



## CITY OF WAUWATOSA

7725 WEST NORTH AVENUE  
WAUWATOSA, WI 53213  
Telephone: (414) 479-8917  
Fax: (414) 479-8989  
<http://www.wauwatosa.net>

### COMMON COUNCIL

#### Regular Meeting, Tuesday, May 18, 2010

PRESENT: Alds. Wilke, Wilson, Berdan, Birschel, Causier, Donegan, Hanson, Jay, McBride, Meaux, Nikcevich, Organ, Pantuso, Walsh -14

EXCUSED: Alds. Ewerdt and Herzog

ALSO PRESENT: Mr. Archambo, City Administrator; Mr. Kesner, City Attorney; Mr. Braier, Finance Director; Mr. Kappel, Public Works Director; Ms. Welch, Community Development Director; Police Chief Weber; Ms. Aldana, Asst. City Atty./HR Director; Ms. Ledesma, City Clerk; Ms. Van Hoven, Deputy City Clerk

Mayor Didier in the Chair

The Mayor called the meeting to order at 8:05 p.m.

It was moved by Ald. McBride, seconded by Ald. Organ that the reading of the minutes of the last regular meeting be dispensed with and they be approved as printed. -14

### APPOINTMENTS BY THE MAYOR

#### Parks and Forestry Commission

Lisa Blair, 639 N. 79<sup>th</sup> Street  
Tom Ertel, 7440 Oakhill Avenue  
George Haas, 7425 W. Garfield Avenue  
(Terms end 4/30/2013)

#### City Plan Commission

Jody Lowe, 6274 Upper Parkway North  
(Term ends 4/30/2013)

#### Citizens with Disabilities

Mary Walz-Chojnacki, 8007 Portland Avenue  
(Term ends 12/31/2012)  
Jean Davidson, 1957 River Park Court  
(Term ends 12/31/2013)

Design Review Board A

John Niemer, 7424 Kenwood Avenue  
(Term ends 12/31/2012)

Historic Preservation Commission

Kathy Ehley, 7437 Kenwood Avenue  
Sharon Eiff, 1417 Lombard Court  
(Terms end 11/30/2012)

Police and Fire Commission

Calvin Kozlowski, 6936 Wisconsin Avenue  
(Term ends 4/30/2015)

Foregoing appointments ordered held as this was the first reading.

**APPLICATIONS, COMMUNICATIONS, ETC.**

1. Letter from Lucy Yu, Picopulse USA Xiaodan Center for Chinese Medicine, 10720 W. Capitol Drive, objecting to interest and penalty charged on her tax bill installment payment  
**Finance Director**
2. Letter from David W. Schaning, Interim Director DTPW Facilities Management, 10310 Watertown Plank Road, regarding 2010 Wauwatosa fire billings  
**Fire Chief Redman, City Administrator, City Attorney**
3. Financial Statements for the period ending April 30, 2010  
**Place on file**
4. Wauwatosa Water Utility Statement of Receipts and Disbursements for the period ending April 30, 2010  
**Place on file**
5. Letter from William Poull, The Club Tap, requesting an extension of his "Class B" Beer and "Class B" Liquor license at 8828 W. North Avenue to include the rear parking lot for a Christ King Festival fundraiser to be held on July 5, 2010 from 10:00 a.m. to 7:00 p.m.  
**Legislation, Licensing & Communications Committee**
6. Notice of claim: Latoya L. Parish, 5134 N. 24<sup>th</sup> Place, Milwaukee  
**City Attorney**
7. E-mails in opposition to the proposed wine and liquor store at 11747 W. North Avenue: Anne Ullsperger, 2240 N. 118<sup>th</sup> Street, Ann King, 1240 N. 119<sup>th</sup> Street, Lissette Fuller, 2243 N. 118<sup>th</sup> Street  
**Add to existing file**
8. E-mail in support of the proposed wine and liquor store at 11747 W. North Avenue: Heidi Ball, 2029 N. 117<sup>th</sup> Street  
**Add to existing file**

**FROM THE COMMITTEE ON EMPLOYEE RELATIONS**

**RESOLUTION R-10-92**

BE IT RESOLVED THAT, appropriate City officials are hereby authorized to enter into an employment contract with Paulette Enders for the position of Economic Development Director for the City of Wauwatosa, with a starting date of June 28, 2010, which contract shall specifically include the following provisions:

- Employee shall serve in the unclassified service as an “at-will” employee,
- If terminated without cause during the first two years of the contract, employee shall receive salary and benefits until the end of the initial two-year period,
- After the first two years, employee shall receive three months’ severance pay and benefits if terminated without cause,
- Salary shall be \$105,000 per year at the beginning of the contract.

