



City of Waukesha

City Hall,
201 Delafield Street
Waukesha, WI 53188

Meeting Minutes - Draft

City Council

Tuesday, April 16, 2019

6:30 PM

Council Chambers, City Hall
Use lower level glass door.

1. Administration of the Oath of Office - Aldermanic Districts 4, 5, 8, 9, 11, 12, 14, 15
2. Roll Call

Aldermanic District 1 seat is vacant.

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

3. Pledge of Allegiance
4. Public Comment

Dan Browne, 2148 Empire Drive, reaffirmed his interest in becoming Alderman for the 1st District.

5. Public Art Committee Report

[ID#19-0555](#) Presentation of Art by Melissa Hillmer

6. Approval of Minutes

[ID#19-0531](#) Minutes from April 4, 2019

Attachments: [ccmn 19.04.04 draft](#)

A motion was made by Ald. Johnson, seconded by Ald. E. Payne, to approve the Minutes from April 4, 2019. The motion carried by the following vote:

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

Consent Agenda

The following item was removed from the Consent Agenda: ID#19-0483 by Ald. Pieper and handled under Finance Committee Report. The remainder of the Consent Agenda was passed as presented by unanimous consent.

1. Other Boards and Commissions

[ID#19-0435](#) Approve proposed 2019 Springs Park usage contract with the Waukesha YMCA.

Attachments: [Cover Sheet-YMCA Springs Park Usage Contract 2019.pdf](#)
[YMCA-Springs Park Contract 2019.pdf](#)

[ID#19-0440](#) Approve proposed seasonal Recreation Services (provider) Contracts.

Attachments: [Council Agenda Cover Sheet-Recreation Service Contracts.pdf](#)
[2019 Recreation Service Contracts.pdf](#)

[ID#19-0475](#) Review and Act on the approval of the contract with Sikich LLP to perform the 2019 IT Penetration Test. and authorize the Mayor to sign this contract and all future purchase orders of goods or services under our agreement with Sikich LLP

Attachments: [Council Agenda Cover Sheet-Penetration Testing](#)
[Sikich Contract with Schedules](#)

[ID#19-0403](#) Approval of Mass Transit Paratransit Operating Aid Agreement with Wisconsin Department of Transportation (WisDOT) for 2019

Attachments: [Agenda Cover Sheet - Paratransit Aid.pdf](#)
[2019 Waukesha 85.205 Paratransit aid agreement WisDOT.pdf](#)

[ID#19-0404](#) Approval of Resolution Authorizing the Filing of the 2019 Federal Certifications and Assurances

Attachments: [Agenda Cover Sheet -certs-assurances.pdf](#)
[Resolution - Federal Transit Filing 2019.pdf](#)

Resolution No. 15-19

[ID#19-0405](#) Approval of Paratransit Van Contract and Purchase to A & J Vans, Inc.

Attachments: [Agenda Cover Sheet -approval of paratransit van contract and purchase.pdf](#)
[Waukesha Transit Commission Paratransit Van RFP Evaluation.pdf](#)
[A J Mobility Paratransit Van Contract 2019-2023 draft.pdf](#)

2. Plan Commission

3. Standing Committees

A. Finance Committee - Ald. Pieper

[ID#19-0394](#) Review and act on a request to accept a Wisconsin Historical Society CLG Subgrant in the amount of \$17,000 and amend the budget accordingly.

Sponsors: Community Development

Indexes: grant; budget amendment

Attachments: [Cover Sheet - Landmarks CLG Subgrant Award.pdf](#)
[National Register CLG Subgrant Application Combined.pdf](#)
[Wisconsin Historical Society CLG Subgrant Award Notice.pdf](#)

[ID#19-0471](#) Review and act on request to amend the CIP budget for purchase of Tyler Munis Utility Billing Assessments module not to exceed \$9500.

Attachments: [Council Agenda Cover Sheet-Utility Billing](#)

[ID#19-0472](#) Review and act on request to amend the CIP budget to upgrade the S2 door system for an amount not to exceed 15,475.

Attachments: [JP02282019-Waukesha-EntCont-CCv2](#)
[Council Agenda Cover Sheet-Door System Upgrade](#)

[ID#19-0483](#) Review and act on approval of a professional services contract with EPLEX, LLC to offer commercial building permit applicants the option to use EPLEX, LLC to review their state required plans and issue statute required state approval of the plans at the same fee required by the State of Wisconsin.

