



Wauwatosa, WI

Common Council

Meeting Minutes

7725 W. North Avenue
Wauwatosa, WI 53213

Tuesday, September 5, 2023

7:30 PM

Council Chambers and Zoom:
<https://servetosa.zoom.us/j/82923188685>,
Meeting ID: 829 2318 8685

Regular Meeting

CALL TO ORDER

Mayor Dennis McBride called the regular Common Council meeting to order at 7:30 PM.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

ROLL CALL

Present: 16
Aldersperson District 1 Andrew Meindl
Aldersperson District 1 James Moldenhauer
Aldersperson District 2 Margaret Arney
Aldersperson District 2 John Dubinski
Aldersperson District 3 Joseph Makhoul II
Aldersperson District 3 Robin Brannin
Aldersperson District 4 David Lewis
Aldersperson District 4 Ernst Franzen
Aldersperson District 5 Sean Lowe
Aldersperson District 5 Joel Tilleson
Aldersperson District 6 Council President Meagan O'Reilly
Aldersperson District 6 Joe Phillips
Aldersperson District 7 Mike Morgan
Aldersperson District 7 Amanda Fuerst
Aldersperson District 8 Jason Wilke
Aldersperson District 8 Melissa Dolan

Ald Dolan entered at 7:33 PM.

APPROVAL OF MINUTES

1. Approval of minutes of the August 1, 2023 regular meeting

[23-370](#)

RESULT: APPROVED
MOVER: Ernst Franzen
SECONDER: David Lewis

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

Excused: 1 Ald Dolan

PUBLIC HEARING

1. Public Hearing regarding proposed zoning map amendments to rezone properties along Mayfair Road from North Avenue to the southern City limits to add the Mayfair Corridor Overlay District [23-573](#)

Paulette Enders, Development Director, presented.

Public hearing opened at 7:35 PM.

Indy Stluka, 746 N. 112th St. - Spoke in opposition.

Public hearing closed at 7:45 PM.

RESULT: INFORMATIONAL ONLY

APPOINTMENTS BY THE MAYOR

1. Appointment by Mayor McBride of Winter Hamilton (District 1) as a student member of the Wauwatosa Youth Commission, term ending May 31, 2025 [23-526](#)

Recommendation: Second Reading

RESULT: APPROVED

MOVER: Meagan O'Reilly

SECONDER: Amanda Fuerst

Aye: 16 Ald Meindl, Ald Moldenhauer, Ald Arney, Ald Dubinski, Ald Makhlof II, Ald Brannin, Ald Lewis, Ald Franzen, Ald Lowe, Ald Tilleson, Ald O'Reilly, Ald Phillips, Ald Morgan, Ald Fuerst, Ald Wilke, and Ald Dolan

2. Appointment by Mayor McBride of Josephine Marsho (District 4) as a student member of the Wauwatosa Youth Commission, term expiring May 31, 2025 [23-428](#)

Recommendation: Second Reading

RESULT: HELD

3. Reappointment by Mayor McBride of Daniel Finerty (District 4) as a member of the Wauwatosa Civil Service Commission, term expiring September 30, 2026 [23-626](#)

Recommendation: Second Reading

RESULT: HELD

APPLICATIONS, COMMUNICATIONS, ETC.

1. Claim - Brenda Curry [23-424](#)
Recommendation: Refer to City Attorney
RESULT: REFERRED TO CITY ATTORNEY
2. Claim - Patricia Ruiter [23-408](#)
Recommendation: Refer to City Attorney
RESULT: REFERRED TO CITY ATTORNEY
3. Claim - Randall Wizner [23-580](#)
Recommendation: Refer to City Attorney
RESULT: REFERRED TO CITY ATTORNEY
4. Claim - Rekeyta McClain [23-425](#)
Recommendation: Refer to City Attorney
RESULT: REFERRED TO CITY ATTORNEY
5. Summons and Complaint - Aurora Health Care, Inc. vs. City of Wauwatosa, Case No. 2023CV006038 [23-496](#)
Recommendation: Refer to City Attorney
RESULT: REFERRED TO CITY ATTORNEY
6. Summons and Complaint - Walgreen Co. vs. City of Wauwatosa, Case No. 2023CV005489 [23-412](#)
Recommendation: Refer to City Attorney
RESULT: REFERRED TO CITY ATTORNEY

