



Wauwatosa, WI

Common Council

Meeting Minutes

7725 W. North Avenue
Wauwatosa, WI 53213

Tuesday, November 7, 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 McBride called the regular Common Council meeting to order at 7:37 PM.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

ROLL CALL

Present: 14 Alderperson District 1 Andrew Meindl
Alderperson District 1 James Moldenhauer
Alderperson District 2 John Dubinski
Alderperson District 3 Joseph Makhoulf II
Alderperson District 3 Robin Brannin
Alderperson District 4 David Lewis
Alderperson District 4 Ernst Franzen
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 Jason Wilke
Alderperson District 8 Melissa Dolan
Excused: 2 Alderperson District 2 Margaret Arney
Alderperson District 5 Sean Lowe

APPROVAL OF MINUTES

1. Approval of minutes of the October 17, 2023 regular meeting

[23-866](#)

RESULT: APPROVED

MOVER: Ernst Franzen

SECONDER: David Lewis

Aye: 14 Ald Meindl, Ald Moldenhauer, Ald Dubinski, Ald Makhoulf II, Ald Brannin, Ald Lewis, Ald Franzen, Ald Tilleson, Ald O'Reilly, Ald Phillips, Ald Morgan, Ald Fuerst, Ald Wilke, and Ald Dolan

Excused: 2 Ald Arney, and Ald Lowe

PUBLIC HEARING

1. Public Hearing regarding a proposed zoning text amendment related to drive-through establishments in the Mayfair Corridor Overlay District [23-793](#)

Paulette Enders, Development Director, presented.

Public hearing opened at 7:40 PM.

Public Comments

None.

Public hearing closed at 7:42 PM.

RESULT: INFORMATIONAL ONLY

2. Public Hearing on the 2024 Operating budget [23-261](#)

John Ruggini, Finance Director, presented.

Public hearing opened at 7:55 PM.

Public Comments

Ian Schmitt-Ernst, 7714 Milwaukee Ave. - Spoke in favor of a Sustainability Manager

Public hearing closed at 7:59 PM.

RESULT: INFORMATIONAL ONLY

APPOINTMENTS BY THE MAYOR

1. Reappointment by Mayor McBride of George Beyer (District 1) as a member of the Wauwatosa Historic Preservation Commission, term ending November 30, 2026 [23-786](#)

Recommendation: Second Reading

RESULT: APPROVED

MOVER: Meagan O'Reilly

SECONDER: Joseph Makhoul II

Aye: 14 Ald Meindl, Ald Moldenhauer, Ald Dubinski, Ald Makhoul II, Ald Brannin, Ald Lewis, Ald Franzen, Ald Tilleson, Ald O'Reilly, Ald Phillips, Ald Morgan, Ald Fuerst, Ald Wilke, and Ald Dolan

Excused: 2 Ald Arney, and Ald Lowe

2. Reappointment by Mayor McBride of James Haertel (District 7) as a member of the Wauwatosa Historic Preservation Commission, term ending November 30, 2026 [23-791](#)

Recommendation: Second Reading

RESULT: APPROVED

MOVER: Meagan O'Reilly

SECONDER: Joseph Makhoul II

Aye: 14 Ald Meindl, Ald Moldenhauer, Ald Dubinski, Ald Makhoul II, Ald Brannin, Ald Lewis, Ald Franzen, Ald Tilleson, Ald O'Reilly, Ald Phillips, Ald Morgan, Ald Fuerst, Ald Wilke, and Ald Dolan

Excused: 2 Ald Arney, and Ald Lowe

3. Appointment by Mayor McBride of Kathryn Croskery Jones (District 2) as a member of the Wauwatosa Equity & Inclusion Commission, term ending October 31, 2026 [23-792](#)

Recommendation: Second Reading

RESULT: APPROVED

MOVER: Meagan O'Reilly

SECONDER: Joseph Makhoul II

Aye: 14 Ald Meindl, Ald Moldenhauer, Ald Dubinski, Ald Makhoul II, Ald Brannin, Ald Lewis, Ald Franzen, Ald Tilleson, Ald O'Reilly, Ald Phillips, Ald Morgan, Ald Fuerst, Ald Wilke, and Ald Dolan

