



City of Waukesha

City Hall,
201 Delafield Street
Waukesha, WI 53188

Meeting Minutes - Draft

City Council

Tuesday, August 3, 2021

6:30 PM

Council Chambers, City Hall

City Council

Meeting Minutes - Draft

August 3, 2021

1. Roll Call

Ald. Moltzan joined the meeting after the vote on the Consent Agenda.

Present: 11 - Pieper, Bartels, Cummings, Johnson, Rodriguez, D. Lemke, E. Payne, Wells, Moltzan, Miller and Browne

Absent: 4 - Manion, R. Lemke, C. Payne and McElderry

2. Announcement of Closed Session pursuant to Wis. Stat. 19.85(1)(g) to confer with legal counsel regarding a possible appeal of the Circuit Court's decision in City of Waukesha v. Town of Waukesha and regarding the approval and ratification of a settlement agreement with S.J. Louis Construction, Inc., to settle a dispute that would likely lead to litigation between the City and S.J. Louis.

3. Pledge of Allegiance

4. Public Comment

No public comment.

5. Approval of Minutes

A. [ID#21-2613](#) Minutes from July 20, 2021

Attachments: [ccmm 210720 draft](#)

A motion was made by Ald. E. Payne, seconded by Ald. Miller, to approve the Minutes from July 20, 2021. The motion carried by the following vote:

Aye: 10 - Pieper, Bartels, Cummings, Johnson, Rodriguez, D. Lemke, E. Payne, Wells, Miller and Browne

Absent: 5 - Manion, Moltzan, R. Lemke, C. Payne and McElderry

Consent Agenda

Ald. Johnson removed item ID#21-2623. The remainder of Consent Agenda was passed by unanimous consent. Ald. Moltzan was not present for the Consent Agenda vote.

1. Other Boards and Commissions

- A. [ID#21-2617](#) Review and act on proposed “Future 4 Waukesha” Four-Year-Old Kindergarten Program agreement with the School District of Waukesha.
- Attachments:** [Council Agenda Cover Sheet- Fox Tale Preschool](#)
[City of Waukesha Fox Tale Preschool 21-22 Agreement](#)
- B. [ID#21-2623](#) Review and act on permission request received from Everstream GLC Holding Company LLC to access an existing pole easement associated with Meadowview Park to install Fiber Optic to existing We Energies pole.
- Attachments:** [Council Cover Sheet - 2021 Everstream Pole Permission Private Property](#)
[Everstream Pole Permission Private Property](#)
[We Energies Easement](#)
- This item was removed from the consent agenda and handled under Parks, Recreation & Forestry Board Report.*
- C. [ID#21-2624](#) Review and act on proposed music licensing agreement with Global Music Rights, LLC.
- Attachments:** [Council Agenda Cover Sheet - Global Music Rights](#)
[City of Waukesha Wisconsin - GMR - 2021 Execution \(v1 7-2-21\) Agreement](#)
- D. [ID#21-2625](#) Review and act on proposed Recreation Services contract with Donna McKonly Coaching LLC.
- Attachments:** [Council Agenda Cover Sheet - Independent Contractors](#)
[Donna McKonly Coaching LLC Agreement](#)
- E. [ID#21-2626](#) Review and act on proposed Recreation Services contract with Ms. Beep Ink LLC dba Queen Bee Tea and Treats.
- Attachments:** [Council Agenda Cover Sheet - Independent Contractors](#)
[Ms Beep Ink LLCC dba Queen Bee Tea and Treats Agreement](#)
- F. [ID#21-2627](#) Review and act on proposed sponsorship agreement with DICK’s Sporting Goods.
- Attachments:** [Cover Sheet-Fall 2021 DICK’s Sporting Goods Agreement](#)
[DICK’s Sporting Goods-WPRF 2021 \(Fall\) Sponsorship Agreement](#)
- G. [ID#21-2628](#) Review and act on proposed vendor agreement with BSA Explorers Post 178, to sell Oktoberfest promotional items such as t-shirts, koozies, pins at 2021 Oktoberfest event.
- Attachments:** [Council Agenda Cover Sheet-Oktoberfest 2021](#)
[2021 Explorers Post 178 Agreement](#)

