



# City of Waukesha

City Hall,  
201 Delafield Street  
Waukesha, WI 53188

## Meeting Minutes 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, December 16, 2014

6:30 PM

Council Chambers, City Hall  
**Use lower level glass door.**

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### 1. Roll Call

**Present:** 14 - Pieper, Bartels, Skinner, Cummings, Patton, Perry, Francoeur, C. Payne, Reiland, Manion, E. Payne, Thieme, Johnson and Hernandez

**Absent:** 1 - Jankowski

### 2. Pledge of Allegiance

### 3. Public Comment

*Charlie Betker, 944 Oakland Avenue, spoke against the approval of the increased EMS fee schedule. Victoria Hekkers, 431 W. Main, read a letter from Steve VanderBlomen regarding the final BID audit statement.*

### 4. Approval of Minutes

**A motion was made by Ald. Terry Thieme, seconded by Ald. Andy Reiland, that the Minutes of December 2, 2014 be approved. The motion carried by the following vote:**

**Aye:** 14 - Pieper, Bartels, Skinner, Cummings, Patton, Perry, Francoeur, C. Payne, Reiland, Manion, E. Payne, Thieme, Johnson and Hernandez

**Absent:** 1 - Jankowski

#### A. [ID#14-1650](#) Minutes for December 2, 2014

**Attachments:** [ccmn141202draft](#)

### Consent Agenda

**A motion was made by Ald. Joe Pieper, seconded by Council President Eric E. Payne, that the Consent Agenda be approved as amended. (Finance Item #14-1490 BID Audit and O & L Item #14-1318 Amendment to Chapt. 5.04 of the Municipal Code. These items taken under Reports). The motion carried by the following vote:**

**Aye:** 14 - Pieper, Bartels, Skinner, Cummings, Patton, Perry, Francoeur, C. Payne, Reiland, Manion, E. Payne, Thieme, Johnson and Hernandez

**Absent:** 1 - Jankowski

## **1. Other Boards and Commissions**

- A. [ID#14-1502](#) Approval of Agreement with MillerCoors, LLC to Operate Miller Lite Free Rides on New Year's Eve 2014

**Attachments:** [Summary of Miller Lite Free Rides Agreement](#)  
[MillerCoors Free Rides Waukesha 2014 v2](#)

Transit staff recommends approval of the agreement.

**Suggested Motion**

**Motion to recommend to Council to approve the agreement with Miller Coors LLC to operate Miller Lite Free Rides on New Year's Eve 2014 for \$4,271.61, subject to City Attorney approval.**

- B. [ID#14-1519](#) Approval of Agreement with Waukesha County to Provide Transit Administrative Services for Five (5) Years Effective January 1, 2015

**Attachments:** [Summary of Waukesha County Transit Administration Services Agreement](#)  
[Transit Admin Contract 2015](#)

- C. [ID#14-1529](#) Waukesha County Transit Business-Approval of agreement with Milwaukee Transport Services, Inc. to operate the Gold Line for 2015 effective January 1, 2015.

**Attachments:** [Summary of Gold Line Agreement](#)  
[MCTS County Service Gold Line 2015-final](#)

- D. [ID#14-1593](#) Approval of Elimination of Bus Stop on Arcadian Ave. at Hartwell Ave. (north side)

- E. [ID#14-1599](#) Approval of Intergovernmental Agreement with the Town of Brookfield to Provide Bus Service to the Brookfield Highland Apartments in 2015

**Attachments:** [Summary of Intergovernmental Agreement with the Town of Brookfield for 2015](#)  
[IGA-Town of Brookfield-Transit final 2015](#)

- F. [ID#14-1704](#) Approve Waukesha Water Utility 2015 Operating and Capital Improvement Plan

