



CITY OF WAUWATOSA  
7725 WEST NORTH AVENUE  
WAUWATOSA, WI 53213  
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### COMMON COUNCIL

Regular Meeting, Tuesday, October 19, 2010

PRESENT: Alds. Wilson, Berdan, Birschel, Causier, Donegan, Ewerdt, Hanson, Jay (7:55 p.m.),  
McBride, Meaux, Nikceovich, Organ, Pantuso, Roznowski, Walsh, Wilke -16

ALSO Mr. Kesner, City Attorney; Mr. Kappel, Public Works Director; Ms. Welch, Community  
PRESENT: Development Director; Police Capt. Sutter; Mr. Wehrley, City Engineer; Ms. Ledesma,  
City Clerk

Mayor Didier in the Chair

The Mayor called the meeting to order at 7:38 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. -15

### APPLICATIONS, COMMUNICATIONS, ETC.

1. Notices of Claim: Kelly Barrett, 1705 W. Custer Avenue, Milwaukee; Deborah Chamberlain, 8524 W. Wright Street, Wauwatosa; Sara and Jason McEvilly, 5408 W. Wells Street, Milwaukee  
**City Attorney**
2. Letter from Kelley A. Moore, US EPA Brownfields Project Manager, 77 W. Jackson Blvd., Chicago, reporting that the city is in compliance with the programmatic criteria of the EPA agreement  
**Place on file**
3. Statement of Financial Condition for the period ending September 30, 2010  
**Place on file**
4. Water Utility Statement of Receipts and Disbursements for the period ending September 30, 2010  
**Place on file**
5. Street Festival license application by Meg Miller and Michael Phillips, North Avenue Neighborhood Alliance, for Chili'n on the Avenue, July 23, 2011  
**Community Development Committee**

### FROM THE COMMITTEE ON EMPLOYEE RELATIONS FOR INTRODUCTION

1. Ordinance amending Chapter 2.58.120 (B)(1) and 2.52.070 (C) of the city code to add an increase in the cost sharing/premium amount paid by non-represented employees to 10% with a February 1<sup>st</sup> implementation date  
**Re-refer to originating committee**

2. Ordinance amending Chapters 2.58.120 (B)(1) and 2.58.120 (B)(3) of the city code eliminating the Choice health plan and adding a Choice Plus health plan with the addition of an HRA

**Re-refer to originating committee**

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

**RESOLUTION R-10-193**

WHEREAS, Joseph A. King, 11606 W. Woodland Avenue, Wauwatosa, WI, has applied for an operator's license in conjunction with his employment at The Cheesecake Factory, 2350 N. Mayfair Road, Wauwatosa, WI;

NOW, THEREFORE, BE IT RESOLVED THAT Joseph A. King is hereby issued an operator's license for the period ending June 30, 2011, contingent upon a review of his record in six months;

BE IT FURTHER RESOLVED THAT the Wauwatosa Police Department is directed to review Mr. King's record six months after issuance of this initial license and report back to the Committee on Legislation, Licensing and Communications if any new significant issues or concerns are revealed at that time.

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

**RESOLUTION R-10-194**

WHEREAS, Daryl J. Hudnall, 1006 W. Hadley Street, Milwaukee, WI, has applied for an operator's license in conjunction with his employment at The Cheesecake Factory, 2350 N. Mayfair Road, Wauwatosa, WI;

NOW, THEREFORE, BE IT RESOLVED THAT Daryl J. Hudnall is hereby issued an operator's license for the period ending June 30, 2011, contingent upon a review of his record in six months;

BE IT FURTHER RESOLVED THAT the Wauwatosa Police Department is directed to review Mr. Hudnall's record six months after issuance of this initial license and report back to the Committee on Legislation, Licensing and Communications if any new significant issues or concerns are revealed at that time.

It was moved by Ald. Birschel, seconded by Ald. Wilson  
to approve the two foregoing resolutions. -15

**FROM THE COMMITTEE ON TRAFFIC AND SAFETY**

**ORDINANCE O-10-19**

AN ORDINANCE CREATING WAUWATOSA CODE SECTION 11.32.080 OF THE CODE OF THE CITY OF WAUWATOSA BY CHANGING THE PARKING REGULATIONS ON UNDERWOOD AVENUE

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

Part I. Section 11.32.080 of the Code of the City of Wauwatosa is hereby amended by creating:

“Underwood Avenue – west side” portion of the “schedule of streets, and portions”:

(g) the first two (2) marked angled parking spaces immediately north of Menomonee River Parkway

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

It was moved by Ald. Meaux, seconded by Ald. McBride to adopt the foregoing ordinance. -15

**FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT**

**RESOLUTION** R-10-195

BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin THAT permission be and the same is hereby granted to Linda Krueger for a Land Combination in the AA Single Family Residence District at 2363 N. 100<sup>th</sup> Street. These parcels are more particularly described as follows:

Lots 4 and 5 and east half of adjacent vacated alley in Block 1 of Mount Vernon Terrace, being a subdivision of part of the SW ¼ of Section 17, Township 7 North, Range 21 East, in the City of Wauwatosa, Milwaukee County, Wisconsin.