Sponsors: Community Development

Indexes: Professional services; contract

Attachments: [Cover Sheet-EPLEX.pdf](#)
[EPLEX Professional Services Agreement.pdf](#)

This item was removed from the Consent Agenda by Ald. Pieper and handled under Finance Committee Report.

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

[ID#19-0398](#) Install white pavement markings in the form of an “X” on the south side of W. Main Street at the driveway to 423 W. Main Street.

Sponsors: Helgestad

Attachments: [19-0398 Admin Cover Prevent Unwanted Parking on Main for CC Meeting Consent.pdf](#)
[B&G Resolution RTC for the April 16 2019 CC Meeting CONSENT AGENDA.doc.pdf](#)

Resolution No. 16-19

This item was brought forward by Public Works on behalf of a concerned resident and property owner on W. Main Street. Drivers often park in what they think is a parallel parking stall on the south side of W. Main Street and right at the driveway opening to 423 W. Main Street. The owner has requested an “X” or some type of curb painting to reinforce that this is not a parking spot.

[ID#19-0399](#) Install a stop sign on Canterbury Lane at Burrie Lane.

Sponsors: Wells

Attachments: [19-0399 Admin Cover Install a Stop Sign Canterbury and Burrie for CC Meeting Consent.pdf](#)
[B&G Resolution RTC for the April 16 2019 CC Meeting CONSENT AGENDA.doc.pdf](#)

Resolution No. 16-19

This item was brought forward by Ald. Wells. A resident in the area would like to have a stop sign installed on Canterbury Lane at Burrie Lane. Staff does not see an issue with this request.

[ID#19-0401](#) Install a driveway apron from the back lot of 407 N. Grand Avenue to Municipal Lot 8. Said installation will require an existing handicap parking stall to be relocated one stall further south.

Sponsors: Helgestad

Attachments: [19-0401 Admin Cover Install Driveway Apron on Grand for CC Meeting Consent.pdf](#)
[B&G Resolution RTC for the April 16 2019 CC Meeting CONSENT AGENDA.doc.pdf](#)

Resolution No. 16-19

This item was brought forward by Ald. Helgestad. Business owners at 407 N. Grand Avenue have a business and need to have a back-lot entrance / exit into Lot 8. Other nearby business already have a driveway entrance / exit to Lot 8. Engineering staff has measured the area and determined that the cost to install a driveway apron in the area requested would cost approximately \$1,500 to \$2,000 if done with City contracted concrete crews. Engineering has no objections to the driveway exit if the business owner pays for the installation.

[ID#19-0432](#) Rescind existing parking zones that say “No Parking, 6am to 6pm, Except Saturdays, Sundays, Holidays” on the south side of Wisconsin Avenue and approve “2 Hour Parking, 9am to 6pm, Except Saturdays, Sundays and Holidays” from 110 feet east of N. West Avenue to 90 feet west of Maple Avenue. All existing zones that say “No Parking Any Time” on the south side of Wisconsin Avenue shall remain in place from N. West Avenue to N. Barstow Street.

Sponsors: Helgestad

Attachments: [19-0432 Admin Cover Rescind Parking Zone on Wisconsin and Approve West and Maple for CC Meeting Consent.pdf](#)
[B&G Resolution RTC for the April 16 2019 CC Meeting CONSENT AGENDA.doc.pdf](#)

Resolution No. 16-19

This item was brought forward by Ald. Helgestad to consider removing parking restrictions on the south side of Wisconsin Ave. Items No. ID#19-0432, 0433 and 0434 are all related to removing parking restrictions on Wisconsin Avenue. The locations listed would be signed 2 Hour Parking and would benefit the greater downtown area when parking is in high demand. Engineering staff does not have an issue with this request.

[ID#19-0433](#) Rescind existing parking zones that say “No Parking, 6am to 6pm, Except Saturdays, Sundays, Holidays” on the south side of Wisconsin Avenue and approve “2 Hour Parking, 9am to 6pm, Except Saturdays, Sundays and Holidays” from 80 feet east of Maple Avenue to 100 feet west of Clinton Street. All existing zones that say “No Parking Any Time” on the south side of Wisconsin Avenue shall remain in place from N. West Avenue to N. Barstow Street.

