



# Wauwatosa, WI

## Common Council

### Meeting Minutes

7725 W. North Avenue  
Wauwatosa, WI 53213

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Wednesday, April 5, 2023

7:30 PM

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

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#### Regular Meeting

#### CALL TO ORDER

Mayor McBride called the regular Common Council meeting to order at 7:33 PM.

#### PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

#### ROLL CALL

**Present:** 11      Alderperson District 1 James Moldenhauer  
Alderperson District 2 Margaret Arney  
Alderperson District 2 John Dubinski  
Alderperson District 3 Joseph Makhlof II  
Alderperson District 3 Robin Brannin  
Alderperson District 4 Ernst Franzen  
Alderperson District 5 Sean Lowe  
Alderperson District 6 Joe Phillips  
Alderperson District 7 Mike Morgan  
Alderperson District 7 Amanda Fuerst  
Alderperson District 8 Melissa Dolan

**Excused:** 4      Alderperson District 4 David Lewis  
Alderperson District 5 Joel Tilleson  
Alderperson District 6 Council President Meagan O'Reilly  
Alderperson District 8 Jason Wilke

**Remote:** 1      Alderperson District 1 Andrew Meindl

#### APPROVAL OF MINUTES

1. Approval of minutes of the March 21, 2023 regular meeting

[23-1163](#)

**RESULT:** APPROVED

**MOVER:** Ernst Franzen

**SECONDER:** Robin Brannin

**Aye:** 12      Ald Meindl, Ald Moldenhauer, Ald Arney, Ald Dubinski, Ald Makhlof II, Ald Brannin, Ald Franzen, Ald Lowe, Ald Phillips, Ald Morgan, Ald Fuerst, and Ald Dolan

**Excused:** 4 Ald Lewis, Ald Tilleson, Ald O'Reilly, and Ald Wilke

**APPOINTMENTS BY THE MAYOR**

1. Reappointment by Mayor McBride of Steve Berg (District 4) as a member of the Wauwatosa Board of Parks and Forestry Commissioners, term to expire April 30, 2026 [23-1137](#)

*Recommendation:* Second Reading

**RESULT:** APPROVED

**MOVER:** James Moldenhauer

**SECONDER:** Amanda Fuerst

**Aye:** 12 Ald Meindl, Ald Moldenhauer, Ald Arney, Ald Dubinski, Ald Makhoulf II, Ald Brannin, Ald Franzen, Ald Lowe, Ald Phillips, Ald Morgan, Ald Fuerst, and Ald Dolan

**Excused:** 4 Ald Lewis, Ald Tilleson, Ald O'Reilly, and Ald Wilke

2. Appointment by Mayor McBride of Richard Brunner (District 3) as a member of the Wauwatosa Board of Zoning Appeals, term expiring April 30, 2026 [23-1138](#)

*Recommendation:* Second Reading

**RESULT:** APPROVED

**MOVER:** James Moldenhauer

**SECONDER:** Amanda Fuerst

**Aye:** 12 Ald Meindl, Ald Moldenhauer, Ald Arney, Ald Dubinski, Ald Makhoulf II, Ald Brannin, Ald Franzen, Ald Lowe, Ald Phillips, Ald Morgan, Ald Fuerst, and Ald Dolan

**Excused:** 4 Ald Lewis, Ald Tilleson, Ald O'Reilly, and Ald Wilke

**APPLICATIONS, COMMUNICATIONS, ETC.**

1. Claim - Ryan Hill [23-1169](#)

*Recommendation:* Refer to City Attorney

**RESULT:** REFERRED TO CITY ATTORNEY

2. Claim - Ryan Stefaniak [23-1171](#)

*Recommendation:* Refer to City Attorney

**RESULT:** REFERRED TO CITY ATTORNEY

3. Claim - Michelle Holzberger [23-1172](#)

*Recommendation:* Refer to City Attorney

**RESULT:** REFERRED TO CITY ATTORNEY

**FROM THE GOVERNMENT AFFAIRS COMMITTEE**

1. Resolution approving a New Retail Class "B" beer and "Class C" wine [23-1165](#)

license for Joy Ice Cream, LLC, Elizabeth Joy, Agent, d/b/a Joy Ice Cream Social, 8334 W. North Avenue, for the period ending June 30, 2023

WHEREAS, Joy Ice Cream, LLC, d/b/a Joy Ice Cream Social, 8334 W. North Avenue, Elizabeth Joy, Agent, has applied for Class "B" beer and "Class C" wine licenses for a period ending June 30, 2023.

