



Wauwatosa, WI

Common Council

Meeting Minutes

7725 W. North Avenue
Wauwatosa, WI 53213

Tuesday, January 16, 2024

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 meeting to order at 7:37 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 Lewis entered at 7:39 PM.

APPROVAL OF MINUTES

1. Approval of minutes of the December 19, 2023 regular meeting

[24-0052](#)

RESULT: APPROVED

MOVER: Ernst Franzen

SECONDER: Robin Brannin

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

Excused: 1 Lewis

APPOINTMENTS BY THE MAYOR

1. Reappointment by Mayor McBride of Julie Alexander (District 2) as a member of the Wauwatosa Commission for Persons with Disabilities, term ending March 31, 2027 [24-0006](#)
Recommendation: First Reading
RESULT: HELD
2. Reappointment by Mayor McBride of Mary Walz-Chojnacki (District 4) as a member of the Wauwatosa Commission for Persons with Disabilities, term ending March 31, 2027 [23-1379](#)
Recommendation: First Reading
RESULT: HELD
3. Reappointment by Mayor McBride of Scott Seis (District 7) as a member of the Wauwatosa Commission for Persons with Disabilities, term ending March 31, 2027 [24-0032](#)
Recommendation: First Reading
RESULT: HELD
4. Appointment by Mayor McBride of Jeanne Sidner (District 1) as a member of the Wauwatosa Senior Commission, term ending April 30, 2024 [23-1360](#)
Recommendation: First Reading
RESULT: HELD
5. Appointment by Mayor McBride of Patricia Bruce (District 5) as a member of the Wauwatosa Senior Commission, term expiring April 30, 2027 [24-0068](#)
Recommendation: First Reading
RESULT: HELD
6. Reappointment by Mayor McBride of William Kopka (District 1) as a member of the Wauwatosa Community Development Block Grant Committee, term ending March 31, 2027 [23-1381](#)
Recommendation: First Reading
RESULT: HELD
7. Appointment by Mayor McBride of William Kopka (District 1) as a member of the Wauwatosa Ad Hoc Community Land Trust Formation Committee [24-0075](#)

Recommendation: First Reading

RESULT: HELD

8. Appointment by Mayor McBride of Beth Gleesing as the Wauwatosa representative to the VISIT Milwaukee Board of Directors

[24-0067](#)

Recommendation: First Reading

RESULT: HELD

APPLICATIONS, COMMUNICATIONS, ETC.

1. Claim - Stephanie Garza

[24-0030](#)

Recommendation: Refer to City Attorney

RESULT: REFERRED TO CITY ATTORNEY

2. Claim - Patricia Love

[24-0099](#)

Recommendation: Refer to City Attorney

RESULT: REFERRED TO CITY ATTORNEY

3. Claim - Milwaukee Regional Medical Center Thermal Service, Inc., Tax Key No. 373-9999-027

[24-0055](#)

Recommendation: Refer to City Attorney

RESULT: REFERRED TO CITY ATTORNEY

4. Claim - Milwaukee Regional Medical Center Thermal Services, Inc., Personal Property Account No. 291297685

[24-0056](#)

Recommendation: Refer to City Attorney

RESULT: REFERRED TO CITY ATTORNEY

5. Claim - Milwaukee Regional Medical Center Water Service, Inc., Parcel Numbers 380-9999-007 & 381-9999-023

[24-0057](#)

Recommendation: Refer to City Attorney

RESULT: REFERRED TO CITY ATTORNEY

ORDINANCES FOR INTRODUCTION

1. Ordinance amending Section 11.32.080 of the Wauwatosa Municipal Code to prohibit parking on the north side of Center Street from 125-feet east of 115th Street to 117th Street

[24-0045](#)

Part I. The “W. Center Street - north side” portion of “Schedule of Streets, and Portions” subsection of Wauwatosa Code Section 11.32.080 is hereby amended by deleting the following subsection:

“(a) from the east driveway of Eisenhower School to the driveway of 11640 W. Center Street”

Part II. The “W. Center Street - north side” portion of “Schedule of Streets, and Portions” subsection of Wauwatosa Code Section 11.32.080 is hereby amended by adding the

following subsection:

“(a) from 125-feet east of 115th Street to 117th Street”

Part III. This ordinance shall take effect upon completion and opening of the intersection of 117th and Center Streets as part of the 2024 Center Street pavement project.