ORDINANCES FOR INTRODUCTION

1. Ordinance amending the Official Zoning Map of Wauwatosa to rezone property along Mayfair Road from North Avenue to the southern City limits to add the Mayfair Corridor Overlay District (/MAY) [23-574](#)

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

Part 1. The Official Zoning Map of the City of Wauwatosa is hereby amended to reflect a Zoning Map Amendment to add the Mayfair Corridor Overlay District on the following parcels in addition to the current zoning classifications:

PARCEL_KEY	ADDRESS	FROM	TO
339-9985-002	1717 N MAYFAIR RD	C2	C2/MAY
339-9987-003	1901 N MAYFAIR RD	M1	M1/MAY
339-9990-000	1935 N MAYFAIR RD	C2	C2/MAY
339-9991-001	2001 N MAYFAIR RD	C2	C2/MAY
339-9992-002	2021 N MAYFAIR RD	C2	C2/MAY
339-9994-002	2111 N MAYFAIR RD	C2	C2/MAY
339-9997-002	2201 N MAYFAIR RD	C2	C2/MAY
339-9999-000	2275 N MAYFAIR RD	C2	C2/MAY

340-0099-001	2200 N MAYFAIR RD	C2	C2/MAY
340-0102-002	2222 N MAYFAIR RD	C2	C2/MAY
340-0121-002	~2000 N MAYFAIR RD	C2, SP-PKG	C2, SP-PKG/MAY
340-0121-003	1900 N MAYFAIR RD	C2	C2/MAY
340-0126-002	2100 N MAYFAIR RD	C2/PUD	C2/PUD/MAY
340-0129-001	2130 N MAYFAIR RD	C2	C2/MAY
340-0188-002	1826 N MAYFAIR RD	C2	C2/MAY
340-0190-000	1810 N MAYFAIR RD	C2	C2/MAY
340-0191-000	1800 N MAYFAIR RD	C2	C2/MAY
340-0192-000	1750 N MAYFAIR RD	C2	C2/MAY
340-9994-001	1728 N MAYFAIR RD	C2	C2/MAY
340-9995-001	2290 N MAYFAIR RD	C2	C2/MAY
374-9999-025	1200 N MAYFAIR RD	SP-POS/PUD	SP-POS/PUD/MAY
375-9992-005	1233 N MAYFAIR RD	R1-9/PUD	R1-9/PUD/MAY
375-9993-002	1501 N MAYFAIR RD	M1	M1/MAY
375-9993-003	1401 N MAYFAIR RD	M1/PUD	M1/PUD/MAY
375-9993-004	1441 N MAYFAIR RD	M1/PUD	M1/PUD/MAY
375-9997-000	1555 N MAYFAIR RD	M1	M1/MAY
375-9999-001	1655 N MAYFAIR RD	M1	M1/MAY
378-0002-006	1155 N MAYFAIR RD	C2,M1/PUD	C2,M1/PUD/MAY
378-0003-002	1055 N MAYFAIR RD	C2	C2/MAY
378-0003-003	1033 N MAYFAIR RD	C2	C2/MAY
378-0003-004	1011 N MAYFAIR RD	C2	C2/MAY
378-0003-006	959 N MAYFAIR RD	C2	C2/MAY
378-0003-010	933 N MAYFAIR RD	C2	C2/MAY
378-0003-011	909 N MAYFAIR RD	C2	C2/MAY
378-9986-003	739 N MAYFAIR RD	C2	C2/MAY
378-9986-008	725 N MAYFAIR RD	C2	C2/MAY
378-9986-009	717 N MAYFAIR RD	C2	C2/MAY
378-9986-010	801 N MAYFAIR RD	C2	C2/MAY
379-1001-000	10701 RESEARCH DR	SP-RP	SP-RP/MAY
379-1002-000	850 N MAYFAIR RD	SP-RP	SP-RP/MAY
379-1003-000	800 N MAYFAIR RD	SP-RP	SP-RP/MAY
379-1004-000	~750 N MAYFAIR RD	SP-RP	SP-RP/MAY
379-9999-059	10499 INNOVATION DR	SP-RP	SP-RP/MAY
379-9999-060	10700 RESEARCH DR	SP-RP	SP-RP/MAY
379-9999-068	1040 N MAYFAIR RD	SP-RP	SP-RP/MAY
410-0061-001	620 N MAYFAIR RD	C2, SP-PKG	C2, SP-PKG/MAY
410-0066-002	510 N MAYFAIR RD	C2	C2/MAY
410-0073-003	418 N MAYFAIR RD	C2	C2/MAY
411-1001-000	301 N MAYFAIR RD	C2	C2/MAY
411-9974-001	115 N MAYFAIR RD	C2	C2/MAY

