



# 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 - 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, May 6, 2014

7:30 PM

Council Chambers, City Hall  
Use lower level glass door.

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#### 1. Roll Call and Pledge of Allegiance

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

**Absent:** 1 - Manion

#### 2. Announcement of Closed Session to be held at the end of the council meeting

#### 3. Public Comment

*Chris Bauman, 1840 Tallgrass Circle*

#### 4. Approval of Minutes

##### A. ID#14-0344 Minutes for 4-15-14 - Meeting 1

A motion was made by Ald. Johnson, seconded by Ald. Patton, that the Minutes be approved. The motion carried by the following vote:

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

**Absent:** 1 - Manion

##### B. ID#14-0345 Minutes for 4-15-14 Meeting 2

A motion was made by Ald. E. Payne, seconded by Ald. Cummings, that the Minutes be approved. The motion carried by the following vote:

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

**Absent:** 1 - Manion

#### 5. Public Hearing

**A. PC14 -0009** Rezoning - Rivers Crossing Addition 4: T-1 (Temporary) to Rs-3 (Single Family Residential) - East of Saylesville Rd.

A motion was made by Ald. Johnson, seconded by Ald. C. Payne, to open the Public Hearing. The motion carried by the following vote:

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

**Absent:** 1 - Manion

A motion was made by Ald. Pieper, seconded by Ald. Perry, to close the Public Hearing. The motion carried by the following vote:

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

**Absent:** 1 - Manion

A motion was made by Ald. Francoeur, seconded by Ald. Skinner, that this Rezoning Petition be approved. The motion carried by the following vote:

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

**Absent:** 1 - Manion

**B. PC14 -0011** Rezoning - 809 & 831 Silvernail Road: T-1 (Temporary) to M-1 (Light Manufacturing)

A motion was made by Ald. Skinner, seconded by Ald. E. Payne, to open the Public Hearing. The motion carried by the following vote:

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

**Absent:** 1 - Manion

A motion was made by Ald. Skinner, seconded by Ald. Perry, to close the Public Hearing. The motion carried by the following vote:

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

**Absent:** 1 - Manion

A motion was made by Ald. Skinner, seconded by Ald. Cummings, that this Rezoning Petition be approved with request to waive second and third readings by Ald. E. Payne. The motion carried by the following vote:

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

**Absent:** 1 - Manion

## 6. New Business

**A. ID#14-0156** Proclamation - American Legion Poppy Days

Sponsors: Mayor

*The Mayor read the Proclamation*

**B. ID#14-0172** Proclamation - Waukesha Elks Lodge - Youth Week

Sponsors: Mayor

*The Mayor read the Proclamation*

**C. ID#14-0171** Proclamation - Montessori School of Waukesha

Sponsors: Mayor

*The Mayor read the Proclamation*

**D. ID#14-0180** 2014 Standing Committee Appointments

**A motion was made by Ald. Thieme, seconded by Ald. E. Payne, that the appointments be approved. The motion carried by the following vote:**

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

**Absent:** 1 - Manion

**E. ID#14-0181** Board and Commission Appointments

Sponsors: Mayor

**A motion was made by E. Payne, seconded by Ald. Bartels, that appointments be approved. The motion carried by the following vote:**

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

**Absent:** 1 - Manion

**F. ID#14-0314** Authorize the City Attorney's Office to sign on and financially support an amicus brief in the matter of leased retail property assessments not to exceed \$100.

Sponsors: City Administrator

**A motion was made by Ald. Pieper, seconded by Ald. Francoeur, to authorize the City Attorney's Office to sign on and financially support an amicus brief in the matter of leased retail property assessments not to exceed \$200 . The motion carried by the following vote:**

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

**Absent:** 1 - Manion

- G. ID#14-0315** Approval of a contract with Restoric, LLC, in the amount of \$13,895

Sponsors: Community Development and Attorney's Office

A motion was made by Ald. Skinner, seconded by Ald. Cummings, that this item be approved. The motion carried by the following vote:

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

**Absent:** 1 - Manion

- H. PC14 -0009** Rezoning - Rivers Crossing Addition 4: T-1 (Temporary) to Rs-3 (Single Family Residential) - East of Saylesville Rd.

