



Wauwatosa, WI

Common Council

Meeting Minutes

7725 W. North Avenue
Wauwatosa, WI 53213

Tuesday, December 19, 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 meeting to order at 7:31 PM.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

ROLL CALL

Present: 12 Alderperson District 1 Andrew Meindl
Alderperson District 1 James Moldenhauer
Alderperson District 2 Margaret Arney
Alderperson District 2 John Dubinski
Alderperson District 3 Robin Brannin
Alderperson District 4 Ernst Franzen
Alderperson District 5 Sean Lowe
Alderperson District 6 Council President Meagan O'Reilly
Alderperson District 7 Mike Morgan
Alderperson District 7 Amanda Fuerst
Alderperson District 8 Jason Wilke
Alderperson District 8 Melissa Dolan
Excused: 2 Alderperson District 4 David Lewis
Alderperson District 5 Joel Tilleson
Remote: 2 Alderperson District 3 Joseph Makhoulf II
Alderperson District 6 Joe Phillips

Ald Makhoulf left the meeting at 7:50 PM.

APPROVAL OF MINUTES

1. Approval of minutes of the December 5, 2023 regular meeting

[23-1297](#)

RESULT: APPROVED

MOVER: Ernst Franzen

SECONDER: Margaret Arney

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

Excused: 3 Makhoul II, Lewis, and Tilleson

PUBLIC HEARING

1. Public Hearing regarding a proposed 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 [23-1056](#)

Paulette Enders, Development Director, presented.

Public hearing opened at 7:36 PM.

Public Comments

None.

Public hearing closed at 7:37 PM.

RESULT: INFORMATIONAL ONLY

2. Public Hearing regarding a Major Planned Unit Development (PUD) Amendment at 11111 W. Burleigh Street to construct a Chase Bank branch [23-1057](#)

Paulette Enders, Development Director, presented.

Public hearing opened at 7:38 PM.

Public Comments

None.

Public hearing closed at 7:39 PM.

RESULT: INFORMATIONAL ONLY

3. Public Hearing to consider a proposed Zoning Text Amendment related to building height for C2 zoned properties [23-1058](#)

Paulette Enders, Development Director, presented.

Public hearing opened at 7:41 PM.

Public Comments

Ann Kammerer, 728 N. 113th St. - Has concerns regarding the requirement lifting the height restrictions and believes the affordable housing percentage should be lower than 80%.

Indy Stluka, 746 N. 112th St. - Thought the density requirement was different at Plan Commission.

Supports height limits and increased setback limits. Believes the affordable housing percentage should be lower than 80%.

Public hearing closed at 7:49 PM.

RESULT: INFORMATIONAL ONLY

APPOINTMENTS BY THE MAYOR

1. Appointment of Election Inspectors for the 2024-2025 term [23-861](#)
Recommendation: Second Reading
RESULT: APPROVED
MOVER: Meagan O'Reilly
SECONDER: Margaret Arney
Aye: 13 Meindl, Moldenhauer, Arney, Dubinski, Brannin, Franzen, Lowe, O'Reilly, Phillips, Morgan, Fuerst, Wilke, and Dolan
Excused: 3 Makhlouf II, Lewis, and Tilleson
2. Appointment by Mayor McBride of Aundrea-Claire Jones-Dixon (District 5) as a student member of the Wauwatosa Youth Commission, term ending May 31, 2025 [23-1199](#)
Recommendation: Second Reading
RESULT: APPROVED
MOVER: Meagan O'Reilly
SECONDER: Margaret Arney
Aye: 13 Meindl, Moldenhauer, Arney, Dubinski, Brannin, Franzen, Lowe, O'Reilly, Phillips, Morgan, Fuerst, Wilke, and Dolan
Excused: 3 Makhlouf II, Lewis, and Tilleson
3. Appointment by Mayor McBride of Steven Mares (District 6) as a member of the Wauwatosa Board of Public Debt Commissioners, term ending April 30, 2026 [23-1217](#)
Recommendation: Second Reading
RESULT: APPROVED
MOVER: Meagan O'Reilly
SECONDER: Margaret Arney
Aye: 13 Meindl, Moldenhauer, Arney, Dubinski, Brannin, Franzen, Lowe, O'Reilly, Phillips, Morgan, Fuerst, Wilke, and Dolan
Excused: 3 Makhlouf II, Lewis, and Tilleson
4. Appointment by Mayor McBride of Ian Schmitt-Ernst (District 2) as a member of the Wauwatosa Sustainability Committee, term ending December 31, 2026 [23-1294](#)
Recommendation: First Reading
Motion included a suspension of the rules to approve at this meeting.
RESULT: APPROVED
MOVER: Amanda Fuerst
SECONDER: Sean Lowe

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

Excused: 3 Makhlouf II, Lewis, and Tilleson

5. Reappointment by Mayor McBride of Michael Arney (District 2) as a member of the Wauwatosa Sustainability Committee, term ending December 31, 2026 [23-1236](#)

Recommendation: First Reading

Motion included a suspension of the rules to approve at this meeting.

