



City of Waukesha

City Hall,
201 Delafield Street
Waukesha, WI 53188

Meeting Minutes - Final

City Council

Tuesday, December 3, 2019

6:30 PM

Council Chambers, City Hall
Use upper level doors off Buena Vista Ave.

1. Roll Call

Ald. Cummings arrived at 6:32 pm during Pledge of Allegiance.

Present: 13 - Pieper, Bartels, Cummings, Perry, Manion, Johnson, Rodriguez, E. Payne, Wells, Moltzan, Miller, R. Lemke and Browne

Absent: 2 - D. Lemke and C. Payne

3. Pledge of Allegiance

2. Announcement of Closed Session pursuant to Wis. State Stats. 19.85(1)(g) for the purpose of conferring with legal counsel concerning strategy to be adopted with respect to litigation in which it is or is likely to become involved regarding the City of Waukesha Water Utility's application for a Conditional Use Permit in the City of New Berlin.

4. Public Comment

Steve Edlund, 426 Prospect Avenue, spoke regarding the affordability of Lake Michigan water.

John Thomas, 134 Douglass Avenue, indicated concerns over the Metro Bus using the South Grand Avenue bike lane.

5. Approval of Minutes

[ID#19-1617](#) Minutes from November 19, 2019

Attachments: [ccmn 19.11.19 draft](#)

A motion was made by Ald. Johnson, seconded by Ald. Miller, to approve the Minutes from November 19, 2019. The motion carried by the following vote:

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

Absent: 2 - D. Lemke and C. Payne

Consent Agenda

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

1. Other Boards and Commissions

[ID#19-1505](#) Approval of Proposed Service Changes and Reductions to Effective Monday, January 6th, 2020

Attachments: [Agenda Cover Sheet -January 2020 Service Changes hearing notice service changes and Pass Fare Increase January 2020](#)
[Route 1 Nights Sundays 2020 Proposed](#)
[Resolution - Revisions to Route 1 January 2020](#)
[route 1 description January 6 2020](#)

Resolution #: 45-19

[ID#19-1506](#) Approval of Resolution Authorizing Revising of Fare Tariff No. 24 to Create Fare Tariff No. 25 for Waukesha Metro Transit Increasing Bus Pass Fares

Attachments: [Agenda Cover Sheet -Approval of Fare Tariff No 25](#)
[Resolution - Creation Fare Tariff no 25](#)
[fare tariff #25 1-6-2020](#)

Resolution #: 46-19

[ID#19-1509](#) Approval to Eliminate Bus Stops

Attachments: [Agenda Cover Sheet -Eliminate Bus Stops](#)

[ID#19-1586](#) Recommend approval of proposed seasonal Recreation Services (provider) Contracts.

Attachments: [Council Agenda Cover Sheet-Recreation Service Contracts.pdf](#)
[Grape Escape, LLC.pdf](#)
[Occupational Therapy Family Services LLC.pdf](#)

2. Plan Commission

[PC19-0099](#) Frame Park Commons, 1421 and 1430 White Rock Avenue - Certified Survey Map

Attachments: [Frame Park CSM Application FINAL.pdf](#)
[Frame Park Commons CSM Dept. Comments.pdf](#)
[Frame Park Commons CSM Cover Sheet.pdf](#)

3. Standing Committees

A. Finance Committee - Ald. Pieper

[ID#19-1406](#) Review and act on a request to recommend approval of the final documents and resolutions for conduit financing for Bear Development and the Frame Park Commons affordable housing project.

Sponsors: Community Development

Indexes: Frame Park; Resolution; Housing Authority

Attachments: [Cover Sheet- Bear Development final resolution.pdf](#)
[Frame Park Waukesha Common Council TEFRA Resolution.pdf](#)

Resolution #: 47-19

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

[ID#19-1490](#) Please approve removal of sign that reads “Truck Route to Waukesha Wholesale Foods” from the north side of E. Moreland Blvd. near Jefferson Avenue.

Sponsors: Rodriguez

Attachments: [19-1490_Admin Cover to Review Remov Sign Truck Route from N Side of E Moreland near Jefferson to CC Meeting Consent B&G Resolution RTC for the 12-3-19 CC Meeting CONSENT AGENDA](#)

Resolution #: 48-19

[ID#19-1491](#) Please approve installation of a sign at the corner of E. Moreland Blvd. and White Rock Avenue that points to the direction of U.S. Foods on White Rock Avenue. Said sign would be paid for by U.S. Foods.

