



City of Waukesha

City Hall,
201 Delafield Street
Waukesha, WI 53188

Meeting Minutes - Final

City Council

Tuesday, June 15, 2021

6:30 PM

Common Council: Council Chambers
Public: In Person (Limited Capacity) or Virtual
https://waukesha-wi.zoom.us/webinar/register/WN_eG8Luk38Qx2Q7zDy0_bNMg
Web ID: 996 9981 4126
Passcode: 231594
Phone: 877-853-5247
Register for Public Comment by 4 pm

1. Roll Call

Present: 14 - Pieper, Bartels, Cummings, Manion, Johnson, Rodriguez, D. Lemke, E. Payne, Wells, Moltzan, Miller, R. Lemke, C. Payne and Browne

Absent: 1 - McElderry

2. Announcement of Closed Session pursuant to Wis. Stat. 19.85(1)(g) to go into closed session to confer with legal counsel concerning strategy with respect to litigation in which the City is likely to be involved.

There was an announcement of the Closed Session.

3. Pledge of Allegiance

4. Public Comment

5. Approval of Minutes

A. [ID#21-2409](#) Minutes from June 1, 2021

A motion was made by Ald. Miller, seconded by Ald. R. Lemke, to approve the Minutes from June 1, 2021. The motion carried by the following vote:

Aye: 14 - Pieper, Bartels, Cummings, Manion, Johnson, Rodriguez, D. Lemke, E. Payne, Wells, Moltzan, Miller, R. Lemke, C. Payne and Browne

Absent: 1 - McElderry

Consent Agenda

Ald. Rodriguez indicated that at Item #21-2410 Invited Bartenders, applications from Tina Bogues & Brittney McCoy, are held. The remainder of the Consent Agenda passed by unanimous consent.

1. Other Boards and Commissions

- A. [ID#21-2346](#) Approval of 2021 Urban Mass Transit Operating Assistance Agreement with the State of Wisconsin Department of Transportation
- B. [ID#21-2355](#) Public Art Donation- Recommendation for new artwork donated to the city. Water Works panels

2. Plan Commission

3. Standing Committees

A. Finance Committee - Ald. Pieper

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

C. Ordinance & License Committee - Ald. Johnson

1. Licenses

- A. [ID#21-2410](#) Invited Bartender
- B. [ID#21-2411](#) Bartenders
- C. [ID#21-2412](#) Invited Other Licenses
- D. [ID#21-2413](#) Other Licenses

D. Human Resources - Ald. Manion

E. Board of Public Works - Dr. Fred Abadi

- A. [ID#21-2361](#) Review and act on the selection of the vendor and contract for the Police Department Locker and High-Density Storage using the City's Sourcewell account.
- B. [ID#21-2362](#) Approve Storm Water Management Practice Maintenance Agreement between City of Waukesha and Cornerstone Development, LLC, the for property located along Tenny Avenue, south of E. Sunset Avenue, and north of Les Paul Avenue (Bypass) for development of Aspen Overlook Condominiums, Standing Stone Condominiums, and Standing Stone Subdivision.
- C. [ID#21-2366](#) Review and act on two offers prepared by Single Source Inc. for the 2022 STP St Paul Avenue Project, WisDOT ID: 2718-04-71

End of Consent Agenda

6. New Business

- A. [ID#21-2322](#) Review and take action on criteria for creating new wards and aldermanic districts with 2020 census data

A motion was made by Ald. Rodriguez, seconded by Ald. Wells, to approve the criteria as presented on creating new wards and aldermanic districts with 2020 census data. The motion carried by the following vote:

Aye: 14 - Pieper, Bartels, Cummings, Manion, Johnson, Rodriguez, D. Lemke, E. Payne, Wells, Moltzan, Miller, R. Lemke, C. Payne and Browne

Absent: 1 - McElderry

- B. [ID#21-2421](#) Resolution Ending Declaration of State of Emergency

Resolution #2021-20

A motion was made by Ald. Johnson, seconded by Ald. C. Payne, to approve the Resolution Ending the Declaration of State of Emergency. The motion carried by the following vote:

Aye: 14 - Pieper, Bartels, Cummings, Manion, Johnson, Rodriguez, D. Lemke, E. Payne, Wells, Moltzan, Miller, R. Lemke, C. Payne and Browne

Absent: 1 - McElderry

7. Public Hearing

- A. [PC21-0035](#) 1606-1610 Lincoln Avenue, Rezoning - Rezone 3.45098 acres of land from M-3 Limited Business and Industrial Park District to M-1 Light Manufacturing District.

Doug Koehler, Principle City Planner, gave an overview of the project. The public hearing was opened. John Thomas, 134 Douglas, asked about security. The public hearing was closed.

