



Wauwatosa, WI

Common Council

Meeting Minutes

7725 W. North Avenue
Wauwatosa, WI 53213

Tuesday, May 16, 2023

7:30 PM

Council Chambers and Zoom:
<https://servetosa.zoom.us/j/273225010>,
Meeting ID: 273 225 010

Regular Meeting

CALL TO ORDER

Mayor Dennis McBride called the regular Common Council meeting to order at 7:35 PM.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

ROLL CALL

Present: 15 Alderperson District 1 Andrew Meindl
Alderperson District 1 James Moldenhauer
Alderperson District 2 Margaret Arney
Alderperson District 2 John Dubinski
Alderperson District 3 Joseph Makhlof II
Alderperson District 3 Robin Brannin
Alderperson District 4 David Lewis
Alderperson District 4 Ernst Franzen
Alderperson District 5 Sean Lowe
Alderperson District 5 Joel Tilleson
Alderperson District 6 Council President Meagan O'Reilly
Alderperson District 6 Joe Phillips
Alderperson District 7 Mike Morgan
Alderperson District 7 Amanda Fuerst
Alderperson District 8 Melissa Dolan
Excused: 1 Alderperson District 8 Jason Wilke

SPECIAL PRESENTATION

1. Historic Preservation Commission Preservation of Property Award presentation

[23-1063](#)

Jim Haertel, Historic Preservation Commission Chairperson, presented the Preservation of Properties Award to Galbraith Carnahan Architects for the relocation and restoration of the Underwood Log Home. He also mentioned the historic display of local designated properties: Zeddie Hyler House, Blanchard Street Pump Station, and Hart Park Complex.

RESULT: INFORMATIONAL ONLY

APPROVAL OF MINUTES

1. Approval of minutes of the May 2, 2023 regular meeting [23-1097](#)
- RESULT:** APPROVED
MOVER: Ernst Franzen
SECONDER: David Lewis
- Aye:** 15 Meindl, Moldenhauer, Arney, Dubinski, Makhoulf II, Brannin, Lewis, Franzen, Lowe, Tilleson, O'Reilly, Phillips, Morgan, Fuerst, and Dolan
- Excused:** 1 Wilke

APPOINTMENTS BY THE MAYOR

1. Reappointment by Mayor McBride of Joseph Galbraith (District 1) of the Wauwatosa Design Review Board, for the term ending June 30, 2025 [23-718](#)
- Recommendation:* Second Reading
- RESULT:** APPROVED
MOVER: Meagan O'Reilly
SECONDER: Robin Brannin
- Aye:** 15 Meindl, Moldenhauer, Arney, Dubinski, Makhoulf II, Brannin, Lewis, Franzen, Lowe, Tilleson, O'Reilly, Phillips, Morgan, Fuerst, and Dolan
- Excused:** 1 Wilke
2. Reappointment by Mayor McBride of Edward Haydin (District 5) of the Wauwatosa Design Review Board, for the term ending June 30, 2025 [23-825](#)
- Recommendation:* Second Reading
- RESULT:** APPROVED
MOVER: Meagan O'Reilly
SECONDER: Robin Brannin
- Aye:** 15 Meindl, Moldenhauer, Arney, Dubinski, Makhoulf II, Brannin, Lewis, Franzen, Lowe, Tilleson, O'Reilly, Phillips, Morgan, Fuerst, and Dolan
- Excused:** 1 Wilke
3. Reappointment by Mayor McBride of Eric Harrmann (District 3) of the Wauwatosa Design Review Board, for the term ending June 30, 2025 [23-826](#)
- Recommendation:* Second Reading
- RESULT:** APPROVED
MOVER: Meagan O'Reilly
SECONDER: Robin Brannin
- Aye:** 15 Meindl, Moldenhauer, Arney, Dubinski, Makhoulf II, Brannin, Lewis, Franzen, Lowe, Tilleson, O'Reilly, Phillips, Morgan, Fuerst, and Dolan
- Excused:** 1 Wilke
4. Reappointment by Mayor McBride of Monica Deluhery (District 6) as a [23-827](#)

member of the Wauwatosa Library Board, for the term ending June 30, 2026

Recommendation: Second Reading

RESULT: APPROVED

MOVER: Meagan O'Reilly

SECONDER: Robin Brannin

Aye: 15 Meindl, Moldenhauer, Arney, Dubinski, Makhoul II, Brannin, Lewis, Franzen, Lowe, Tilleson, O'Reilly, Phillips, Morgan, Fuerst, and Dolan