NOW, THEREFORE, BE IT RESOLVED THAT a Class "B" Beer license and a "Class C" Wine license be awarded to Joy Ice Cream Social, LLC, d/b/a Joy Ice Cream Social, 8334 W. North Avenue, Elizabeth Joy, Agent, for a period ending June 30, 2023.

By: Government Affairs Committee

*Recommendation:* Approve 8-0

**RESULT:** APPROVED

**MOVER:** Margaret Arney

**SECONDER:** Joseph Makhoul II

**Aye:** 12 Ald Meindl, Ald Moldenhauer, Ald Arney, Ald Dubinski, Ald Makhoul II, Ald Brannin, Ald Franzen, Ald Lowe, Ald Phillips, Ald Morgan, Ald Fuerst, and Ald Dolan

**Excused:** 4 Ald Lewis, Ald Tilleson, Ald O'Reilly, and Ald Wilke  
Enactment No: R-23-51

2. Resolution approving application for a regular Retail Class "B" beer and "Class B" liquor license for 6930 Bar, LLC, Jasmine O'Brien - Agent, d/b/a Walter's on North, 6930 W. North Avenue, for the period ending June 30, 2023

[23-1166](#)

WHEREAS, 6930 Bar LLC, Jasmine O'Brien - Agent, d/b/a Walter's on North, 6930 W. North Avenue, has applied for the Class "B" beer and "Class B" liquor license currently held by Waybee Corporation;

NOW, THEREFORE, BE IT RESOLVED that the Class "B" beer and "Class B" liquor licenses held by Waybee Corporation be granted and transferred to 6930 Bar LLC, Jasmine O'Brien - Agent, d/b/a Walter's on North for the period ending June 30, 2023.

By: Government Affairs Committee

*Recommendation:* Approve 8-0

**RESULT:** APPROVED

**MOVER:** Margaret Arney

**SECONDER:** Joseph Makhoul II

**Aye:** 12 Ald Meindl, Ald Moldenhauer, Ald Arney, Ald Dubinski, Ald Makhoul II, Ald Brannin, Ald Franzen, Ald Lowe, Ald Phillips, Ald Morgan, Ald Fuerst, and Ald Dolan

**Excused:** 4 Ald Lewis, Ald Tilleson, Ald O'Reilly, and Ald Wilke  
Enactment No: R-23-52

3. Resolution approving the temporary "Class B" Liquor license extension application by Ray's Growler Gallery, 8930 W. North Avenue, Sara Laev, agent for the "Showers to Flowers" Market on Sunday, April 23, 2023 from 12:00 PM to 4:00 PM to include their parking lot [23-1167](#)

WHEREAS, Ray's Growler Gallery, 8930 W. North Avenue, has requested a temporary extension of the licensed premises from 12:00 PM to 4:00 PM for the "Showers to Flowers" Market on Sunday, April 23, 2023, to include their parking lot;

NOW, THEREFORE, BE IT RESOLVED THAT the Special Event permit is hereby approved and the "Class B" Liquor licensed premises of Ray's Growler Gallery be extended from 12:00 PM to 4:00 PM for "Showers to Flowers" Market on Sunday, April 23, 2023, to include their parking lot.

By: Government Affairs Committee

*Recommendation:* Approve 8-0

**RESULT:** APPROVED

**MOVER:** Margaret Arney

**SECONDER:** Joseph Makhoul II

**Aye:** 12 Ald Meindl, Ald Moldenhauer, Ald Arney, Ald Dubinski, Ald Makhoul II, Ald Brannin, Ald Franzen, Ald Lowe, Ald Phillips, Ald Morgan, Ald Fuerst, and Ald Dolan

**Excused:** 4 Ald Lewis, Ald Tilleson, Ald O'Reilly, and Ald Wilke  
Enactment No: R-23-53

4. Resolution approving a change of Agent for Class "B" Beer and "Class B" Liquor License for The Cheesecake Factory to Steve Shirvinski [23-1168](#)

WHEREAS, The Cheesecake Factory Restaurants Inc., d/b/a The Cheesecake Factory, 2350 N. Mayfair Rd., has appointed Steve Shirvinski as successor agent for the Class "B" beer and "Class B" liquor license for the period ending June 30, 2023; and

WHEREAS, Steve Shirvinski 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 Successor Agent submitted by The Cheesecake Factory Restaurants Inc., d/b/a The Cheesecake Factory, 2350 N. Mayfair Road, appointing Steve Shirvinski as the Agent for the Class "B" Beer and "Class B" liquor license for the period ending June 30, 2023.