Sponsors: Helgestad

Attachments: [19-0433 Admin Cover Rescind Parking on Wisconsin and Approve Parking on Maple and Clinton for CC Meeting Consent.pdf](#)
[B&G Resolution RTC for the April 16 2019 CC Meeting CONSENT AGENDA.doc.pdf](#)

Resolution No. 16-19

This item was brought forward by Ald. Helgestad to consider removing parking restrictions on the south side of Wisconsin Ave. Items No. ID#19-0432, 0433 and 0434 are all related to removing parking restrictions on Wisconsin Avenue. The locations listed would be signed 2 Hour Parking and would benefit the greater downtown area when parking is in high demand. Engineering staff does not have an issue with this request.

[ID#19-0434](#) Rescind existing parking zones that say “No Parking, 6am to 6pm, Except Saturdays, Sundays, Holidays” on the south side of Wisconsin Avenue and approve “2 Hour Parking, 9am to 6pm, Except Saturdays, Sundays and Holidays” from 110 feet east of N. Grand Avenue to 150 feet west of N. Barstow Street. All existing zones that say “No Parking Any Time” on the south side of Wisconsin Avenue shall remain in place from N. West Avenue to N. Barstow Street.

Sponsors: Helgestad

Attachments: [19-0434 Admin Cover Rescind Parking on Wisconsin and Approve Parking on Grand and N Barstow for CC Meeting Consent.pdf](#)
[B&G Resolution RTC for the April 16 2019 CC Meeting CONSENT AGENDA.doc.pdf](#)

Resolution No. 16-19

This item was brought forward by Ald. Helgestad to consider removing parking restrictions on the south side of Wisconsin Ave. Items No. ID#19-0432, 0433 and 0434 are all related to removing parking restrictions on Wisconsin Avenue. The locations listed would be signed 2 Hour Parking and would benefit the greater downtown area when parking is in high demand. Engineering staff does not have an issue with this request.

C. Ordinance & License Committee - Ald. Johnson

1. Licenses

[ID#19-0485](#) Bartender Applications - April 8, 2019

Attachments: [Bartenders 2019.04.08](#)

[ID#19-0486](#) INVITED Other Applications - April 8, 2019

Attachments: [Other Licenses 2018.04.08](#)

[ID#19-0487](#) Other Applications - April 8, 2019

Attachments: [Other Licenses 2018.04.08](#)

D. Human Resources -

E. Board of Public Works - Dr. Fred Abadi

[ID#19-0452](#) Update on Capacity, Management, Operations and Maintenance (CMOM) Activities for 2018 - (Clean Water Plant)

Sponsors: Public Works

Attachments: [19-0452 BPW Agenda Cover -CMOM Update.pdf](#)
[CMOM Collection System Progress Report 4-4-19.pdf](#)

End of Consent Agenda

7. New Business

[ID#19-0541](#) Resolution Authorizing the Issuance and Sale of \$15,855,000 General Obligation Promissory Notes, Series 2019C

Attachments: [W2_Resolution_19C](#)

Ald. Perry stepped out and was not present to vote on this item.

Resolution No. 17-19

A motion was made by Ald. Pieper, seconded by Ald. Bartels, to approve Resolution Authorizing the Issuance and Sale of \$15,850,000 General Obligation Promissory Notes, Series 2019C. The motion carried by the following vote:

Aye: 13 - Pieper, Bartels, Cummings, Manion, Johnson, Rodriguez, D. Lemke, E. Payne, Wells, Moltzan, Miller, R. Lemke and C. Payne

Absent: 1 - Perry

[ID#19-0542](#) Resolution Authorizing the Issuance of \$14,700,000 General Obligation Promissory Notes and the Issuance and Sale of \$14,700,000 Note Anticipation Notes, Series 2019D, in Anticipation Thereof

Attachments: [W3_Resolution_19D](#)

Resolution No. 18-19

A motion was made by Ald. Pieper, seconded by Ald. Bartels, to approve Resolution Authorizing the Issuance of \$14,700,000 General Obligation Promissory Notes and the Issuance and Sale of \$14,700,000 Note Anticipation Notes, Series 2019D, in Anticipation Thereof. The motion carried by the following vote:

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

[ID#19-0543](#) Resolution Authorizing the Issuance and Sale of \$2,970,000 Sewer System Revenue Bonds, Series 2019, of the City of Waukesha, Waukesha County, Wisconsin, and Providing for the Payment of the Bonds and Other Details With Respect to the Bonds

Attachments: [W4 Resolution Rev Bs](#)

Resolution No. 19-19

A motion was made by Ald. Pieper, seconded by Ald. Bartels, to approve Resolution Authorizing the Issuance and Sale of \$2,980,000 Sewer System Revenue Bonds, Series 2019, of the City of Waukesha, Waukesha County, Wisconsin, and Providing for the Payment of the Bonds and Other Details With Respect to the Bonds. The motion carried by the following vote:

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

[ID#19-0515](#) Riverwalk Apartments Planned Unit Development Agreement – Consider a request by RBP Riverwalk, LLC to sell off a vacant parcel to RBP Riverwalk II, LLC for future development.

