



# City of Waukesha

City Hall,  
201 Delafield Street  
Waukesha, WI 53188

## Meeting Agenda - 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 - Ald. 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, October 7, 2014

6:30 PM

Council Chambers, City Hall  
Use lower level glass door.

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### Council Chambers, City Hall

1. Roll Call
2. Pledge of Allegiance
3. Announcement of Closed Sessions pursuant to Wis. Stats. 19.85(1)(g); to confer with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved:
  - A. Alan B. Schulthess v. City of Waukesha, WC claim number 2011008834
  - B. City of Waukesha v. The Fifield Group, LLC, et al., Waukesha County Circuit Court case number 14 CV 1415
  - C. Disbursement of BID Funds
4. Public Comment

*City Residents and Taxpayers Only - Limited to three minutes/speaker, ending 8:00 p.m.*
5. Approval of Minutes
  - A. **ID#14-1250** Approval of Minutes for September 16, 2014
6. Public Hearings

*Format - Introduction by Professional Staff/Hearing/Comments by Council/Official*

- A. **ID#14-0889** Zoning Code Modification – Amend Section 22.56(2), ‘Setback Averaging,’ so it no longer mandates that residential homes must be set back further from the street than the Zoning Code normally requires if they are located next to other homes that are set back further from the street than required.
- B. **ID#14-1082** Public Hearing - Fall 2014 Street Tree Planting Program
- Sponsors: Parks and Recreation & Forestry

## 7. New Business

- A. **ID#14-1239** Determination of whether to schedule a Committee of the Whole meeting to discuss the future of the Cemetery, to determine the date of the meeting, and to determine who will be invited to participate in the meeting.
- Sponsors: Mayor

## Consent Agenda

*Items under the Consent Agenda have passed unanimously out of committee. Unless a member of the Common Council specifically requests that an item on the Consent Agenda be removed and considered separately, items on the Consent Agenda are considered under one motion, second and a roll call vote. Any item removed from Consent Agenda will be discussed under the appropriate committee, board or commission on the Regular Agenda.*

## 1. Other Boards and Commissions

### 2. Plan Commission - Jennifer Andrews

- A. **PC14 -0116** Oberlin Filter - 827 Silvernail Road - Certified Survey Map
- Legislative History
- |         |                 |                          |
|---------|-----------------|--------------------------|
| 9/24/14 | Plan Commission | approved with conditions |
|---------|-----------------|--------------------------|

## 3. Standing Committees

### A. Finance Committee - Ald. Pieper

1. **ID#14-1161** Review and act on a request to recommend the Common Council approve retaining a special prosecutor for a conflict of interest case involving a City employee.
- Sponsors: Attorney's Office

2. **ID#14-1202** Review and act on a request to recommend the Common Council approve retaining a special prosecutor for a conflict of interest case involving a City employee.
- Sponsors: Attorney's Office
- Legislative History
- 9/30/14 Finance Committee approved
3. **ID#14-1168** Review and act on a request to recommend the Common Council to renew the Haz-Mat contract with Waukesha County.
- Sponsors: Fire Department
- Legislative History
- 9/30/14 Finance Committee approved

### **B. Building & Grounds Committee - Ald. E. Payne**

1. **ID#14-0809** Install a "No Outlet" sign at the intersection of Griffith Ct. and Prairie Song Dr.
- Sponsors: Francoeur
- Legislative History
- 8/18/14 Building and Grounds held  
*Ald. Payne requested that this sign, if approved, be paid for by the development escrow account since the subdivision is still in the process of being built. Committee members would like to place this item on hold until Ald. Francoeur is available to discuss more on it.*
- 9/15/14 Building and Grounds recommended for Council Consent to the City Council
2. **ID#14-0887** Establish a two way stop sign and crosswalk on Rempe Drive at Wildberry Ct.
- Sponsors: Cummings
- Legislative History
- 9/15/14 Building and Grounds recommended for Council Consent to the City Council  
*The vote was to approve the installation of an All-Way Stop only.*

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

#### 1. Licenses

- a. **ID#14-1172** INVITED Bartenders Applications
- Sponsors: Clerk/Treasurer
- Legislative History

- 9/22/14 Ordinance & License Committee recommended for Council Consent to the City Council  
*Wayne Reece appeared before the Committee at its request. His agent appeared with him. Reece has possession of paraphernalia and narcotics charges from 2013 that are "pending". Reece says he was taken to the police station and he was released. His agent said he has been a great manager.*
- 9/22/14 Ordinance & License Committee recommended for Council Consent to the City Council  
*Joshua Zank appeared before the Committee at its request. He appeared with Kari Klink, agent for Salty Toad. Zank was cited for open intoxicants in vehicle. Zank said he was helping a friend move who had cans in his vehicle when they were pulled over by police. He has work for Klink for four years and is a good employee.*

**b. ID#14-1163 Bartender Applications**

**Sponsors:**

Clerk/Treasurer

**Legislative History**

- 9/22/14 Ordinance & License Committee recommended for Council Consent to the City Council  
*Remaining bartenders*

**c. ID#14-1164 Eagles Club request for Extension of Premise for Octoberfest**

**Sponsors:**

Clerk/Treasurer

**Legislative History**

- 9/22/14 Ordinance & License Committee recommended for Council Consent to the City Council  
*Entrance to the fenced area will be through the hall only. Beer will be sold outdoors.*

**d. ID#14-1165 Montessori School of Waukesha, request for Temporary "Class B" Retailer's License for MSOW's 50th Anniversary Gala to be held on October 4th, 2014 at the school.**