**Attachments:** [Water Utility item](#)

## **2. Plan Commission - Jennifer Andrews**

**A. [PC14 -0131](#) Fox Lake Village Addition No. 1 - Final Plat Review**

**Attachments:** [FLV Plat review request](#)  
[P-1-FLV FINAL PLAT-10-6-14](#)  
[P-2-FLV FINAL PLAT-10-6-14](#)  
[P-3-FLV FINAL PLAT-10-6-14](#)  
[P-4-FLV FINAL PLAT-10-11-14](#)  
[A141210](#)  
[pc141210 - Water Utility Comments](#)

**B. [ID#14-1564](#) Day Care, 2240 Golf Road - Certified Survey Map**

**Attachments:** [CCSM 1795 dccsm Sealed 20141031 General Electric](#)  
[A141210](#)  
[pc141210 - Water Utility Comments](#)

**3. Standing Committees****A. Finance Committee - Ald. Pieper**

[ID#14-1490](#) Review and Act on a recommendation to accept the 2013 Business Improvement District Audit. As part of that acceptance, authorize the Finance department to distribute all remaining BID funds in the manner described on page 8 of the Audit.

**Attachments:** [BID Revised Draft 120914](#)

*This item was removed from Consent and handled under Finance Committee Report.*

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

1. [ID#14-1265](#) That the two parking spaces on the south side of South Street, in front of 233 and 237, be changed to thirty minute parking for a new store which supports verterans causes.

**Attachments:** [Report to Council for December 16 2014 meeting](#)

Engineering staff has reviewed this request. The parking zones in this area of South Street are somewhat complicated and modifying the zone to have 30 minute parking right in front of 233 / 237 South Street will not work. Staff also feels that modifying the time restriction from 2 hours to 30 minutes may negatively affect other nearby businesses.

Staff has made contact with various businesses on South Street, namely Chef Jack's and the Blue Ribbon pub. The owner of the pub would like less restrictive parking and for the stalls by from Gaspar to Barstow put back to 2 hour parking.

At this time, staff would advocate for converting all the stalls on south side of

South Street from Barstow to Gaspar back to 2 hour parking. In order to aid the Home of the Brave store, we would be in favor of installing 30 minute parking signing for the first stall just west of Gaspar Street.

2. [ID#14-1576](#) Establish "No Parking Here to Corner" on east side of Fleetfoot Drive from the corner to 100 foot south of the Racine Avenue intersection.

Engineering staff has reviewed this No Parking request and we recommend approval.

**Recommended Motion:** Move to approve the installation of No Parking Here to Corner on the east side of Fleetfoot Drive from the corner of Racine Avenue to 100 feet south.

3. [ID#14-1577](#) Install a stop sign on eastbound Broadway at Gaspar Street to establish an All-Way stop at this intersection.

Engineering staff has brought an item forward for the committee to review and approve. At the intersection of W. Broadway and Gaspar Street, there exists stop signs in both directions of Gaspar Street and for the parking lot driveway but no stop sign exists for eastbound W. Broadway. Engineering has noticed that an existing painted stop bar exists for eastbound W. Broadway. We have observed confusion between drivers and pedestrians at this leg of the intersection. In order to reduce the confusion and potential conflicts with pedestrians, staff is recommending that a stop sign be installed on the eastbound leg of the W. Broadway & Gaspar Street intersection. The resulting traffic control will be an All-Way stop condition for all 4 directions and will provide safer pedestrian crossing at all legs.

**Recommended Motion:** Move to approve the installation of a stop sign on the eastbound direction of W. Broadway at the Gaspar Street intersection to create an All-Way stop condition.

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

#### 1. Licenses

- A. [ID#14-1613](#) Bartenders Applications

**Attachments:** [Bartenders 12 08 14](#)

- B. [ID#14-1614](#) INVITED Other Applications for licenses considered by Ordinance & License Committee on November 24, 2014.

**Attachments:** [Other Licenses 12 08 14](#)

- C. [ID#14-1615](#) Other Applications for licenses considered by Ordinance & License Committee on November 24, 2014.