- H. [ID#21-2629](#) Review and act on proposed vendor agreement with dFATE LLC. d.b.a. Spitfires On State to sell non-competing food items at 2021 Oktoberfest event.
- Attachments:** [Council Agenda Cover Sheet-Oktoberfest 2021](#)
[2021 Spitfires on State Agreement](#)
- I. [ID#21-2630](#) Review and act on proposed vendor agreement with Waukesha Citizens Police Academy Association, Inc. to sell non-competing food items at 2021 Oktoberfest event.
- Attachments:** [Council Agenda Cover Sheet-Oktoberfest 2021](#)
[2021 Waukesha Citizens Police Academy Association Agreement](#)
- J. [ID#21-2631](#) Review and act on proposed vendor agreement with Mama Duckys Desserts to sell non-competing food items at 2021 Oktoberfest event.
- Attachments:** [Council Agenda Cover Sheet-Oktoberfest 2021](#)
[2021 Mama Ducky's Desserts Oktoberfest Agreement](#)
- K. [ID#21-2632](#) Review and act on proposed vendor agreement with Waukesha Sunrise Rotary Club Charitable Fund, Inc. to sell non-competing food and beverage items at 2021 Oktoberfest event.
- Attachments:** [Council Agenda Cover Sheet-Oktoberfest 2021](#)
[2021 Sunrise Rotary Oktoberfest Agreement](#)
- L. [ID#21-2633](#) Review and act on proposed vendor agreement with Bobalou Enterprises, LLC, Louis Maniscalco, to sell non-competing food items at 2021 Oktoberfest event.
- Attachments:** [Council Agenda Cover Sheet-Oktoberfest 2021](#)
[2021 Bobalou Enterprises Okto Agreement](#)
- M. [ID#21-2634](#) Review and act on proposed agreement with Navistar, Inc. to allow the City and its invitees to use their parking lot for the 2021 Oktoberfest event.
- Attachments:** [Council Agenda Cover Sheet-Oktoberfest 2021](#)
[2021 Navistar Oktoberfest Agreement](#)

2. Plan Commission

- A. [PC21-0058](#) Wern Farms, Inc., Extra Territorial Certified Survey – A proposed one lot CSM to encompass 15.57 acres of land north of CTH D and east of the Wisconsin and Southern Railroad in the Town of Genesee.

Attachments: [Wern Farms Inc. CSM](#)
[Wern Farms Cover Sheet](#)
[Wern Farms Dept. Comments](#)

- B. [PC21-0059](#) The Retreat, Extraterritorial Plat Review – A proposed 8 residential lot, and 3 outlot plat to encompass approx. 49.5 Acres of land east of CTH G, in the Town of Delafield.

Attachments: [17127 retreat FINAL SUBDIVISION PLAT](#)
[The Retreat Cover Sheet](#)
[The Retreat Dept. Comments](#)

3. Standing Committees

A. Finance Committee - Ald. Pieper

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

- A. [ID#21-2550](#) Install a stop sign on Campfire Crossing and on Wyngate Way at their intersections with River Valley Road.

Sponsors: McElderry

Attachments: [21-2550_Install Stop Sing on Campfire and Wyndgate with River Valley](#)
[B and G Resolution RTC for the 8-3-21 CC Meeting CONSENT AGENDA](#)

- B. [ID#21-2551](#) Install a stop sign on Campfire Crossing, Wyngate Way, Lavine Lane and Fox Hill Drive at their intersections with Fox Ridge Drive.

Sponsors: McElderry

Attachments: [21-2551_Install Stop Sign on Campfire Wyngate Lavine and Fox Hill with Fox Ridge](#)
[B and G Resolution RTC for the 8-3-21 CC Meeting CONSENT AGENDA](#)

- C. [ID#21-2552](#) Install an All-Way stop with associated crosswalk and stop bar pavement markings for the intersection at River Valley Road and Fox Ridge Drive.