Sponsors: Rodriguez

Attachments: [19-1491_Admin Cover to Review Approve sign at E Moreland and White Rock that point to US Foods to CC Meeting Consent B&G Resolution RTC for the 12-3-19 CC Meeting CONSENT AGENDA](#)

Resolution #: 48-19

Please approve installation of a sign at the corner of E. Moreland Blvd. and White Rock Avenue that points to the direction of U.S. Foods on White Rock Avenue. Said sign would be paid for by U.S. Foods.

C. Ordinance & License Committee - Ald. Johnson

1. Licenses

[ID#19-1606](#) Bartenders - November 25, 2019

Attachments: [Bartenders 2019.11.25- updated](#)

[ID#19-1607](#) Other Licenses- November 25, 2019

Attachments: [Other Licenses 2019.11.25](#)

D. Human Resources - Ald. Wells

[ID#19-1516](#) Review and approve revisions to Human Resources Policy B6 - City Work Rules.

Attachments: [B6 City Work Rules_DRAFT 11.2019.pdf](#)

[ID#19-1513](#) Review and approve revisions to Human Resources Policy B1 - Management Rights

Attachments: [B1 Management Rights_11.2019 DRAFT.pdf](#)

[ID#19-1537](#) Review and approve revisions to Human Resources Policy B7 - Business Attire & Appearance

Attachments: [B7 Business Attire & Appearance 11.2019 DRAFT.pdf](#)

[ID#19-1566](#) Review and approve revisions to Human Resources Policy F2 - Salary Plan and Administration

Attachments: [F2 Salary Plan and Administration_11.2019 DRAFT.pdf](#)

[ID#19-1569](#) Review and approve revisions to Human Resources Policy H6 - Separation Payout

Attachments: [H6 Separation Payout_Draft 11.2019.pdf](#)

[ID#19-1597](#) Review and approve revisions to Human Resources Policy C3 - Leaves of Absences

Attachments: [C3 Leaves of Absences_DRAFT 11.2019.pdf](#)

E. Board of Public Works - Dr. Fred Abadi

[ID#19-1384](#) Review and act on the proposed 2020 Sewer Connection Charge Schedule.

Sponsors: Public Works

Attachments: [19-1384 BPW Agenda Cover-2020 Connection Charge Schedule](#)
[1 Memo - Annual Connection Charge Review 2020](#)
[2 2020 Connection Charge Presentation](#)
[3 2020 Sewer Connection Charge Update](#)
[4 2020 Sewer Connection Charge Schedule](#)
[5 Connection Charge Resolution 2020](#)

Resolution #: 49-19

[ID#19-1450](#) Review and act on Contract Change Order No. 1 with Foth Infrastructure & Environment, LLC, for the N/NW Barstow Street Bridge Maintenance Design/Recommendations project.

Sponsors: Public Works

Attachments: [19-1450 BPW Agenda Cover-CO1-Foth-NNW Barstow St Bridge Maintenance Design](#)
[19-1450 CCO1 - Foth- NNW Barstow St Bridge Maintenance](#)

[ID#19-1461](#) Review and act on Contract Change Order No. 1 with D.C. Burbach, Inc., for the Concrete Sidewalk Replacement – City Wide project.

Sponsors: Public Works

Attachments: [19-1461 BPW Agenda Cover Sheet - CO1-Burbach](#)
[19-1461 CCO1- Burbach-Concrete Sidewalk Replacement](#)

[ID#19-1498](#) Review and act on the Contract for Design and Construction Services for Buchner Park Pool.

Sponsors: Public Works

Attachments: [19-1498-BPW Agenda Cover-Design and Construction Services Buchner Park Pool](#)
[Consultant Contract-Ayres-Buchner Pool](#)

[ID#19-1510](#) Approve Storm Water Management Practice Maintenance Agreement between Fox Lake Development, LLC located adjacent to 2852 Fox Lake Cir, and the City of Waukesha.

Sponsors: Public Works

Attachments: [19-1510 BPW Agenda Cover - Fox Lake Circle Condominium](#)
[SWMA - Fox Lake Circle Condominium -11-13-19](#)

[ID#19-1551](#) Review and act on Contract Change Order No. 7 with Super Excavators, Inc. for the Greenmeadow Sanitary Interceptor Sewer project.