Excused: 2 Ald Arney, and Ald Lowe

4. Reappointment by Mayor McBride of Daniel Lofy (District 7) as a member of the Wauwatosa Civic Celebration Commission, term ending December 31, 2027 [23-850](#)

Recommendation: First Reading

RESULT: HELD

5. Appointment by Mayor McBride of Jurian Misawa Yee (District 2) as a member of the Wauwatosa Board of Parks and Forestry Commissioners, term expiring April 30, 2024 [23-851](#)

Recommendation: First Reading

RESULT: HELD

6. Appointment by Mayor McBride of Christine Muller (District 6) of the Wauwatosa Equity and Inclusion Commission, term ending October 31, 2026 [23-890](#)

Recommendation: First Reading

RESULT: HELD

ORDINANCES FOR INTRODUCTION

1. Ordinance amending Sections 24.05.020 and 24.07.030 of the Wauwatosa Municipal Code to regulate drive-through facilities in the Mayfair Corridor Overlay (/MAY) [23-800](#)

The Common Council of the City of Wauwatosa do ordain as follows:

Part I. Section 24.05.020 of the Wauwatosa Municipal Code is hereby amended by adding a new Subsection D. to read in its entirety as follows:

D. Drive-Through or Drive-In Facilities.

Drive-through or drive-in facilities for restaurants, car washes, and gas stations require a Conditional Use Permit for project sites that meet one or more the following criteria:

1. Parcels with 400 feet minimum of frontage along Mayfair Road.
2. Corner parcels with 250 feet minimum of frontage along Mayfair Road and 250 feet minimum of frontage along the cross street.
3. Parcel entrances with direct access to a traffic signal. Cross-access may be used to meet this criterion.

If the parcel does not meet the criteria listed above, a drive-through facility on Mayfair Road is prohibited.

If the parcel meets the criteria, the facility shall meet all development standards of the zone, unless otherwise specified in this section, and the site shall be designed in accordance with the following:

1. Driveway throat lengths and internal cross-access locations must be designed to prevent back-ups onto sidewalks and streets at times of peak usage.
2. Access locations must not negatively impact traffic flow, traffic safety, or pedestrian safety.
3. A traffic impact analysis must be prepared and the findings accepted by both WisDOT and the City Engineer or designee.
4. Cross-access is strongly encouraged.

Part II. The Use Table in Section 24.07.030 of the Wauwatosa Municipal Code is amended by adding a new reference to footnote “[4]” beside the letter “C” in the “Drive-through or Drive-in Facilities Row under the “C2” column.

Part III. Footnote [4] under the Use Table in Section 24.07.030 of the Wauwatosa Municipal Code is hereby amended by adding the following at the end of that footnote:

“See Section 24.05.020 D for additional /MAY Overlay drive-through or drive-in regulations.”

Part IV. This ordinance shall take effect on and after its dates of passage and publication.

By: Plan Commission

Recommendation: Refer to Community Affairs Committee

RESULT: REFERRED TO ORIGINATING COMMITTEE

2. Ordinance creating Section 8.62 of the Wauwatosa Municipal Code related to tourist rooming houses/short term rental licenses

[23-903](#)

The Common Council of the City of Wauwatosa do ordain as follows:

Part I. Wauwatosa Municipal Code Section 8.62 is created to read in its entirety as follows:

Section 8.62 - Tourist Rooming House/Short Term Rentals

- A. License Required. No person may conduct, maintain, manage or operate a tourist rooming house if the person has not been issued an annual license by the Health Department. Wis. Stat. 97.605(1)(a) as it applies to a tourist rooming house is adopted.
- B. Application Process. The application processes in Wis. Stat. Ch. 97, Subch. III, and Wis. Adm. Code CH. ATPC 72, and Wis. Adm. Code ATPC 72.04 are adopted.
- C. License and Inspection Fees. Fees for pre-licensing inspections and annual license fees shall be as set forth in the Consolidated Fee Schedule.
- D. Regulations. The regulations in Wis. Stat. Ch. 97, Subch. III are adopted.
- E. Inspections and Enforcement. The inspection and enforcement processes in Wis. Stat. 97.65 and Wis. Adm. Code ATPC 72.07 are adopted. An additional inspection item is added, requiring the licensee to affirm that radon testing has been conducted at the property.

