



City of Waukesha

City Hall,
201 Delafield Street
Waukesha, WI 53188

Meeting Minutes - Draft

City Council

Tuesday, August 4, 2020

6:30 PM

Virtual Meeting. View at

<https://waukesha.legistar.com/Calendar.aspx> or Call 877 853

5247 Webinar ID: 942 8191 1383 Passcode 978138 Public

Comment is virtual only, register by 4pm

<https://waukesha-wi.gov/1907/Public-Comment>

1. Roll Call

Ald. Perry arrived late to the meeting.

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 discuss consideration and action to terminate the Intergovernmental Agreement for Law Enforcement Services for the 2020 Democratic National Convention in Milwaukee, Wisconsin

3. Pledge of Allegiance

4. Public Comment

The following residents spoke against the fowl ordinance draft: Lisa Salb, 434 Madison St 53188, Jamie Bloomquist, 1544 Dover Dr 53186, Crit Waller, 2127 Ruben Dr 53186, Natalie Johnson, 819 Buena Vista Ave 53188, Stephen and Karin Green, 124 McCall St 53186 (Mr. Green also indicated he was speaking for several other individuals which names have not been received to date)

5. Approval of Minutes

[ID#20-0970](#) Minutes from July 21, 2020

Attachments: [ccmn 200721 draft](#)

A motion was made by Ald. Miller, seconded by Ald. Cummings, to approve the Minutes of July 21, 2020. The motion carried by the following vote:

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

Absent: 1 - Perry

Consent Agenda

The Consent Agenda passed as presented by unanimous consent.

1. Other Boards and Commissions

[ID#19-1451](#) Carroll University Fiber-Optic Cable Use Contract

Attachments: [Carroll University Fiber-Optic Cable Use Contract.docx](#)
[ITB Cover Sheet - Carroll University Fiber-Optic Cable Use Contract.docx](#)

2. Plan Commission

[PC19-0009](#) Aeroshade, Oakland Ave., Ellis St., and N. Greenfield Avenue - Final Plat Review – Proposed Plat of 7 single-family lots and one outlot, south of the former Chicago and Northwestern R.R. right of way/Wisconsin and Southern R.R. right of way.

Attachments: [2019-01-03 Comment Response.pdf](#)
[S-8525 Aeroshade SWMP full.pdf](#)
[S8525 Plan Set 2018-11-26.pdf](#)
[Aeroshade Dept. Comments](#)
[Aeroshade Plat Cover Sheet](#)

[PC20-0056](#) 1600 & 1700 Airport Road - Certified Survey Map – Proposed two lot CSM creating an 8.341-acre lot parcel for 1600 Airport Road and a 2.462-acre lot for 1700 Airport Road.

Attachments: [Attachment A](#)
[Attachment E](#)
[QUAD-M CSM](#)
[1600 Airport Road Dept. Comments](#)
[1600 1700 Airport Road Cover Sheet](#)

[ID#20-0789](#) Approve purchase of Rempe Property in the amount of \$500,000, plus closing costs

Attachments: [Rempe Final for WC](#)

[PC20-0066](#) Aeroshade, Oakland Avenue, Ellis St., and N. Greenfield Ave. – Certified Survey Map – Proposed 3 Lot CSM to orient the 3 lots to Greenfield Avenue at the NW corner of Ellis Avenue and Greenfield Avenue.

Attachments: [Aeroshade CSM](#)
[Aeroshade Dept. Comments](#)
[Aeroshade CSM Cover Sheet](#)

3. Standing Committees

A. Finance Committee - Ald. Pieper

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

C. Ordinance & License Committee - Ald. Johnson

1. Licenses

[ID#20-0949](#) INVITED Other Applications - July 27, 2020 - House of Guinness, Salty Toad, Tofte's Table

Attachments: [Other Licenses 7-27-20](#)

D. Human Resources - Ald. Wells

E. Board of Public Works - Dr. Fred Abadi

End of Consent Agenda

6. New Business

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

[PC20-0071](#) Zoning Code Updates – Updates to the Conditional Use sections of the zoning code, and several other minor updates to other sections of the code.

Attachments: [Zoning Code Updates Cover Sheet](#)
[Chapter 22 Revisions-Ordinance 7-20](#)
[Zoning Code Updates - CLEAN](#)
[Zoning Code Updates - Redline](#)
[22.405 redline_COUNCIL REVISIONS 7-31-20](#)

Doug Koehler presented the changes to the Zoning Code, Conditional Use Section, with the one change requested by the Council for the MM-1 District with the addition of conditional use needed for buildings over 40 feet high when adjacent to residential zoning districts.

Ald. C. Payne was not present for voting on this motion.

A motion was made by Ald. R. Lemke, seconded by Ald. Manion, to approve the Zoning Code Updates to the Conditional Use sections of the zoning code, and several other minor updates to other sections of the code with the one change requested by the Council for the MM-1 District adding a conditional use would be needed for buildings over 40 feet high when adjacent to residential zoning districts. 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 Browne

Absent: 2 - Perry and C. Payne

9. Standing Committees

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

[ID#20-0898](#) Discussion and recommendation of reorganization of ordinances related to animals and consideration of new ordinance related to the keeping of domestic fowl.

Attachments: [Animals-cover sheet](#)
[Animals-Ch. 33 final](#)
[Animals-repeal 11.22 and 11.24; renumber](#)
[Animals 12.05 final and redline](#)
[Animals 12.10 final and redline](#)
[Animals-33.06 Domestic Fowl](#)

This meeting is the Second Reading of the Ordinance.

A motion was made by Ald. Rodriguez, seconded by Ald. Cummings to pass the ordinance with removal of section 33.06 and with the additional amendment at (5) to add 24 hour notice before inspection.