Sponsors: McElderry

Attachments: [21-2552_Install an All-Way Stop with Crosswalk and Markings at River Vally and Fox Ridge](#)
[B and G Resolution RTC for the 8-3-21 CC Meeting CONSENT AGENDA](#)

- D. [ID#21-2553](#) Install an All-Way stop with associated crosswalk and stop bar pavement markings for the intersection at River Valley Road and Fox Hill Drive.

Sponsors: McElderry

Attachments: [21-2553 Install an All-Way Stop with Crosswalk and Markings at River Valley and Fox Hill](#)
[B and G Resolution RTC for the 8-3-21 CC Meeting CONSENT AGENDA](#)

- E. [ID#21-2554](#) Install an All-Way stop with associated crosswalk and stop bar pavement markings for the intersection at River Valley Road and River Ridge Drive.

Sponsors: McElderry

Attachments: [21-2554 Install an All-Way Stop with Crosswalk and Markings at River Valley and River Ridge](#)
[B and G Resolution RTC for the 8-3-21 CC Meeting CONSENT AGENDA](#)

- F. [ID#21-2555](#) Install an All-Way stop with associated crosswalk and stop bar pavement markings for the intersection at River Valley Road and River View Drive.

Sponsors: McElderry

Attachments: [21-2555 Install an All-Way Stop with Crosswalk and Markings at River Valley and River View](#)
[B and G Resolution RTC for the 8-3-21 CC Meeting CONSENT AGENDA](#)

- G. [ID#21-2556](#) Install Playground warning signs with associated “15 mph speed when children are present” sign on River Valley Road at the River Valley Park.

Sponsors: McElderry

Attachments: [21-2556 Install Playground Warning Signs on River Valley at the River Valley Park](#)
[B and G Resolution RTC for the 8-3-21 CC Meeting CONSENT AGENDA](#)

- H. [ID#21-2557](#) Replace existing and install additional 25 MPH speed limit signing on River Valley Road from River Road to River View Drive.

Sponsors: McElderry

Attachments: [21-2557 Replace and Install Additional 25 mph on River Valley from River to River View](#)
[B and G Resolution RTC for the 8-3-21 CC Meeting CONSENT AGENDA](#)

- I. [ID#21-2558](#) Install a No Parking Any Time on north side of Pearl Street from eastern side of driveway to 1330 Pearl Street to 70 feet east of the western most driveway of 1342 Pearl Street.

Sponsors: Moltzan

Attachments: [21-2558 Install No Parking Any Time on Pearl from 1330 Pearl to 1342 Pearl](#)
[B and G Resolution RTC for the 8-3-21 CC Meeting CONSENT AGENDA](#)

- J. [ID#21-2559](#) Install a No Parking Any Time on south side of Pearl Street between the western and eastern driveways to 1337 Pearl Street.
- Sponsors:** Moltzan
- Attachments:** [21-2559 Install No Parking Any Time on Pearl from Western and Eastern to 1337 Pearl](#)
[B and G Resolution RTC for the 8-3-21 CC Meeting CONSENT](#)
[AGENDA](#)
- K. [ID#21-2560](#) Repaint the existing crosswalk and stop bar markings and the replace of all school zone crossing signs at the intersection of Arcadian Avenue and Oakland Avenue.
- Sponsors:** Rodriguez
- Attachments:** [21-2560 Repainting of Crosswalk and markings and Replacement All School Zone Signs at Arcadian and Oakland](#)
[B and G Resolution RTC for the 8-3-21 CC Meeting CONSENT](#)
[AGENDA](#)
- L. [ID#21-2561](#) Install a permanent speed feedback sign for westbound Arcadian Avenue east of Oakland Avenue.
- Sponsors:** Rodriguez
- Attachments:** [21-2561 Install Permanent Sppeed Signs for W-B Arcadian and E of Oakland](#)
[B and G Resolution RTC for the 8-3-21 CC Meeting CONSENT](#)
[AGENDA](#)
- M. [ID#21-2563](#) Install No Parking Here to Corner on the north side of W. Newhall Avenue from the center of S. Grand Avenue to 100 feet west.
- Sponsors:** Public Works and Wells
- Attachments:** [21-2563 Install No Pakring on W Newhall from Center of S Grand to 100 Ft West](#)
[B and G Resolution RTC for the 8-3-21 CC Meeting CONSENT](#)
[AGENDA](#)
- N. [ID#21-2564](#) Install stop signs on Margaret Street, Santa Monica Circle and Catherine Street at their intersections with Highland Avenue.
- Sponsors:** Browne
- Attachments:** [21-2564 Install Stop Signs on Margaret Santa Monica and Catherine with Highland](#)
[B and G Resolution RTC for the 8-3-21 CC Meeting CONSENT](#)
[AGENDA](#)
- O. [ID#21-2565](#) Install a pedestrian crossing at the appropriate distance before the crosswalks located on Northview Road at Kayla Drive, across from Meadow View Park.