By: Government Affairs Committee

*Recommendation:* Approve 8-0

**RESULT:** APPROVED

**MOVER:** Margaret Arney

**SECONDER:** Joseph Makhoul II

**Aye:** 12 Ald Meindl, Ald Moldenhauer, Ald Arney, Ald Dubinski, Ald Makhoul II, Ald Brannin, Ald Franzen, Ald Lowe, Ald Phillips, Ald Morgan, Ald Fuerst, and Ald Dolan

**Excused:** 4 Ald Lewis, Ald Tilleson, Ald O'Reilly, and Ald Wilke  
Enactment No: R-23-54

### **FROM THE FINANCIAL AFFAIRS COMMITTEE**

1. Resolution authorizing a Level 3 fund transfer and emergency purchase to repair an emergency ladder truck for the Wauwatosa Fire Department [23-1170](#)

WHEREAS, the Wauwatosa Fire Department is requesting approval of an emergency ladder truck repair and a level 3 fund transfer and due to the urgency of the repair, it was completed using purchasing rules without obtaining three quotes;

NOW, THEREFORE, BE IT RESOLVED that a Level 3 fund transfer and emergency purchase in the amount of \$46,820.70 be approved from the General Fund Reserve for Contingencies account 10220000-6206.

By: Financial Affairs Committee

*Recommendation:* Approve 7-0

**RESULT:** APPROVED

**MOVER:** James Moldenhauer

**SECONDER:** Amanda Fuerst

**Aye:** 12 Ald Meindl, Ald Moldenhauer, Ald Arney, Ald Dubinski, Ald Makhoul II, Ald Brannin, Ald Franzen, Ald Lowe, Ald Phillips, Ald Morgan, Ald Fuerst, and Ald Dolan

**Excused:** 4 Ald Lewis, Ald Tilleson, Ald O'Reilly, and Ald Wilke  
Enactment No: R-23-55

2. Resolution authorizing the city to enter into a contract with Houseal Lavigne to develop the City-wide comprehensive plan [23-1173](#)

WHEREAS, the city issued a Request for Proposals (RFP) for consultants to prepare a new comprehensive plan and received seven proposals and interviewed with four firms and chose Houseal Lavigne;

WHEREAS, the initial fee proposal was \$199,710 and there was a budget of \$200,000; however, there were additional add on-items that increased the fee proposal by \$84,113 and

staff recommends including these items due to time and cost efficiencies;

NOW, THEREFORE, BE IT RESOLVED that the City enter into a contract with Houseal Lavigne to develop a City-wide comprehensive plan at a cost not to exceed \$283,823, with a level 3 fund transfer in the amount of \$84,113 from the 2023 Planning Division budget and Community Development Block Grant funds and a carryover of \$50,000 in unspent funds for this purpose from the 2022 Budget to the 2023 Budget.

By: Financial Affairs Committee

**Recommendation:** Approve 7-0

*The motion included an amendment to the NOW THEREFORE BE IT RESOLVED clause for the following wording to be added at the end:*

*"...and a carryover of \$50,000 in unspent funds for this purpose from the 2022 Budget to the 2023 Budget."*

**RESULT:** APPROVED AS AMENDED

**MOVER:** James Moldenhauer

**SECONDER:** Amanda Fuerst

**Aye:** 12 Ald Meindl, Ald Moldenhauer, Ald Arney, Ald Dubinski, Ald Makhoulf II, Ald Brannin, Ald Franzen, Ald Lowe, Ald Phillips, Ald Morgan, Ald Fuerst, and Ald Dolan

**Excused:** 4 Ald Lewis, Ald Tilleson, Ald O'Reilly, and Ald Wilke  
Enactment No: R-23-56

3. Resolution authorizing a waiver of request for proposals and approval of contract with JW Industries for installation of enclosed storage units at Hart Park Stadium [23-1174](#)

WHEREAS, the Common Council has allocated \$175,000 of Capital Improvement Program (CIP) funds to be utilized for storage units underneath spectator seating at Hart Park Stadium;

WHEREAS, the current spectator seating was designed in 2009 and since then, the usage of Hart Park Stadium has grown and the lack of appropriate storage leaves equipment exposed to elements and to vandalism;

WHEREAS, the city is requesting to waive the request for proposal process and enter into a contract with JW Industries due to their familiarity with this facility and similar projects in Wauwatosa;

NOW, THEREFORE, BE IT RESOLVED that the City be authorized to waive the request for proposals and approve a contract with JW Industries for the procurement and installation of six storage units under the West side spectator seating area at Hart Park Stadium in the amount not to exceed \$175,000.00.

