



# City of Waukesha

City Hall,  
201 Delafield Street  
Waukesha, WI 53188

## Meeting Minutes - Final City Council

*Mayor Shawn Reilly, Dist. 1 - Ald. Terry Thieme  
Dist. 2 - Ald. Eric Payne, Dist. 3 - Ald. Chris Hernandez  
Dist. 4 - Ald. Joe Pieper, Dist. 5 - Ald. Peter Bartels  
Dist. 6 - Ald. Adam Jankowski, Dist. 7 - Ald. Daniel Manion  
Dist. 8 - Vance Skinner, Dist. 9 - Kathleen Cummings  
Dist. 10 - Ald. Steve Johnson, Dist. 11 - Roger Patton  
Dist. 12 - Ald. Aaron Perry, Dist. 13 - Ald. Andy Reiland  
Dist. 14 - Ald. Joan Francoeur, Dist. 15 - Ald. Cory Payne*

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Tuesday, January 6, 2015

6:30 PM

Council Chambers, City Hall  
Use lower level glass door.

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### 1. Roll Call

**Present:** 10 - Pieper, Bartels, Patton, Perry, Francoeur, Reiland, E. Payne, Thieme, Johnson and Jankowski

**Absent:** 5 - Skinner, Cummings, C. Payne, Manion and Hernandez

### 2. Pledge of Allegiance

### 3. Public Comment

*Katie Piechotta & Erik Piechotta, 312 Maple Avenue, spoke against the Fox Head Apartment Development as presented.*

*Ald. C. Payne and Ald. Cummings arrived during Public Comment.*

### 4. Approval of Minutes

#### A. [ID#14-1727](#) Minutes for 12-16-14

**A motion was made by Ald. Thieme, seconded by Ald. Pieper, that Minutes for 12-16-14 be approved. The motion carried by the following vote:**

**Aye:** 12 - Pieper, Bartels, Cummings, Patton, Perry, Francoeur, C. Payne, Reiland, E. Payne, Thieme, Johnson and Jankowski

**Absent:** 3 - Skinner, Manion and Hernandez

### 5. Open Public Hearings

*Public Hearing Speakers: Katie Piechotta, Jeanne Comfrey, Mary Jane Sanches, Tom Smith, and Erik Piechotta.*

*Ald. Skinner arrived during the Public Hearing.*

**A motion was made by Ald. Joan Francoeur, seconded by Council President Eric E. Payne, that this the Public Hearing be opened. The motion carried by the following vote:**

**Aye:** 12 - Pieper, Bartels, Cummings, Patton, Perry, Francoeur, C. Payne, Reiland, E. Payne, Thieme, Johnson and Jankowski

**Absent:** 3 - Skinner, Manion and Hernandez

- A.**     [ID#14-1410](#)   Land Use Plan Amendment - Change land use for 211 and 223 Maple Avenue from Industrial to Commercial.
- B.**     [PC14 -0138](#)   Rezone 211 and 223 Maple Avenue from M-2 and B-3 to B-3 PUD.

## 6. Motion to Close Public Hearings

**A motion was made by Ald. Pieper, seconded by Council President E. Payne, to close the Public Hearing. The motion carried by the following vote:**

**Aye:** 13 - Pieper, Bartels, Skinner, Cummings, Patton, Perry, Francoeur, C. Payne, Reiland, E. Payne, Thieme, Johnson and Jankowski

**Absent:** 2 - Manion and Hernandez

## 7. Action on Public Hearings

**A motion was made by Ald. Perry, seconded by Ald. E. Payne to Deny the Land Use Plan Amendment for 211 & 223 Maple Avenue from Industrial to Commercial. No vote was taken on this motion.**

**A motion was made by Ald. Skinner, seconded by Ald. Andy Reiland, to allow discussion. The motion carried by the following vote:**

**Aye:** 10 - Pieper, Bartels, Skinner, Cummings, Patton, Francoeur, C. Payne, Reiland, Johnson and Jankowski

**Nay:** 3 - Perry, E. Payne and Thieme

**Absent:** 2 - Manion and Hernandez

- A.**     [ID#14-1410](#)   Land Use Plan Amendment - Change land use for 211 and 223 Maple Avenue from Industrial to Commercial.