All in accordance with the application attached hereto and made a part of this resolution, and in compliance with Section 24.56.010 of the Code of the city of Wauwatosa and subject to the payment of all outstanding special assessments on the aforescribed property which is being combined.

**FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT**

**RESOLUTION** R-10-196

WHEREAS, Allison Phillips, Hollywood Threadz, and Brandon V. Bergman, The Promenade, LLC, have applied for a Conditional Use in the AA Business District at 801 N. Mayfair Road for a clothing store featuring retails and resale items, 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 Allison Phillips, Hollywood Threadz, and Brandon V. Bergman, The Promenade, LLC, for a clothing store featuring retail and resale items in the AA Business District at 801 N. Mayfair Road subject to the following conditions:

- 1) hours of operation 10:00 a.m. to 9:00 p.m. Monday through Saturday and 10:00 a.m. to 6:00 p.m. Sunday, and
- 2) obtaining all necessary licenses and permits.

It was moved by Ald. Organ, seconded by Ald. Wilke to approve the two foregoing resolutions. -15

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

**RESOLUTION** R-10-197

WHEREAS, THE Village of Wauwatosa Business Improvement District submitted to the Committee on Budget & Finance its 2011 budget and work plan; and

WHEREAS, Committee members and representatives of the BID Board agreed that the budget and work plan are accurate and do reflect the intentions of the entire BID Board;

NOW, THEREFORE, BE IT RESOLVED THAT the 2011 budget and work plan for the Village of Wauwatosa Business Improvement District as provided to the Committee on Budget & Finance on October 12, 2010, are hereby approved and, upon completion of the tax roll, assessments shall be included on the property tax bills of affected properties in a manner consistent with those documents.

It was moved by Ald. Ewerdt, seconded by Ald. Donegan to approve the foregoing election. -15

(Ald. Jay present 7:55 p.m.) -16

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

**RESOLUTION** R-10-198

WHEREAS, the Committee on Budget and Finance provided authorization for staff to pursue an application for Federal funding to support the construction of a business accelerator, and;

WHEREAS, staff spent many months working with the Economic Development Administration and the Wisconsin Department of Commerce to develop a joint application for a business accelerator with the UWM Real Estate Foundation, and;

WHEREAS, EDA staff determined that this project would provide a catalyst for the development of the UWM Innovation Park and create a major economic development engine for the region, and

WHEREAS, the grant requests matching funds and the City has created the ability to provide those funds via the approval of TIF #6 Innovation Park that will provide support for the construction of necessary infrastructure to support the construction of the accelerator building and the development of the Innovation Park.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin hereby accepts a \$5,408,646 grant from the U.S. Department of Commerce Economic Development Administration.

It was moved by Ald. Ewerdt, seconded by Ald. Donegan to approve the foregoing resolution. Roll call vote, Ayes 13, Noes 2 (Hanson, Walsh), Present 1 (Birschel)

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

BILLS AND CLAIMS FOR THE PERIOD 10/6/10 – 10/19/10 --

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 10/6/10 – 10/19/10: \$2,887,621.09

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 16

**FROM THE BOARD OF PUBLIC WORKS**

**RESOLUTION** R-10-199

BE IT RESOLVED, by the Common Council of the City of Wauwatosa, THAT permission be and the same is hereby granted to Karen Wilman and Curt Wiebelhaus of Sustainable Properties, 7511 Harwood Avenue, Wauwatosa, WI, to encroach onto city right-of-way along Wauwatosa Avenue for the lower building to expand windows down for an entrance way and to raise the boardwalk for stairs to other retail establishments, subject to the applicant(s) executing onto 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 applicants and approval from the Engineering Department is received regarding the handrail plans.

It was moved by Ald. Walsh, seconded by Ald. Roznowski  
to approve the foregoing resolution. -16

There being no further business, the meeting adjourned at 8:03 p.m.

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Carla A. Ledesma, CMC, City Clerk