Excused: 1 Wilke

5. Appointment by Mayor McBride of Michael Hayden (District 5) as a member of the Wauwatosa Bicycle and Pedestrian Facilities Committee, for the term ending May 31, 2025 [23-828](#)

Recommendation: Second Reading

RESULT: APPROVED

MOVER: Meagan O'Reilly

SECONDER: Robin Brannin

Aye: 15 Meindl, Moldenhauer, Arney, Dubinski, Makhoul II, Brannin, Lewis, Franzen, Lowe, Tilleson, O'Reilly, Phillips, Morgan, Fuerst, and Dolan

Excused: 1 Wilke

6. Appointment by Mayor McBride of Meegan Archambo (District 8) as the School District representative member of the Wauwatosa Library Board, for the term ending June 30, 2026 [23-847](#)

Recommendation: Second Reading

RESULT: APPROVED

MOVER: Meagan O'Reilly

SECONDER: Robin Brannin

Aye: 15 Meindl, Moldenhauer, Arney, Dubinski, Makhoul II, Brannin, Lewis, Franzen, Lowe, Tilleson, O'Reilly, Phillips, Morgan, Fuerst, and Dolan

Excused: 1 Wilke

7. Reappointment by Mayor McBride of Dave Amoroso (District 8) as a member of the Wauwatosa Tourism Commission, term ending July 31, 2024 [23-1029](#)

Recommendation: First Reading

RESULT: HELD

8. Reappointment by Mayor McBride of Adam DeLude (District 3) as a Hotel Representative of the Wauwatosa Tourism Commission, term ending July 31, 2024 [23-1039](#)

Recommendation: First Reading

RESULT: HELD

9. Reappointment by Mayor McBride of David Lau (District 1) as a member of the Wauwatosa Tourism Commission, term ending July 31, 2024

[23-1244](#)

Recommendation: First Reading

RESULT: HELD

10. Reappointment by Mayor McBride of Megan Tanel (District 1) as a member of the Wauwatosa Tourism Commission, term ending July 31, 2024

[23-1245](#)

Recommendation: First Reading

RESULT: HELD

APPLICATIONS, COMMUNICATIONS, ETC.

1. Petition for Writ of Mandamus - Robin Palm vs. Paulette Enders, Development Director, Zoning Administrator, City of Wauwatosa, Case No. 2023CV003140

[23-1200](#)

Recommendation: Refer to City Attorney

RESULT: REFERRED TO CITY ATTORNEY

FROM THE GOVERNMENT AFFAIRS COMMITTEE

1. Resolution approving the temporary "Class B" Liquor license extension application by Ray's Growler Gallery, 8930 W North Avenue, for the 5th Annual Rose Fest on Sunday, May 21, 2023 from 1:00 PM to 4:00 PM to include their parking lot

[23-1263](#)

WHEREAS, Ray's Growler Gallery, 8930 W. North Avenue, has requested a temporary extension of the licensed premises from 1:00 PM to 4:00 PM for the 5th Annual Rose Fest on Sunday, May 21, 2023, to include their parking lot;

NOW, THEREFORE, BE IT RESOLVED THAT the Special Event permit is hereby approved and the "Class B" Liquor licensed premises of Ray's Growler Gallery be extended from 1:00 PM to 4:00 PM for the 5th annual Rose Fest on Sunday, May 21, 2023, to include their parking lot.