Sponsors: Public Works

Attachments: [19-1551 BPW Agenda Cover-CO7-Super Excavators-Greenmeadow Sanitary Interceptor Sewer](#)
[19-1551-CCO7-Super Excavators-Greenmeadow Sanitary Interceptor](#)

End of Consent Agenda

6. New Business

[ID#19-1593](#) Review and act on a request of Board of Review for funding for outside counsel.

Sponsors: Board of Review

Indexes: Board of Review; budget amendment

Attachments: [Cover Sheet-Board of Review Outside Counsel.pdf](#)

Ald. Moltzan excused herself from discussion and abstained from voting.

A motion was made by Ald. Pieper, seconded by Ald. Rodriguez, to approve request of Board of Review for funding for outside counsel in the amount of \$31,822.84 from the contingency fund to outside legal services. The motion carried by the following vote:

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

Absent: 2 - D. Lemke and C. Payne

Abstain: 1 - Moltzan

[ID#19-1622](#) Update from Developer regarding 200 Delafield St. Project

Sponsors: Community Development

Community Development Director, Jennifer Andrews introduced Scott Kwiecinski from Horizon & Luther Group who provided updates to the Council on the studies which have been conducted and the changes to the Phase 1 project.

[ID#19-1623](#) Accept a .08-acre land donation from Waukesha State Bank for land along the Fox River near the Madison St. bridge

Attachments: [Council Agenda Cover Sheet- WSB land transfer](#)

A motion was made by Ald. Cummings, seconded by Ald. Perry, to approve acceptance a .08-acre land donation from Waukesha State Bank for land along the Fox River near the Madison St. bridge. The motion carried by the following vote:

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

Absent: 2 - D. Lemke and C. Payne

[ID#19-1634](#) Disallow claim for personal injury damages of Jeri Gamache

Attachments: [Cover Sheet-Disallow Gamache Claim.pdf](#)

A motion was made by Ald. Johnson, seconded by Ald. Miller, to approve claim disallowance for personal injury damages of Jeri Gamache. The motion carried by the following vote:

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

Nay: 1 - Cummings

Absent: 2 - D. Lemke and C. Payne

[ID#19-1636](#) Introduce resolution to vacate Meadow Lane west of Marshview Street

Attachments: [Resolution Vacating Meadow Lane.pdf](#)

This item will come back for approval at the second meeting in January 2020.

(Ald. Perry stepped out and was not present for voting on the motion.)

A motion was made by Ald. Miller, seconded by Ald. Browne, to approve the introduction to the Resolution to vacate Meadow Lane west of Marshview Street. The motion carried by the following vote:

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

Absent: 3 - Perry, D. Lemke and C. Payne

7. Public Hearing

[PC19-0098](#) Update to Comprehensive Plan Chapters 1 and 5 and Appendix C. Adopt the findings of the 2019 Housing Study and Needs Assessment into the Comprehensive Plan's Housing Element.

Attachments: [Comprehensive Plan Update Cover Sheet.pdf](#)
[Chapter 1-Clean Version.pdf](#)
[Chapter 5 Update.pdf](#)
[Chapter 1 with Tracked Changes.pdf](#)
[Appendix C-2019 Housing Study and Needs Assessment.pdf](#)

Community Development Senior Planner, Jeff Fortin provided a presentation and information regarding the Comprehensive Plan and Housing Study recommendations. The Public Hearing was opened. Steve Edlund spoke during the Public Hearing asking about impact of increased water costs and plans for more low income housing projects. The Public Hearing was closed.

8. Action on Public Hearing

[PC19-0098](#) Update to Comprehensive Plan Chapters 1 and 5 and Appendix C. Adopt the findings of the 2019 Housing Study and Needs Assessment into the Comprehensive Plan's Housing Element.