It was moved by Ald. Donegan, seconded by Ald. Organ to approve the foregoing resolution. 13-1 (Meaux)

**FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS**

**RESOLUTION R-10-85**

WHEREAS, Rob Messinger of Hector’s-A Mexican Restaurant, 7118 W. State Street, Wauwatosa, WI, has requested a temporary extension of the licensed premises for an outdoor party to include the parking lot on June 17, 2010,

NOW, THEREFORE, BE IT RESOLVED THAT the licensed premises of Hector’s-A Mexican Restaurant be extended to include the parking lot of the building on June 17, 2010, between the hours of 5:00 PM to 10:00 PM;

BE IT FURTHER RESOLVED THAT the proprietors of Hector’s shall perform garbage cleanup on neighboring properties resulting from the outdoor event, cooperate with any requested noise abatement, and provide a phone number where he can be reached at in the event of an emergency.

**FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS**

**RESOLUTION R-10-86**

WHEREAS, Silver Screen Partners, d/b/a Rosebud Cinema Drafthouse has requested a transfer of their Class “B” Beer and “Class B” Liquor license to Rosebud Entertainment LLC, d/b/a Rosebud Cinema Drafthouse, 6823 W. North Avenue, Wauwatosa, WI;

NOW, THEREFORE, BE IT RESOLVED THAT the Class “B” Beer and “Class B” Liquor license of Silver Screen Partners, d/b/a Rosebud Cinema Drafthouse be transferred to Rosebud Entertainment LLC, d/b/a Rosebud Cinema Drafthouse, 6823 W. North Avenue, Wauwatosa, WI.

It was moved by Ald. Birschel, seconded by Ald. Walsh to approve the two foregoing resolutions. -14

**FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT**

**ORDINANCE O-10-10**

AN ORDINANCE AMENDING SECTION 15.14.240.A OF THE WAUWATOSA MUNICIPAL CODE TO ADDRESS REQUIREMENTS FOR SANDWICH BOARD SIGNS IN THE VILLAGE OF WAUWATOSA BUSINESS IMPROVEMENT DISTRICT.

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

Part I. Section 15.14.240 A. of the Wauwatosa Municipal Code is hereby repealed and recreated in its entirety to read as follows:

- A. Portable sandwich-type signs are permitted within the city right-of-way as follows:
  - 1. Number: One sign shall be permitted per business. Exception: If the business is located on the ground floor of a corner building on an arterial street, it may have one sign per street frontage.
  - 2. Size: The maximum sign size shall be twelve square feet.
  - 3. Style: The village of Wauwatosa business improvement district has designed sign standards that are in keeping with the historic, old world nature of the area. Only sign styles approved by the district are permitted. A copy of the approved style shall be submitted to the Division by the business improvement district board.
  - 4. Location: Signs shall be located in front of the business premise and placed so that an unobstructed area of four feet is maintained for pedestrian traffic. No off-premise signs are permitted.
  - 5. Illumination: Signs shall not be illuminated.
  - 6. Liability: A sign owner shall furnish a public liability insurance certificate in an amount not less than \$ 1,000,000.00 and shall name the city as an additional insured. Proof of insurance shall be filed annually with the Division at least ten days prior to the policy renewal date. A hold harmless agreement with the city shall be required in addition to the liability insurance.

7. Safety: Signs must be stored inside when the business is closed. The city may order any sign moved or removed that creates a pedestrian or traffic hazard.

8. Permit: An annual permit for each sign is required effective January 1st of each year. Permits are issued by the Division upon application, approval and payment of a permit fee. Permits are not transferable to another business and shall bear the city approved sign tag.

9. Fee: The permit fee will be as outlined in the city's consolidated fee schedule and may be pro-rated monthly for any sign permit obtained between January and December.

10. Violation: In addition to the penalties as outlined in 15.14.070, Any business that fails to comply with the provisions of this chapter, after receiving one warning, may lose its privilege to display a sandwich board sign for a one-year period.

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

It was moved by Ald. Organ, seconded by Ald. Meaux to adopt the foregoing ordinance. 13-0-1 (Pantuso)

**FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT**

**RESOLUTION** R-10-87

WHEREAS, Frank Dobbs, agent for Clearwire, has applied for a Conditional Use in the AA Single Family Residence District at 11100 W. Center Street for the installation of wireless antennas and associated equipment on an existing cellular tower, and;

WHEREAS, this request was reviewed and recommended by the City Plan Commission and the Committee on Community Development and 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 grants a Conditional Use to Frank Dobbs, agent for Clearwire, for the installation of wireless antennas and associated equipment on an existing cellular tower in the AA Single Family Residence District at 11100 W. Center Street.

**FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT**

**RESOLUTION R-10-88**

WHEREAS, Lisa Allen, chairperson of the Village BID, has applied for a Street Festival Permit to the Village area on September 25, 2010, for VillageGreen Street Fair; and

WHEREAS, the Committee on Community Development reviewed the request and recommends granting a Street Festival permit subject to the following restrictions:

1. VillageGreen Street Fair shall be conducted on Saturday, September 25, 2010, from 10:00 am to 6:00 pm, with take-down and clean-up starting at 7:00 am and ending at 8:00 pm
2. Live and recorded music associated with the event shall cease no later than 8:00 pm;

NOW, THEREFORE, BE IT RESOLVED THAT a Street Festival Permit be granted to the Village BID for VillageGreen Street Fair to use the Village area on September 25, 2010.

It was moved by Ald. Organ, seconded by Ald. Meaux to approve the two foregoing resolutions. -14

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

**RESOLUTION R-10-89**

WHEREAS, the City of Wauwatosa advertised for bids pursuant to State law for the contract as the official newspaper for the City's legal publications; and

WHEREAS, the sole bid received was from the Journal Sentinel, Inc.; and

WHEREAS, the bid received from the Journal Sentinel, Inc. contained an unchanged rate from 2008 – 2009;

NOW, THEREFORE, BE IT RESOLVED THAT the bid of the Journal Sentinel, Inc. as the official newspaper of the City of Wauwatosa shall be accepted as submitted in its bid.

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

**RESOLUTION R-10-90**

WHEREAS, in order to assure an adequate supply for the 2010-2011 season the Department of Public Works has determined it should order 4000 tons of road salt for the seasonal fill and

another 1000 tons in vendor reserve per the 2010-2011 Wisconsin Department of Transportation's road salt bid;

NOW, THEREFORE, BE IT RESOLVED THAT the purchase of 4000 tons of road salt for the seasonal fill and another 1000 tons in vendor reserve per the 2010-2011 Wisconsin Department of Transportation's road salt bid be and hereby is approved.

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

**RESOLUTION** R-10-91

WHEREAS, the current agreement between the City of Wauwatosa and Waste Management of WI, Inc. for recycling collection expires on December 31, 2010, but provides for up to 2 one-year renewals; and

WHEREAS, the City of Wauwatosa is currently studying the possibility of a public sorting facility to be operated jointly with the City of Milwaukee and Waukesha County, although the study and potential implementation of that facility has not yet come to fruition; and

WHEREAS, it is expected that a decision regarding the future use or necessity of a sorting facility will be made during the year 2011;

NOW, THEREFORE, BE IT RESOLVED THAT appropriate City officials are hereby authorized to exercise the first one-year renewal option for the existing recycling collection agreement with Waste Management of WI, Inc., which one-year renewal shall expire on December 31, 2011.

It was moved by Ald. Walsh, seconded by Ald. McBride to approve the three foregoing resolutions. -14

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

**BILLS AND CLAIMS FOR THE PERIOD 5/5/10 – 5/18/10 --**

The Committee on Budget and Finance hereby reports to the Common Council that it has examined the accounts of bills and claims and hereby certifies the same as correct and recommends that each of said accounts be allowed and paid.

Total bills and claims for 5/5/10 – 5/18/10: \$2,637,347.32

It was moved by Ald. Meaux, seconded by Ald. Causier that each and every account of bills and claims be allowed and ordered paid. Roll call vote, Ayes 14

**FROM THE BOARD OF PUBLIC WORKS**

**RESOLUTION**

BE IT RESOLVED, by the Common Council of the City of Wauwatosa, THAT permission be and the same is hereby granted to Alterra Coffee Roasters, Inc., 9125 W. North Avenue, Wauwatosa, WI, to encroach onto City right-of-way with outdoor seating, subject to the applicant(s) executing unto the City of Wauwatosa an indenture setting forth the terms, provisions and conditions relating to the granting of the aforesaid permission by said City to said applicant(s) and also contingent upon approval of the health department.

It was moved by Ald. McBride, seconded by Ald. Organ to approve the foregoing resolution. –

It was moved by Ald. Jay, seconded by Ald. McBride to hold this matter for more information and for further review. Ayes 12, Noes 2 (Pantuso, Walsh)

**FROM THE BOARD OF PUBLIC WORKS**

**RESOLUTION** R-10-93

BE IT RESOLVED, by the Common Council of the City of Wauwatosa, THAT permission be and the same is hereby granted to Gary Kaufman, Vice-President of Tri City National Bank, 10859 W. Blue Mound Road, Wauwatosa, WI, to encroach onto City right-of-way with a portion of an ATM canopy at the drive-through, and subject to the applicant(s) executing unto the City of Wauwatosa an indenture setting forth the terms, provisions and conditions relating to the granting of the aforesaid permission by said City to said applicant(s), and Tri City National Bank shall handle snow and ice removal in this paved area, including City-owned portions.

It was moved by Ald. McBride, seconded by Ald. Organ to approve the foregoing resolution. -14

There being no further business, the meeting adjourned at 8:27 p.m.

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Carla A. Ledesma, CMC, City Clerk