



City of Waukesha

City Hall,
201 Delafield Street
Waukesha, WI 53188

Meeting Minutes - Final

City Council

Tuesday, December 1, 2020

6:30 PM

Virtual Meeting

<https://waukesha.legistar.com/Calendar.aspx> or

Call:877-853-5247 Webinar ID:921 58433961

Passcode:166900 Public Comment is virtual only, register by 4
pm on 12-01-20

https://waukesha-wi.zoom.us/webinar/register/WN__YEUyT47

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1. Roll Call

Ald. E. Payne arrived during item #20-1459 at 6:54 p.m.

Ald. Perry was not present for voting after the closed session.

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

2. Announcement of Closed Session pursuant to Wis. Stat. 19.85(1)(g) to confer with legal counsel regarding a possible further appeal of the Court of Appeals decision in City of Waukesha v. City of Waukesha Board of Review and Closed Session pursuant to Wis. Stats 19.85(1)(e) to discuss the possible sale of public property.

3. Pledge of Allegiance

4. Public Comment

Dan Freschi, 1235 Woodview Drive, spoke asking for Ald. Perry to step down as Alderman for Dist. 12. Katelyn Wabol, 1017 E. Racine Ave, spoke requesting dogs be allowed in Frame Park for people to enjoy the river walk area with their dogs.

5. Approval of Minutes

A. [ID#20-1456](#) Minutes from November 17, 2020

A motion was made by Ald. Cummings, seconded by Ald. Johnson to approve the Minutes from November 17, 2020. The motion carried by the following vote:

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

Absent: 1 - E. Payne

Consent Agenda

Ald. Rodriguez removed Item #20-1401 for discussion. The remainder of the Consent Agenda passed by unanimous consent.

1. Other Boards and Commissions

- A. [ID#20-1337](#) Review and Act on a request to amend the agreement with Windstream.

2. Plan Commission**3. Standing Committees****A. Finance Committee - Ald. Pieper****B. Building & Grounds Committee - Ald. E. Payne****C. Ordinance & License Committee - Ald. Johnson****D. Human Resources - Ald. Wells**

- A. [ID#20-1403](#) Review and approve changes to HR Policy E-1 Personal Protective Equipment (formerly Safety Equipment).
- B. [ID#20-1410](#) Review of City Administrator 360 Questionnaire for Employees.

E. Board of Public Works - Dr. Fred Abadi

- A. [ID#20-1384](#) Review and act on Contract Change Order No. 7 with Greenfire Management Services, LLC, for the Waukesha City Hall project.
- B. [ID#20-1385](#) Review and act on Contract Change Order No. 4 with Greenfire Management Services, LLC, for the Waukesha City Hall – Transit Portion of the project.
- C. [ID#20-1386](#) Review and act on Contract Change Order No. 1 with J&A Pohl, Inc., for the ADA Curb Ramp Improvements on Michigan Ave.
- D. [ID#20-1387](#) Review and act on Contract Change Order No. 1 with Stuckey Construction Company, Inc., for the Buchner Park Community Pool and Building project.

End of Consent Agenda**6. New Business**

- A. [ID#20-1459](#) Review and act on a proposal to remove the Boggs bas relief in the existing City Hall.

Ald. E. Payne arrived during item #20-1459 at 6:54 p.m.

[Original Motion] A motion was made by Ald. Johnson, seconded by Ald. Miller to approve the proposal to remove the Boggs bas relief in the existing City Hall as recommended by staff.

[Amendment to the Original Motion] A motion was made by Ald. Rodriguez, seconded by Ald. Cummings to approve the proposal to remove the Boggs bas relief in the existing City Hall and provide for the amendment of the fund to increase it to \$1,500. The motion carried with the following vote:

Aye: 12 - Pieper, Cummings, Perry, Manion, Johnson, Rodriguez, D. Lemke, E. Payne, Moltzan, Miller, C. Payne and Browne

Nay: 3 - Bartels, Wells and R. Lemke

[Additional Amendment to the Original Motion] A motion was made by Ald. C. Payne, seconded by Ald. Cummings to remove the Boggs bas relief in the existing City Hall with the addition of the City retaining the right of first refusal. The motion failed by the following vote:

Aye: 6 - Cummings, Rodriguez, D. Lemke, E. Payne, C. Payne and Browne

Nay: 9 - Pieper, Bartels, Perry, Manion, Johnson, Wells, Moltzan, Miller and R. Lemke

A motion was made by Ald. Cummings, seconded by Ald. D. Lemke, to approve the proposal to remove the Boggs bas relief in the existing City Hall and name the Mayor or his or her designee to participate in discussion regarding disposition as a stakeholder. The motion failed by the following vote:

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

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

[Voting on the Original Motion with Amendment] The original motion was made by Ald. Johnson, seconded by Ald. Miller to approve the proposal to remove the Boggs bas relief in the existing City Hall pursuant to staff recommendation and with \$1,500 provided by the City for materials. The motion carried with the following vote:

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

Nay: 2 - Bartels and R. Lemke

Reports

7. 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. Perry

- F. Parks, Recreation & Forestry Board Report - Ald. Johnson
- G. Library Board Report - Ald. Miller
- H. Cemetery Commission Report - Ald. Cummings
- I. Waukesha Housing Authority Report - Ald. Miller
- J. Community Development Block Grant Committee Report - Jennifer Andrews
- K. Public Art Committee Report - Ald. Moltzan
- 8. Plan Commission - Jennifer Andrews
- 9. Standing Committees

- A. Finance Committee Report - Ald. Pieper

- A. [ID#20-1103](#) Review and act on approval of a term sheet outlining the potential TIF assistance for the development of 114 units of multi-family housing (St. Paul Apartments) on vacant land on St. Paul Avenue.