Attachments: [Comprehensive Plan Update Cover Sheet.pdf](#)
[Chapter 1-Clean Version.pdf](#)
[Chapter 5 Update.pdf](#)
[Chapter 1 with Tracked Changes.pdf](#)
[Appendix C-2019 Housing Study and Needs Assessment.pdf](#)

A motion was made by Ald. Pieper, seconded by Ald. Cummings, to approve updates to Comprehensive Plan Chapters 1 and 5 and Appendix C. Adopt the findings of the 2019 Housing Study and Needs Assessment into the Comprehensive Plan's Housing Element. The motion carried by the following vote:

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

Absent: 2 - D. Lemke and C. Payne

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. Rodriguez
- 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. Perry
- J. Community Development Block Grant Committee Report - Jennifer Andrews
- K. Public Art Committee Report - Ald. Moltzan
- 10. Plan Commission - Jennifer Andrews

[PC19-0110](#) Tenny Avenue Extension - Floodplain-Rezoning

Attachments: [Extension of Tenny Avenue.pdf](#)
[Floodplain Exhibit 8-26-19.pdf](#)
[SITE CIVIL-Tenny Ave Extension 2019-09-26.pdf](#)
[100yr Floodplain Stoney Point.pdf](#)
[Tenny Ave Rezoning Cover Sheet.pdf](#)
[Tenny Ave. Extension Rezoning Dept. Comments.pdf](#)

A motion was made by Ald. Johnson, seconded by Ald. Cummings, to approve Tenny Avenue Extension - Floodplain-Rezoning. The motion carried by the following vote:

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

Absent: 2 - D. Lemke and C. Payne

[PC19-0115](#) Frame Park Commons, 1421 and 1430 White Rock Avenue - Final Site Plan & Architectural Review and PUD - Residential development at the intersection of Whiterock Avenue and Moreland Blvd.

Attachments: [Frame Park Commons - Traffic Study.pdf](#)
[Frame Park Commons Building A Elevations and Renderings.pdf](#)
[Frame Park Commons Building B Elevations and Renderings.pdf](#)
[Frame Park Commons Color Site Plan.pdf](#)
[Frame Park Commons Final SPAR Cover Sheet.pdf](#)
[3. Development Summary- Frame Park Commons.pdf](#)
[4. 191106-FPC-Building A-PC updates.pdf](#)
[4. 191106-FPC-Building B-PC updates.pdf](#)
[5. FPC Landscape Plan.pdf](#)
[7. FPC Civil Plans.pdf](#)
[8. FPC SWMP.pdf](#)
[9. FPC Traffic Study.pdf](#)

Community Development Senior Planner, Jeff Fortin provided a presentation.

A motion was made by Ald. Rodriguez, seconded by Ald. Perry, to approve Frame Park Commons, 1421 and 1430 White Rock Avenue - Final Site Plan & Architectural Review and PUD - Residential development at the intersection of Whiterock Avenue and Moreland Blvd. The motion carried by the following vote:

Aye: 12 - Pieper, Bartels, Cummings, Perry, Manion, Johnson, Rodriguez, Wells, Moltzan, Miller, R. Lemke and Browne

Nay: 1 - E. Payne

Absent: 2 - D. Lemke and C. Payne

11. Standing Committees

A. Finance Committee Report - Ald. Pieper

[ID#19-1594](#) Review and act on the approval of a Development Agreement for the TIF assistance for the redevelopment of 2.3 acres of land located at the southwest and southeast corners of White Rock Avenue and E. Moreland Boulevard located in Tax Incremental District No. 24.

Sponsors: Community Development

Indexes: Frame Park; redevelopment

Attachments: [Cover Sheet - Frame Park Commons Development Agreement.pdf](#)

A motion was made by Ald. Rodriguez, seconded by Ald. Moltzan, to approve Development Agreement for the TIF assistance for the redevelopment of 2.3 acres of land located at the southwest and southeast corners of White Rock Avenue and E. Moreland Boulevard located in Tax Incremental District No. 24; subject to final review by the City Attorney. The motion carried by the following vote:

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

Nay: 2 - Manion and E. Payne

Absent: 2 - D. Lemke and C. Payne

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

C. Ordinance & License Committee Report - Ald. Johnson

D. Human Resources Committee Report - Ald. Wells

[ID#19-1525](#) Review and approve revisions to Human Resources Policy C2 - Vacation Leave

Attachments: [C2 Vacation Leave 3 weeks at hire 11.2019 DRAFT.pdf](#)

[Original Motion] A motion was made by Ald. Wells, seconded by Ald. Perry, to approve revisions to Human Resources Policy C2 - Vacation Leave.