Part II. This ordinance shall take effect on and after its date of publication.

By: Community Affairs Committee

Recommendation: Refer to Community Affairs Committee

RESULT: REFERRED TO ORIGINATING COMMITTEE

FROM THE GOVERNMENT AFFAIRS COMMITTEE

1. Resolution establishing polling places for the City of Wauwatosa beginning with the 2024 Spring Election cycle

[23-894](#)

BE IT RESOLVED, by the Common Council of the City of Wauwatosa THAT the following polling sites are hereby established for the City of Wauwatosa beginning with the 2024 Spring Election cycle:

Ward 1: City Hall Lower Civic Center, 7725 W. North Avenue

Ward 2A: City Hall Lower Civic Center, 7725 W. North Avenue

Ward 2B: City Hall Lower Civic Center, 7725 W. North Avenue

Ward 3: City Hall Lower Civic Center, 7725 W. North Avenue

Ward 4A: St. Matthews Evangelical Lutheran Church, 1615 N. Wauwatosa Avenue

Ward 4B: St. Matthews Evangelical Lutheran Church, 1615 N. Wauwatosa Avenue

Ward 5: Trinity Episcopal Church, 1717 Church Street

Ward 6A: Trinity Episcopal Church, 1717 Church Street
Ward 6B: St. Matthews Evangelical Lutheran Church, 1615 N. Wauwatosa Avenue
Ward 7: St. Camillus - Independent Living West Residence, 10200 W. Blue Mound Road
Ward 8: St. Camillus - Independent Living West Residence, 10200 W. Blue Mound Road
Ward 9A: St. Camillus - Independent Living West Residence, 10200 W. Blue Mound Road
Ward 9B: St. Camillus - Independent Living West Residence, 10200 W. Blue Mound Road
Ward 10: Honey Creek Church, 8200 W. Blue Mound Road
Ward 11: Honey Creek Church, 8200 W. Blue Mound Road
Ward 12A: Honey Creek Church, 8200 W. Blue Mound Road
Ward 12B: Honey Creek Church, 8200 W. Blue Mound Road
Ward 13: Wauwatosa Library - Firefly Room, 7635 W. North Avenue
Ward 14: Wauwatosa Library - Firefly Room, 7635 W. North Avenue
Ward 15: Wauwatosa Library - Firefly Room, 7635 W. North Avenue
Ward 16: Mt. Mary University - Bergstrom Hall, 2927 N. 92nd Street
Ward 17: Mt. Mary University - Bergstrom Hall, 2927 N. 92nd Street
Ward 18: Mt. Mary University - Bergstrom Hall, 2927 N. 92nd Street
Ward 19: Mt. Zion Lutheran Church - Fellowship Hall, 12012 W. North Avenue
Ward 20A: Mt. Zion Lutheran Church - Fellowship Hall, 12012 W. North Avenue
Ward 20B: Mt. Zion Lutheran Church - Fellowship Hall, 12012 W. North Avenue
Ward 21A: Mt. Zion Lutheran Church - Fellowship Hall, 12012 W. North Avenue
Ward 21B: Mt. Zion Lutheran Church - Fellowship Hall, 12012 W. North Avenue
Ward 22: Annunciation Greek Orthodox Church Cultural Center, 9400 W. Congress Street
Ward 23: Annunciation Greek Orthodox Church Cultural Center, 9400 W. Congress Street
Ward 24A: Annunciation Greek Orthodox Church Cultural Center, 9400 W. Congress Street
Ward 24B: Annunciation Greek Orthodox Church Cultural Center, 9400 W. Congress Street

BE IT FINALLY RESOLVED THAT this resolution shall be in effect until superseded by subsequent action of the Common Council.

