



City of Waukesha

City Hall,
201 Delafield Street
Waukesha, WI 53188

Meeting Minutes - Final

City Council

Tuesday, April 20, 2021

6:30 PM

Common Council: Council Chambers

Public: In Person (Limited Capacity) or Virtual

https://waukesha-wi.zoom.us/webinar/register/WN_eG8Luk38

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Web ID: 996 9981 4126

Passcode: 231594

Phone: 877-853-5247

Register for Public Comment by 4 pm

1. Roll Call

Present: 15 - Pieper, Bartels, Cummings, Manion, Johnson, Rodriguez, D. Lemke, E. Payne, Wells, Moltzan, Miller, R. Lemke, C. Payne, Browne and McElderry

2. Announcement of Closed Session pursuant to Wis. Stats. 19.85(1)(e) to go into closed session to discuss the possible sale of city property and Wis. Stats. 19.85(1)(c) to discuss the placement of a disciplinary letter in the employment file of the City Administrator.

The Mayor announced the Closed Session.

3. Pledge of Allegiance

4. Public Comment

Joe Nicosia N646 Cty H Palmyra, President of the Friends of Prairie Home Cemetery Board of Directors, was allowed to speak with no objection and stated he was looking forward to continuing their goal of providing resources for cemetery projects and they hope they can partner even more with the new Cemetery Director to maintain the rich history of the cemetery.

Ron Kading, 3921 Oxbow Drive spoke concerning the Cemetery Director's hiring.

Mike Walsh, 24312 Kestrel Lane, spoke on open records emails from the City Administrator.

Lisa Salb, 434 Madison Street, spoke on the sale of city property item that was removed from closed session.

5. Approval of Minutes

A. [ID#21-2082](#) Minutes from April 8, 2021

A motion was made by Ald. Miller, seconded by Ald. Manion to approve the Minutes from April 8, 2021. The motion carried by the following vote:

Aye: 15 - Pieper, Bartels, Cummings, Manion, Johnson, Rodriguez, D. Lemke, E. Payne, Wells, Moltzan, Miller, R. Lemke, C. Payne, Browne and McElderry

Consent Agenda

The Consent Agenda passed by unanimous consent with no items being removed or added.

1. Other Boards and Commissions

- A. [ID#21-2005](#) Approval of Elimination of Bus Stops
- B. [ID#21-1939](#) Review and act on proposed Recreation Services contract with Zane Navratil Pickleball LLC.
- C. [ID#21-2063](#) Review and act on the cemetery building sanitation needs as presented and amend the 2021 Budget line item 7800.49990 Appropriated Fund balance for \$8,376.21.

2. Plan Commission**3. Standing Committees****A. Finance Committee - Ald. Pieper****B. Building & Grounds Committee - Ald. E. Payne**

- A. [ID#21-1993](#) Place two yield signs on Apache Pass on both the north and south side of the street where it intersects with Comanche Lane.
Resolution #2021-14
- B. [ID#21-1994](#) Install signs that say "Turning Vehicles Yield to Pedestrians" at all 4 legs of the traffic signal at the intersection of E. Main Street and Manhattan Drive.
Resolution #2021-14
- C. [ID#21-1995](#) Install a "Deaf Child" sign in the 300 block of Joris Avenue. One of District 13's resident, a toddler, is 23 months old and cannot hear.
Resolution #2021-14

C. Ordinance & License Committee - Ald. Johnson

- A. [ID#21-2052](#) Invited Bartender
- B. [ID#21-2053](#) Bartenders
- C. [ID#21-2054](#) Invited Other Licenses

- D. [ID#21-2055](#) Other Licenses

D. Human Resources - Ald. Manion

- A. [ID#21-2056](#) Review and Approve City of Waukesha and Milwaukee Jobs (The InfoSoft Group LLC, dba Circa) subscription job posting agreement

E. Board of Public Works - Dr. Fred Abadi

- A. [ID#21-2014](#) Review and act on Contract Change Order No. 1 with Wil-Surge Electric, Inc., for the Mindiola and Buchner Parks Install City Furnished Musco Lighting Units project.

End of Consent Agenda

6. New Business

- A. [ID#21-2097](#) Election of Council President

A motion was made by Ald. C. Payne, seconded by Ald. Pieper, to vote for Council President by secret ballot. The motion carried by the following vote:

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

Nay: 3 - Cummings, Rodriguez and E. Payne

Nominations for Council President were made as follows: Ald. Rodriguez nominated Ald. Cummings, Ald. Pieper nominated Ald. Eric Payne, Ald. Rick Lemke nominated Ald. Manion.

The election was held by secret ballot with results as follows: Ald. Cummings received 3 votes, Ald. Eric Payne received 9 votes, and Ald. Manion received 3 votes. Ald. Eric Payne was elected Council President.

- B. [ID#21-2112](#) Approve agreement for settlement of excessive-assessment lawsuit, R&R Investments of Wisconsin LLC v. City of Waukesha.