**Sponsors:**

Clerk/Treasurer

**Legislative History**

- 9/22/14 Ordinance & License Committee recommended for Council Consent to the City Council

2. Ordinances

**D. Human Resources - Ald. Francoeur**

**1. ID#14-0881 Request for vacation accrual adjustment from Asst. City Attorney Gay.**

**Legislative History**

- 9/17/14 Human Resources Committee recommended for Council Consent to the City Council

**End of Consent****Reports**

8. 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
9. Plan Commission - Jennifer Andrews
10. Standing Committees
  - A. Finance Committee Report - Ald. Pieper
    1. **ID#14-1169** Review and act on a request to recommend the Common Council approve an agreement between the City of Waukesha and the City of New Berlin to provide fire and EMS services to a portion of the City of New Berlin adjacent to Waukesha.  
  
**Sponsors:** Fire Department
  - B. Building & Grounds Committee Report - Ald. E. Payne

### C. Ordinance & License Committee Report - Ald. Johnson

- a. **ID#14-0741** Review and act on proposed amendment to Chapter 2.01, 3.06, and 3.08 of the Municipal Code to change the appointing authority of Directors and Managers from the Mayor to the City Administrator  
 First Reading 10-7-14  
 Second Reading 10-21-14  
 Third Reading 11-06-14

**Sponsors:**

City Administrator

**Legislative History**

7/28/14 Ordinance & License Committee recommended for approval to the City Council

*Mayor Reilly welcomes a discussion regarding these changes. He feels these changes will help the City be more professional and will be more fitting for a system with a city administrator. He said the mayor will continue to be involved in the process of hiring.*

*City Administrator Henschel stated the ordinances were most likely written before the City had a city administrator. In his career as a city administrator, this position is one in which he has had the most responsibility and the least amount of authority. He said this takes nothing away from the mayor. He said most of the current appointments are made by the mayor with council approval. He would like the manager appointments to be made by the city administrator with council approval, with the exception of positions governed by state statute. The change would help attract high qualified candidates for the upcoming city administrator vacancy.*

8/19/14 City Council amended

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

1. **ID#14-0877** Amendments to HR Policy B-17 - Employment of Limited Term Personnel - to limit the term of limited term employment to six (6) months unless approved by the City Administrator with pay rates to be approved by City Administrator. If amendments to HR Policy B-17 are not approved, request to increase pay rate for limited term Project Engineer from \$15.00 per hour to \$17.50 per hour effective January 2, 2014 and a request to increase to increase Pollworker Chief pay from \$8.50 per hour to \$9.50 per hour for the 2014 fall election and Pollworker pay in 2015 from \$7.50 per hour to \$8.50 per hour.

**Legislative History**

9/17/14 Human Resources Committee recommended for approval to the City Council

2. **ID#14-0878** HR Policy B-11 - Amendment to Policy B-11 to require approval of pay rates for Cooperative students by the City Administrator. If amendment to HR Policy B-11 is not approved, request to increase pay rate for Engineering Co-op students from \$11.00 to \$12.50 per hour with \$1.00 per hour increase per work session.

Legislative History

9/17/14 Human Resources Committee recommended for approval to the City Council

11. Board of Public Works Report - Dr. Fred Abadi

- A. **ID#14-1098** Disposition of the vault beneath public sidewalks at 802 N. Grand Ave. St. associated with future downtown street reconstruction projects.

a. Rescind the order by the Board of Public Works given at the July 17, 2014 meeting to retain the existing vault with a design plan approved by the Engineering Staff. Design and construction completed and paid for by the owner prior to October 2016. . It has been field verified that the vault does not extend into the City Right-of-Way.

Sponsors:

Public Works

Legislative History

9/18/14 Board of Public Works recommended for approval to the City Council

- B. **ID#14-1160** Bids Received: Thursday, September 11, 2014 at 10:00 a.m. by Waukesha Water Utility  
 a. S. East Ave. Water Main Replacement - STH 164 to Rivera Dr. Board recommends the Common Council concur with the Waukesha Water Utility Commission's award to Advance Construction on their low bid.

Sponsors:

Public Works

12. Director of Public Works Report

13. City Attorney's Report

14. City Administrator's Report

- A. **ID#14-1236** City Administrator's Report

15. Mayor's Report & Referrals

- A. **ID#14-1235** Mayor's Summary of Meetings and/or Events

16. Referrals

## 17. Closed Session

- A. ID#14-1256** A motion will be made pursuant to Wis. Stats. §19.85(1)(g) to go into closed session to confer with the City Attorney to discuss the status and possible settlement of the worker compensation case titled Alan B. Schulthess v. City of Waukesha, WC claim number 2011008834.
- B. ID#14-1257** A motion will be made pursuant to Wis. Stats. §19.85(1)(g) to go into closed session to confer with the City Attorney regarding a settlement proposal received in the lawsuit captioned City of Waukesha v. The Fifield Group, LLC, et al., Waukesha County Circuit Court case number 14 CV 1415. Upon conclusion of closed sessions, a motion will be made to reconvene in open session, and action may be taken upon matters discussed in closed session.
- C. ID#14-1258** A motion will be made pursuant to Wis. Stats 19.85 (1)(g) to go into closed session to confer with the City Attorney to discuss the legal issues relating to the disbursement of BID funds.

18. Reconvene into open session pursuant to Wis. Stats. 19.85(2) for possible additional discussion and/or action concerning any of the issues discussed in closed session.

## 19. Adjournment

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.