By: Government Affairs Committee

Recommendation: Approve 6-1

RESULT: APPROVED

MOVER: Joel Tilleson

SECONDER: Meagan O'Reilly

Aye: 12 Ald Meindl, Ald Moldenhauer, Ald Dubinski, Ald Makhoul II, Ald Brannin, Ald Lewis, Ald Franzen, Ald Tilleson, Ald O'Reilly, Ald Phillips, Ald Morgan, and Ald Fuerst

Nay: 2 Ald Wilke, and Ald Dolan

Excused: 2 Ald Arney, and Ald Lowe
Enactment No: R-23-189

2. Resolution approving the 2024 Common Council Meeting Calendar [23-895](#)

WHEREAS, the Common Council of the City of Wauwatosa typically meets the first and third Tuesdays of each month; and

WHEREAS, from time to time, certain conflicts necessitate a change in meeting dates; and

WHEREAS, the City Clerk created a full annual calendar of meeting dates of the Common Council and Council Committees for 2024, as shown on the attached Exhibit "A"; and

WHEREAS, the Government Affairs Committee reviewed the calendar on October 31, 2023 and recommended approval.

NOW THEREFORE, BE IT RESOLVED that the 2024 Calendar of Common Council Meeting Dates, as attached hereto, is hereby approved.

By: Government Affairs Committee

Recommendation: Approve 7-0

RESULT: APPROVED

MOVER: Joel Tilleson

SECONDER: Meagan O'Reilly

Aye: 14 Ald Meindl, Ald Moldenhauer, Ald Dubinski, Ald Makhlof II, Ald Brannin, Ald Lewis, Ald Franzen, Ald Tilleson, Ald O'Reilly, Ald Phillips, Ald Morgan, Ald Fuerst, Ald Wilke, and Ald Dolan

Excused: 2 Ald Arney, and Ald Lowe
Enactment No: R-23-190

3. Report placing on file proposal from Alderpersons Morgan and Fuerst to consider a resolution in support of the victims of recent terrorism attacks in Israel and Gaza [23-896](#)

Recommendation: Place on file 5-2

RESULT: RECEIVED AND PLACED ON FILE

MOVER: Joel Tilleson

SECONDER: Meagan O'Reilly

Aye: 11 Ald Meindl, Ald Dubinski, Ald Makhlof II, Ald Brannin, Ald Lewis, Ald Franzen, Ald Tilleson, Ald O'Reilly, Ald Phillips, Ald Wilke, and Ald Dolan

Nay: 3 Ald Moldenhauer, Ald Morgan, and Ald Fuerst

Excused: 2 Ald Arney, and Ald Lowe

FROM THE FINANCIAL AFFAIRS COMMITTEE

1. Resolution approving the Wauwatosa Village Business Improvement District 2024 Operating Plan, Budget and Proposed Assessments [23-906](#)

WHEREAS, the Village of Wauwatosa Business Improvement District submitted to the Financial Affairs Committee its 2024 budget and work plan; and

WHEREAS, Committee members and representatives of the BID Board agreed that the budget and work plan are accurate and do reflect the intentions of the entire BID Board;

NOW, THEREFORE, BE IT RESOLVED THAT the 2024 budget and work plan for the Village of Wauwatosa Business Improvement District as provided to the Financial Affairs Committee at its meeting of October 31, 2023, are hereby approved and, upon completion of the tax roll, assessments shall be included on the property tax bills of affected properties in a manner consistent with those documents.

