder Road, LLC of Oconomowoc, Wisconsin, in an amount not-to-exceed \$220,000.

Approved by: John Wirth, Mayor

Date Approved: April 14, 2020

I certify that the foregoing Resolution was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on April 14, 2020.

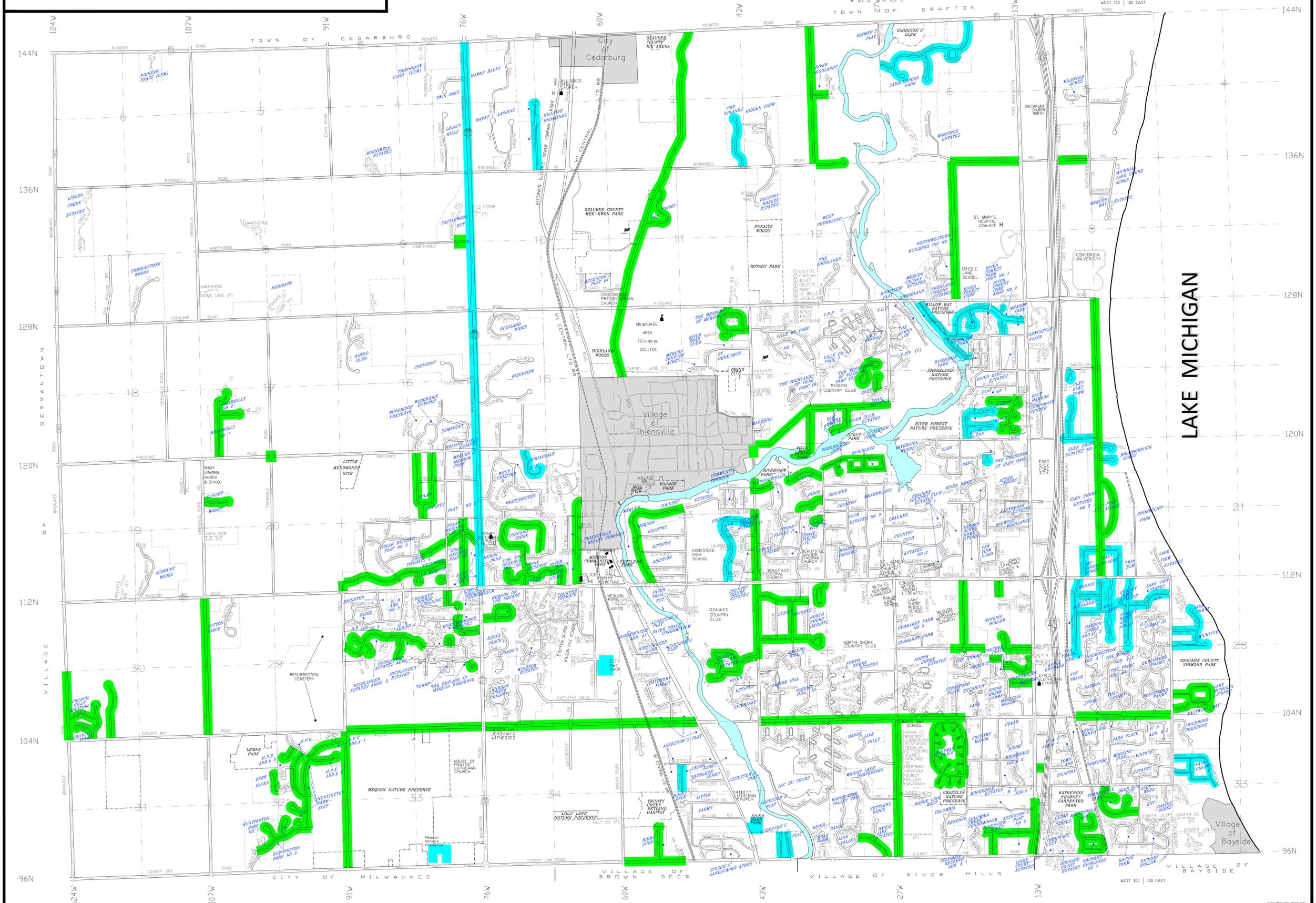
Caroline Fochs, City Clerk

 CRACK SEAL

 CRACK SEAL ADDITIVE ITEMS

CITY OF MEQUON

2020 CRACK SEAL



MAIN ROADS (North/South Roads from West to East)							
1	Wasaukee Road	Donges Bay Road	0.54 Miles North	0.54	30	M	
2	Granville Road	Mequon Road	Donges Bay Road	0.99	30	M	
3	Freistadt Road	Farmdale Road	INTERSECTION ONLY	0.1	22	VVL INTERSECTION ONLY	
4	Swan Road	Donges Bay Road	County Line Road	1	26	L	
5	Buntrock Avenue	Mequon Road	Village of Thiensville	0.64	22	VL	
6	Green Bay Road	Highland Road	Village of Thiensville	0.51	30	VVL	
7	Green Bay Road	Bonniwell Road	Highland Road	1.07	23	VVL	
8	Green Bay Road	Pioneer Road	Bonniwell Road	1.03	23	VVL	
9	River Road	Tarrytown Lane	Mequon Road	0.5	30	M	
10	River Road	Mequon Road	Laverna Avenue	0.51	26	M	
11	Range Line Road	County Line Road	Donges Bay Road	0.99	26	L	
12	Riverland Road	Bonniwell Road	Pioneer Road	1	22	L	
13	Oriole Lane	Highland Road	Bonniwell Road	0.99	20	VL	
14	Port Washington Lane	County Line Road	N Port Washington Road	0.47	32	L	
15	Lakeshore Drive	Dandelion Lane	Highland Road	0.5	28	M	
16	Lakeshore Drive	Glen Oaks Lane	Dandelion Lane	0.5	28	L	
17	Lakeshore Drive	Mequon Road	Glen Oaks Lane	1	28	L	

Attachment: Crack Seal Road List (RESOLUTION 3724 : 2020 Crack Sealing Contract)