By: Government Affairs Committee

Recommendation: Approve 7-0

RESULT: APPROVED

MOVER: Joel Tilleson

SECONDER: Margaret Arney

Aye: 15 Meindl, Moldenhauer, Arney, Dubinski, Makhoulf II, Brannin, Lewis, Franzen, Lowe, Tilleson, O'Reilly, Phillips, Morgan, Fuerst, and Dolan

Excused: 1 Wilke

Enactment No: R-23-81

2. Resolution approving the temporary “Class B” Liquor license extension application by Jackson’s Blue Ribbon Pub. 11302 W Blue Mound Road, for a bags league event, Wednesday evenings from May 31, 2023 until July 19, 2023, from 6:00 PM to 9:00 PM to include their parking lot [23-1265](#)

WHEREAS, Jackson's Blue Ribbon Pub, 11302 W. Blue Mound Road, has requested a temporary extension of the licensed premises on Wednesday evenings from May 31, 2023 until July 19, 2023, from 6:00 PM to 9:00 PM for a bags league event, to include their parking lot;

NOW, THEREFORE, BE IT RESOLVED THAT the Special Event permit is hereby approved and the licensed premises of Jackson's Blue Ribbon Pub be extended every Wednesday from May 31, 2023 until July 19, 2023 from 6:00 PM until 9:00 PM for a bags league event, to include their parking lot.

By: Government Affairs Committee

Recommendation: Approve 7-0

RESULT: APPROVED

MOVER: Joel Tilleson

SECONDER: Margaret Arney

Aye: 15 Meindl, Moldenhauer, Arney, Dubinski, Makhlof II, Brannin, Lewis, Franzen, Lowe, Tilleson, O'Reilly, Phillips, Morgan, Fuerst, and Dolan

Excused: 1 Wilke

Enactment No: R-23-82

3. Resolution approving the temporary “Class B” Liquor license extension application by Ray’s Growler Gallery, 8930 W. North Avenue, for the “Toppling the Ray-borhood” event on Sunday, May 16, 2023 from 12:00 PM to 6:00 PM to include their parking lot [23-1266](#)

WHEREAS, Ray’s Growler Gallery, 8930 W. North Avenue, has requested a temporary extension of the licensed premises from 12:00 PM to 6:00 PM for the "Toppling the Ray-borhood" Market on Sunday, June 4, 2023, to include their parking lot;

NOW, THEREFORE, BE IT RESOLVED THAT the Special Event permit is hereby approved and the "Class B" Liquor licensed premises of Ray’s Growler Gallery be extended from 12:00 PM to 6:00 PM for "Toppling the Ray-borhood" event on Sunday, June 4, 2023, to include their parking lot; and

BE IT FURTHER RESOLVED THAT the 45-day advance application deadline contained in sec. 7.50.040 A. of the Wauwatosa Municipal Code is hereby waived for this application.

By: Government Affairs Committee

Recommendation: Approve 7-0

RESULT: APPROVED

MOVER: Joel Tilleson

SECONDER: Margaret Arney

Aye: 15 Meindl, Moldenhauer, Arney, Dubinski, Makhoulf II, Brannin, Lewis, Franzen, Lowe, Tilleson, O'Reilly, Phillips, Morgan, Fuerst, and Dolan

Excused: 1 Wilke

Enactment No: R-23-83

FROM THE BOARD OF PUBLIC WORKS

1. Resolution awarding the bid for Contract 23-07/Project 1023 - N 115th St Improvements to Stark Pavement Corp. in the amount of \$1,619,104.01 [23-1267](#)

WHEREAS, the Board of Public Works of the City of Wauwatosa reports that pursuant to the official notice, published as required by law, for proposals for Contract 23-07 / Project 1023, N. 115th St Improvements; and

WHEREAS, bids and proposals were received at the office of the City Clerk until 11:01 o'clock in the fore noon Wednesday, May 10, 2023, and therefore publicly opened; and

WHEREAS, that said bids and proposals are returned herewith, and the bids received are as follows:

Stark Pavement Corp. \$1,619,104.01

WHEREAS, the lowest bid received is from Stark Pavement Corp.