*Taken care of under Public Hearing, Item 6.A.*

- I. PC14 -0010** Subdivision Plat - Rivers Crossing Addition 4: Preliminary Plat - 52 Single Family Lots

*Taken care of under Plan Commission, Item 8.A.*

- J. PC14 -0011** Rezoning - 809 & 831 Silvernail Road: T-1 (Temporary) to M-1 (Light Manufacturing)

*Taken care of under Public Hearing, Item 5.B.*

### **Consent Agenda**

A motion was made by Ald. Johnson, seconded by Ald. Bartels, that this be approved. The motion carried by the following roll call vote:

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

**Absent:** 1 - Manion

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

- A. ID#14-0173** Approve Water Main for Easement: 1537 E. Moreland Blvd.

Sponsors: Water Utility

- B. ID#14-0174** Approve Water Main Replacement for Eales Ave.

Sponsors: Water Utility

- C. ID#14-0346** Recommendation to approve farming lease agreement associated with the Meadowview undeveloped park site contingent upon City Attorney's Office review

Sponsors: Park and Recreation and Forestry Board

## **2. Standing Committees**

### **A. Building & Grounds Committee**

1. ID#14-0051 That the lighting on Pleasant St. be increased because of vandalism.

Sponsors: Patton

*Install no more than two additional 100 Watt HPS fixtures to existing WE Energies Power Poles on Pleasant St. from Main St. to Broadway. (R 35-14)*

2. ID#14-0053 That a speed awareness campaign to allow yard type signs in the terrace area on Madison St. from Moreland Blvd. to North St. starting May 17th, 2014 for two weeks be approved

Sponsors: E. Payne

- 3 & ID#14-0054 Adjust the existing No Parking zone on the north side of Wright Street  
4. between N. East Ave. and N. Charles St. Move the east end of the existing No Parking zone on the north side of Wright Street 20 feet west to allow more room for a parked car in front of 120 Wright Street.

Sponsors: E. Payne

*Rescind the existing No Parking zone on the north side of Wright Street from 140 feet east to 285 feet east of the corner of N. East Avenue. (R 35-14)*

*Establish a No Parking zone on the north side of Wright Street from 140 feet east to 270 feet east of the corner of N. East Avenue. (R 35-14)*

*Item #5 was removed from consent and moved to the Building and Grounds Committee Report section of the agenda (Item 9.B).*

### **B. Ordinance & License Committee**

#### 1. Licenses

- A. ID#14-0302 Applications for Licenses ending June 30th, 2015

#### 2. Ordinances

- A. ID#14-0086 Second Reading – an ordinance to amend certain provisions of the Mass Transit Code of the Municipal Code of the City of Waukesha, Wisconsin (Chapter 31)(Mass Transit – Pets or Animals on a Bus)

Sponsors: Attorney's Office and Transit

- B. ID#14-0347** Second Reading - Chapter 28 Landmarks Commission - 28.03  
Composition and Terms (Request to waive 3rd Reading)
- Sponsors: Attorney's Office  
(ORD #10-14 Adopted)
- C. ID#14-0349** Second Reading - Chapter 11 - Orderly Conduct - repeal and  
recreate Sec. 11.13 Firearms and Other Weapons, amend Sec.  
11.24 Birds and Animals, and repeal Sec. 11.26 Trapping Limitations
- Sponsors: Attorney's Office
- D. ID#14-0350** Second Reading - Chapter 22 - Zoning - Regulation of Cell Phone  
Transmission Towers
- Sponsors: Attorney's Office

### 3. Finance/HR Committee

*Items were removed and added to Finance Committee report*

### 4. Board of Public Works

- A. ID#14-0048** Approval of Resolutions for:  
a. Heyer Tennis Court Improvements (R 36-14)  
b. Police Dept. Parking Lot. (R 37-14)
- B. ID#14-0049** Approve Bids Received: Friday, April 11, 2014 at 11:00 a.m.  
a. Chicago Ave. Utility and Street Improvements
- C. ID#14-0061** Approve Contract Change Order No. 1 with Pro Electric Inc. for  
Downtown Lighting Distribution
- D. ID#14-0159** Approve Bids Received: Friday, April 25, 2014 at 11:00 a.m.  
a. Rebid Resurfacing of Asphalt Streets - 2014
- E. ID#14-0168** Adjustment to rates at the Drop - Off Center related to Category 2  
"Trailers and One Ton Payloads"
- F. ID#14-0183** Approve Contract Change Order No. 1 with DF Tomasini Contractors  
Inc. for: 2012 - Sanitary Pump Station Upgrades

### End of Consent Agenda

### Reports

## 7. Other Boards and Commissions

- A. Transit Commission Report
- B. Water Utility Commission
- C. Cemetery Commission Report
- D. Information Technology Advisory Committee
- E. Waukesha Housing Authority Report
- F. Community Development Block Grant Committee Report
- G. Public Art Committee Report

## 8. Plan Commission

- A. PC14-0010** Subdivision Plat - Rivers Crossing Addition 4: Preliminary Plat - 52 Single Family Lots

A motion was made by Ald. Skinner, seconded by Ald. Perry, to approve Subdivision Plat - Rivers Crossing Addition 4: Preliminary Plat - 52 Single Family Lots - with staff comments.