Attachments: [Riverwalk Apartments Developer Agreement.pdf](#)

[Riverwalk Apartments Ownership Cover Sheet \(updated 3-12\).pdf](#)

A motion was made by Ald. E. Payne, seconded by Ald. Johnson, to approve Riverwalk Apartments Planned Unit Development Agreement - Consider a request by RBP Riverwalk, LLC to sell off a vacant parcel to RBP Riverwalk II, LLC for future development. The motion carried by the following vote:

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

[ID#19-0538](#) Denial of claim for recovery of unlawful tax assessment by Salem United Methodist Church

Attachments: [Agenda Cover Sheet-Salem United Methodist Church Tax assessment](#)

A motion was made by Ald. Johnson, seconded by Ald. Manion, to approve Denial of claim for recovery of unlawful tax assessment by Salem United Methodist Church. The motion carried by the following vote:

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

Nay: 1 - Cummings

Abstain: 1 - Moltzan

[ID#19-0539](#) Amend the Council Rules/Section 3 (see attachment)

Sponsors: Cummings and Rodriguez

Attachments: [Referrals - 4-4-19 \(003\)- updated](#)
[Council Rules 4-12-18- Proposed Edits- updated](#)

A motion was made by Ald. Rodriguez, seconded by Ald. Cummings, to approve Council Rules with proposed changes as submitted to Section 3.1. The motion carried by the following vote:

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

Reports

[ID#19-0549](#) Election of Council President

8. Other Boards and Commissions

A. Transit Commission Report - Dr. Fred Abadi

C. Information Technology Board Report - Ald. Manion

D. Landmarks Commission Report - Ald. Rodriguez

E. Redevelopment Authority Report - Maria Pandazi

F. Parks, Recreation & Forestry Board Report - Ald. Johnson

G. Library Board Report

H. Cemetery Commission Report - Ald. Cummings

I. Waukesha Housing Authority Report - Ald. Rodriguez

J. Community Development Block Grant Committee Report - Maria Pandazi

K. Public Art Committee Report - Maria Pandazi

9. Plan Commission - Maria Pandazi

[PC17-0048](#) Aeroshade, Oakland Ave., Ellis St., and N. Greenfield Ave. - Final Plat Review

Attachments: [Aeroshade Preliminary Plat Cover Sheet council 2019](#)
[OceScan_0052707](#)

A motion was made by Ald. C. Payne, seconded by Ald. Moltzan, to approve Aeroshade, Oakland Ave., Ellis St., and N. Greenfield Ave. - Preliminary Plat Review. The motion carried by the following vote:

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

A motion was made by Ald. C. Payne, seconded by Ald. Moltzan, to approve Aeroshade, Oakland Ave., Ellis St., and N. Greenfield Ave. - Final Plat Review. The motion carried by the following vote:

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

10. Standing Committees

A. Finance Committee Report - Ald. Pieper

[ID#19-0483](#) Review and act on approval of a professional services contract with EPLEX, LLC to offer commercial building permit applicants the option to use EPLEX, LLC to review their state required plans and issue statute required state approval of the plans at the same fee required by the State of Wisconsin.

Sponsors: Community Development

Indexes: Professional services; contract

Attachments: [Cover Sheet-EPLEX.pdf](#)
[EPLEX Professional Services Agreement.pdf](#)

This item was removed from the Consent Agenda by Ald. Pieper.

A motion was made by Ald. Pieper, seconded by Ald. Bartels, to approve professional services contract with EPLEX, LLC to offer commercial building permit applicants the option to use EPLEX, LLC to review their state required plans and issue statute required state approval of the plans at the same fee required by the State of Wisconsin subject to final review by the City Attorney. The motion carried by the following vote:

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

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

C. Ordinance & License Committee Report - Ald. Johnson

[ID#19-0378](#) Review and act on an Ordinance Creating Section 6.123 of the Waukesha Municipal Code, Regarding the Depositing of Snow onto Certain Public and Private Properties.