**Attachments:** [Other Licenses 12 08 14](#)

#### 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

**Attachments:** [Memo to OL 4 11 and 5 04](#)

- 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

**Attachments:** [Memo to OL 4 11 and 5 04](#)

*This item removed from Consent and taken under Ordinance & License Committee Report.*

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

1. [ID#14-1606](#) Request from the Property Owner at S22 W22922 Broadway for consideration to reduce the cost of the Sanitary Sewer Connection Fee as required under Ch. 13 of the Municipal Code.

**Attachments:** [FW Sellars septic follow up](#)

2. [ID#14-1607](#) Approve Contract Change Order No. 1 with DF Tomasini Contractors for Scott Ave. Area Sanitary Sewer and Water Main Relay.

**Attachments:** [Contract Change Order for DF Tomasini Contractors - Scott Ave. Area Sanitary Sewer and Water Main Relay](#)

3. [ID#14-1610](#) Approve Storm Water Management Practice Maintenance Agreement and Grant of Easement with Ramco-Gershenson Properties, L.P. at the Shoppes at the Fox River.

**Attachments:** [SWMA Final](#)

**End of Consent**

#### **Reports**

##### 5. 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
- 6. Plan Commission - Jennifer Andrews

A. [ID#14-1366](#) Fire Station #3 - Surplus Land

**A motion was made by Ald. Francoeur, seconded by Ald. Bartels, approving Fire Station #3 - Declared Surplus Land. The motion carried by the following vote:**

**Aye:** 14 - Pieper, Bartels, Skinner, Cummings, Patton, Perry, Francoeur, C. Payne, Reiland, Manion, E. Payne, Thieme, Johnson and Hernandez

**Absent:** 1 - Jankowski

B. [ID#14-1501](#) Fox Lake Circle Condominiums, Fox Lake Circle - Preliminary Site Plan & Architectural Review

**Attachments:** [FLV Gold and Taupe Color Palettes - Exterior](#)

[FOX LAKE CONDO 3 FAMILY UNIT](#)

[FOX LAKE CONDO 4 FAMILY UNIT](#)

[FoxLake Base MF C1 30x42](#)

[FoxLake Base MF C1 11 X 17](#)

[JPD Fox Lake Condos L100 091714](#)

[JPD Fox Lake Condos L101 091714](#)

[JPD Fox Lake Rendering 11 17 14](#)

[pc141210 - Fire Dept.](#)

[A141210](#)

[pc141210 - Water Utility Comments](#)

A motion was made by Ald. Bartels, seconded by Ald. Perry, that the Fox Lake Circle Condominiums, Fox Lake Circle - Preliminary Site Plan & Architectural Review be approved with staff comments. The motion carried by the following vote:

**Aye:** 14 - Pieper, Bartels, Skinner, Cummings, Patton, Perry, Francoeur, C. Payne, Reiland, Manion, E. Payne, Thieme, Johnson and Hernandez

**Absent:** 1 - Jankowski

C. [PC14 -0141](#) Redevelopment of the K-Mart Site, 120 E. Sunset Drive - Final Site Plan & Architectural Review

**Attachments:** [2013-09-11 120 E SUNSET PC SUBMITTAL-2](#)

[pc141210 - Fire Dept.](#)

[A141210](#)

[pc141210 - Water Utility Comments](#)

[2013-12-15 120 E Sunset SP-1](#)

[2013-12-15 120 E Sunset-FP-1](#)

[2014-12-15 120 Sunset Design Elevations DE-1](#)

[2014-12-15 120 Sunset Design Elevations DE-2](#)

[2014-12-15 120 Sunset Design Elevations DE-3](#)

[2014-12-15 120 Sunset Perspectives DE-4 0](#)

[2014-12-15 120 Sunset Perspectives DE-4 1](#)

[2014-12-15 120 Sunset Perspectives DE-4 2](#)

[2014-12-15 120 Sunset Perspectives DE-4 2](#)

[2014-12-15 120 Sunset Perspectives DE-4 3](#)