By: Transportation Affairs Committee

Recommendation: Refer to Transportation Affairs Committee

RESULT: REFERRED TO ORIGINATING COMMITTEE

2. Ordinance amending Section 11.36.190 of the Wauwatosa Municipal Code to prohibit left-turns at all approaches to the Center Street and 115th Street/Wauwatosa West School driveway intersection [24-0046](#)

Part I. Wauwatosa Code Section 11.36.190 is amended by adding the following subsection:

23. At all approaches to the Center Street and 115th Street/Wauwatosa West Driveway intersection.

Part II. This ordinance shall take effect upon the completion and opening of the above-described intersection as part of the 2024 Center Street pavement project.

By: Transportation Affairs Committee

Recommendation: Refer to the Transportation Affairs Committee

RESULT: REFERRED TO ORIGINATING COMMITTEE

3. Ordinance amending portions of Sections 3.20.040 and 3.20.060 of the Wauwatosa Municipal Code related to purchasing procedures [24-0049](#)

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

Part I. The introductory clause in Subsection 3.20.040 A. of the Wauwatosa Municipal Code is hereby amended to read as follows:

A. All expenditures for supplies, materials, equipment or services shall be made in accordance with one of the following procedures, except as otherwise provided in subsections B or C of this section or by resolution of the common council:

Part II. Subsection 3.20.040 A.2. of the Wauwatosa Municipal Code is hereby amended to read in its entirety as follows:

2. When any single purchase or group of related purchases shall be neither less than 10,001 - 24,999, the purchase may be authorized without the taking of quotations or bids as described in Section 3.20.050 or 3.20.060 of the chapter, subject to the common council's approval of the payment for such purchase, unless a different threshold is required by applicable laws or regulations. Such purchases shall be made in a manner consistent with

applicable administrative procedures related to doing business with Disadvantaged, Minority, Veteran or Women-owned Business Enterprises ("DBE/MBE/VOBE/WBE").

Part III. Subsection 3.20.060 B. of the Wauwatosa Municipal Code is hereby amended to read in its entirety as follows:

B. Such solicitation shall be by direct mail, facsimile, telephone, e-mail or personal contact, or any combination thereof.

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

By: Financial Affairs Committee

Recommendation: Refer to Financial Affairs Committee

RESULT: REFERRED TO ORIGINATING COMMITTEE

FROM THE GOVERNMENT AFFAIRS COMMITTEE

1. Resolution approving a change of Agent for Class "A" Liquor License for Empire Fish to Quinn Eakes

[24-0041](#)

WHEREAS, Fortune Wisconsin, LLC, d/b/a Empire Fish, 11200 W. Watertown Plank Rd, has appointed Quinn Eakes, as successor agent for Class "A" Liquor License for the period ending June 30, 2024; and

WHEREAS, Quinn Eakes meets the qualifications pursuant to Wis. Stat. 125.04(5).

WHEREAS, the Government Affairs Committee reviewed the request and recommends approval.

NOW, THEREFORE, BE IT RESOLVED THAT the Common Council of the City of Wauwatosa hereby approves the Appointment of Quinn Eakes as Successor Agent for the Class "A" Liquor License issued to Fortune Wisconsin, LLC, d/b/a Empire Fish, 11200 W. Watertown Plank Rd, for the license period ending June 30, 2024.