MAIN ROADS (East/West Roads from South to North)							
18	County Line Road	Baehr Road	Garden Drive	0.45	30	VL	
19	Donges Bay Road	Lakeshore Drive	Union Pacific Rail Road	0.7	30	VL	
20	Donges Bay Road	Grasslyn Road	Range Line Road	0.5	30	L	
21	Donges Bay Road	Range Line Road	River Road	1	28	VL	
22	Donges Bay Road	CN Rail Road	Cedarburg Road	0.36	40	VVL	
23	Donges Bay Road	Commerce Street	CN Rail Road	1	34	VL	
24	Donges Bay Road	Wauwatosa Road	Commerce Street	0.2	40	L	
25	Donges Bay Road	Swan Road	Wauwatosa Road	1	22	VL	
26	Freistadt Road	River Road	Fieldwood Road	1.03	32	L	
27	Bonniwell Road	Lakeshore Drive	Northwood Lane	0.23	30	VL	
28	Bonniwell Road	Oriole Lane	N Port Washington Road	0.53	20	VL	
29	Riebs Lane	County Line Road	Cul-de-sac	0.25	22	H	
30	Andover Court	Huntington Drive	Cul-de-sac	0.13	24	VVL Re-seal in CDS	
31	Huntington Drive	Tamerlane Drive	Dead End	0.46	22	VVL	
32	Melrose Court	Huntington Drive	Cul-de-sac	0.13	24	VVL	
33	Shannon Court	Huntington Drive	Cul-de-sac	0.07	24	VVL	
34	Forrester Court	Concord Drive	Cul-de-sac	0.14	24	VVL	

Attachment: Crack Seal Road List (RESOLUTION 3724 : 2020 Crack Sealing Contract)

35	Stanford Court	Concord Drive	Cul-de-sac	0.23	22	VVL	
36	Concord Drive	Huntington Drive	Swan Road	0.83	22	VL	
37	Hunt Club Court	Hunt Club Drive	Cul-de-sac	0.15	20	M	
38	Foxkirk Drive	Concord Drive	Stanford Drive	0.4	22	VL	
39	Hayden Court	Stanford Drive	Cul-de-sac	0.14	22	VVL	
40	O'Connell Lane	Donges Bay Road	Cul-de-sac	0.43	21	VL	
41	Council Hills Drive	Donges Bay Road	Cul-de-sac	0.26	22	VVL	
42	Shawnee Pass	Council Hills Drive	Wasaukee Road	0.21	22	VVL	
43	Tomahawk Trail	Council Hills Drive	Cul-de-sac	0.12	22	VVL	
*44	Highlander Drive	Raider Court	Swan Road	0.44	26	H	
*45	Highlander Drive	Treesparrow Lane	Raider Court	0.03	26	H	
*46	Tartan Court	Highlander Drive	End	0.08	26	H	
*47	Eagle Court	Highlander Drive	End	0.08	26	H	
*48	Wildcat Way	Highlander Drive	End	0.17	26	H	
*49	Highlander Court	Highlander Drive	End	0.14	24	H	
*50	Firefly Court	Mourning Dove Lane	End	0.1	22	H	
51	Lincolnshire Drive	Mequon Road	Knightsbridge Drive	0.13	22	VVL	
52	Knightsbridge Drive	Wauwatosa Road	Kensington Drive	0.68	22	L	

Attachment: Crack Seal Road List (RESOLUTION 3724 : 2020 Crack Sealing Contract)

53	Winston Court	Knightsbridge Drive	Cul-de-sac	0.03	22	VL	
54	Mequon Square Drive	Wauwatosa Road	around circle	0.47	22	L	
55	Swan Road	Mequon Road	Poplar Drive	0.07	22	VVL	
56	Poplar Drive	Surf Change	Vega Avenue	0.28	22	L	
57	Poplar Drive	Swan Road	Surface Change	0.5	21	VVL	
58	Eastfield Circle	Vega Avenue	Cul-de-sac	0.06	22	VVL	
59	Westwood Circle	Poplar Drive	Cul-de-sac	0.08	22	VL	
60	Westwood Circle	Poplar Drive	Cul-de-sac	0.08	22	VL	
61	Hillview Drive	Tower Lane	Vega Avenue	0.22	21	VVL	
62	Solar Avenue	Mequon Road	Sunnyvale Road	0.5	21	VVL	
63	Willowbrook Drive	Vega Avenue	Wauwatosa Road	0.3	21	VVL	
64	River Birch Drive	Mequon Road	Cul-de-sac	0.61	22	VL	
65	Concord Creek Drive	Mequon Road	Oakview Court	0.85	22	L	
66	Oakview Court	Concord Creek Drive	Creekside Court	0.2	22	VL	
67	Spring Street	Village of Thiensville	Buntrock Avenue	0.04	20	VVL	
68	Sunset Woods Lane	Granville Road	Cul-de-sac	0.2	21	VVL	
69	Ridgeway Avenue	Sunnyvale Road	Freistadt Road	0.5	21	VL	
70	Silver Avenue	Ridgeway Avenue	Evergreen Road	0.22	21	VVL	

Attachment: Crack Seal Road List (RESOLUTION 3724 : 2020 Crack Sealing Contract)

71	Silver Avenue	Evergreen Road	Freistadt Road	0.23	21	VVL	
72	Briarhill Road	Freistadt Road	Wild Rose Court	0.41	22	VVL	
73	Wild Rose Court	Heather Drive	Cul-de-sac	0.11	22	VVL	
74	Heather Drive	Briarhill Road	Cul-de-sac	0.18	22	VVL	
75	River Road	Freistadt Road	0.06 Mi South	0.06	22	L	
76	Marseilles Drive	Meadow Circle W	River Road	0.16	22	VVL	
77	Marseilles Court	Meadow Circle W	Cul-de-sac	0.05	22	VVL	
78	Meadow Circle W	Meadow Circle E	End	0.26	22	VVL	
79	Meadow Circle E	Marseilles Drive	Highland Road	0.25	22	VVL	
80	Villa Grove Road	Freistadt Road	Bend to West	0.32	20	M	
81	Villa Grove Road	Bend to West	Cul-de-sac	0.14	20	M	
82	Oak Shore Lane	Freistadt Road	Cul-de-sac	0.22	13	VVL	
*83	Woodfield Court	Woodfield Drive	Cul-de-sac	0.13	22	H	
84	Golf Drive	End Divided	Around Loop	0.21	22	VVL	
85	Golf Drive	Ville du Parc Drive	End Divided	0.05	31	VVL	
86	Golf Circle	Golf Drive	around circle	0.16	24	VVL	
87	Hawthorne Road	Windsor Court	Wauwatosa Road	0.15	22	VL	
88	Silver Fox Drive	Green Bay Road	Green Bay Road	0.45	20	VVL	
89	Bonniwell Road	Riverland Road	Cul-de-sac	0.29	20	VL	

Attachment: Crack Seal Road List (RESOLUTION 3724 : 2020 Crack Sealing Contract)