**A motion was made by Ald. Cummings, seconded by Ald. Skinner to postpone Item #14-1410 to the January 20th Council Meeting. The motion carried by the following vote:**

**Aye:** 9 - Pieper, Bartels, Skinner, Cummings, Patton, Francoeur, Reiland, Thieme and Jankowski

**Nay:** 3 - Perry, E. Payne and Johnson

**Absent:** 3 - C. Payne, Manion and Hernandez

- B. [PC14-0138](#) Rezone 211 and 223 Maple Avenue from M-2 and B-3 to B-3 PUD.

**A motion was made by Ald. Francoeur, seconded by Ald. Pieper, that the Rezoning petition be postponed until January 20th. The motion carried by the following vote:**

**Aye:** 10 - Pieper, Bartels, Skinner, Cummings, Patton, Francoeur, C. Payne, Reiland, Thieme and Jankowski

**Nay:** 3 - Perry, E. Payne and Johnson

**Absent:** 2 - Manion and Hernandez

## 8. New Business

- B. [ID#14-1753](#) Review and Act on a request of the Cemetery Commission to expend \$86,315 from the Cemetery Development Fund to complete the construction of the Neumann Tower to increase the inventory for the sale of niches and other burial facilities.

**A motion was made by Ald. Jankowski, seconded by Ald. Cummings to approve the request of the Cemetery Commission to expend \$86,315 from the Cemetery Development Fund to complete the construction of the Neumann Tower to increase the inventory for the sale of niches and other burial facilities. The motion carried by the following vote:**

**Aye:** 12 - Pieper, Bartels, Skinner, Cummings, Perry, Francoeur, C. Payne, Reiland, E. Payne, Thieme, Johnson and Jankowski

**Nay:** 1 - Patton

**Absent:** 2 - Manion and Hernandez

- A. [ID#14-1710](#) Recognition of Retiring City Administrator Ed Henschel

## Consent Agenda

**A motion was made by Ald. Steve Johnson, seconded by Council President Eric E. Payne, that the Consent Agenda be approved as amended (with removal of Ordinance & License Bartender Application of Gloria Ynocencio and #14-1318 Amendment to Chapter 5.04 of the Municipal Code). The motion carried by the following vote:**

**Aye:** 13 - Pieper, Bartels, Skinner, Cummings, Patton, Perry, Francoeur, C. Payne, Reiland, E. Payne, Thieme, Johnson and Jankowski

**Absent:** 2 - Manion and Hernandez

## 1. Other Boards and Commissions

- A. [ID#14-1660](#) Approval of Resolution Authorizing Filing of CMAQ Grant Application for Bus Purchase  
*(Resolution 4-15 adopted)*
- B. [ID#14-1683](#) Proposed 2015 JanBoree Special Event Cooperative Agreement with Waukesha County Park System  
Approved by Parks, Recreation & Forestry on December 15, 2014

## **2. Standing Committees**

### **A. Ordinance & License Committee - Ald. Johnson**

#### 1. Licenses

- A. [ID#14-1731](#) INVITED Bartenders
- B. [ID#14-1732](#) Bartenders Applications
- C. [ID#14-1733](#) INVITED Other Applications for licenses considered by Ordinance & License Committee on December 8, 2014
- D. [ID#14-1734](#) Other Applications for licenses considered by Ordinance & License Committee on December 8, 2014

#### 2. Ordinances

- A. [ID#14-1317](#) Amend Chapter 4.11 of the Municipal Code to change the appointing authority of the duties of the Comptroller from the City Administrator to the Common Council Finance Committee.  
First Reading 12-16-14  
Second Reading 1-6-15  
Third Reading 1-20-15
- B. [ID#14-1318](#) Amend Chapter 5.04 of the Municipal Code to change the appointing authority of Directors and Managers from the Mayor to the City Administrator.  
First Reading 12-16-14  
Second Reading 1-6-15  
Third Reading 1-20-15

*This item was removed from consent and handled under Ordinance & License Report.*

### **B. Human Resources - Ald. Francoeur**

1. [ID#14-1697](#) Shift differential for non-represented non-exempt employees to include an amendment to Human Resources Policy C-6 - Overtime Pay, Compensatory Time and Out of Classification Pay effective January 1, 2015.
2. [ID#14-1708](#) Amend Staffing Resolution (HR Policy B-16) for the Parks, Recreation & Forestry Department by adding one Permanent Part-Time position working 20 to 25 hours per week year round (0.5 FTE).