411-9976-007	201 N MAYFAIR RD	C2	C2/MAY
411-9976-008	151 N MAYFAIR RD	C2	C2/MAY
411-9977-001	251 N MAYFAIR RD	C2	C2/MAY
411-9998-002	611 N MAYFAIR RD	C2	C2/MAY
411-9998-003	~501 N MAYFAIR RD	C2	C2/MAY
411-9999-001	631 N MAYFAIR RD	C2	C2/MAY

Part II. The City Administrator is hereby directed to change the Official Zoning Map of the City of Wauwatosa to conform to the provisions of the Ordinance, and said Map is declared amended accordingly.

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

Recommendation: Ready for adoption, Committee recommended adoption 6-1

RESULT: REFERRED TO ORIGINATING COMMITTEE
Enactment No: O-23-21

FROM THE COMMUNITY AFFAIRS COMMITTEE

1. Ordinance amending subsection 15.14.330 d. of the Wauwatosa Municipal Code regarding changeable copy signs [23-430](#)

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

Part I: Subsection 15.14.330 D. of the Wauwatosa Municipal Code of Ordinances is hereby amended to read as follows:

D. The copy may only be changed once per 10 minute interval.

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

Recommendation: Introduced on August 1, 2023, for adoption consideration

RESULT: ADOPTED
MOVER: Jason Wilke
SECONDER: Ernst Franzen

Aye: 16 Ald Meindl, Ald Moldenhauer, Ald Arney, Ald Dubinski, Ald Makhlouf II, Ald Brannin, Ald Lewis, Ald Franzen, Ald Lowe, Ald Tilleson, Ald O'Reilly, Ald Phillips, Ald Morgan, Ald Fuerst, Ald Wilke, and Ald Dolan
Enactment No: O-23-19

FROM THE FINANCIAL AFFAIRS COMMITTEE

1. Ratification of Comptroller's Office bills and claims report, August 2 through September 5, 2023 [23-371](#)

RESULT: RATIFIED
MOVER: James Moldenhauer
SECONDER: Amanda Fuerst

Aye: 16 Ald Meindl, Ald Moldenhauer, Ald Arney, Ald Dubinski, Ald Makhoulf II, Ald Brannin, Ald Lewis, Ald Franzen, Ald Lowe, Ald Tilleson, Ald O'Reilly, Ald Phillips, Ald Morgan, Ald Fuerst, Ald Wilke, and Ald Dolan

FROM THE TRANSPORTATION AFFAIRS COMMITTEE

1. Ordinance amending Sections 11.32.080 and 11.32.490 of the Wauwatosa Municipal Code to modify parking regulations on the South side of Maple Terrace from 68th Street to 70th Street [23-449](#)

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

Part I. The "Maple Terrace - south side" portion of the "Schedule of streets, and portions" subsection of Section 11.32.080 of the Wauwatosa Municipal Code is hereby amended by removing the following:

"(a) from N. 68th Street to N. 70th Street

Part II. The "Maple Terrace - south side" portion of the "Schedule of streets, and portions" subsection of Wauwatosa Code Section 11.32.080 is hereby amended by adding the following:

"(a) from N. 70th Street to a point 23'-0" east thereof"

"(a) from 287'-6" east of N. 70th Street to N. 68th Street"

"(h) from 23'-0" feet east of N 70th Street to 104'-0" east of N. 70th Street"

"(h) from 170'-6" east of N. 70th Street to 287'-6" east of N. 70th Street"

Part III. The "Maple Terrace - south side" portion of the "On-street handicapped parking areas" subsection of Section 11.32.490 of the Wauwatosa Municipal Code is hereby amended by adding the following:

"21. From 104'-0" east of N. 70th Street to 170'-6" east of N. 70th Street"

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

Recommendation: Introduced on August 1, 2023, for adoption consideration

RESULT: ADOPTED

MOVER: Mike Morgan

SECONDER: Sean Lowe

Aye: 16 Ald Meindl, Ald Moldenhauer, Ald Arney, Ald Dubinski, Ald Makhoulf II, Ald Brannin, Ald Lewis, Ald Franzen, Ald Lowe, Ald Tilleson, Ald O'Reilly, Ald Phillips, Ald Morgan, Ald Fuerst, Ald Wilke, and Ald Dolan
Enactment No: O-23-20