A motion was made by Ald. Miller, seconded by Ald. Moltzan to approve the agreement for settlement of excessive-assessment lawsuit, R&R Investments of Wisconsin LLC v. City of Waukesha. The motion carried by the following vote:

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

Nay: 3 - Cummings, Rodriguez and D. Lemke

- C. [ID#21-2119](#) Removal of the mandatory mask within city buildings and properties city wide by May,15th 2021.

[Original Motion] A motion was made by Ald. Eric Payne, seconded by Ald. McElderry to approve the elimination of the mandatory mask requirement within city buildings and properties city-wide by May,15th 2021 exempting Transit and the Library.

[Amendment to Original Motion] A motion was made to amend the original motion by Ald. Wells, seconded by Ald. Moltzan to approve the elimination of mandatory masks within city buildings and properties city-wide by June 1st except for Transit and the Library. The amendment failed by the following vote:

Aye: 7 - Manion, Rodriguez, Wells, Moltzan, Miller, R. Lemke and Browne

Nay: 8 - Pieper, Bartels, Cummings, Johnson, D. Lemke, E. Payne, C. Payne and McElderry

[Amendment to the Original Motion by the maker of the Original Motion] A motion was made by Ald. Eric Payne, seconded by Ald. Johnson to eliminate mandatory masks within public spaces within city buildings and properties owned by the City, city-wide by May,15th 2021 exempting Transit and the Library (with an understanding that Municipal Court can require masks.) The motion carried by the following vote, passing the amendment:

Aye: 10 - Pieper, Bartels, Manion, Rodriguez, E. Payne, Wells, Moltzan, Miller, Browne and McElderry

Nay: 5 - Cummings, Johnson, D. Lemke, R. Lemke and C. Payne

[Voting on Original Motion as Amended] The amended motion was made by Ald. Eric Payne, seconded by Ald. McElderry to eliminate mandatory masks within public spaces within city buildings and properties owned by the City, city-wide by May,15th 2021 exempting Transit and the Library (with an understanding that Municipal Court can require masks.) The motion passed by the following vote:

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

Nay: 2 - Rodriguez and Wells

7. Public Hearing

8. Action on Public Hearing

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. Miller
- E. Redevelopment Authority Report - Ald. R. Lemke
- F. Parks, Recreation & Forestry Board Report - Ald. Johnson
- G. Library Board Report - Ald. Miller
- H. Cemetery Commission Report - Ald. Cummings

- A. [ID#21-2062](#) Review and act on the capital repair objects as presented and amend the 2021 CIP budget line item 7800.68220 Buildings Capital Account for use of \$28,476.40 of capital carryover funds and to amend the 2021 Budget line item 7800.49990 Appropriated Fund balance for \$4,627.60.

A motion was made by Ald. Cummings, seconded by Ald. D. Lemke, to approve the use of general fund contingency funds to repair objects as presented. The motion failed by the following vote:

Aye: 2 - Cummings and D. Lemke

Nay: 13 - Pieper, Bartels, Manion, Johnson, Rodriguez, E. Payne, Wells, Moltzan, Miller, R. Lemke, C. Payne, Browne and McElderry

A motion was made by Ald. Cummings, seconded by Ald. Pieper, to approve capital repair objects as presented and amend the 2021 CIP budget line item 7800.68220 Buildings Capital Account for use of \$28,476.40 of capital carryover funds and to amend the 2021 Budget line item 7800.49990 Appropriated Fund balance for \$4,627.60. The motion carried by the following vote:

Aye: 11 - Pieper, Bartels, Manion, Johnson, Rodriguez, Wells, Moltzan, Miller, R. Lemke, Browne and McElderry

Nay: 4 - Cummings, D. Lemke, E. Payne and C. Payne

- I. Waukesha Housing Authority Report - Ald. Miller
- 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

- A. [ID#21-2009](#) Bid Received: Friday, April 2, 2021, at 11:00 a.m.
Area 1 and 2 Flood Mitigation (Rolling Ridge Ditch Grading)

The Board of Public Works recommends that the low bid from C. W. Purpero, Inc., in the amount of \$691,377.00 be awarded.

A motion was made by Ald. E. Payne, seconded by Ald. Miller, to award the bid for Area 1 and 2 Flood Mitigation (Rolling Ridge Ditch Grading) to C.W. Purpero, Inc., on their low bid in the amount of \$691,377.00. The motion carried by the following vote:

Aye: 15 - Pieper, Bartels, Cummings, Manion, Johnson, Rodriguez, D. Lemke, E. Payne, Wells, Moltzan, Miller, R. Lemke, C. Payne, Browne and McElderry

- B. [ID#21-2010](#) Bid Received: Friday, April 2, 2021, at 11:00 a.m.
2021 Asphalt Street Utility Repairs-City Wide

The Board of Public Works recommends that the low bid from All-Ways Contractors, Inc., in the amount of \$101,90.00 be awarded.