WHEREAS the Board of Public Works recommends that the proper City Officials be authorized to enter into a contract for doing said work of improvement;

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Wauwatosa, that the proper City Officials be and they are hereby authorized and directed to enter into a contract with Stark Pavement Corp. for the work of Contract 23-07 / Project 1023, N. 115th St Improvements at and for their bid price of \$ \$1,619,104.01, this being the lowest and best bid.

By: Board of Public Works

Recommendation: Approve 5-0

RESULT: APPROVED

MOVER: John Dubinski

SECONDER: Joseph Makhoulf II

Aye: 15 Meindl, Moldenhauer, Arney, Dubinski, Makhlof II, Brannin, Lewis, Franzen, Lowe, Tilleson, O'Reilly, Phillips, Morgan, Fuerst, and Dolan

Excused: 1 Wilke
 Enactment No: R-23-84

2. Resolution approving the Relocation Order and Acquisition Plat for the additional right-of-way at 1401 N. Mayfair Road associated with construction at the Staybridge Suites Hotel [23-1268](#)

WHEREAS, construction of the new Staybridge Suite hotel at 1401 North Mayfair Road requires the acquisition of property adjacent to that parcel to add a cul-de-sac for traffic purposes ; and

WHEREAS, Wisconsin Statutes mandate a Relocation Order from the City of Wauwatosa to begin the acquisition process;

NOW, THEREFORE, BE IT RESOLVED THAT the issuance of a Relocation Order, a copy of which is attached hereto and incorporated herein, for the acquisition of property at 1401 North Mayfair Road in the City of Wauwatosa is hereby approved.

By: Board of Public Works

Recommendation: Approve 5-0

RESULT: APPROVED
MOVER: John Dubinski
SECONDER: Joseph Makhlof II

Aye: 15 Meindl, Moldenhauer, Arney, Dubinski, Makhlof II, Brannin, Lewis, Franzen, Lowe, Tilleson, O'Reilly, Phillips, Morgan, Fuerst, and Dolan

Excused: 1 Wilke
 Enactment No: R-23-85

FROM THE FINANCIAL AFFAIRS COMMITTEE

1. Resolution granting the amendment to the consolidated fee schedule for a reduced weekday morning locker room rental rate at Hart Park [23-1269](#)

WHEREAS, as part of the 2023 budget, a weekday morning rental rate for use of the track and field at Hart Park was created to encourage rental during underutilized time periods;

WHEREAS, staff has received feedback that individuals would be more likely to use locker rooms if a similar discount applied during the same underutilized time periods at Hart Park;

NOW THEREFORE BE IT RESOLVED by the Common Council of the City of Wauwatosa that an approval of an amendment to the consolidated fee schedule be granted for a rental rate of \$50 per hour for locker room rentals occurring Monday through Friday between the hours of 7:00 AM and 12:00 PM at the Stadium at Hart Park.

By: Financial Affairs Committee

Recommendation: Approve 5-0

RESULT: APPROVED

MOVER: James Moldenhauer

SECONDER: Amanda Fuerst

Aye: 15 Meindl, Moldenhauer, Arney, Dubinski, Makhoul II, Brannin, Lewis, Franzen, Lowe, Tilleson, O'Reilly, Phillips, Morgan, Fuerst, and Dolan

Excused: 1 Wilke
Enactment No: R-23-86

2. Resolution amending the 2023 budget to reflect the 2022 capital carryovers

[23-1270](#)

BE IT RESOLVED, by the Common Council of the City of Wauwatosa THAT an amendment to the 2023 budget to reflect the capital carryovers from the 2022 budget, as more particularly described by the Finance Director at the May 9, 2023, meeting of the Committee on Financial Affairs, and summarized in the table below, is hereby approved;