### **C. Board of Public Works - Dr. Fred Abadi**

1. [ID#14-1686](#) Approve proposed revision to the Sewer Connection Charge Resolution and Schedule
2. [ID#14-1688](#) Approve one year contract extension for Hauling Bio-solids at the Wastewater Treatment Plant with United Liquid Waste Recycling Inc.
3. [ID#14-1724](#) Approve Intergovernmental Cooperation Agreement Between the City of Waukesha and the Town of Waukesha.
4. [ID#14-1679](#) Approve Resolution to prepare Plans and Specifications for the construction of:
  - a.) Heyer Park Tennis Courts
  - b.) W. Main St. and Maple Ave. Utility and Road Improvements
  - c.) Les Paul Bandshell Remodeling ProjectBoard recommends approval by Council Consent.  
*(Resolution 1-15, 2-15 and 3-15 adopted)*
5. [ID#14-1609](#) Approve Contract Change Order No.1 with CPR, Inc. for Concrete Pavement Patching & Concrete Sawing
6. [ID#14-1680](#) Approve Storm Water Management Practice Maintenance Agreement with Clearwater Apartments, LLC

**End of Consent**

### **Reports**

9. Other Boards and Commissions

- A. Transit Commission Report - Dr. Fred Abadi
- B. Water Utility Commission - Ald. Thieme
- C. Information Technology Board Report - Ald. Jankowski/Ald. Manion
- D. Landmarks Commission Report - Ald. Francoeur
- E. Redevelopment Authority Report - Jennifer Andrews
- F. Parks, Recreation & Forestry Board Report - Ald. Johnson
- G. Library Board Report - Ald. Reiland
- H. Cemetery Commission Report - Ald. Jankowski
- I. Waukesha Housing Authority Report - Ald. Hernandez
- J. Community Development Block Grant Committee Report - Jennifer Andrews
- K. Public Art Committee Report - Ald. Cummings
- 10. Plan Commission - Jennifer Andrews

- A. [PC14 -0135](#) Fox Head Residence, 221 Maple Avenue - Revised preliminary Site Plan & Architectural PUD Review

**A motion was made by Ald. Francoeur, seconded by Ald. Jankowski, that Fox Head Residence, 221 Maple Avenue - Preliminary Site Plan & Architectural PUD Review Site Plan & Architectural Review be postponed to January 20th. The motion carried by the following vote:**

**Aye:** 8 - Pieper, Skinner, Cummings, Francoeur, Reiland, Thieme, Johnson and Jankowski

**Nay:** 2 - Perry and E. Payne

**Absent:** 4 - Bartels, C. Payne, Manion and Hernandez

**Abstain:** 1 - Patton

- B. [15-2424](#) Consider and act on proposed lease of vacant city property to La Casa de Esperanza

**A motion was made by Ald. Francoeur, seconded by Ald. Johnson, approving the proposed lease of vacant city property to La Casa de Esperanza with provision that an offer to purchase be provided or the lease terminate by June 15, 2015. The motion carried by the following vote:**

**Aye:** 12 - Pieper, Bartels, Skinner, Patton, Perry, Francoeur, C. Payne, Reiland, E. Payne, Thieme, Johnson and Jankowski

**Nay:** 1 - Cummings

**Absent:** 2 - Manion and Hernandez

11. Standing Committees

- A. Finance Committee Report - Ald. Pieper
- B. Building & Grounds Committee Report - Ald. E. Payne
- C. Ordinance & License Committee Report - Ald. Johnson

**A motion was made by Ald. Steve Johnson, seconded by Ald. Andy Reiland, that Bartender Applicant Gloria Ynocencio be denied. The motion carried by the following vote:**

**Aye:** 13 - Pieper, Bartels, Skinner, Cummings, Patton, Perry, Francoeur, C. Payne, Reiland, E. Payne, Thieme, Johnson and Jankowski

**Absent:** 2 - Manion and Hernandez

[ID#14-1318](#) Amend Chapter 5.04 of the Municipal Code to change the appointing authority of Directors and Managers from the Mayor to the City Administrator.