90	River Drive	Riverland Road	Highland Drive	0.15	20	VVL	
91	Sunset Lane	County Line Road	Lamplighter Lane	0.3	22	VL	
92	El Rancho Drive	Port Washington Lane	Greenview Subdivision	0.25	18	VVL	
93	El Rancho Drive	Greenview Subdivision	Cul-de-sac	0.12	23	VVL	
94	Greenview Lane	County Line Road	El Rancho Drive	0.17	22	M	
95	Courtland Drive	County Line Road	Cul-de-sac	0.29	22	VVL	
96	Auburn Court	Courtland Drive	Cul-de-sac	0.18	22	VVL	
97	McIntosh Lane	Courtland Drive	Russet Lane	0.17	22	L	
98	Russet Lane	McIntosh Lane	Courtland Drive	0.18	22	L	
99	Appletree Court	Thornapple Lane	Cul-de-sac	0.12	22	VVL	
100	Deer Run Lane	Thornapple Lane	Cul-de-sac	0.11	22	VVL	
101	Thornapple Lane	Zedler Lane	Otto Road	0.44	22	VVL	
102	Charter Mall	Donges Bay Road	Around Loop	1.08	24	VVL	
103	Adams Court	Charter Mall	End	0.06	20	VVL	
104	Bancroft Court	Charter Mall	End	0.03	22	VVL	
105	Cumberland Court	Charter Mall	End	0.06	22	VVL	
106	Dickinson Court	Charter Mall	End	0.06	22	VVL	
107	Franklin Court	Charter Mall	End	0.12	22	VVL	

Attachment: Crack Seal Road List (RESOLUTION 3724 : 2020 Crack Sealing Contract)

108	Gettysburg Court	Charter Mall	End	0.13	22	VVL	
109	Holmes Court	Charter Mall	End	0.1	22	VVL	
110	Kirkland Court	Charter Mall	End	0.1	22	VVL	
111	Lee Court	Charter Mall	End	0.07	22	VVL	
112	Merrimac Court	Charter Mall	End	0.06	22	VVL	
113	Norfolk Court	Charter Mall	End	0.07	22	VVL	
114	Quincy Court	Charter Mall	End	0.09	22	VVL	
115	Raleigh Court	Charter Mall	End	0.09	22	VVL	
116	Savannah Court	Charter Mall	End	0.06	22	VVL	
117	Sierra Lane	N Port Washington Road	End	0.07	22	VL	
118	Tarrytown Lane	River Road	Sleepy Hollow Lane	0.2	22	VVL	
119	Sleepy Hollow Lane	River Valley Drive	Tarrytown Lane	0.1	22	VVL	
120	River Hollow Court	Sleepy Hollow Lane	Cul-de-sac	0.13	22	VVL	
121	River Valley Drive	Sleepy Hollow Lane	Sunnydale Lane	0.15	22	VVL	
122	Glen Cove Court	River Valley Drive	Cul-de-sac	0.05	22	VVL	
123	Sunnydale Lane	River Valley Drive	Tarrytown Lane	0.2	22	VVL	

Attachment: Crack Seal Road List (RESOLUTION 3724 : 2020 Crack Sealing Contract)

124	Haven Avenue	River Road	Hedgewood Lane	0.37	21	VVL	
125	Haven Court	Hedgewood Lane	Haven Avenue	0.17	21	VVL	
126	Scenic Avenue	River Road	Hedgewood Lane	0.38	21	VVL	
127	Crestline Road	Scenic Avenue	Haven Avenue	0.3	21	VVL	
128	Riverland Court	Mequon Road	Around Circle	0.33	21	L	
129	Sunnydale Lane	Hidden Reserve Subdivision Line	1810 Sunnydale Lane	0.35	21	VL	
130	Sunnydale Lane	1810 Sunnydale Lane	East End	0.05	18	VVL	
131	Oriole Lane	Sunnydale Road	Mequon Road	0.55	22	VVL	
132	Bel Mar Drive	Magnolia Drive	Port Washington Road	0.19	22	VVL	
133	Bradford Drive	Magnolia Drive	Winslow Drive	0.09	24	VVL	
134	Greenbriar Lane	Magnolia Drive	Port Washington Road	0.24	24	VVL	
135	De la Warr Lane	De la Warr Circle	Port Washington Road	0.06	26	VVL	
136	Winding Hollow Lane	Port Washington Road	Cul-de-sac	0.31	22	M	
*137	Market Street	Mequon Road / 167	.10 Miles South	0.1	25	H	
138	Eastwyn Bay Drive	Lake Shore Drive	Cul-de-sac	0.31	24	VVL	

Attachment: Crack Seal Road List (RESOLUTION 3724 : 2020 Crack Sealing Contract)



11335 N. Cedarburg Road, 60W
Mequon, Wisconsin 53092

CITY OF MEQUON

WISCONSIN

BIDS RECEIVED FOR: 2020 CRACK SEALING FILE #3686-20

7.g.c

BID OPENING: 3/31/2020 9:30 AM
DATE TIME

BIDDER	TOTAL BID
Thunder Road	\$194,943.00
Fahrner	\$244,126.00

Attachment: Bid Opening Sheet (RESOLUTION 3724 : 2020 Crack Sealing Contract)



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

www.ci.mequon.wi.us

Office of Public Works Committee

TO: Common Council
FROM: Bridget Henk, Assistant City Engineer
DATE: April 14, 2020
SUBJECT: RESOLUTION 3725 A Resolution Awarding the 2020 Road Improvements Contract to Stark Pavement Corporation of Brookfield, Wisconsin, in an Amount Not-to-Exceed \$447,481

Background

At its March meeting, the Public Works Committee authorized staff to advertise the 2020 Annual Road Program to include Wauwatosa Road, Eastbrook Drive, Woodberry Drive and Range Line Terrace. The estimate for the road improvements was \$415,548.

City roads are evaluated yearly to determine the surface rating. Those ratings are used to determine which roadways are completed each year as part of the annual road program. Please see the attached location map for streets included in the 2020 bid.

Analysis

The City received two bids for the 2020 Road Improvements contract with the low base bid of \$387,132.50 from Stark Pavement Corp. of Brookfield. The low bid is approximately 7% less than the estimate. The bid opening sheet is attached. Stark Pavement Corp. has performed acceptable work of this type for the City in the past. Additive amounts for shouldering and pavement repair at the Mequon Nature Preserve are recommended for award with the base bid items for a total of \$406,800.59.

	Total
Base Bid	\$387,132.59
Additive Bid A1 - Shouldering	\$5,500.00
Additive Bid D1 - Pavement Repair at Mequon Nature Preserve	\$14,168.00
Total	\$406,800.59

The Mequon Nature Preserve has also requested that pavement patching of its parking lot be included in the City's contract. Upon approval from the Mequon Nature Preserve, the patching will be added and paid for by using the Mequon Nature Preserve fund. A Memorandum of Understanding (MOU) was previously approved by the City on March 10 and will be executed prior to any work being completed at the Mequon Nature Preserve.