A motion was made by Ald. Francoeur, seconded by Ald. Reiland, that the redevelopment of the K-Mart Site, 120 E. Sunset Drive - Final Site Plan & Architectural Review with Staff Recommendations & Architectural Review be approved. The motion carried by the following vote:

**Aye:** 14 - Pieper, Bartels, Skinner, Cummings, Patton, Perry, Francoeur, C. Payne, Reiland, Manion, E. Payne, Thieme, Johnson and Hernandez

**Absent:** 1 - Jankowski

## 7. Standing Committees

### A. Finance Committee Report - Ald. Pieper

1. [ID#14-1490](#) Review and Act on a recommendation to accept the 2013 Business Improvement District Audit. As part of that acceptance, authorize the Finance department to distribute all remaining BID funds in the manner described on page 8 of the Audit.

**Attachments:** [BID Revised Draft 120914](#)

A motion was made by Ald. Pieper, seconded by Ald. Reiland to accept the 2013 Business Improvement District Audit. As part of that acceptance, authorize the Finance department to distribute all remaining BID funds in the manner described on page 8 of the Audit.

1. [ID#14-1625](#) Review and Act on a request from the Fire Department to recommend to Council to increase the EMS fee schedule effective 1/1/15.

**Attachments:** [Ambulance Fee Increase for 2015 120914](#)

A motion was made by Ald. Pieper, seconded by Ald. Bartels, to approve the request from the Fire Department to increase the EMS fee schedule effective 1/1/15. The motion carried by the following vote:

**Aye:** 9 - Pieper, Bartels, Cummings, Patton, Francoeur, Manion, Thieme, Johnson and Hernandez

**Nay:** 5 - Skinner, Perry, C. Payne, Reiland and E. Payne

**Absent:** 1 - Jankowski

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

C. Ordinance & License Committee Report - Ald. Johnson

1. [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.

**Attachments:** [11.09 nicotine 12.3.14](#)

[11.095 Draft 12.3.14](#)

*A motion was made by Ald. Johnson, seconded by Ald. Manion to suspend the rules and waive the second and third readings. The motion carried unanimously.*

A motion was made by Ald. Johnson, seconded by Ald. Manion, to approve the 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. The motion carried by the following vote:

**Aye:** 14 - Pieper, Bartels, Skinner, Cummings, Patton, Perry, Francoeur, C. Payne, Reiland, Manion, E. Payne, Thieme, Johnson and Hernandez

**Absent:** 1 - Jankowski

- [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

**Attachments:** [Memo to OL 4 11 and 5 04](#)

**A motion was made by Ald. Johnson, seconded by Ald. Manion to amend Chapter 5.04 of the Municipal Code to change the appointing authority of Directors and Managers from the Mayor to the City Administrator. The motion carried by the following vote:**

D. Human Resources Committee Report - Ald. Francoeur

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

A. [ID#14-1594](#) Approve Bids Received: Wednesday November 26, 2014 at 11:00 a.m.  
a) South East Avenue Flood Mitigation - REBID

**Attachments:** [South East Avenue Flood Mitigation - REBID](#)

**A motion was made by Council President E. Payne, seconded by Ald. Pieper, that the Bids Received: Wednesday November 26, 2014 at 11:00 a.m.**

**a) South East Avenue Flood Mitigation - REBID be approved. The motion carried by the following vote:**

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

**Absent:** 2 - Cummings and Jankowski

9. Director of Public Works Report

10. City Attorney's Report

11. City Administrator's Report

[ID#14-1665](#) City Administrator's Report 12-16-14

**Attachments:** [Admin Report 12 16 14](#)

12. Mayor's Report & Referrals

[ID#14-1666](#) Mayor's Summary of Meetings and/or Events

**Attachments:** [SR141216](#)

13. Referrals

*Ald. Patton made a referral to Redevelopment and Ordinance & License that Chapter 22.53(8)(a) be amended in sections 1, 2, 3 & 4 to read 1.5 spaces where 2 now appear.*

14. Adjournment

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

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

**Absent:** 2 - Cummings and Jankowski

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.