Project	Project #	Sum of Amount Recommended Carryover
2020 PAVING PROGRAM	1020	183,866
BIKE/PEDESTRIAN PLAN IMPLEMENTATION	1104	154,180
BUILDING CONTROLS UPDATES	6801	25,842
BUS STOP IMPROVEMENTS	9008	133,391
2021 PAVING PROGRAM	1021	498,216
STREET LIGHT CONVERSION	2403	186,601
POLICE DEPT ACCESS CONTROL UPGRADE	6410	45,000
2022 PAVING PROGRAM	1022	1,746,883
STATE ST. RECONSTRUCTION	1106	82,587
NORTH AVENUE PAVING-MENOMONEE	1107	11,351
MAYFAIR RD & BURLEIGH ST BIKE PED	1115	813,321
GLENVIEW & HARWOOD INTERSECTION	1116	56,881
STH 181 WISCONSIN AVE TO CENTER ST	1121	90,163
2022 PAVEMENT REPAIRS AND SPOT IMPR	1622	482,172
2022 BRIDGE SPOT REPAIRS	2222	214,917
WISCONSIN AVE BRIDGE OVER HONEY CRE	2303	455,413
CONSTRUCT FIBER OPTIC CONNECTIONS	2402	1,073,842
SIGNALIZED INTERSECTION IMPROVEMENT	2621	5,504
TOSA EAST UTIL IMPROVE & FLOOD REL	3005	74,815
UNDERWOOD CREEK SOUTH SANITARY IMPR	3008	461,685
2021 SAN SEWER IMPROVEMENTS	3021	62,285
FIRE STATION 52 ROOF REPLACEMENT	6610	6,544
2021 REPLACEMENT OF FIRE ENGINE/LAD	6671	51,484
ALL FACILITIES HVAC UPGRADE	6800	125,011
PUBLIC RESTROOM UPGRADES HART PARK	8025	30,266
TENNIS COURT BATHROOM REMODEL	8037	397,930
EAST TOSA IMPROVEMENTS-NORTH AVE	9001	590,000
IMPROVEMENTS AT HART PARK EAST 68TH	8019	0
2023 PAVING PROGRAM	1023	205,738
NORTH AVENUE PAVING - MAYFAIR RD T	1112	255,226
2022 SIDEWALK IMPROVEMENTS	2022	173,500

TOSA TRAILS-112TH ST CONNECTOR	2305	33,020
HIGHLANDS DECORATIVE STREET LIGHTIN	2405	3,000
ALICE STREET STAIR REPLACEMENT	2500	7,021
103RD STREET STORM SEWER RELAY	4102	1,756,076
SECURITY CAMERA INSTALL - CITY HALL	6027	30,517
PUBLIC WORKS BUILDING FLOOR SYSTEM	6203	57,001
MINI EXCAVATOR & TRAILER	6227	5,379
POLICE DEPARTMENT SECURITY CAMERAS	6414	16,837
POLICE LOBBY REFRESH	6441	60,000
RADIO MICROPHONES (REPURPOSED)	6629	11,873
2022 AMBULANCE REPLACEMENT	6652	23,199
HART PARK PLAYGROUND SURFACE REPLAC	8023	361,932
BOSTON STORE AQUISITION AND PROPERT	9978	818,020
WA3009 SAN SEWER LINING & LATERAL G	3010	86,697
KNOLL BLVD STORM SEWER IMPROVEMENTS	4100	80,000
HONEY CREEK STORM SEWER OUTFALL IMP	4103	53,868
DEMOLITION AT 62ND AND MARTIN DRIVE	6802	35,900
BIKE SHARE III 2021	9961	81,479
Grand Total		12,216,435

By: Financial Affairs Committee

Recommendation: Approve 5-0

RESULT: APPROVED

MOVER: James Moldenhauer

SECONDER: Amanda Fuerst

Aye: 15 Meindl, Moldenhauer, Arney, Dubinski, Makhoulf II, Brannin, Lewis, Franzen, Lowe, Tilleson, O'Reilly, Phillips, Morgan, Fuerst, and Dolan

Excused: 1 Wilke
Enactment No: R-23-87

3. Ratification of Comptroller's Office bills and claims report, May 3 through May 16, 202

[23-1241](#)

RESULT: RATIFIED

MOVER: James Moldenhauer

SECONDER: Amanda Fuerst

FUTURE COUNCIL COMMITTEE AGENDA ITEMS

1. Future Council Committee agenda items

[23-1242](#)

No new items.