- B. [PC21-0042](#) Prairie Philip, 2105 Pewaukee Road, Rezoning - Rezone 5.2886 acres of land from T-1 Temporary Zoning to M-2 General Manufacturing District.

Doug Koehler, Principle City Planner, gave an overview of the Rezoning. The public hearing was opened. There were no speakers present. The Public Hearing was closed.

- C. [ID#21-2321](#) Referral – Ald. Rick Lemke - Zoning Code Amendment - Amend Section 22.58(2)(j)3. of the zoning code regarding solid fences on residential lots having two street frontages.

Doug Koehler, Principle City Planner, gave an overview of the zoning code amendment. The public hearing was opened. There were no speakers. The public hearing was closed.

8. Action on Public Hearing

- A. [PC21-0035](#) 1606-1610 Lincoln Avenue, Rezoning - Rezone 3.45098 acres of land from M-3 Limited Business and Industrial Park District to M-1 Light Manufacturing District.

A motion was made by Ald. Miller, seconded by Ald. Rodriguez, to approve the 1606-1610 Lincoln Avenue, Rezoning - Rezone 3.45098 acres of land from M-3 Limited Business and Industrial Park District to M-1 Light Manufacturing District. The motion carried by the following vote:

Aye: 14 - Pieper, Bartels, Cummings, Manion, Johnson, Rodriguez, D. Lemke, E. Payne, Wells, Moltzan, Miller, R. Lemke, C. Payne and Browne

Absent: 1 - McElderry

- B. [PC21-0042](#) Prairie Philip, 2105 Pewaukee Road, Rezoning - Rezone 5.2886 acres of land from T-1 Temporary Zoning to M-2 General Manufacturing District.

A motion was made by Ald. E. Payne, seconded by Ald. D. Lemke, to approve the Prairie Philip, 2105 Pewaukee Road, Rezoning - Rezone 5.2886 acres of land from T-1 Temporary Zoning to M-2 General Manufacturing District. The motion carried by the following vote:

Aye: 14 - Pieper, Bartels, Cummings, Manion, Johnson, Rodriguez, D. Lemke, E. Payne, Wells, Moltzan, Miller, R. Lemke, C. Payne and Browne

Absent: 1 - McElderry

- C. [ID#21-2321](#) Referral – Ald. Rick Lemke - Zoning Code Amendment - Amend Section 22.58(2)(j)3. of the zoning code regarding solid fences on residential lots having two street frontages.

[Original Motion] A motion was made by Ald. Rick Lemke, seconded by Ald. Miller to approve Zoning Code Amendment - Amend Section 22.58(2)(j)3 of the zoning code regarding solid fences on residential lots having two street frontages with waiver of third reading.

[Amendment to the Motion] A motion was made by Ald. E. Payne, seconded by Ald. C. Payne, to Amend the proposed Zoning Code Amendment - Amend Section 22.58(2)(j)3 of the zoning code regarding solid fences on residential lots having two street frontages "D" to indicate no setback (from right-of-way) with keeping of the vision triangle. The tie vote was broken by the Mayor who voted "No". The motion failed. Voting was as follows:

Aye: 7 - Pieper, Cummings, Rodriguez, D. Lemke, E. Payne, C. Payne and Browne

Nay: 7 - Bartels, Manion, Johnson, Wells, Moltzan, Miller and R. Lemke

Absent: 1 - McElderry

[Amendment to the Motion] A motion was made by Ald. Rodriguez, seconded by Ald. C. Payne to amend the Zoning Code Amendment as presented- Amend Section 22.58(2)(j)3. of the Zoning Code regarding solid fences on residential lots having two street frontages with a change to "D" to read "Solid Fences may not be closer than 6 inches to a public sidewalk or alley" and still allow for the vision triangle. The tie vote was broken by the Mayor who voted "No". The motion failed. Voting was as follows:

Aye: 7 - Pieper, Cummings, Rodriguez, D. Lemke, E. Payne, C. Payne and Browne

Nay: 7 - Bartels, Manion, Johnson, Wells, Moltzan, Miller and R. Lemke

Absent: 1 - McElderry

[Amendment to the Motion] A motion was made by Ald. Cummings, seconded by Ald. Rodriguez, to amend the Zoning Code Amendment as presented - Amend Section 22.58(2)(j)3. of the zoning code regarding solid fences on residential lots having two street frontages to change "D" to read "Solid Fences may not be closer than one foot to a public sidewalk or alley" and still allow for the vision triangle. The motion carried by the following vote:

Aye: 8 - Pieper, Cummings, Rodriguez, D. Lemke, E. Payne, Miller, C. Payne and Browne