Aye: 4 - Cummings, Rodriguez, E. Payne and Browne

Nay: 10 - Pieper, Bartels, Manion, Johnson, D. Lemke, Wells, Moltzan, Miller, R. Lemke and C. Payne

Absent: 1 - Perry

Ald. E. Payne moved, seconded by Ald. Rodriguez to approve the ordinance with the removal of 33.06 all fowl. The motion was approved with the following vote:

Aye: 10 - Pieper, Cummings, Rodriguez, D. Lemke, E. Payne, Wells, Moltzan, R. Lemke, C. Payne and Browne

Nay: 4 - Bartels, Manion, Johnson and Miller

Absent: 1 - Perry

[ID#20-0946](#) Repeal and recreate Mun. Code sec. 18.05, pertaining to electrician's licenses, to ensure the ordinance conforms with state law; and amend Mun. Code sec. 20.03, pertaining to licensing individuals and businesses engaging in Heating, Ventilation, and Air Conditioning work, to require that they possess the State of Wisconsin's HVAC Qualifier Credential to the extent permitted by law

Attachments: [18.05 and 20.03 Code Amendments Cover Sheet \(002\)](#)

[20.03 HVAC and Electrical License covermemo](#)

[20.03 HVAC and Electrical License final](#)

Second Reading only.

[ID#20-0980](#) INVITED Other Applications - Sobelman's, Zilli's

Attachments: [Sobelman's Extension of Premise](#)

[Zilli's Extension of Premise](#)

A motion was made by Ald. Johnson, seconded by Ald. Rodriguez, that Sobelman's extension of premises be approved. The motion carried by the following vote:

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

Nay: 1 - Manion

[Original Motion] A motion was made by Ald. Rodriguez, seconded by Ald. Manion to hold Zillis extension application and send it back to committee.

A motion was made to CALL THE QUESTION by Ald. Eric Payne, seconded by Ald. C. Payne. The motion passed with the following vote:

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

Nay: 2 - Cummings and Rodriguez

Absent: 1 - Perry

[Voting on Original Motion} A motion was made by Ald. Rodriguez, seconded by Ald. Manion to hold Zilli's extension application and send it back to committee. The motion failed by the following vote:

Aye: 1 - Rodriguez

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

Absent: 1 - Perry

A motion was made by Ald. Johnson, seconded by Ald. C. Payne, to approve Zilli's extension of premises application with approval of a 40 x 140 tent for 9/1/2020 through 10/31/2020 to include the existing licensed premises and the path and entryway into the tent. The motion carried by the following vote:

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

D. Human Resources Committee Report - Ald. Wells

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

[ID#20-0926](#) Bids Received: Friday, July 17, 2020, at 11:00 a.m.
Salt Storage Shed and Loader Storage Shed

The Board of Public Works recommends that the low bid from State Contractors Inc. for the Salt Storage Shed and Loader Storage Shed Base Bid in the amount of \$647,777.77 be awarded.

Sponsors: Public Works

Attachments: [20-0926 BPW Agenda Cover-Bid-Salt Shed](#)
[_Bid Tab_Salt Shed](#)

A motion was made by Ald. E. Payne, seconded by Ald. Pieper, to approve the Salt Storage Shed and Loader Storage Shed contract be awarded to State Contractors Inc. on their low Base Bid in the amount of \$647,777.77. The budget shortfall will be covered by transfer of interest earnings as recommended by the finance director and city administrator. The motion carried by the following vote:

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

[ID#20-0971](#) Report from the City Administrator

Attachments: [Admin Report 7-31-20](#)

[ID#20-0989](#) Report on COVID-19 Response

14. Mayor's Report & Referrals

15. Referrals

Ald. Rodriguez to please consider conducting a traffic study, including accident statistics, on Arcadian Ave between Perkins Ave and Aurora Ave, with particular attention paid to pedestrian safety at Oakland Ave and provide report with recommendations.

*Ald. Cummings to Building and Grounds to discuss and recommend a crosswalk with approach signs on Penhurst Way at the intersection of Penhurst Way and Austin Court. Discuss and recommend (2) stop signs on Penhurstway at the intersection of Austin Court. *The neighborhood has turned over; eleven children use the public school buses for transportation. This would be the new bus pickup.*

Ald. Cummings to Board of Public Works to discuss and recommend that the Assessor have the same standard of partition as do all other offices at City Hall! This partition is not effective and inadequate for our employees' protection.

Ald. Cummings and Ald. Browne to the City Council Agenda per 3.11 of Council Rules. As Alderman and Representatives for We the People and are Essential Workers to our Democracy it is imperative we meet in person! Discuss and Approve a NEW location for InPerson City Meetings at the Schuetze Activity Room or using a comparable site, using Care's Act grant money.

16. Closed Session

[ID#20-0968](#) A motion will be made to go into closed session pursuant to Wis. Stat. 19.85(1)(g) to discuss consideration and action to terminate the Intergovernmental Agreement for Law Enforcement Services for the 2020 Democratic National Convention in Milwaukee, Wisconsin

A motion was made to go into closed session pursuant to Wis. Stat. 19.85(1)(g) to discuss consideration and action to terminate the Intergovernmental Agreement for Law Enforcement Services for the 2020 Democratic National Convention in Milwaukee, Wisconsin. The motion passed by the following vote:

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

[ID#20-0969](#) 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.

Meeting went into Recess

Meeting Reconvened

The meeting reconvened in open session upon conclusion of the closed session. A motion was made by Ald. Pieper, seconded by Ald. Johnson to terminate the agreement with the Milwaukee Police Department for DNC services. The motion carried by the following vote:

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

Nay: 1 - Rodriguez

17. Adjournment

Adjourned at 9:46 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.