Mequon Business Park Discussion

The landscaping irrigation lines were installed in the Mequon Business Park in 1993. City staff have reviewed the landscaping plans and have found that the irrigation system is no longer

needed. The irrigation has not been used in the last 15 years and likely has several areas of failure. The landscaping is being maintained without the irrigation system and is in general conformance with the original landscaping plan.

The bids included both a repair cost and replacement cost. Both bidders had the same cost for repair and replacement and assumed that the entirety of the system would need to be repaired. The abandonment of the irrigation system was not specifically bid. The bid summary for the irrigation system was as follows:

Contractor	Removal	Repair
Stark	\$54,175	\$54,175
Payne and Dolan	\$23,750	\$23,750

At the March Public Works Committee meeting, Alderman Mayr recommended that staff reach out to the business owners for their input on abandonment of the system. City staff is still working on this effort. Currently, staff recommends rebidding the irrigation system for either replacement or abandonment and bringing back a recommendation to the Public Works Committee for determination. Rebidding the irrigation system will not have an impact on the pavement portion of the project, as this item is in preparation of the asphalt work which will be constructed in 2021.

The bid alternate for demolition of the Mequon Business Park’s lighting system is also recommended to be bid as a separate contract once the installation timeline for the new lighting has been determined by WE Energies. The prices received with the Road Improvement contract were significantly higher than the proposed lighting removal estimates. Similar to the irrigation system, rebidding the demolition of the lighting system will allow for the pavement portion of the project to stay on schedule.

As a result of several recent contract awards, the Public Works Committee and Common Council have requested consideration of adding a contingency to the award amounts. Therefore, staff is recommending that the resolution approve an amount not to exceed \$447,481, which includes a contingency of 10% for additionally authorized efforts. The contingency provides for additional services that may result from the unknown field conditions.

Work on this contract can start as soon as the contract is fully executed. The base bid summary is attached.

Fiscal Impact

On February 12, 2019, the Common Council approved a \$5.1 million bond issuance for a 3-year borrowing for the road program between 2019 and 2021. This is the second year of the aforementioned three year program funded by long term bonding.

The City of Mequon has applied for Local Roads Improvement Program Entitlement Project (LRIP) funding for the reconstruction of the Mequon Business Park. The construction costs are estimated at \$833,788 which includes improvements to street lighting and storm sewer repairs. The LRIP reimbursement amount is approximated to be \$85,746.64 which equates to 10.3% of

the total estimated cost. The proposed LRIP funding was approved in March 2020 and is required to be utilized by June 30, 2025. The LRIP application is available by request from the Engineering Division.

The projected cost of the 2020 Road Improvements is \$1,528,219.

Project	Bid Amount	Award Amount (with Contingency)
Flex Patch	\$ 16,890	\$ 20,000
GSB-88 Sealer	\$ 214,386	\$ 250,000
Crack Sealing	\$ 199,705	\$ 220,000
Catch Basins, Storm Sewer and Curb and Gutter	\$ 333,912	\$ 368,000
Range Line Court	\$ 312,354	\$ 332,657
Road Improvements	\$ 406,800	\$ 447,481
Subtotals	\$1,484,047	\$1,638,138
LRIP Funding	\$ 85,747	\$ 85,747
Reimbursement from Mequon Nature Preserve	\$ 24,172	\$ 24,172
Net Total	\$1,374,128	\$1,528,219

There is adequate funding available in the Annual Road Program account to award this project and maintain sufficient funds for a sidewalk repair and parking lot repair contract later in the construction season.

Recommendation

It is staff's recommendation that the Public Works Committee favorably endorse, and the Common Council approve the attached resolution awarding the 2020 Road Improvements contract to Stark Pavement Corp., Brookfield, WI for the 2020 Road Improvements for a contract award of \$447,480.65

Attachments:

Bid Opening Sheet (PDF)

Road Improvements-Area Map (PDF)

COMMON COUNCIL
OF THE
CITY OF MEQUON

RESOLUTION 3725

A Resolution Awarding the 2020 Road Improvements Contract to Stark Pavement Corporation of Brookfield, Wisconsin, in an Amount Not-to-Exceed \$447,481

A. The City of Mequon Engineering Division has advertised and received bids for the 2020 Road Improvements contract.

B. Staff has reviewed the various bids and contractor qualifications for the contracts.

C. Staff has determined that the bids received are reasonable considering the increased costs of asphalt-based material prices and that adequate funds are available to accomplish the work and on that basis has made a recommendation to the Public Works Committee.

D. The Mequon Nature Preserve will reimburse the Road Program \$14,168 for the patching of the parking lot at 8200 W. County Line Road through a Memorandum of Understanding.

E. Adequate funds for this contract are available from the Capital Project - 0410, Project: Local Road Program - 10001 account.

F. To provide for additional services that may result from the unknown field conditions, the contract award amount shall be affirmed with a contingency, for a total not-to-exceed cost of \$447,481.

G. The Committee on Public Works at its meeting on April 14, 2020, approved staff's recommendation.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Mequon that:

Staff is authorized to award and sign the appropriate contract agreement to Stark Pavement Corporation, of Brookfield WI, in the Amount not to exceed \$447,481.

Approved by: John Wirth, Mayor

Date Approved: April 14, 2020

I certify that the foregoing Resolution was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on April 14, 2020.

Caroline Fochs, City Clerk



11333 N. Cedarburg Road, 60W
Mequon, Wisconsin 53092

CITY OF MEQUON

WISCONSIN

BIDS RECEIVED FOR: 2020 ROAD IMPROVEMENTS FILE #3098-20

BID OPENING: 3/31/2020 10:15 AM
DATE TIME

BIDDER	TOTAL BASE BID	TOTAL ADDITIVE BID A	TOTAL ADDITIVE BID B	TOTAL ADDITIVE BID C	TOTAL ADDITIVE BID D	TOTAL ALTERNATE BID 13A
Stark	\$387,132.59	\$5,500.00	\$108,350.00	\$71,100.00	\$14,168.00	\$58,752.00
Payne and Dolan	\$403,972.17	\$8,350.00	\$47,500.00	\$74,655.00	\$24,686.20	\$58,630.00

Attachment: Bid Opening Sheet (RESOLUTION 3725 : 2020 Road Improvements Contract)