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

**Absent:** 1 - Manion

## 9. Standing Committees

## A. Finance Committee Report

- A. ID#14-0177** Approval of the Intergovernmental Agreement between the City, County and School District for the Establishment of a Joint Employee Health Clinic.

*Removed from Consent*

A motion was made Ald. Patton, second by Ald. Johnson, to call the question. The motion carried with the following vote:

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

**Nay:** 2 - Skinner and Cummings

**Absent:** 1 - Manion

A motion was made Ald. Johnson, second by Ald. Perry, that this item be approved. The motion carried with the following vote:

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

**Nay:** 4 - Cummings, C. Payne, Jankowski and E. Payne

**Absent:** 1 - Manion

**B. ID#14-0178** Approval of the of the Health Risk Management Agreement between the City, County, School District and Healthstat, Inc.

*Removed from Consent*

**A motion was made Ald. Reiland, second by Ald. Bartels, that this item be approved with the following conditions: that any forecasted savings for the coming budgeted year as projected by Healthstat and the advisory counsel be budgeted into the City operating budget for that year; and that the Agreement is subject to review and approval by the City Attorney's office.**

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

**Absent:** 1 - Manion

**B. Building & Grounds Committee Report**

**5. ID#14-0059** Request of Waukesha Downtown Business Association to close Municipal Parking Lot 1 for the Farmers Market every Saturday May 3, 2014 to October 25, 2014 from 5:00 a.m. to 2:00 pm. This closing would include permission to tow vehicles from the area.

*Removed from Consent*

*Ald. E. Payne stated WDBA should submit their application earlier so this can be approved by the full Council before the event next year. He indicated they will not allow the event to proceed without full Council approval next year.*

**A motion was made by Ald. E. Payne, seconded by Ald. Reiland, that this item be approved. The motion carried by the following vote:**

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

**Absent:** 1 - Manion

**C. Ordinance & License Committee Report**

**D. Human Resources Committee Report**

**10. Board of Public Works Report**

**11. Director of Public Works Report**

**12. City Attorney's Report**



13. City Administrator's Report
14. Mayor's Report & Referrals
15. Referrals
16. Closed Session

A motion was made to go into closed session pursuant to Section 19.85(1)(c), Wis. Stats., to discuss performance and compensation of the City Administrator, Edmund Henschel and to go into closed session pursuant to Section 19.85(1)(g), Wis. Stats., to confer with legal counsel concerning strategy to be adopted with respect to possible settlement of litigation in which it is involved, to wit: Kohl's Department Stores vs. City of Waukesha, Circuit Case Number 2012 CV 1688. The motion carried by the following roll call vote:

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

**Absent:** 1 - Manion

Upon conclusion of the closed session, a motion will be made to reconvene in open session.

Open Session - The meeting was reconvened after closed session at 10:10pm.

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

**Absent:** 1 - Manion

#### **Possible action on the matters discussed in closed session.**

- B. ID#14-0330** Kohl's Department Stores v. City of Waukesha, Circuit Court case no. 2012 CV 1688.

*Ald. Thieme abstained from the vote and discussion in closed session as Kohl's is his employer.*

A motion was made by Ald. E. Payne. second by Ald. Cummings to enter into a settlement agreement in Kohls v. City, case #2012CV1688 as discussed in closed session. The motion carried with the following vote:

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

**Absent:** 1 - Manion

**A. ID#14-0179** Performance and compensation of the City Administrator, Edmund Henschel.

**Sponsors:** City Administrator

A motion was made by Ald. Francoeur, second by Ald. Patton to approve a 2% salary increase retroactive to January 1, 2014, and a 1.5% salary increase effective July 1, 2014, and changing the cap for health insurance payment to \$650/mo., including the car allowance and health insurance payment and the salary payment for pension purposes, and changing the employment agreement and job description to reflect the above changes to the compensation and salary and benefits of the City Administrator Ed Henschel. The motion carried with the following vote:

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

**Nay:** 1 - E. Payne

**Absent:** 1 - Manion

## 17. Adjournment

A motion was made by Ald. Johnson, seconded by Ald. Cummings, to adjourn the meeting at 10:15pm. The motion carried by the following vote:

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

**Absent:** 1 - Manion

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.