Nay: 6 - Bartels, Manion, Johnson, Wells, Moltzan and R. Lemke

Absent: 1 - McElderry

[Voting on Original Motion as Amended] A motion was made by Ald. Rick Lemke, seconded by Ald. Miller to adopt the Solid Fence ordinance, Zoning Code Amendment -Section 22.58(2)(j)3 of the Zoning Code regarding Solid Fences on residential lots having two street frontages with "D" to read "Solid Fences may not be closer than one foot to a public sidewalk or alley" and still allow for the vision triangle with waiver of third reading. The motion carried by the following vote:

Aye: 12 - Bartels, Cummings, Johnson, Rodriguez, D. Lemke, E. Payne, Wells, Miller, R. Lemke, C. Payne, Browne and Pieper

Nay: 2 - Manion and Moltzan

Absent: 1 - McElderry

Reports

9. Other Boards and Commissions

- A. Transit Commission Report - Dr. Fred Abadi
- B. Water Utility Commission - Ald. Bartels
- C. Information Technology Board Report - Ald. Manion
- D. Landmarks Commission Report - Ald. Moltzan
- E. Redevelopment Authority Report - Ald. R. Lemke

- A. [ID#21-2265](#) Discussion and recommendation to the Common Council for action on the selection of a developer for the City owned properties at 200-318 Delafield Street.

A motion was made by Ald. R. Lemke, seconded by Ald. Johnson, to approve the Sherman & Associates selection and letter of intent as a developer for the City owned properties at 200-318 Delafield Street. The motion failed by the following vote:

Aye: 6 - Pieper, Manion, Johnson, Wells, Miller and R. Lemke

Nay: 8 - Bartels, Cummings, Rodriguez, D. Lemke, E. Payne, Moltzan, C. Payne and Browne

Absent: 1 - McElderry

- F. Parks, Recreation & Forestry Board Report - Ald. Johnson
- G. Library Board Report - Ald. Miller
- H. Cemetery Commission Report - Ald. McElderry
- I. Waukesha Housing Authority Report - Ald. Pieper
- J. Community Development Block Grant Committee Report - Jennifer Andrews
- K. Public Art Committee Report - Ald. Moltzan
10. Plan Commission - Jennifer Andrews
11. Standing Committees
- A. Finance Committee Report - Ald. Pieper
 - B. Building & Grounds Committee Report - Ald. E. Payne
 - C. Ordinance & License Committee Report - Ald. Johnson
 - D. Human Resources Committee Report - Ald. Manion
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#21-2414](#) Report from the City Administrator

16. Mayor's Report & Referrals

- A. [ID#21-2415](#) Board and Committee Appointments

A motion was made by Ald. Eric Payne, seconded by Ald. Dean Lemke to approve the Board and Committee Appointment of Paul Kritzer to the Ethics Board. The motion passed by the following vote:

Aye: 14 - Pieper, Bartels, Cummings, Manion, Johnson, Rodriguez, D. Lemke, E. Payne, Wells, Moltzan, Miller, R. Lemke, C. Payne and Browne

Absent: 1 - McElderry

17. Referrals

Ald. Eric Payne to Park & Rec Board – Please have discussion and action on hiring a security guard for Horeb Park. It is much needed.

Ald. Rodriguez to Building and Grounds:

1) Discussion and possible action to install a permanent speed feedback sign for westbound Arcadian Avenue east of Oakland Avenue

2) Discussion and possible action to install new school zone crossing signs on Arcadian Ave near Oakland Ave

Discussion and

3) Possible action to refresh all crosswalk and stop bar pavement markings at Arcadian and Oakland Ave.

18. Closed Session

- A. [ID#21-2419](#) Confer with legal counsel concerning strategy with respect to litigation in which the City is likely to be involved.

Meeting went into Recess at 9:14 p.m.

Meeting Reconvened at 9:49 p.m.

A motion was made by Ald. Pieper, seconded by Ald. Browne, to go into Closed Session pursuant to Wis. Stats. 19.85(1)(g) to confer with legal counsel concerning strategy with respect to litigation in which the City is likely to be involved. The motion carried by the following vote:

Aye: 14 - Pieper, Bartels, Cummings, Manion, Johnson, Rodriguez, D. Lemke, E. Payne, Wells, Moltzan, Miller, R. Lemke, C. Payne and Browne

Absent: 1 - McElderry

19. Reconvene in Open Session

- A. [ID#21-2420](#) Possible discussion and/or action on conferring with legal counsel concerning strategy with respect to litigation in which the City is likely to be involved.

No action was taken in open session. The meeting adjourned.

20. Adjournment

The meeting adjourned at 9:49 p.m.

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 or by the Wisconsin Telecommunications Relay System so that arrangements may be made to accommodate the request.