LEGEND

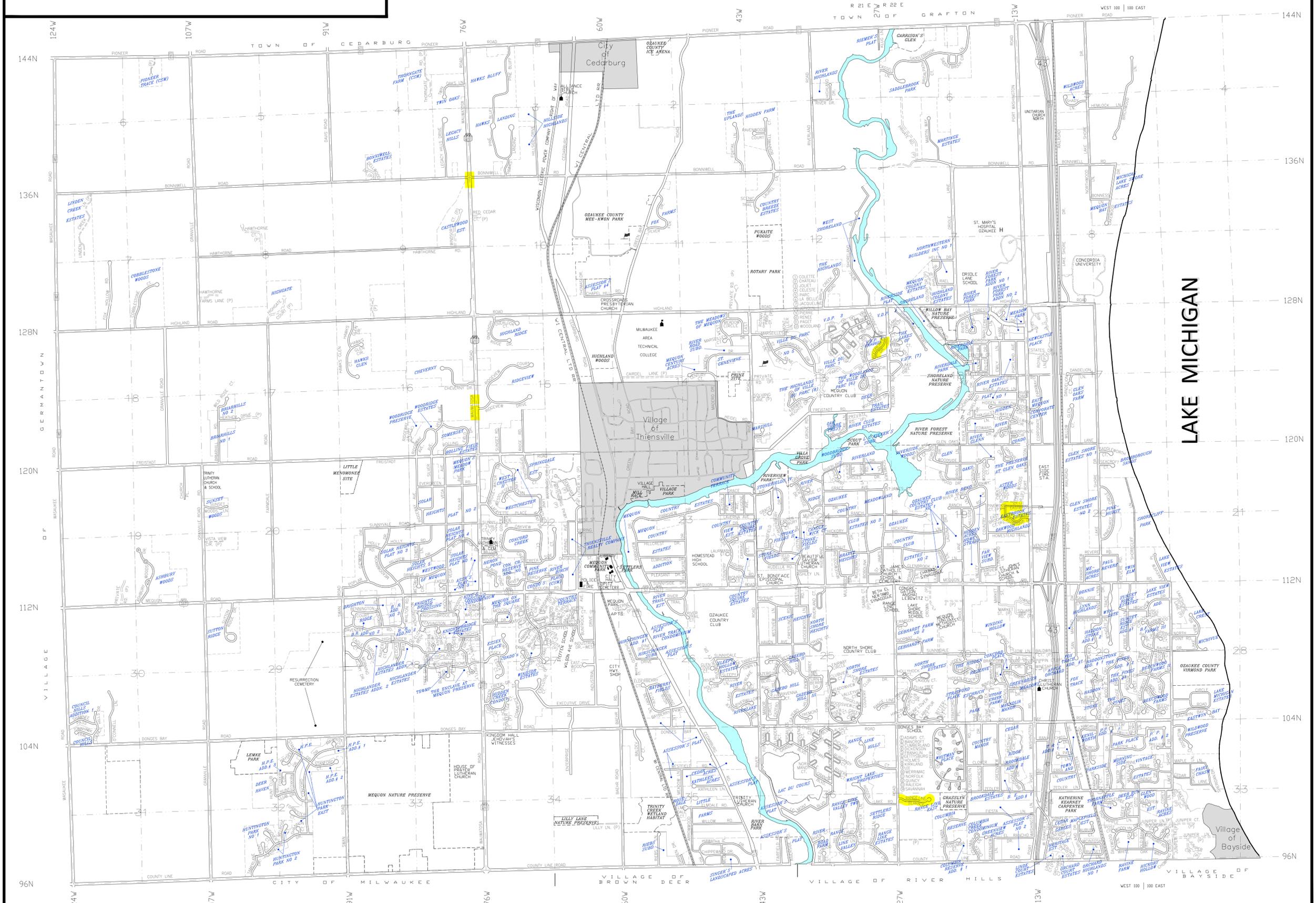
2020 ROAD IMPROVEMENTS

CITY OF MEQUON

2020 Road Improvements



0 600 1200 2400 5280 Feet
0 1/8 1/4 1/2 1 Mile



LAKE MICHIGAN

Attachment: Road Improvements-Area Map (RESOLUTION 3725 : 2020 Road Improvements Contract)



11333 N. Cedarburg Road
 Mequon, WI 53092
 Phone: 262-236-2934
 Fax: 262-242-9655

www.ci.mequon.wi.us

Office of Engineering

TO: Common Council
FROM: Kristen Lundeen, Director of Public Works/City Engineer
DATE: April 14, 2020
SUBJECT: RESOLUTION 3726 A Resolution Authorizing Execution of a Concurrence Request from the Wisconsin Department of Transportation Confirming the Section 4(f) Temporary Occupancy Finding for Installation of a Fish Creek Box Culvert in Katherine Kearney Carpenter Park as Required for the I-43 North-South Freeway Project

Background

As the final design progresses for the Wisconsin Department of Transportation (WisDOT) I-43 North-South Freeway project, WisDOT reviews the impact outside of the right-of-way. Impacts are defined as either temporary or permanent. Temporary impacts are generally required only during the construction process, whereas permanent impacts remain in place once the project is complete.

WisDOT staff identified the need for a temporary construction easement in Katherine Kearney Carpenter Park. The project will include the installation of a box culvert, which will increase the capacity of the water flowing from the west side of Port Washington Road east into Katherine Kearney Park in Fish Creek. Installation of the box culvert will temporarily impact a portion of the park during construction.

Analysis

Under state and federal guidelines, WisDOT is requesting concurrence from the City of Mequon that the impact on the park is temporary (see WisDOT letter attached). Staff does note that there will be a permanent change to the water elevation in Fish Creek as a result of the installation of the box culvert. However, modeling indicates that the increased water level will remain within the existing channel. WisDOT will restore park disturbance upon completion.

Fiscal Impact

The concurrence does not result in a direct fiscal impact to the City.

Recommendation

Staff recommends that the Public Works Committee favorably endorse and the Common Council approve the resolution authorizing signature on the concurrence request from the Wisconsin Department of Transportation confirming the Section 4(f) temporary occupancy finding for installation of a Fish Creek box culvert in Katherine Kearney Carpenter Park as required for the I-43 North-South Freeway project.

Attachments:

I-43N-S_Mequon_Carpenter_Letter_030320(PDF)

COMMON COUNCIL
OF THE
CITY OF MEQUON

RESOLUTION 3726

A Resolution Authorizing Execution of a Concurrence Request from the Wisconsin Department of Transportation Confirming the Section 4(f) Temporary Occupancy Finding for Installation of a Fish Creek Box Culvert in Katherine Kearney Carpenter Park as Required for the I-43 North-South Freeway Project

A. The Wisconsin Department of Transportation (WisDOT) will design and construct the I-43 North/South Freeway project.

B. The Project includes construction within the limits of the City of Mequon.

C. As a publicly owned park and recreational resource, Katherine Kearney Carpenter Park is subject to Section 4(f) considerations in accordance with Federal Highway Administration's (FHWA) Department of Transportation Act of 1966.