A motion was made by Ald. Eric Payne, seconded by Ald. Miller to award the 2021 Asphalt Street Utility Repairs-CityWide to All-Ways Contractors, Inc., on their low bid of 101,090. The motion carried by the following vote:

Aye: 15 - Pieper, Bartels, Cummings, Manion, Johnson, Rodriguez, D. Lemke, E. Payne, Wells, Moltzan, Miller, R. Lemke, C. Payne, Browne and McElderry

- C. [ID#21-2011](#) Bid Received: Friday, April 2, 2021, at 11:00 a.m.
Hillcrest Park Pavilion

The Board of Public Works recommends that the low base bid from Ray Stadler Construction Co., Inc., in the amount of \$526,844.28 be awarded.

A motion was made by Ald. E. Payne, seconded by Ald. Miller, to award the Hillcrest Park Pavilion to Ray Stadler Construction Co., Inc., on their low bid in the amount of \$526,844.28. The motion carried by the following vote:

Aye: 15 - Pieper, Bartels, Cummings, Manion, Johnson, Rodriguez, D. Lemke, E. Payne, Wells, Moltzan, Miller, R. Lemke, C. Payne, Browne and McElderry

- D. [ID#21-2012](#) Bid Received: Friday, April 2, 2021, at 11:00 a.m.
Madison Street Bridge-West (B-67-371) Maintenance-Sealing
- The Board of Public Works recommends that the low bid from Fahrner Asphalt Sealers, LLC, in the amount of \$12,907.75 be awarded.
- A motion was made by Ald. E. Payne, seconded by Ald. Miller, to award the Madison Street Bridge-West (B-67-371) Maintenance-Sealing to Fahrner Asphalt Sealers, LLC, on their low bid in the amount of \$12,907.75. The motion carried by the following vote:**
- Aye:** 15 - Pieper, Bartels, Cummings, Manion, Johnson, Rodriguez, D. Lemke, E. Payne, Wells, Moltzan, Miller, R. Lemke, C. Payne, Browne and McElderry
- E. [ID#21-2013](#) Resolution authorizing the 2021 Construction and Installation of Fiber Optic for the Police Department.
- A motion was made by Ald. Miller, seconded by Ald. Browne, to approve the Resolution 2021-15 Authorizing the 2021 Construction and Installation of Fiber Optic for the Police Department. The motion carried by the following vote:**
- Aye:** 15 - Pieper, Bartels, Cummings, Manion, Johnson, Rodriguez, D. Lemke, E. Payne, Wells, Moltzan, Miller, R. Lemke, C. Payne, Browne and McElderry
- F. [ID#21-2018](#) Resolution authorizing the Installation of Chain-link Fencing at Dopp and Banting Parks.
- A motion was made by Ald. Miller, seconded by Ald. Browne, to approve Resolution #2021-16 authorizing the Installation of Chain-link Fencing at Dopp and Banting Parks. The motion carried by the following vote:**
- Aye:** 15 - Pieper, Bartels, Cummings, Manion, Johnson, Rodriguez, D. Lemke, E. Payne, Wells, Moltzan, Miller, R. Lemke, C. Payne, Browne and McElderry
13. Director of Public Works Report
14. City Attorney's Report
15. City Administrator's Report
- A. [ID#21-2096](#) Report from the City Administrator
16. Mayor's Report & Referrals
- A. [ID#21-2094](#) Council Committee Assignments
- Approve Council Committee Assignments**
- Aye:** 10 - Pieper, Bartels, Manion, Johnson, E. Payne, Wells, Moltzan, R. Lemke, Browne and McElderry
- Nay:** 4 - Cummings, Rodriguez, D. Lemke and C. Payne
- Absent:** 1 - Miller

- B. [ID#21-2095](#) State of the City Message

17. Referrals

Ald. Cory Payne asked when mandatory mask mandate for employees will be lifted, but did not submit a referral on it at this time.

Ald. Browne thanked Board of Public Works and the Council on the Hillcrest Park Pavillion bid approval.

18. Closed Session

- A. [ID#21-2110](#) Discuss the sale of city property.

- B. [ID#21-1969](#) Discussion and recommendation regarding the placement of a disciplinary letter in the employment file of the City Administrator

The meeting went into closed session at 8:40 p.m.

A motion was made by Ald. Pieper, seconded by Ald. Manion to go into closed session pursuant to Wis. Stats. 19.85(1)(c) to discuss the placement of a disciplinary letter in the employment file of the City Administrator. The motion carried by the following vote:

Aye: 15 - Pieper, Bartels, Cummings, Manion, Johnson, Rodriguez, D. Lemke, E. Payne, Wells, Moltzan, Miller, R. Lemke, C. Payne, Browne and McElderry

19. Reconvene in Open Session

- A. [ID#21-2111](#) Possible discussion and/or action on the sale of city property.

This item was not discussed in closed or open session.

- B. [ID#21-2114](#) Possible discussion and/or action on the placement of a disciplinary letter in the employment file of the City Administrator

No action was taken in open session.

B. ID#21-2114 Possible discussion and/or action on the placement of a disciplinary letter in the employment file of the City Administrator

20. Adjournment

The meeting reconvened and adjourned at 9:55 p.m. in open session.

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.