Sponsors: Public Works

Attachments: [19-0378 BPW Cover Sheet-Proposed Ord 6 123.pdf](#)
[19-0378_Ordinance 6.123-Plowing Snow onto Streets.pdf](#)

This item was on for 2nd reading and discussion only. It was approved at Ordinance & Licensing Committee with a vote of 3 - 1; 1 member was absent. Item will move forward for 3rd and final reading to the next Common Council meeting.

A motion was made by Ald. Perry, seconded by Ald. C. Payne, to terminate debate. The motion carried by the following vote:

Aye: 12 - Pieper, Bartels, Perry, Manion, Johnson, D. Lemke, E. Payne, Wells, Moltzan, Miller, R. Lemke and C. Payne

Nay: 2 - Cummings and Rodriguez

D. Human Resources Committee Report

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

[ID#19-0450](#) Bids Received: Friday, March 29, 2019, at 11:00 A.M.
Prairie Home Cemetery Fence Replacement

The Board of Public Works recommends that the low bid from Northway Fence, Inc., in the amount of \$110,936.00 be awarded.

Sponsors: Public Works

Attachments: [19-0450_Bid Tab_Prairie Home Cemetery Fence Replacement.pdf](#)

A motion was made by Ald. E. Payne, seconded by Ald. C. Payne, to approve the low bid award for Prairie Home Cemetery Fence Replacement to Northway Fence, Inc., in the amount of \$110,936.00. The motion carried by the following vote:

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

[ID#19-0451](#) Bids Received: Friday, March 29, 2019, at 11:00 A.M.
2019 Historical Street Lighting Upgrades and Waukesha Springs Park
Lighting Upgrades

The Board of Public Works recommends that the low bid from Marick Inc.
d/b/a Circuit Masters Electric in the amount of \$83,487.00 be awarded.

Sponsors: Public Works

Attachments: [19-0451 Bid Tab Historical Lighting Upgrades.pdf](#)

A motion was made by Ald. E. Payne, seconded by Ald. C. Payne, to approve the low bid for Historical Street Lighting Upgrades and Waukesha Springs Park Lighting Upgrades to Marick Inc. d/b/a Circuit Masters Electric in the amount of \$83,487.00. The motion carried by the following vote:

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

12. Director of Public Works Report

13. City Attorney's Report

14. City Administrator's Report

[ID#19-0532](#) Report from the City Administrator

Attachments: [Admin Report 4-10-19](#)

15. Mayor's Report & Referrals

[ID#19-0533](#) Council Committee Assignments

Attachments: [19-20- Committee Assignments](#)
[Ald. Committee Assignments- 2019-2020](#)

A motion was made by Ald. Rodriguez, seconded by Ald. Perry, to approve Council Committee Assignments. The motion carried by the following vote:

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

[ID#19-0550](#) Council Seating Chart

Attachments: [Council Member Seating Chart 2019-2020](#)

A motion was made by Ald. C. Payne, seconded by Ald. Johnson, to approve the Council Seating Chart. The motion carried by the following vote:

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

[ID#19-0535](#) Citizen Board and Commission Appointments

Attachments: [Letter for Council, April 16, 2019](#)
[Fabian Resume](#)

A motion was made by Ald. Pieper, seconded by Ald. E. Payne, to approve the appointments of Alex Hansen to Board of Review; Laurie Grabow to Cemetery Commission; R. G. Keller and Joan Francoeur to Plan Commission; Steve Kassens to Board of Public Works/Transit Commission; Wayne Merchle to Park, Recreation & Forestry Board; and Lori Fabian to Police and Fire Commission. The motion carried by the following vote:

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

[ID#19-0536](#) Proclamation for Monarch Butterfly Month

Attachments: [Monarch Pledge 2019](#)

[ID#19-0537](#) Proclamation for Sexual Assault Awareness Month

Attachments: [Sexual Assault Awareness Month 2019](#)

[ID#19-0544](#) Proclamation for National Small Business Week

Attachments: [National Small Business Week 2019](#)

[ID#19-0534](#) State of the City Message

Attachments: [State of the City 2019- final](#)

16. Referrals

Ald. E. Payne to Board of Public Works to please allow 1000 Pewaukee Road to bring their dumpster down to the end of their driveway on Wednesday Night and bring back up on Thursday after pickup.

Ald. E. Payne to Buildings & Grounds to please approve the installation of no parking on the North side of Gascoigne Drive from the centerline of Peters Drive to 125' East.

17. Adjournment

Meeting adjourned at 8:13 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.