D. The Section 4(f) process provides for review procedures to consider impacts to recreational properties, including temporary impacts.

E. Fish Creek water levels will be contained within the existing stream channel in the park, which avoids impacts on recreational uses. WisDOT is committed to continued coordination with the City of Mequon and SEWRPC through the design process to manage Fish Creek water levels.

F. The temporary construction easements in the park require review under Section 4(f) and further input from the City on the temporary activities, also defined as an occupancy or use.

G. WisDOT requires a temporary easement of approximately 0.50 acres in the park to reconstruct an existing box culvert and construct a new box culvert to convey Fish Creek under I-43.

H. Construction activities are anticipated to be of short duration, approximately 8 weeks, within the anticipated one-year construction schedule in this specific section of I-43.

I. There will be no temporary or permanent impacts to the park's recreational uses and WisDOT will restore the disturbed area of the park to its prior condition.

J. The temporary impacts were presented at public involvement meetings held on January 21 and January 22, 2020. No comments were received on the presented impacts at the park.

K. Based on the anticipated project construction, the effect on the park would meet the conditions for a temporary occupancy exception and would not constitute a use of Section 4(f) resources. In order to confirm the Section 4(f) temporary occupancy finding, the City of Mequon's written concurrence is necessary.

L. At its meeting on April 14th, 2020 the Public Works Committee approved a recommendation authorizing execution of the concurrence letter as requested.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Mequon that:

The City Administrator is hereby authorized to provide written concurrence as requested by WisDOT.

Approved by: John Wirth, Mayor

Date Approved: April 14, 2020

I certify that the foregoing Resolution was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on April 14, 2020.

Caroline Fochs, City Clerk

WisDOT DTSD

Southeast Regional Office
 141 NW Barstow St., Suite 218
 P.O. Box 798
 Waukesha, WI 53187-0798

Governor Tony Evers
Secretary Craig Thompson
wisconsindot.gov
 Telephone: (262) 548-5903
 FAX: (262) 548-5662
 Email:



March 3, 2020

Mr. William Jones
 Administrator
 City of Mequon
 11333 N. Mequon Road
 Mequon, WI 53092

Re: ID: 1229-04-01
 I-43 North-South Freeway
 Silver Spring Drive to WIS 60
 Milwaukee and Ozaukee Counties

Dear Mr. Jones,

I am following up on recent meetings with Ms. Kristen Lundeen on January 13, 2020 and with you and Kristen February 13, 2020 where we discussed Fish Creek water levels in Katherine Kearney Carpenter Park and temporary construction easements required in the park related to the I-43 North-South Freeway project. As a publicly owned park and recreational resource, Katherine Kearney Carpenter Park is subject to Section 4(f) considerations in accordance with Federal Highway Administration's (FHWA) Department of Transportation Act of 1966. The Section 4(f) process provides for review procedures to consider impacts to recreational properties, including temporary impacts. As discussed with you and Kristen, Fish Creek water levels will be contained within the existing stream channel in the park, which avoids impacts on recreational uses. WisDOT is committed to continued coordination with the city of Mequon and SEWRPC through the design process to manage Fish Creek water levels.

The temporary construction easements in the park require review under Section 4(f) and further input from the City on the temporary activities, also defined as an occupancy or use. As discussed in our meetings, we anticipate a temporary easement of approximately 0.50 acres in the park to reconstruct an existing box culvert and construct a new box culvert to convey Fish Creek under I-43. Figures 1 and 2 illustrate the draft plan view of proposed work at Fish Creek in the park and proposed Fish Creek cross sections. Figure 3 shows the draft cross section of Katherine Drive at the box culvert showing the approximate end wall location. Construction activities are anticipated to be of short duration, approximately 8 weeks, within the anticipated 1-year construction schedule in this specific section of I-43. There will be no temporary or permanent impacts to the park's recreational uses and WisDOT will restore the disturbed area of the park to its prior condition. The temporary impacts were presented at public involvement meetings held on January 21 and January 22, 2020. No comments were received on the presented impacts at the park.

Based on the anticipated project construction, the effect on the park would meet the conditions for a temporary occupancy exception and would not constitute a use of Section 4(f) resources. In order to confirm the Section 4(f) temporary occupancy finding, your concurrence is necessary. I am attaching a signature sheet for your use and requesting your written concurrence within 30-days receipt of this letter. Please sign below and return the signed copy to me at the letterhead address or via email. Your prompt response is appreciated.

If you would like to discuss the project further, please contact me at the WisDOT Southeast Region office, (262) 548-6718 or by email at Steve.Hoff@dot.wi.gov.

Sincerely,

A handwritten signature in blue ink that reads "Steve Hoff".

Steve Hoff, P.E.
 Project Manager, WisDOT – SE Region
 Enclosures: Concurrence form and park impact figures

Attachment: I-43N-S_Mequon_Carpenter_Letter_030320 (RESOLUTION 3726 : WisDOT Concurrence Fish Creek)

Concurrence: As the official with jurisdiction over Katherine Kearney Carpenter Park, I hereby concur that the temporary occupancy required for Fish Creek box culvert construction for the I-43 North-South Freeway project (I.D. 1229-04-01) will not adversely affect the activities, features, and attributes that qualify the park for protection under Section 4(f) as demonstrated in this letter.