[CALL THE QUESTION] A motion was made by Ald. Perry, seconded by Ald. Manion, to CALL THE QUESTION. The motion carried by the following vote:

Aye: 9 - Pieper, Bartels, Perry, Manion, Johnson, Wells, Moltzan, Miller and Browne

Nay: 3 - Cummings, Rodriguez and E. Payne

Absent: 2 - D. Lemke and C. Payne

Abstain: 1 - R. Lemke

[Voting on Original Motion] A motion was made by Ald. Wells, seconded by Ald. Perry, to approve revisions to Human Resources Policy C2 - Vacation Leave. The motion carried by the following vote:

Aye: 8 - Pieper, Perry, Manion, Johnson, Wells, Moltzan, Miller and Browne

Nay: 5 - Bartels, Cummings, Rodriguez, E. Payne and R. Lemke

Absent: 2 - D. Lemke and C. Payne

[ID#19-1522](#) Review and approve revisions to Human Resources Policy B2 - Recruitment and Retention (formerly Recruitment and Selection of Applicants).

Attachments: [B2 Recruitment and Retention Draft 11.2019 FORMERLY Recruitment and Selection of Applicants.pdf](#)

A motion was made by Ald. Wells, seconded by Ald. Perry, to approve revisions to Human Resources Policy B2 - Recruitment and Retention (formerly Recruitment and Selection of Applicants). The motion carried by the following vote:

Aye: 9 - Pieper, Bartels, Perry, Manion, Johnson, Wells, Moltzan, Miller and Browne

Nay: 4 - Cummings, Rodriguez, E. Payne and R. Lemke

Absent: 2 - D. Lemke and C. Payne

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

[ID#19-1550](#) 2019-2020 Construction and Installation of Fiber Optic

Sponsors: Public Works

Attachments: [19-1550 Resolution Construction and Install Fiber Optic 2019-2020](#)

Resolution #: 50-19

A motion was made by Ald. Pieper, seconded by Ald. E. Payne, to approve Construction and Installation of Fiber Optic Resolution. The motion carried by the following vote:

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

Absent: 2 - D. Lemke and C. Payne

13. Director of Public Works Report

14. City Attorney's Report

15. City Administrator's Report

16. Mayor's Report & Referrals

17. Referrals

Ald. Rick Lemke to Building and Grounds to please consider a No Parking sign on Madison Street, 50 feet East of the entrance to Sutton Place Condominiums on Madison Street and East Sutton Place. Going downhill into the entrance of the condominiums from the East is hard to navigate when a car is parked there; especially at night and in snowy conditions. It has been a problem since the bus stop was removed.

18. Closed Session

[ID#19-1587](#)

A motion will be made to go into closed session pursuant to Wis. State Stats. 19.85(1)(g) for the purpose of conferring with legal counsel concerning strategy to be adopted with respect to litigation in which it is or is likely to become involved regarding the City of Waukesha Water Utility's application for a Conditional Use Permit in the City of New Berlin.

Meeting went into Recess at 8:17 pm.

Meeting Reconvened at 8:46 pm.

A motion was made by Ald. Pieper, seconded by Ald. Miller, to go into closed session pursuant to Wis. State Stats. 19.85(1)(g) for the purpose of conferring with legal counsel concerning strategy to be adopted with respect to litigation in which it is or is likely to become involved regarding the City of Waukesha Water Utility's application for a Conditional Use Permit in the City of New Berlin. The motion carried by the following vote:

Aye: 12 - Pieper, Bartels, Cummings, Perry, Manion, Johnson, Rodriguez, E. Payne, Wells, Moltzan, Miller and Browne

Nay: 1 - R. Lemke

Absent: 2 - D. Lemke and C. Payne

[ID#19-1588](#)

Upon conclusion of the closed session a motion will be made to reconvene in open session pursuant to Wis. State Stats. 19.85(2) for possible additional discussion and/or action concerning any matter discussed in closed session.

A motion was made by Ald. E. Payne, seconded by Ald. Cummings, to reconvene upon conclusion of the closed session back into open session pursuant to Wis. State Stats. 19.85(2) for possible additional discussion and/or action concerning any matter discussed in closed session. The motion carried by the following vote:

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

Absent: 2 - D. Lemke and C. Payne

A motion was made by Ald. Pieper, seconded by Ald. Perry, to authorize representatives from the City of Waukesha and the Waukesha Water Utility to commence legal action against the City of New Berlin as it relates to the application for the conditional use permit. The motion carried by the following vote:

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

Absent: 2 - D. Lemke and C. Payne

19. Adjournment

Meeting adjourned at 8:49 pm.

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.