Indexes: TIF

Approve the term sheet outlining the potential TIF assistance for the development of 114 units of multi-family housing (St. Paul Apartments) on vacant land on St. Paul Avenue.

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

Nay: 2 - Manion and Moltzan

- B. Building & Grounds Committee Report - Ald. E. Payne
- C. Ordinance & License Committee Report - Ald. Johnson

- A. [ID#20-1458](#) Other Applications - December 1, 2020

Approve the "Class B" combo license to The Craft Lounge

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

- ID#20-1481** D. Human Resources Committee Report - Ald. Wells

- D. Human Resources Committee Report - Ald. Wells

B. ID#20-1410 Review of City Administrator 360 Questionnaire for Employees.

[ID#20-1410](#) Review of City Administrator 360 Questionnaire for Employees.

This item was removed from Consent by Ald. Rodriguez, but no action was taken.

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

- A. [ID#20-1383](#) BE IT RESOLVED that the Board of Public Works be and it hereby is authorized and directed to prepare plans and specifications and to advertise for bids for the construction of: 2021 CIP Projects (Department of Public Works Program).

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

- B. [ID#20-1388](#) Resolution for the Petition for the Authorization of the Spur Track Removal including the Railroad Bridge over the Fox River, Pedestrian Pathway of the Drumlin Glacial Trail, and Two at-Grade Crossings on Sentry Drive in the City of Waukesha.

B. ID#20-1388 Resolution for the Petition for the Authorization of the Spur Track Removal including the Railroad Bridge over the Fox River, Pedestrian Pathway of the Drumlin Glacial Trail, and Two at-Grade Crossings on Sentry Drive in the City of Waukesha.

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

11. Director of Public Works Report

12. City Attorney's Report

13. City Administrator's Report

14. Mayor's Report & Referrals

15. Referrals

No Referrals were made.

16. Closed Session

- A. [ID#20-1465](#) A motion will be made pursuant to Wis. Stat. 19.85(1)(g) to convene in closed session to confer with legal counsel regarding a possible further appeal of the Court of Appeals decision in City of Waukesha v. City of Waukesha Board of Review. A motion will then be made pursuant to Wis. Stat. 19.85(2) to re-convene in open session and take action on the matter.

A motion was made by Ald. Pieper, seconded by Ald. Manion pursuant to Wis. Stat. 19.85(1)(g) to convene in closed session to confer with legal counsel regarding a possible further appeal of the Court of Appeals decision in City of Waukesha v. City of Waukesha Board of Review. A motion will then be made pursuant to Wis. Stat. 19.85(2) to re-convene in open session and take action on the matter.

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

Abstain: 1 - Moltzan

- B. [ID#20-1468](#) A motion will be made pursuant to Wis. Stats 19.85(1)(e) to go into closed session to discuss the possible sale of public property. Upon conclusion of the closed session a motion will be made to reconvene in open session pursuant to Wis. Stat. 19.85(2) for possible additional discussion and/or action concerning any matter discussed in closed session.

B. ID#20-1468 A motion will be made pursuant to Wis. Stats 19.85(1)(e) to go into closed session to discuss the possible sale of public property. Upon conclusion of the closed session a motion will be made to reconvene in open session pursuant to Wis. Stat. 19.85(2) for possible additional discussion and/or action concerning any matter discussed in closed session.

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

- A. [ID#20-1465](#) A motion will be made pursuant to Wis. Stat. 19.85(1)(g) to convene in closed session to confer with legal counsel regarding a possible further appeal of the Court of Appeals decision in City of Waukesha v. City of Waukesha Board of Review. A motion will then be made pursuant to Wis. Stat. 19.85(2) to re-convene in open session and take action on the matter.

The meeting reconvened in Open Session at 9:48 p.m. A motion was made by Ald. E. Payne, seconded by Ald. Manion to direct the City Attorney to proceed as discussed in closed session. The motion carried by the following vote:

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

Nay: 1 - Cummings

Absent: 1 - Perry

Abstain: 1 - Moltzan

ID#20-1482 B. ID#20-1468 A motion will be made pursuant to Wis. Stats 19.85(1)(e) to go into closed session to discuss the possible sale of public property. Upon conclusion of the closed session a motion will be made to reconvene in open session pursuant to Wis. Stat. 19.85(2) for possible additional discussion and/or action concerning any matter discussed in closed session.

A motion was made by Ald. C. Payne, seconded by Ald. Bartels for the property across from City Hall to approve RFP going out in 15 days with staff to determine when responses due and then the initial review of the RFPs to go through the RDA sub committee with Ald. Eric Payne serving on that subcommittee and then proposals to be reviewed by Council. The motion carried by the following vote:

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

Nay: 2 - Cummings and D. Lemke

Absent: 1 - Perry

17. Adjournment

Adjourned at 9:52 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.