By: Government Affairs Committee

Recommendation: Approve 7-0

RESULT: APPROVED

MOVER: Joel Tilleson

SECONDER: Margaret Arney

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

Enactment No: R-24-001

2. Resolution granting a New Retail Class “B” beer and “Class C” wine license for Neighborhood Theater Group, LLC, Jane Schilz, Agent, d/b/a Rosebud Cinema, 6823 W North Avenue, for the period ending June 30, 2024 [24-0044](#)

WHEREAS, Neighborhood Theater Group, LLC, d/b/a Rosebud Cinema, 6823 W. North Avenue, Jane Schilz, Agent, has applied for a retail Class "B" beer and “Class C” wine license for the period ending June 30, 2024; and

WHEREAS the Government Affairs Committee recommends that a Class "B" beer and “Class C” wine license be awarded to Neighborhood Theater Group, LLC, d/b/a Rosebud Cinema, 6823 W. North Avenue, Jane Schilz, Agent, for the period ending June 30, 2024;

NOW THEREFORE BE IT RESOLVED THAT Neighborhood Theater Group, LLC, d/b/a Rosebud Cinema, 6823 W. North Avenue, Jane Schilz, Agent, is granted a retail Class "B" beer and “Class C” wine license for the period ending June 30, 2024.

By: Government Affairs Committee

Recommendation: Approve 7-0

RESULT: APPROVED

MOVER: Joel Tilleson

SECONDER: Margaret Arney

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

Enactment No: R-24-002

3. Resolution approving theatre license (entertainment license) for Neighborhood Theater Group, LLC d/b/a Rosebud Cinema, 6823 W North Avenue, for the period ending June 30, 2024 [24-0059](#)

WHEREAS, the Government Affairs Committee of the City of Wauwatosa has reviewed the current application for a Theatre license for Neighborhood Theater Group, LLC, d/b/a Rosebud Cinema, 6823 W. North Avenue, for the period ending June 30, 2024, as they have met the applicable qualifications of Chapter 6.12 and 6.68 of the Wauwatosa Municipal Code, and recommends approval of said license;

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Wauwatosa that the application for the Theatre license for Neighborhood Theater Group is hereby approved.

By: Government Affairs Committee

Recommendation: Approve 7-0

RESULT: APPROVED

MOVER: Joel Tilleson

SECONDER: Margaret Arney

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

Enactment No: R-24-003

4. Resolution amending 2024 Common Council Meeting calendar to move the Wednesday, February 21, 2024 Common Council meeting to Tuesday, February 20, 2024 [24-0061](#)

BE IT RESOLVED, by the Common Council of the City of Wauwatosa that the Common Council meeting scheduled for Wednesday, February 21, 2024 is moved to Tuesday, February 20, 2024.

By: Government Affairs Committee

Recommendation: Approve 7-0

RESULT: APPROVED

MOVER: Joel Tilleson

SECONDER: Margaret Arney

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

Enactment No: R-24-004

FROM THE TRANSPORTATION AFFAIRS COMMITTEE

1. Ordinance amending Sec. 11.32.080 of the Wauwatosa Municipal Code prohibiting parking between eight a.m. and six p.m., except on Saturdays, Sundays, and legal holidays, on the east side of 114th Street from the south lot line of 456 N. 114th Street to the south lot line of 526 N. 114th Street [23-1299](#)

Part I. The "114th Street- East Side" portion of the "Schedule of Streets, and portions" subsection of the Wauwatosa Municipal Code 11.32.080 is hereby amended by modifying the following subsections:

"(l) from the south lot line of 526 N. 114th Street to West Wisconsin Avenue"

To read:

"(l) from the south lot line of 456 N. 114th Street to West Wisconsin Avenue"

Part II. This ordinance shall become effective on and after its date of passage.

By: Transportation Affairs Committee

Recommendation: Ready for adoption, Adopt 8-0

RESULT: ADOPTED

MOVER: Mike Morgan

SECONDER: Sean Lowe

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

Enactment No: O-24-01

2. Ordinance amending Sec. 11.32.080 of the Wauwatosa Municipal Code to create a fifteen-minute parking zone from noon to five p.m. except Sundays and legal holidays on the north side of North Avenue from 90-feet west of 85th Street to 130-feet west of 85th Street [23-1300](#)

Part I. The portion of the "Schedule of Streets", and portions subsection of Wauwatosa Municipal Code Section 11.32.080 is hereby amended by creating the following subsection:

"(nnn) for more than fifteen minutes from noon to five p.m. except Sundays and legal holidays"

Part II. The "North Avenue -North Side" portion of the "Schedule of Streets, and portions" subsection of the Wauwatosa Municipal Code 11.32.080 is hereby amended by deleting the following subsection:

"(e) from 30 feet west of N. 85th Street to 30 feet east of N. 86th Street

Part III. The "North Avenue - North Side" portion of the "Schedule of Streets, and portions" subsection of the Wauwatosa Municipal Code 11.32.080 is hereby amended by adding the following subsections:

"(e) from 30 feet west of N. 85th Street to 90 feet west of N. 85th Street

"(nnn) from 90 feet west of N. 85th Street to 130 feet west of N. 85th Street

"(e) from 130 feet west of N. 85th Street to 30 feet east of N. 86th Street

Part IV. This ordinance shall become effective on and after its date of passage.

By: Transportation Affairs Committee

Recommendation: Ready for adoption, Adopt 8-0

RESULT: ADOPTED

MOVER: Mike Morgan

SECONDER: Sean Lowe

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

Enactment No: O-24-02

FROM THE COMMUNITY AFFAIRS COMMITTEE

1. Ordinance amending the Official Zoning Map of the City of Wauwatosa from Special Purpose - Public Facilities District (SP-PUB) to Special Purpose - Parks and Open Space District (SP-POS) at the southeast corner of 116th Street and Gilbert Avenue for the west side park [23-1055](#)

The Common Council of the City of Wauwatosa ordains as follows:

Part I. The Official Zoning Map of the City of Wauwatosa is hereby amended to reflect a Zoning Map Amendment from Special Purpose - Public Facilities District (SP-PUB) to Special Purpose - Parks and Open Space District (SP-POS) at the southeast corner of 116th Street and Gilbert Avenue for the west side park as follows:

Lot 2, CSM 9548

Part of the Southwest 1/4 of the Northeast 1/4 of Section 19, Township 7 North, Range 21 East, in the City of Wauwatosa, Milwaukee County, Wisconsin, bounded and described as follows:

Commencing at the Northwest corner of the Northeast 1/4 of said Section 19; thence S2°04'13"E along the West line of said 1/4 Section, 1446.23 feet to a point in the westerly extension of the South right of way line of W. Gilbert Avenue; thence N87°47'11"E along said South line extension, 45.00 feet to point in the East right of way line of N. 116th Street, and the point of beginning of lands to be described; thence continuing N87°47'11"E along said the South right of way line of W. Gilbert Avenue, 331.33 feet; thence N85°42'01"E along said South line, 280.81 feet to a point on a non-tangent curve; thence Northeasterly along said South line, being the arc of a curve to the right (having a radius of 1007.14 feet, whose chord bears N67°30'30"E, 238.12 feet) 238.68 feet; thence S0°00'00"E, 294.70 feet; thence N90°00'00"W, 167.00 feet; thence S70°02'16"W, 92.00 feet; thence S33°28'51"W, 167.09 feet; thence S0°43'08"W, 221.42 feet; thence S18°07'00"E, 351.06 feet; thence S51°20'45"E, 297.27 feet; thence S2°09'31"E, 95.98 feet to a point in the North right of way line of W. Walnut Road; thence N75°19'27"W along said North line, 63.64 feet to a point of curvature; thence Northwesterly along said North line, being the arc of a curve to the left (having a radius of 620.00 feet, whose chord bears N83°44'29"W, 181.51 feet) 182.17 feet to a point of tangency; thence S87°50'29"W along said North line, 79.01 feet; thence N2°04'05"W, 220.00 feet; thence N47°04'05"W, 254.18 feet; thence S87°50'18"W, 285.29 feet to a point in the East right of way line of N. 116th Street; thence N2°04'13"W along said East line, 762.52 feet to the point of beginning.

Said Parcel containing 544,173 sq. ft/12.492 acres of land, more or less.

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.