RESULT: INFORMATIONAL ONLY

FROM THE FINANCIAL AFFAIRS COMMITTEE - CLOSED SESSION

1. Resolution approving terms for a Development Agreement with Brookfield Properties regarding future redevelopment of the former

[23-284](#)

Boston Store parcel located at 2400 N. Mayfair Road, Wauwatosa

WHEREAS, the Wauwatosa Community Development Authority ("CDA") purchased the parcel containing the former Boston Store located at 2400 North Mayfair Road in Wauwatosa in 2022; and

WHEREAS, the City and the CDA have a mutual interest in redeveloping the parcel in such a way as to retain the future value and viability of Mayfair Mall, while utilizing this opportunity to substantially increase the taxable value of the parcel as a whole in order to benefit the taxpayers of the City of Wauwatosa; and

WHEREAS, the Financial Affairs Committee has considered in closed session the terms of a possible Development Agreement with Brookfield Properties, the owner of Mayfair Mall, and its redevelopment affiliate, which would accomplish the above goals while also protecting the City and the CDA from future liability in the event of changes in economic circumstances; and

WHEREAS, the Financial Affairs Committee reviewed the confidential terms proposed for a transaction between the City, CDA and Brookfield Properties, and the committee provided further direction to City staff in closed session regarding the terms which would be acceptable in moving forward with the redevelopment of the former Boston Store parcel;

NOW, THEREFORE, BE IT RESOLVED THAT the confidential proposed terms for a Development Agreement between the City of Wauwatosa, the Wauwatosa Community Development Authority, Brookfield Properties and its redevelopment affiliates, as reviewed in closed session with the Committee on Financial Affairs at its meeting of February 28, 2023 and the Common Council on May 16, 2023, are deemed to be appropriate for execution of a final Development Agreement for redevelopment of the parcel as described above, with specific amendments as described to staff by the Common Council in closed session on May 16, 2023; and

BE IT FURTHER RESOLVED THAT staff are hereby authorized to continue negotiation with representatives of Brookfield Properties regarding the redevelopment described above, consistent with the parameters and direction provided to staff during the May 16, 2023, closed session; and

BE IT FURTHER RESOLVED THAT appropriate City officials are hereby authorized to execute a Development Agreement between the City of Wauwatosa and Brookfield Properties and its redevelopment affiliates, with terms which shall be substantially similar to and consistent with the terms and parameters discussed in closed session at the above-described meeting on May 16, 2023; and

BE IT FINALLY RESOLVED THAT staff are directed to return to the committee and council for further approval of the Development Agreement in the event that the terms and conditions are not substantially consistent with the terms and parameters discussed previously, including the directions provided by the committee and the Common Council of the City of Wauwatosa.

By: Financial Affairs Committee

Recommendation: Approve 7-0

The Common Council may convene into closed session regarding this item pursuant to Wis. Stat. §19.85 (1)(e), to deliberate or negotiate the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session. The Common Council may reconvene into open session to consider the balance of the agenda.

Motion by Moldenhauer, seconded by Ald Makhoulf, to convene into closed session at 7:54 PM pursuant to Wis. Stat. §19.85 (1)(e), to deliberate or negotiate the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session, and adjourn the Council meeting from closed session. Motion carried 14-1 (Makhoulf voted no).

RESULT: APPROVED

MOVER: Melissa Dolan

SECONDER: Sean Lowe

Aye: 15 Meindl, Moldenhauer, Arney, Dubinski, Makhoulf II, Brannin, Lewis, Franzen, Lowe, Tilleson, O'Reilly, Phillips, Morgan, Fuerst, and Dolan

Excused: 1 Wilke
Enactment No: R-23-88

ADJOURNMENT

Meeting adjourned from closed session at 9:05 PM.