Attachments: [21-2565 Install Pedestrian Crossing on Northview at Kayla across from Meadow View Park](#)
[B and G Resolution RTC for the 8-3-21 CC Meeting CONSENT AGENDA](#)

C. Ordinance & License Committee - Ald. Johnson

1. Licenses

- A. [ID#21-2609](#) Bartenders

Attachments: [Bartender Applications 7-26-21](#)

- B. [ID#21-2610](#) Other Licenses

Attachments: [Other Applications 7-26-21](#)

D. Human Resources - Ald. Manion

E. Board of Public Works - Dr. Fred Abadi

- A. [ID#21-2586](#) Review and act on an offer prepared by Single Source Inc. for the 2022 STP St. Paul Avenue Project, WisDOT ID: 2718-04-71.

Sponsors: Public Works

Attachments: [21-2586 BPW Agenda Cvr-Offer-St Paul STP rev](#)
[21-2586 Binder Parcel No 1 Final](#)
[21-2586-Parcel 1 Offer-Doc886923](#)

- B. [ID#21-2587](#) Review and act on Contract Change Order No. 1 with Ford Construction Co., Inc., for the Fire Station No. 4 Renovation and Addition project.

Sponsors: Public Works

Attachments: [21-2587 BPW Agenda Cvr-CCO1-Ford Construction-FS 4 Renovation](#)
[21-2587 CCO1-Ford Construction-FS No 4 Renovation](#)

End of Consent Agenda

6. New Business

- A. [ID#21-2637](#) Review and approve contract for new City Logo

Attachments: [Cover Sheet- City Logo](#)
[City Logo Contract](#)
[Estimate Logo Designs 2021-06-29](#)

A motion was made by Ald. Pieper, seconded by Ald. Wells, to approve contract

for new City Logo. The motion carried by the following vote:

Aye: 11 - Pieper, Bartels, Cummings, Johnson, Rodriguez, D. Lemke, E. Payne, Wells, Moltzan, Miller and Browne

Absent: 4 - Manion, R. Lemke, C. Payne and McElderry

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. Moltzan
- E. Redevelopment Authority Report - Ald. R. Lemke
- F. Parks, Recreation & Forestry Board Report - Ald. Johnson

[ID#21-2623](#) Review and act on permission request received from Everstream GLC Holding Company LLC to access an existing pole easement associated with Meadowview Park to install Fiber Optic to existing We Energies pole.

Attachments: [Council Cover Sheet - 2021 Everstream Pole Permission Private Property](#)
[Everstream Pole Permission Private Property](#)
[We Energies Easement](#)

This item was removed from consent. No action was taken on this item.