By: Plan Commission

Recommendation: Ready for adoption, Adopt 8-0

RESULT: ADOPTED

MOVER: Jason Wilke

SECONDER: David Lewis

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

Enactment No: O-24-03

2. Ordinance amending Secs. 24.03.030, 24.03.040 and 24.07.030 of the Wauwatosa Municipal Code related to building height for C2 zoned properties

[23-1306](#)

The Common Council do ordain as follows:

Part I. The Table in Sec. 24.03.030 B. of the Wauwatosa Municipal Code of Ordinances is hereby amended by deleting the entire line/row referencing “Minimum Lot Area Per Unit”, placing a new Footnote reference “[1]” alongside the entry “No max.” for “Principal Buildings under the “C2” column, and amending the text of footnote [1] to read as follows: “See Section 24.03.040 J.”

Part II. Section 24.03.040 J. of the Wauwatosa Municipal Code of Ordinances is hereby created to read in its entirety as follows:

J. Building Height for C2 (General Commercial) District: For C2 zoned properties located within 65 feet of a Residential (R) zoned property, the maximum building height is 60 feet. Exceptions to this standard are as follows:

1. The Regional Mall (Mayfair Mall) properties are not subject to these regulations.
2. Additional height of up to 85 feet is allowed for:
 - a. Multi-family and/or mixed-use projects proposing 20% or more affordable housing units at 80% or below the average median income (AMI) for the Milwaukee, Waukesha, and West Allis region, as established by the US Department of Housing & Urban Development (HUD).
 - b. Transit-oriented development projects located along the Bus Rapid Transit (BRT) Corridor.

Part III. The “Use Table” in Sec. 24.07.030 of the Wauwatosa municipal Code of Ordinances is hereby amended by amending the Table Entry under the C2 column in the row for “RESIDENTIAL - Multi-unit Building” from “-” to “P”.

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

By: Community Affairs Committee

Recommendation: Ready for adoption, Adopt 6-2

1. Ald Makhlouf, seconded by Ald Meindl, to amend Part II, subsection J.2.a to strike "20% or more" and replace it with "a specified percentage of", strike "80% or below the" and replace it with "the corresponding", and add at the end of the sentence "as shown in the table below:

% of units to qualify	AMI % Level
20%	80%
15%	50%
10%	30%

Discussion/debate ensued.

Motion failed 3-13 (Fuerst, Lewis, Lowe, Moldenhauer, Morgan, O'Reilly, Phillips, Tilleson, Wilke, Brannin, Dolan, Dubinski, and Franzen voted no).

2. Motion by Ald Makhoulf, seconded by Ald Meindl, to amend Part I of the ordinance to remove density restrictions only from those portions of the C2 district which are covered by the height limit in Part II of the ordinance.

Discussion/debate ensued.

Ald Dolan asked to call the question. Ald Makhoulf objected, discussion/debate continued.

Motion by Ald Tilleson, seconded by Ald Lowe, to call the question. Motion carried 13-3 (Makhoulf, Meindl, and Franzen voted no).

Motion to amend failed 3-13 (Fuerst, Lewis, Lowe, Moldenhauer, Morgan, O'Reilly, Phillips, Tilleson, Wilke, Arney, Brannin, Dolan, and Dubinski, voted no).

3. Motion by Ald Makhoulf, seconded by Ald Meindl, to amend Part III to change "P" to "C".

Motion by Ald Fuerst, seconded by Ald Dolan, to call the question. Motion carried 13-3 (Makhoulf, Meindl, and Franzen voted no).

Motion to amend failed 2-14 (Fuerst, Lewis, Lowe, Moldenhauer, Morgan, O'Reilly, Phillips, Tilleson, Wilke, Arney, Brannin, Dolan, Dubinski, and Franzen voted no).

4. Motion by Ald Phillips, seconded by Ald Makhoulf, to amend height limit in Part II of ordinance from "60 feet" to "2-story/1.5 times height of nearest structure".

Discussion/debate ensued.

Motion by Ald Makhoulf, seconded by Ald Meindl, to refer the main ordinance to the Plan Commission.

Motion by Ald Tilleson, seconded by Ald Dolan, to call the question. Motion carried 15-1 (Brannin voted no).

Motion to refer failed 2-14 (Fuerst, Lewis, Lowe, Moldenhauer, Morgan, O'Reilly, Phillips, Tilleson, Wilke, Arney, Brannin, Dolan, Dubinski, and Franzen voted no).