By: Financial Affairs Committee

Recommendation: Approve 5-0

RESULT: APPROVED

MOVER: James Moldenhauer

SECONDER: Amanda Fuerst

Aye: 14 Ald Meindl, Ald Moldenhauer, Ald Dubinski, Ald Makhoulf II, Ald Brannin, Ald Lewis, Ald Franzen, Ald Tilleson, Ald O'Reilly, Ald Phillips, Ald Morgan, Ald Fuerst, Ald Wilke, and Ald Dolan

Excused: 2 Ald Arney, and Ald Lowe
Enactment No: R-23-191

2. Ratification of Comptroller's Office bills and claims report, October 17 through November 7 2023 [23-901](#)

RESULT: RATIFIED

MOVER: James Moldenhauer

SECONDER: Amanda Fuerst

Aye: 14 Ald Meindl, Ald Moldenhauer, Ald Dubinski, Ald Makhoulf II, Ald Brannin, Ald Lewis, Ald Franzen, Ald Tilleson, Ald O'Reilly, Ald Phillips, Ald Morgan, Ald Fuerst, Ald Wilke, and Ald Dolan

Excused: 2 Ald Arney, and Ald Lowe

FROM THE BOARD OF PUBLIC WORKS

1. Resolution approving Change Order #002 for Project 1107 - North Avenue between Mayfair Road and Met-to-Wee Lane for wire mesh in concrete pavement [23-921](#)

WHEREAS, the Board of Public Works is requesting a change order #002 for Project 1107 - North Avenue between Mayfair Road and Met-to-Wee Lane for wire mesh in concrete pavement; and

WHEREAS, the estimated total cost of the scope changes within Change Order #002 is \$88,386;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Wauwatosa that change order #002 for additional work for wire mesh in concrete pavement as part of Project 1107 at a cost of \$88,386 is hereby approved.

By: Board of Public Works

Recommendation: Approve 4-0

RESULT: APPROVED

MOVER: John Dubinski

SECONDER: Robin Brannin

Aye: 14 Ald Meindl, Ald Moldenhauer, Ald Dubinski, Ald Makhoul II, Ald Brannin, Ald Lewis, Ald Franzen, Ald Tilleson, Ald O'Reilly, Ald Phillips, Ald Morgan, Ald Fuerst, Ald Wilke, and Ald Dolan

Excused: 2 Ald Arney, and Ald Lowe
Enactment No: R-23-192

2. Resolution authorizing an encroachment for soil borings and installation of two ground water monitoring wells at 6326 W. Blue Mound Road [23-913](#)

WHEREAS, an application has been made to the Common Council of the City of Wauwatosa (hereinafter "City") by Dillon Plamann of Fehr Graham on behalf of 6326 W Bluemound Rd LLC, 6326 W. Blue Mound Rd, Wauwatosa, WI, (hereinafter "the Applicant") to encroach upon City property, to obtain two soil borings and installation of two groundwater monitoring wells at 611 and 619 64th Street and the renewal of approval of wells at 519, 533, 559, 544 and 547 N. 64th Street; and

WHEREAS, the Common Council of the City of Wauwatosa has granted to said Applicant a privilege for the aforesaid encroachment subject to the execution of an Indenture to the City of Wauwatosa;

NOW, THEREFORE, BE IT RESOLVED THAT in consideration of the granting of said privilege by the Common Council of the City of Wauwatosa to said Applicant and the Applicant's acceptance of said privilege, the Applicant does hereby covenant unto the City of Wauwatosa as follows:

Applicant shall execute a hold harmless/encroachment agreement (Indenture) in favor of the City.

By: Board of Public Works

Recommendation: Approve 6-0

RESULT: APPROVED

MOVER: John Dubinski

SECONDER: Robin Brannin

Aye: 14 Ald Meindl, Ald Moldenhauer, Ald Dubinski, Ald Makhoulf II, Ald Brannin, Ald Lewis, Ald Franzen, Ald Tilleson, Ald O'Reilly, Ald Phillips, Ald Morgan, Ald Fuerst, Ald Wilke, and Ald Dolan

Excused: 2 Ald Arney, and Ald Lowe
Enactment No: R-23-193

3. Resolution awarding the contracts for the purchase of stone, sand and gravel for the 2024 construction and repair season (January 2 - December 31, 2024) [23-914](#)