First Reading 12-16-14

Second Reading 1-6-15

Third Reading 1-20-15

**A motion was made by Ald. Johnson, seconded by Ald. Reiland that to approve the second reading of the Amended Chapter 5.04 of the Municipal Code to change the appointing authority of the City Administrator. The motion carried by the following vote:**

**Aye:** 10 - Pieper, Bartels, Skinner, Patton, Perry, Francoeur, C. Payne, Reiland, Thieme and Johnson

**Nay:** 3 - Cummings, E. Payne and Jankowski

**Absent:** 2 - Manion and Hernandez

2. [ID#14-1623](#) Consider and act on proposed revisions to Municipal Code sec. 11.09, regarding the purchase and possession by minors of tobacco products, and sec. 11.095, regarding the sale of tobacco products to minors, to add nicotine-containing products, such as e-cigarettes, to the list of prohibited items.  
First Reading 1-6-15  
Second and Third Readings waived by Ald. Johnson on December 8, 2014.

**A motion was made by Ald. Johnson, seconded by Ald. Reiland, that ID#14-1623 Consider and act on proposed revisions to Municipal Code sec. 11.09, regarding the purchase and possession by minors of tobacco products, and sec. 11.095, regarding the sale of tobacco products to minors, to add nicotine-containing products, such as e-cigarettes, to the list of prohibited items be approved with request to waive 2nd & 3rd readings. (Ordinance 1-15 adopted). The motion carried by the following vote:**

**Aye:** 13 - Pieper, Bartels, Skinner, Cummings, Patton, Perry, Francoeur, C. Payne, Reiland, E. Payne, Thieme, Johnson and Jankowski

**Absent:** 2 - Manion and Hernandez

3. [ID#14-1730](#) Consider and act on a recommendation of the Ordinance and License Committee to repeal Municipal Code sec. 8.19, regarding regulation of massage businesses, which is now superseded by state law that prohibits local regulation of massage therapy businesses.  
First Reading 1-20-15  
Second Reading 2-3-15  
Third Reading 2-19-15

**A motion was made by Ald. Johnson, seconded by Ald. Thieme, to approve the repeal of Municipal Code sec. 8.19, regarding regulation of massage businesses, which is now superseded by state law that prohibits local regulation of massage therapy businesses. The motion carried by the following vote:**

**Aye:** 13 - Pieper, Bartels, Skinner, Cummings, Patton, Perry, Francoeur, C. Payne, Reiland, E. Payne, Thieme, Johnson and Jankowski

**Absent:** 2 - Manion and Hernandez

4. [ID#14-1647](#) Review and act on multiple revisions to Chapter 27, Signs and Outdoor Advertising.  
First Reading 1-20-15  
Second Reading 2-3-15  
Third Reading 2-19-15

**A motion was made by Ald. Johnson, seconded by Ald. Thieme, that Approve multiple revisions to Chapter 27, Signs and Outdoor Advertising. be approved. The motion carried by the following vote:**



## D. Human Resources Committee Report - Ald. Francoeur

## 12. Board of Public Works Report - Dr. Fred Abadi

## 13. Director of Public Works Report

## 14. City Attorney's Report

## 15. City Administrator's Report

A. [ID#14-1726](#) City Administrator's Report 1-6-15

## 16. Mayor's Report &amp; Referrals

A. [ID#14-1725](#) Mayor's Summary of Meetings and/or EventsB. [ID#14-1789](#) 2014 Ugly Sweater Contest Results

## 17. Referrals

*Ald. Patton to Building and Grounds to move the 15 minute parking sign from South of the alley at 740 N. Grand to keep cars from parking in the alley entrance thinking it is a parking place.*

*Ald. Patton to Building and Grounds to remove extra cars from the east side of Baxter Street.*

*Ald. E. Payne to Board of Public Works to please review fees for residents 62 and older at drop off center for vehicles with trailers.*

*Ald. Skinner to Building and Grounds to place "Yield to Pedestrian" signs on College Avenue approaching the Charles St. Intersection and Randall Stem Academy.*

## 18. Adjournment

**A motion was made , seconded by Ald. Joe Pieper, that the meeting be adjourned. The motion carried by the following vote:**

**Aye:** 13 - Pieper, Bartels, Skinner, Cummings, Patton, Perry, Francoeur, C. Payne, Reiland, E. Payne, Thieme, Johnson and Jankowski

**Absent:** 2 - Manion and Hernandez

Shawn Reilly, Mayor  
City of Waukesha

NOTICE: Any person who has a qualifying disability under the Americans with Disabilities Act that requires that the meeting be accessible or that materials at the meeting be in an accessible format, please contact Fred Abadi, 48 hours prior to the meeting at 524-3600, FAX 524-3898, or by the Wisconsin Telecommunications Relay System so that arrangements may be made to accommodate the request.