Motion to amend failed 5-10-1 (Fuerst, Lewis, Lowe, Moldenhauer, Tilleson, Wilke, Brannin, Dolan, Dubinski, and Franzen voted no, Meindl abstained).

RESULT: ADOPTED

MOVER: Jason Wilke

SECONDER: David Lewis

Aye: 13 Moldenhauer, Arney, Dubinski, Brannin, Lewis, Franzen, Lowe, Tilleson, O'Reilly, Morgan, Fuerst, Wilke, and Dolan

Nay: 3 Meindl, Makhoulf II, and Phillips
Enactment No: O-24-04

3. Resolution approving a Major Planned Unit Development (PUD) [24-0058](#)
Amendment at 11111 W. Burleigh Street to construct a bank with drive through (Chase Bank), Gabriela Prewitt, The Architects Partnership, LTD., applicant

WHEREAS Gabriela Prewitt, The Architects Partnership, LTD., applied for a Major Planned Unit Development Amendment in the M1/Planned Unit Development District at 11111 W. Burleigh Street to construct a bank with drive through (Chase Bank), and;

WHEREAS, this request was reviewed and recommended by the City Plan Commission and Community Affairs Committee to be necessary for the public convenience at that location; located and proposed to be operated in such manner which will protect the public health, safety, and welfare; and was found to be compatible with surrounding uses;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin hereby grants a Major Planned Unit Development Amendment to Gabriela Prewitt, The Architects Partnership, LTD., subject to:

1. Approval from the Design Review Board is required prior to issuance of a building permit.
2. Final Occupancy inspections and approval required prior to occupancy.
3. Compliance with sign code, including issuance of a sign permit, is required.
4. Providing detailed costs of any alterations and/or new construction as well as income and expense information as requested by the Assessor's office.
5. Site plans showing adequate sewer capacity, construction staging information, lighting, and storm water management subject to approval by the Engineering Division.
6. Fire Department emergency access is subject to approval by the Fire Department.
7. Short- and long-term bicycle parking must be clearly identified and quantified to confirm compliance with City Code 24.11.080.
8. Applicant shall meet all requirements of code chapter 24.12 pertaining to landscaping and screening; including the requirement for a landscape performance guarantee (Section 24.12.070).
9. Obtaining all necessary approvals, licenses, and permits.

By: Community Affairs Committee

Recommendation: Approve 7-1

RESULT: APPROVED

MOVER: Jason Wilke

SECONDER: David Lewis

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

Enactment No: R-24-005

4. Resolution approving a Final Planned Unit Development approval [24-0060](#)
extension for Le Bon Vivant, 74th Street/Wright Street, Chris Geiger,

Cardinal Capital Management, Inc., applicant

WHEREAS, Chris Geiger, Cardinal Capital Management, Inc., requested a Planned Unit Development final plan approval extension for Le Bon Vivant, 74th Street/Wright Street;

WHEREAS, this request was reviewed and recommended by the Community Affairs Committee and the Planned Unit Development extension was determined to be necessary for the public convenience at that location; located and proposed to be operated in such manner which will protect the public health, safety, and welfare; and was found to be compatible with surrounding uses;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin hereby approves another one-year extension, expiring January 25, 2025, for the Final Planned Unit Development for the property located at 74th Street/Wright Street.

By: Community Affairs Committee

Recommendation: Approve 8-0

RESULT: APPROVED

MOVER: Jason Wilke

SECONDER: David Lewis

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

Enactment No: R-24-006

5. Resolution increasing membership of the Ad Hoc Community Land Trust Formation Committee from 8 (eight) to 9 (nine) voting members

[24-0065](#)

WHEREAS the Common Council created the ad hoc Community Land Trust Formation Committee by Resolution Number R-22-175 dated October 4, 2022, to consist of eight members appointed by the Mayor and confirmed by the Council; and

WHEREAS the Committee has requested the addition of one additional member in order to take advantage of a Wauwatosa resident's expertise which has recently become available;

NOW THEREFORE BE IT RESOLVED THAT the membership of the ad hoc Community Land Trust Formation Committee as created by Resolution Number R-22-175 is hereby amended by the addition of one additional member, preferably an individual with experience in the financial structure of Community Land Trusts in Wisconsin, to result in the Committee having a total of nine members, to be appointed by the Mayor and confirmed by the Common Council.