By: Financial Affairs Committee

*Recommendation:* Approve 7-0

**RESULT:** APPROVED

**MOVER:** James Moldenhauer

**SECONDER:** Amanda Fuerst

**Aye:** 12 Ald Meindl, Ald Moldenhauer, Ald Arney, Ald Dubinski, Ald Makhoulf II, Ald Brannin, Ald Franzen, Ald Lowe, Ald Phillips, Ald Morgan, Ald Fuerst, and Ald Dolan

**Excused:** 4 Ald Lewis, Ald Tilleson, Ald O'Reilly, and Ald Wilke  
Enactment No: R-23-57

4. Resolution authorizing a design services agreement with GRAEF for Water Pumping Station adjacent to the Burleigh Water Tower [23-1175](#)

WHEREAS, the Common Council allocated \$5.25 million from the American Rescue Plan Act (ARPA) for the design and construction of a secondary west zone water pumping station, as the lack of a secondary pump makes the western district extremely vulnerable to system wide failures;

WHEREAS, the secondary pumping station will be located adjacent to the Burleigh Water Tower and will be sized in order to serve the entire western district;

WHEREAS, the City submitted a request for proposals and received two responses and is requesting to enter into a contract with GRAEF;

NOW, THEREFORE, BE IT RESOLVED that the City enter into a contract with GRAEF for design and construction management for a water pumping station not to exceed \$476,888.00.

By: Financial Affairs Committee

*Recommendation:* Approve 7-0

**RESULT:** APPROVED

**MOVER:** James Moldenhauer

**SECONDER:** Amanda Fuerst

**Aye:** 12 Ald Meindl, Ald Moldenhauer, Ald Arney, Ald Dubinski, Ald Makhoulf II, Ald Brannin, Ald Franzen, Ald Lowe, Ald Phillips, Ald Morgan, Ald Fuerst, and Ald Dolan

**Excused:** 4 Ald Lewis, Ald Tilleson, Ald O'Reilly, and Ald Wilke  
Enactment No: R-23-58

5. Ratification of Comptroller's Office bills and claims report - March 22 to April 5, 2023 [23-1154](#)

**RESULT:** RATIFIED

**MOVER:** James Moldenhauer

**SECONDER:** Amanda Fuerst

**Aye:** 12 Ald Meindl, Ald Moldenhauer, Ald Arney, Ald Dubinski, Ald Makhoulf II, Ald Brannin, Ald Franzen, Ald Lowe, Ald Phillips, Ald Morgan, Ald Fuerst, and Ald Dolan

**Excused:** 4 Ald Lewis, Ald Tilleson, Ald O'Reilly, and Ald Wilke

### **FROM THE BOARD OF PUBLIC WORKS**

1. Resolution authorizing encroachment for building signage over City right-of-way at 6505 W. North Avenue [23-1176](#)

WHEREAS, an application has been made to the Common Council of the City of Wauwatosa (hereinafter "City") on behalf of Short Hop LLC, 6505 W. North Avenue, Wauwatosa, WI, (hereinafter "the Applicant") to encroach upon City property, for building signage in the public right-of-way at 6505 W. North Avenue; 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 and the lights should be installed at least 10 feet above the sidewalk, and the lowest point of the lamp cannot be less than 8 feet above the sidewalk. Furthermore, the lights must be tipped in toward the building to prevent glare to drivers.

By: Board of Public Works

*Recommendation:* Approve 5-0

**RESULT:** APPROVED

**MOVER:** John Dubinski

**SECONDER:** Robin Brannin

**Aye:** 12 Ald Meindl, Ald Moldenhauer, Ald Arney, Ald Dubinski, Ald Makhoulf II, Ald Brannin, Ald Franzen, Ald Lowe, Ald Phillips, Ald Morgan, Ald Fuerst, and Ald Dolan

**Excused:** 4 Ald Lewis, Ald Tilleson, Ald O'Reilly, and Ald Wilke  
Enactment No: R-23-59

### **FUTURE COUNCIL COMMITTEE AGENDA ITEMS**

1. Future Council Committee agenda items [23-1164](#)

*Alder Moldenhauer requested a discussion of unspent Health Department funds during an upcoming Financial Affairs Committee meeting.*

*Alder Lowe requested a discussion of the CROWN Act.*



**RESULT:** INFORMATIONAL ONLY

**ADJOURNMENT**

*Meeting adjourned at 7:45 PM.*