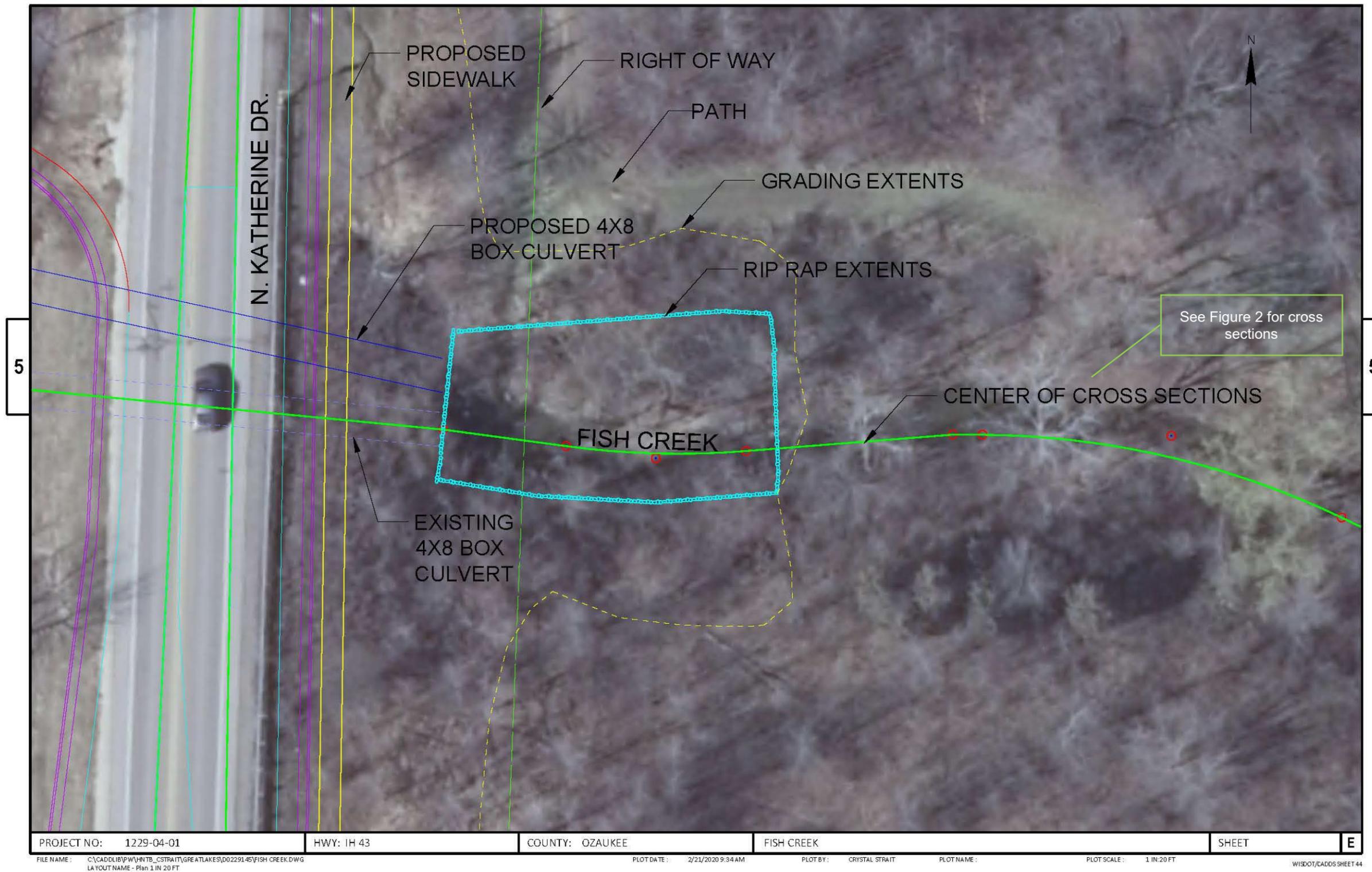
William Jones, City Administrator
City of Mequon, WI

Date:

Attachment: I-43N-S_Mequon_Carpenter_Letter_030320 (RESOLUTION 3726 : WisDOT Concurrence Fish Creek)

Figure 1: Temporary Construction Easement at Carpenter Park – Plan View

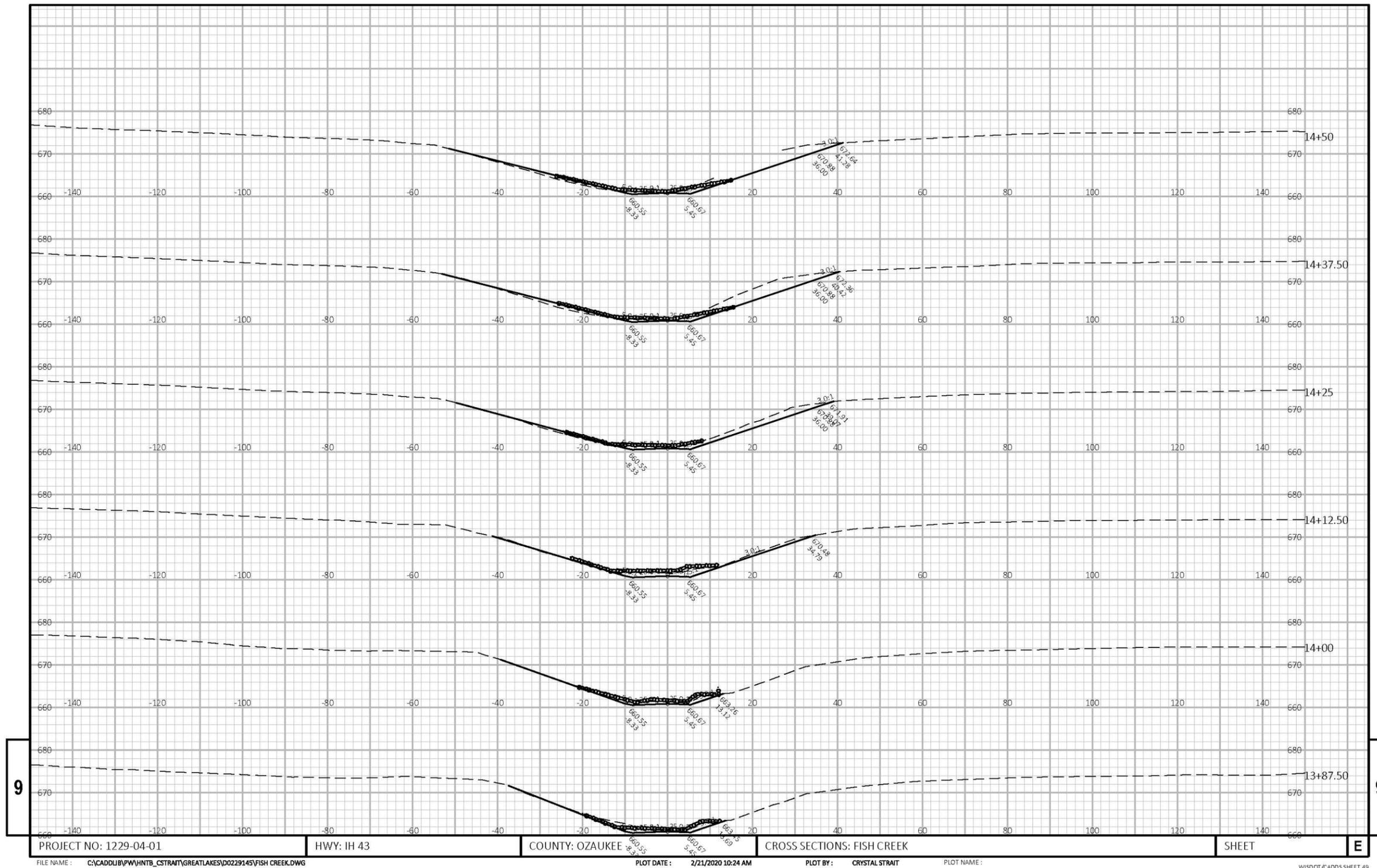
DRAFT 2/24/20



Attachment: I-43N-S_Mequon_Carpenter_Letter_030320 (RESOLUTION 3726 : WisDOT Concurrence Fish Creek)