- G. Library Board Report - Ald. Miller
 - H. Cemetery Commission Report - Ald. McElderry
 - I. Waukesha Housing Authority Report - Ald. Pieper
 - 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

- B. Building & Grounds Committee Report - Ald. E. Payne
 - C. Ordinance & License Committee Report - Ald. Johnson
 - D. Human Resources Committee Report - Ald. Manion
- 10. Board of Public Works Report - Dr. Fred Abadi
 - 11. Director of Public Works Report
 - 12. City Attorney's Report
 - 13. City Administrator's Report

- A. [ID#21-2661](#) Report from the City Administrator

Attachments: [Admin Report 7-30-21](#)

- 14. Mayor's Report & Referrals

- A. [ID#21-2662](#) Council Seating Chart

Attachments: [City Council Seating Chart- August 2021](#)

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

Aye: 11 - Pieper, Bartels, Cummings, Johnson, Rodriguez, D. Lemke, E. Payne, Wells, Moltzan, Miller and Browne

Absent: 4 - Manion, R. Lemke, C. Payne and McElderry

- 15. Referrals

Ald. Rodriguez to Building and Grounds Committee to discuss and take possible action to refresh and/or replace the No Parking signs on Cleveland Ave.

- 16. Closed Session

Meeting went into closed session at 6:51pm. Ald. Moltzan was not in the room during the discussion relating to the City of Waukesha V. Town of Waukesha; She did participate in the discussion related to S.J. Louis Construction INC.

A motion was made by Ald. Joe Pieper, seconded by Ald. Don Paul Browne, to go into closed session. Pursuant to Wis. Stat. 19.85(1)(g) to confer with legal counsel regarding a possible appeal of the Circuit Court's decision in City of Waukesha v. Town of Waukesha and regarding the approval and ratification of a settlement agreement with S.J. Louis Construction, INC./ to settle a dispute that would likely lead to litigation between the City and S.J. Louis. The motion carried by the following vote:

Aye: 10 - Pieper, Bartels, Cummings, Johnson, Rodriguez, D. Lemke, E. Payne, Wells, Miller and Browne

Absent: 4 - Manion, R. Lemke, C. Payne and McElderry

Abstain: 1 - Moltzan

- A. [ID#21-2665](#) Confer with legal counsel regarding a possible appeal of the Circuit Court's decision in City of Waukesha v. Town of Waukesha.
- B. [ID#21-2666](#) Confer with legal counsel regarding the approval and ratification of a settlement agreement with S.J. Louis Construction, Inc., to settle a dispute that would likely lead to litigation between the City and S.J. Louis.

17. Reconvene in Open Session

The meeting reconvened in Open Session at 7:55pm.

- B. [ID#21-2673](#) Possible discussion and/or action on conferring with legal counsel regarding the approval and ratification of a settlement agreement with S.J. Louis Construction, Inc., to settle a dispute that would likely lead to litigation between the City and S.J. Louis

A motion was made by Ald. Bartels, seconded by Ald. D. Lemke, to ratify a settlement agreement signed by Atty. Brian Running to settle a dispute with S.J. Louis Construction, Inc. The motion carried by the following vote:

Aye: 11 - Pieper, Bartels, Cummings, Johnson, Rodriguez, D. Lemke, E. Payne, Wells, Moltzan, Miller and Browne

Absent: 4 - Manion, R. Lemke, C. Payne and McElderry

- A. [ID#21-2672](#) Possible discussion and/or action on conferring with legal counsel regarding a possible appeal of the Circuit Court's decision in City of Waukesha v. Town of Waukesha.

Ald. Moltzan left the Council Chambers during the vote for this item.

A motion was made by Ald. Pieper, seconded by Ald. Browne, to direct the City Attorney's office to file an appeal of the Circuit Court's decision in City of Waukesha V. Town of Waukesha. The motion carried by the following vote:

Aye: 10 - Pieper, Bartels, Cummings, Johnson, Rodriguez, D. Lemke, E. Payne, Wells, Miller and Browne

Absent: 5 - Manion, Moltzan, R. Lemke, C. Payne and McElderry

18. Adjournment

The meeting adjourned at 8:02pm

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.