FROM THE BOARD OF PUBLIC WORKS

1. Resolution authorizing an encroachment in City right-of-way for landscaping in the 103rd Street median adjacent to 10222 W Beverly Place [23-610](#)

WHEREAS, an application has been made to the Common Council of the City of Wauwatosa (hereinafter “City”) by Barbara Stanton, 10222 Beverly Place, Wauwatosa, WI, (hereinafter “the Applicant”) to encroach upon City property, for landscaping in the 103rd Street median adjacent to 10222 W Beverly Place; 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

Recommendation: Approve 6-0

RESULT: APPROVED

MOVER: John Dubinski

SECONDER: Margaret Arney

Aye: 16 Ald Meindl, Ald Moldenhauer, Ald Arney, Ald Dubinski, Ald Makhoulf II, Ald Brannin, Ald Lewis, Ald Franzen, Ald Lowe, Ald Tilleson, Ald O'Reilly, Ald Phillips, Ald Morgan, Ald Fuerst, Ald Wilke, and Ald Dolan
Enactment No: R-23-155

2. Resolution approving funding agreement M10005WA03 with the Milwaukee Metropolitan Sewerage District (MMSD) for sanitary sewer testing in the amount of \$41,140

[23-611](#)

NOW THEREFORE BE IT RESOLVED by the Common Council of the Wauwatosa, that the proper City Officials be and they are hereby authorized and directed to enter into agreement M10005WA03 with the Milwaukee Metropolitan Sewerage District (MMSD) for sanitary sewer testing in the amount of \$41,140, a copy of which was attached to the meeting of the Board of Public Works at its meeting on September 5, 2023.

Recommendation: Approve 6-0

RESULT: APPROVED

MOVER: John Dubinski

SECONDER: Margaret Arney

Aye: 16 Ald Meindl, Ald Moldenhauer, Ald Arney, Ald Dubinski, Ald Makhoulf II, Ald Brannin, Ald Lewis, Ald Franzen, Ald Lowe, Ald Tilleson, Ald O'Reilly, Ald Phillips, Ald Morgan, Ald Fuerst, Ald Wilke, and Ald Dolan

Enactment No: R-23-156

3. Resolution approving Change Order Number 2 for Contract 21-55 [23-627](#)
Blanchard Street Pumping Station

WHEREAS, the Board of Public Works is requesting a change order to Contract 21-55 to the Blanchard Street Pumping Station to align the existing process piping to new pumps;

WHEREAS, the estimated total cost of the scope changes within Change Order #02 is \$38,365;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Wauwatosa that a change order for piping modifications for the realignment of process piping and new water pumps be approved.

Recommendation: Approve 6-0

RESULT: APPROVED

MOVER: John Dubinski

SECONDER: Margaret Arney

Aye: 16 Ald Meindl, Ald Moldenhauer, Ald Arney, Ald Dubinski, Ald Makhoulf II, Ald Brannin, Ald Lewis, Ald Franzen, Ald Lowe, Ald Tilleson, Ald O'Reilly, Ald Phillips, Ald Morgan, Ald Fuerst, Ald Wilke, and Ald Dolan

Enactment No: R-23-157

4. Resolution approving emergency purchase of two Supervisory Control [23-612](#)
and Data Acquisition (SCADA) computers for Water Utility Operations
from Energenec in the amount of \$24,864

NOW THEREFORE BE IT RESOLVED by the Common Council of the City of Wauwatosa that an emergency purchase of two Supervisory Control and Data Acquisition (SCADA) computers for Water Utility Operations from Energenec in the amount of \$24,864 be approved.

Recommendation: Approve 6-0

RESULT: APPROVED

MOVER: John Dubinski

SECONDER: Margaret Arney

Aye: 16 Ald Meindl, Ald Moldenhauer, Ald Arney, Ald Dubinski, Ald Makhoulf II, Ald Brannin, Ald Lewis, Ald Franzen, Ald Lowe, Ald Tilleson, Ald O'Reilly, Ald Phillips, Ald Morgan, Ald Fuerst, Ald Wilke, and Ald Dolan

Enactment No: R-23-158

FUTURE COUNCIL COMMITTEE AGENDA ITEMS

1. Future Council committee agenda items [23-599](#)

No new items.

RESULT: INFORMATIONAL ONLY

ADJOURNMENT

Meeting adjourned at 7:51 PM.