By: Community Affairs Committee

Recommendation: Approve 8-0

RESULT: APPROVED
MOVER: Jason Wilke
SECONDER: David Lewis

Aye: 16 Meindl, Moldenhauer, Arney, Dubinski, Makhoulf II, Brannin, Lewis, Franzen, Lowe, Tilleson, O'Reilly, Phillips, Morgan, Fuerst, Wilke, and Dolan
Enactment No: R-24-007

FROM THE FINANCIAL AFFAIRS COMMITTEE

1. Resolution approving partial rescission of certain 2023 Personal Property Taxes and approving a fund transfer from the Reserve for Contingencies
- 24-0047

BE IT RESOLVED, by the Common Council of the City of Wauwatosa THAT the specified portions of the 2023 property taxes for the following personal property accounts be and hereby rescinded, as further described by the Wauwatosa Assessor to the Financial Affairs Committee at its meeting of January 9, 2024, and refunds shall be provided to the taxpayers which have already paid such taxes as noted below:

Address	Original Taxes	Corrected Tax	Amount	Amount of Refund
8750 William Coffey Drive	16,031.92	4,008.92		12,023.00
925 N. 87th Street	4,492.79	1,123.79	3,369.00	
10460 W. Innovation Drive	8,514.68	4,837.68		3,677.00
7251 W. North Ave #5	38.53	19.53	19.00	
12040 Feerick St. Unit F	83.48	42.48	41.00	
2751 N. Mayfair Rd	530.83	277.83	253.00	
10437 W. Innovation Drive #315	36.39	19.39	17.00	
101000 W. Innovation Drive #300	114,928.89	69,167.89		45,761.00

BE IT FURTHER RESOLVED THAT a fund transfer from the Reserve for Contingencies in an amount sufficient to pay the City’s unreimbursed portion of the above refunds is hereby approved.

By: Financial Affairs Committee
Recommendation: Approve 8-0, Requires 2/3 majority vote

RESULT: APPROVED
MOVER: James Moldenhauer
SECONDER: Amanda Fuerst

Aye: 16 Meindl, Moldenhauer, Arney, Dubinski, Makhoulf II, Brannin, Lewis, Franzen, Lowe, Tilleson, O'Reilly, Phillips, Morgan, Fuerst, Wilke, and Dolan
Enactment No: R-24-008

2. Resolution approving 2024 Utility Rate changes [24-0048](#)

WHEREAS, the City of Wauwatosa's Sanitary Sewer utility includes a local charge and an MMSD charge. The MMSD charges a Sewer Usage charge based on water usage to cover the billings for water treatment and a Sewer Connection.

WHEREAS, the 2024 Budget included a 5.0% increase in local sanitary rates.

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Wauwatosa that sanitary sewer local rates be increased 0.0% for the 2024 fiscal year.

By: Financial Affairs Committee

Recommendation: Approve 8-0

RESULT: APPROVED

MOVER: James Moldenhauer

SECONDER: Amanda Fuerst

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

Enactment No: R-24-009

3. Resolution approving Settlement Agreement in the matter of Wheaton Franciscan Healthcare vs. City of Wauwatosa, Milwaukee County Circuit Court Case No. 2019-CV-009786 [24-0051](#)

BE IT RESOLVED THAT a proposed Settlement Agreement in the matter of *Wheaton Franciscan Healthcare vs. City of Wauwatosa*, Milwaukee County Circuit Court Case No. 2019CV009786, for tax years 2019 and 2020.

BE IT FURTHER RESOLVED that a fund transfer from the Reserve of Contingencies in an amount sufficient to pay the City's unreimbursed portion of the refund anticipated by the Settlement Agreement is hereby approved.