WHEREAS, the Wauwatosa Purchasing Department has received bids for the purchase of stone, sand, and gravel to meet 2024 requirements; and

WHEREAS, it has been past practice to award the bid to multiple bidders for purchases on an as needed basis because of price, convenience and availability;

NOW, THEREFORE, BE IT RESOLVED THAT the City of Wauwatosa Purchasing Department is hereby authorized to purchase stone, sand, and gravel for the year 2024 from any of the bidders submitting bids, with individual purchases being evaluated on an as-needed basis pursuant to price, convenience and availability.

By: Board of Public Works

Recommendation: Approve 6-0

RESULT: APPROVED

MOVER: John Dubinski

SECONDER: Robin Brannin

Aye: 14 Ald Meindl, Ald Moldenhauer, Ald Dubinski, Ald Makhoulf II, Ald Brannin, Ald Lewis, Ald Franzen, Ald Tilleson, Ald O'Reilly, Ald Phillips, Ald Morgan, Ald Fuerst, Ald Wilke, and Ald Dolan

Excused: 2 Ald Arney, and Ald Lowe
Enactment No: R-23-194

4. Resolution approving Change Order #005 for Project 1107 - North Avenue between Mayfair Road and Met-to-Wee Lane for rock excavation [23-915](#)

WHEREAS, the Board of Public Works is requesting a change order #005 to Project #1107 at North Avenue between Mayfair Road and Met-to-Wee Lane for rock excavation;

WHEREAS, the estimated total cost of the scope changes within Change Order #05 is \$109,193.78;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of

Wauwatosa that change order #005 for additional work for rock excavation in the amount of \$109,193.78 as part of Project 1107 is hereby approved.

By: Board of Public Works

Recommendation: Approve 6-0

RESULT: APPROVED

MOVER: John Dubinski

SECONDER: Robin Brannin

Aye: 14 Ald Meindl, Ald Moldenhauer, Ald Dubinski, Ald Makhoulf II, Ald Brannin, Ald Lewis, Ald Franzen, Ald Tilleson, Ald O'Reilly, Ald Phillips, Ald Morgan, Ald Fuerst, Ald Wilke, and Ald Dolan

Excused: 2 Ald Arney, and Ald Lowe
Enactment No: R-23-195

5. Resolution approving Relocation Order and Acquisition Plat relative to the purchase of land from 11415 W. Burleigh Street for the installation of a water pumping station at the Burleigh Water Tower site [23-916](#)

WHEREAS, the Common Council for the City of Wauwatosa has allocated \$2.5 million from American Rescue Plan Act (ARPA) for the design and construction of a west zone water pumping station, CIP Project #4113;

WHEREAS, the City of Wauwatosa needs to approve a Relocation Order and Acquisition plat in order to acquire the property located at 11415 West Burleigh Street for purposes of the water pumping station construction;

NOW THEREFORE BE IT RESOLVED BY THE COMMON COUNCIL of the City of Wauwatosa that the Relocation Order and Acquisition Plat for acquisition of a 0.040 acre area of land located at 11415 West Burleigh Street are hereby approved.

By: Board of Public Works

Recommendation: Approve 6-0

RESULT: APPROVED

MOVER: John Dubinski

SECONDER: Robin Brannin

Aye: 14 Ald Meindl, Ald Moldenhauer, Ald Dubinski, Ald Makhoulf II, Ald Brannin, Ald Lewis, Ald Franzen, Ald Tilleson, Ald O'Reilly, Ald Phillips, Ald Morgan, Ald Fuerst, Ald Wilke, and Ald Dolan

Excused: 2 Ald Arney, and Ald Lowe
Enactment No: R-23-196

FUTURE COUNCIL COMMITTEE AGENDA ITEMS

1. Future Council committee agenda items [23-902](#)

No new items.

RESULT: INFORMATIONAL ONLY

ADJOURNMENT

Meeting adjourned at 8:12 PM.