RESULT: APPROVED

MOVER: Amanda Fuerst

SECONDER: Sean Lowe

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

Excused: 3 Makhlouf II, Lewis, and Tilleson

6. Reappointment by Mayor McBride of Zoe Hastert (District 6) as a member of the Wauwatosa Sustainability Committee, term ending December 31, 2026 [23-1246](#)

Recommendation: First Reading

Motion included a suspension of the rules to approve at this meeting.

RESULT: APPROVED

MOVER: Amanda Fuerst

SECONDER: Sean Lowe

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

Excused: 3 Makhlouf II, Lewis, and Tilleson

APPLICATIONS, COMMUNICATIONS, ETC.

1. Claim - GP Wisconsin, LLC [23-1295](#)

Recommendation: Refer to City Attorney

RESULT: REFERRED TO CITY ATTORNEY

2. Claim - Kavion Jefferson [23-1310](#)

Recommendation: Refer to City Attorney

RESULT: REFERRED TO CITY ATTORNEY

3. Summons and Complaint - Froedtert Health, Inc. vs. City of Wauwatosa, Case No. 2023CV007351 [23-1344](#)

Recommendation: Refer to City Attorney

RESULT: REFERRED TO CITY ATTORNEY

ORDINANCES FOR INTRODUCTION

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 1. 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_____

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: Refer to Community Affairs Committee

RESULT: REFERRED TO ORIGINATING COMMITTEE

2. Ordinance amending Secs. 24.03.030, 23.03.040 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% of 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: Refer to Community Affairs Committee

RESULT: REFERRED TO ORIGINATING COMMITTEE

3. 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: Refer to Transportation Affairs Committee

RESULT: REFERRED TO ORIGINATING COMMITTEE

4. Ordinance amending Sec. 11.32.080 of the Wauwatosa Municipal Code [23-1300](#)
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

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 subsection:

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

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

By: Transportation Affairs Committee

Recommendation: Refer to Transportation Affairs Committee

RESULT: REFERRED TO ORIGINATING COMMITTEE

FROM THE PLAN COMMISSION

1. Resolution approving a Conditional Use Permit in the C2/Mayfair [23-1278](#)

Corridor Overlay District (C2/MAY) at 2600 N. Mayfair Road for secondhand merchandise sales, Maria Souza, Diamonds Direct, applicant

WHEREAS Maria Souza, Diamonds Direct, applied for a Conditional Use Permit in the C2/Mayfair Corridor Overlay District at 2600 N. Mayfair Road for secondhand merchandise sales, and;

WHEREAS, this request was reviewed and recommended by the City Plan Commission 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 Conditional Use Permit to Maria Souza, Diamonds Direct, subject to:

1. Hours of operation Monday through Friday from 10:00 am to 7:00 pm, and Saturday from 10:00 am to 6:00 pm with select Sunday hours during holiday seasons.
2. Provide detailed costs of any alterations and/or new construction, as well as income & expense as requested by the Assessor's office.
3. Under WMC 24.16.040I., a Conditional Use will lapse and have no further effect one year after it is approved by the Common Council, unless a building permit has been issued (if required); the use or structure has been lawfully established; or unless a different lapse of approval period or point of expiration has been expressly established by the Common Council.
4. Obtaining other required licenses, permits, and approvals.

By: Plan Commission

Recommendation: Approve 7-0

RESULT: APPROVED

MOVER: Ernst Franzen

SECONDER: Jason Wilke

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

Excused: 3 Makhoulf II, Lewis, and Tilleson
Enactment No: R-23-211

2. Resolution approving a Conditional Use Permit in the C1/North Avenue Overlay District (C1/NOR) at 6715 W. North Avenue to expand the eating and drinking establishment, Jay Hill, Venture Construction Group, applicant

[23-1279](#)

WHEREAS Jay Hill, Venture Construction Group, applied to amend a Conditional Use Permit in the C1/North Avenue Overlay District (C1/NOR) at 6715 W. North Avenue to expand the eating and drinking establishment, and;

WHEREAS, this request was reviewed and recommended by the City Plan Commission 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 Conditional Use Permit to Jay Hill, Venture Construction Group, subject to:

1. Hours of operation Monday through Sunday 6 am to 2 am. The outdoor patio area shall close no later than 11:00 pm. If the City receives noise complaints regarding facility operations, the applicant shall take corrective action to resolve those complaints to the satisfaction of the Zoning Administrator and may include modifying hours of operation.
2. Provide detailed costs of any alterations and/or new construction, as well as income & expense as requested by the Assessor's office.
3. Rooftop mechanical equipment screening must be screened in accordance with City Code 24.12.040 and Design Review Board approval required prior to occupancy.
4. The existing water lateral must be disconnected from the former County water main per City standards and connect to the 12-inch City water main in W. North Ave.
5. Design Review Board approval required; plan review and all applicable building permits required. DSPS plan approvals may be required depending on scope of work.
6. If the building project exceeds \$100,000, the project is subject to sanitary sewer lateral replacement or repair if the existing lateral does not pass Board of Public Works testing requirements according to City Code 13.30.
7. If sprinklers are required based on the increase in occupant load, fire flow calculations in accordance with City Code 14.20.080 are required and the applicant will be required to conduct hydrant testing. Testing locations are determined by the Engineering Department and the hydrant test must be witnessed by the Water Department.
8. Roof drains are required to be directly connected to the City's storm sewer through underground piping per City Code 15.04.060.F.2.
9. If a trash dumpster is located outside, it must be screened from view of streets and all abutting lots according to the requirements outlined in City Code 24.12.040.
10. Under WMC 24.16.040I., a Conditional Use will lapse and have no further effect one year after it is approved by the Common Council, unless a building permit has been issued (if required); the use or structure has been lawfully established; or unless a different lapse of approval period or point of expiration has been expressly established by the Common Council.
11. Obtaining other required licenses, permits, and approvals.

By: Plan Commission

Recommendation: Approve 7-0

RESULT: APPROVED

MOVER: Ernst Franzen

SECONDER: Jason Wilke

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

Excused: 3 Makhoulf II, Lewis, and Tilleson
Enactment No: R-23-212

FROM THE TRANSPORTATION AFFAIRS COMMITTEE

1. Resolution amending the official stop sign map to include the
installation of all-way stop control at the 72nd Street intersection with
Maple Terrace

[23-1298](#)

BE IT RESOLVED, by the Common Council of the City of Wauwatosa THAT the official stop sign map of the City of Wauwatosa be amended to reflect that an all-way stop control be added at the 72nd Street intersection with Maple Terrace.

By: Transportation Affairs Committee

Recommendation: Approve 7-0

RESULT: APPROVED
MOVER: Mike Morgan
SECONDER: Sean Lowe

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

Excused: 3 Makhoulf II, Lewis, and Tilleson
Enactment No: R-23-213

2. Resolution approving a loading zone permit on St. James Street - the
Wauwatosa Lion's Club

[23-1301](#)

NOW THEREFORE BE IT RESOLVED that the Common Council of the City of Wauwatosa approve a thirty minute loading zone at 7336 St. James Street from 4 PM to 11 PM on weekdays and from 9 AM to 11 PM on weekends to be located from 30 feet east of 74th Street to 75 feet east of 74th Street.

By: Transportation Affairs Committee

Recommendation: Approve 7-0

RESULT: APPROVED
MOVER: Mike Morgan
SECONDER: Sean Lowe

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

Excused: 3 Makhoulf II, Lewis, and Tilleson
Enactment No: R-23-214

FROM THE FINANCIAL AFFAIRS COMMITTEE

1. Resolution approving a Level Three fund transfer for \$205,000 to cover repairs for a fire truck involved in an accident and recognize insurance revenue proceeds [23-1302](#)

WHEREAS, a Wauwatosa Fire Department fire truck was involved in an accident and incurred significant damages; and

WHEREAS it is anticipated that the cost of repairs will be approximately \$165,000, with insurance proceeds reimbursing the City for \$140,000, following payment of the City's deductible amount; and

WHEREAS the repair account has experienced additional overages in 2023 requiring an additional fund transfer of \$40,000 to complete the budget year with an appropriate balance;

NOW THEREFORE BE IT RESOLVED by the Common Council of the City of Wauwatosa that a Level 3 fund transfer be approved in the amount of \$205,000 to cover repairs for the fire truck and additional overages in the repair accounts, and that the 2023 budget be amended to recognize insurance revenue proceeds when such reimbursement occurs.

By: Financial Affairs Committee

Recommendation: Approve 8-0

RESULT: APPROVED

MOVER: James Moldenhauer

SECONDER: Amanda Fuerst

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

Excused: 3 Makhlof II, Lewis, and Tilleson
Enactment No: R-23-215

2. Resolution approving a Redevelopment Loan Fund forgivable loan application from Midwest Institutional Trust Company related to tenant space located at 10700 W Research Drive [23-1303](#)

WHEREAS, the Midwest Institutional Trust Company (MITC) has applied for a Wauwatosa Revolving Loan Fund Corporation loan, as well as a City of Wauwatosa Redevelopment Fund forgivable loan in the amount of \$50,000 for at 10700 W. Research Drive;

NOW THEREFORE, BE IT RESOLVED, by the Common Council of the City of Wauwatosa that a forgivable loan in the amount of \$50,000, payable from the Redevelopment Reserve, be approved for MITC, with terms and conditions as described to the Committee on Financial Affairs at its meeting of December 12, 2023.