By: Financial Affairs Committee

Recommendation: Approve 8-0, Requires 2/3 majority vote

RESULT: APPROVED

MOVER: James Moldenhauer

SECONDER: Amanda Fuerst

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

Enactment No: R-24-010

4. Ratification of Comptroller's Office bills and claims report, December 20, 2023 through January 16, 2024 [24-0054](#)

RESULT: RATIFIED

MOVER: James Moldenhauer

SECONDER: Amanda Fuerst

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

FROM THE BOARD OF PUBLIC WORKS

1. Resolution approving request by Nick Carnahan of Galbraith Carnahan Architects on behalf of DAPK LLC for an encroachment at 6330 W. North Avenue [24-0086](#)

WHEREAS, an application has been made to the Common Council of the City of Wauwatosa (hereinafter "City") by Nick Carnahan of Galbraith Carnahan Architects on behalf of DAPK LLC, 6330 W. North Avenue, Wauwatosa, WI, (hereinafter "the Applicant") to encroach upon City property, to extend landscaping and paving to the edge of the sidewalk along 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: Jason Wilke

Aye: 16 Meindl, Moldenhauer, Arney, Dubinski, Makhoulf II, Brannin, Lewis, Franzen, Lowe, Tilleson, O'Reilly, Phillips, Morgan, Fuerst, Wilke, and Dolan
Enactment No: R-24-011

2. Resolution accepting a non-motorized multi-use pedestrian trail easement agreement at 3029 N. 112th Street [24-0088](#)

WHEREAS, the property at 3029 N. 112th Street is proposed for development into a car wash and as part of the approval process, a nine-foot-wide easement parallel to the existing

public right away for a multi-use trail is necessary to connect Mayfair Collection to the public schools to the south and all required public improvements are complete and lien waivers received and approved by the City Attorney;

NOW THEREFORE BE IT RESOLVED that the Non-Motorized Multi-Use Pedestrial Trail Easement Agreement at 3029 N. 112th Street be accepted.

By: Board of Public Works

Recommendation: Approve 6-0

RESULT: APPROVED

MOVER: John Dubinski

SECONDER: Jason Wilke

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

Enactment No: R-24-012

3. Resolution accepting a permanent water main easement for the installation of a water main at 931-937 N. 123rd Street

[24-0066](#)

BE IT RESOLVED, by the Common Council of the City of Wauwatosa THAT a permanent easement for a portion of the previously-approved water main into the Village of Elm Grove, through the property located at 931-937 N. 123rd Street in the City of Wauwatosa, is hereby accepted; and

BE IT FURTHER RESOLVED THAT proper City officials are hereby authorized to enter into an Easement Agreement for the water main easement on behalf of the City of Wauwatosa; and

BE IT FINALLY RESOLVED THAT staff are hereby authorized to record the executed Easement Agreement with the Milwaukee County Register of Deeds.

By: Board of Public Works

Recommendation: Approve 6-0

RESULT: APPROVED

MOVER: John Dubinski

SECONDER: Jason Wilke

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

Enactment No: R-24-013

4. Resolution accepting donation of remaining portion of Schoonmaker Reef National Historic Landmark to the City of Wauwatosa from Wangard Partners, LLC via quitclaim deed

[24-0089](#)

WHEREAS, the Schoonmaker Reef is a 425 million year-old fossil reef located in Wauwatosa located just north of 62nd and 66th Streets and was declared a National Historic Landmark in 1997; and

WHEREAS, an affiliate of Wangard Partners, LLC, the current owner of the Western portion of the Historic Landmark, has offered to donate that land to the City of Wauwatosa via a quitclaim deed, consistent with the Development Agreement previously executed between the parties;

NOW THEREFORE BE IT RESOLVED that the remaining portion of the Schoonmaker Reef be transferred to the City of Wauwatosa and that proper city officials execute the quitclaim deed from Tosa Reef LLC.

By: Board of Public Works

Recommendation: Approve 6-0

RESULT: APPROVED

MOVER: John Dubinski

SECONDER: Jason Wilke

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

Enactment No: R-24-014

FUTURE COUNCIL COMMITTEE AGENDA ITEMS

1. Future Council committee agenda items

[24-0053](#)

No new items.

RESULT: INFORMATIONAL ONLY

ADJOURNMENT

Meeting adjourned at 9:10 PM.