Figure 2: Temporary Construction Easement at Carpenter Park – Fish Creek Cross Sections

DRAFT 2/24/20



9

PROJECT NO: 1229-04-01 HWY: IH 43 COUNTY: OZAUKEE CROSS SECTIONS: FISH CREEK SHEET E

FILE NAME: C:\CADD\BVP\W\HNTB_C\STRAIT\GREATLAKES\DO229145\FISH CREEK.DWG

PLOT DATE: 2/21/2020 10:24 AM

PLOT BY: CRYSTAL STRAIT

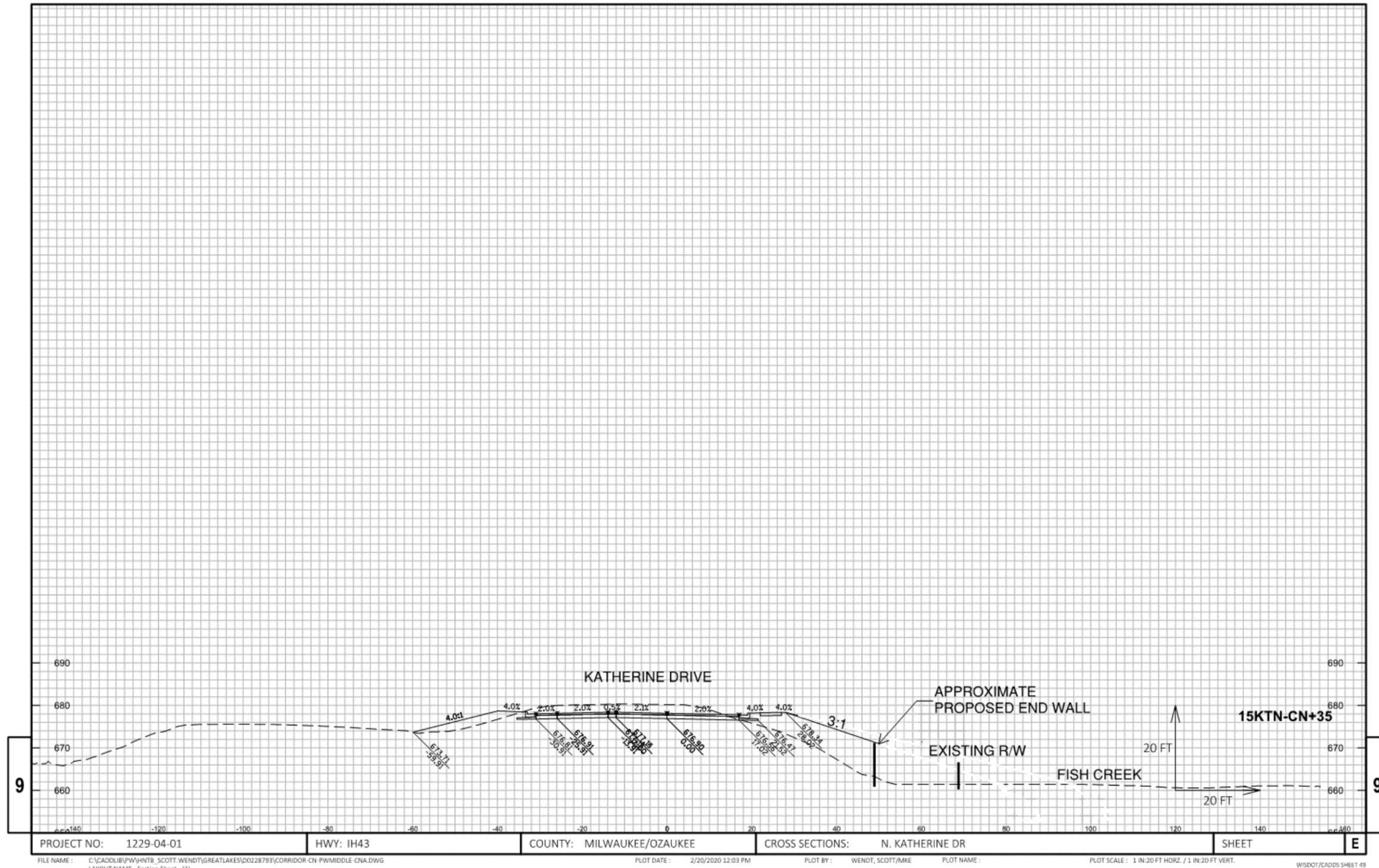
PLOT NAME:

WISDOT/C.ADDS SHEET 49

Attachment: I-43N-S_Mequon_Carpenter_Letter_030320 (RESOLUTION 3726 : WisDOT Concurrence Fish Creek)

Figure 3: Katherine Drive Cross Section at Fish Creek

DRAFT 2/24/20



PROJECT NO: 1229-04-01	HWY: IH43	COUNTY: MILWAUKEE/OZAUKEE	CROSS SECTIONS: N. KATHERINE DR	SHEET	E
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FILE NAME: C:\CADD\LIB\PW\HNTB_SCOTT.WENDY\GREATLAKES\DO228793\CORRIDOR-CN-PW\MIDDLE-CNA.DWG
 LAYOUT NAME: Section Sheet - (1)
 PLOT DATE: 2/20/2020 12:03 PM
 PLOT BY: WENDT, SCOTT/MKE
 PLOT NAME:
 PLOT SCALE: 1 IN=20 FT HORZ. / 1 IN=20 FT VERT.
 WISDOT/CADD SHEET 49

Attachment: I-43N-S Mequon_Carpenter_Letter_030320 (RESOLUTION 3726 : WisDOT Concurrence Fish Creek)



11333 N. Cedarburg Road
Mequon, WI 53092-1930
Phone: 262-242-3100
Fax: 262-242-9655

www.ci.mequon.wi.us

Office of City Attorney

TO: Common Council
FROM: Brian Sajdak, City Attorney
DATE: April 9, 2020
SUBJECT: Closed Session Land Acquisition

Background

The Common Council may enter closed session pursuant to Wis. Stat. § 19.85(1)(e) for the purpose of 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. It is anticipated that there will be a public discussion related to these land acquisitions to start the consideration of this item. However, staff will be looking for Council input with respect to specific terms to be included in the offers to purchase as well as general negotiation authority/authorization (deliberating the purchase) which, if discussed in public, would negatively impact the City's bargaining position. Accordingly, a closed session for those aspects would be appropriate.

Recommendation

Should the Council decide that it wishes to enter closed session, a motion to enter closed session pursuant to Wis. Stat. §19.85(1)(e) for the purpose of 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.