By: Financial Affairs Committee

Recommendation: Approve 8-0

The Common Council may move to convene into closed session for this item pursuant to Wis. Stat. §19.85(1)(e),

Wis. Stats., for the purpose of deliberating or negotiating 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.

RESULT: APPROVED

MOVER: James Moldenhauer

SECONDER: Amanda Fuerst

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

Excused: 3 Makhlof II, Lewis, and Tilleson
Enactment No: R-23-216

3. Resolution approving a settlement for the Aurora Health Care Inc. v. [23-1304](#)
City of Wauwatosa, (various case numbers), Milwaukee County Circuit
Court (Tax years 2021-23) case in the amount of \$70,000

BE IT RESOLVED THAT a proposed settlement agreement in the matters of *Aurora Health Care Inc. v. City of Wauwatosa*, (various case numbers), Milwaukee County Circuit Court (Tax years 2021-23) in the amount of \$70,000, as discussed in closed session with the Financial Affairs Committee at its meeting of December 12, 2023, is hereby approved

By: Financial Affairs Committee

Recommendation: Approve 7-0

RESULT: APPROVED

MOVER: James Moldenhauer

SECONDER: Amanda Fuerst

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

Excused: 3 Makhlof II, Lewis, and Tilleson
Enactment No: R-23-217

4. Resolution approving a settlement for the Walgreen Co. v. City of [23-1305](#)
Wauwatosa, Milwaukee County Circuit Court Case No. 23-CV-5489
case in the amount of \$24,492.29

BE IT RESOLVED THAT a proposed settlement agreement in the matter *Walgreen Co vs. City of Wauwatosa*, Milwaukee County Case Number 23-CV-5489, reducing the assessments of the parcels in question for the years 2022 and 2023, and requiring a property tax refund for the years of 2022 and 2023 in the total amount of \$24,492.29, is hereby approved.

By: Financial Affairs Committee

Recommendation: Approve 7-0

The Common Council may move to convene into closed session for items #3 and #4 pursuant to Wis. Stat. §19.85 (1)(g), for the purpose of conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become

involved. The Common Council may reconvene into open session to consider the balance of the agenda.

RESULT: APPROVED

MOVER: James Moldenhauer

SECONDER: Amanda Fuerst

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

Excused: 3 Makhoul II, Lewis, and Tilleson
Enactment No: R-23-218

5. Ratification of Comptroller's Office bills and claims report, December 6 through December 19, 2023

[23-1307](#)

RESULT: RATIFIED

MOVER: James Moldenhauer

SECONDER: Amanda Fuerst

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

Excused: 3 Makhoul II, Lewis, and Tilleson

FROM THE COMMITTEE OF THE WHOLE

1. Resolution enacting the recommendation of the Committee of the Whole related to payroll adjustments following the annual performance evaluation of the City Administrator

[23-1318](#)

WHEREAS the current 2021-2024 employment agreement with the City Administrator provides for an annual performance bonus equal to 1.5% of annual salary (not added to base pay) to be paid following a review of performance toward meeting goals previously established by the Government Affairs Committee; and

WHEREAS the Committee of the Whole gathered on December 19, 2023 to review the City Administrator's annual performance;

NOW THEREFORE BE IT RESOLVED THAT, the Common Council enact the recommendation of the Committee of the Whole from December 19, 2023.

By: Committee of the Whole

RESULT: APPROVED

MOVER: James Moldenhauer

SECONDER: Meagan O'Reilly

Aye: 12 Moldenhauer, Arney, Dubinski, Brannin, Franzen, Lowe, O'Reilly, Phillips, Morgan, Fuerst, Wilke, and Dolan

Nay: 1 Meindl

Excused: 3 Makhoul II, Lewis, and Tilleson

Enactment No: R-23-219

FUTURE COUNCIL COMMITTEE AGENDA ITEMS

1. Future Council committee agenda items

[23-1296](#)

Ald Brannin asked to have a discussion about a CIP project for a multi-use path on 116th St. from Watertown PPlank Rd. to North Ave. at Transportation Affairs Committee. Ald Arney asked the recommendation from Equity and Inclusion Commission about a resolution go to Government Affairs Committee.

RESULT: INFORMATIONAL ONLY

ADJOURNMENT

Meeting adjourned at 8:00 PM.