



CITY OF WAUWATOSA

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COMMON COUNCIL

Regular Meeting, Tuesday, May 3, 2011

PRESENT: Alds. Causier, Donegan, Ewerdt, Hanson, Jay, McBride, Meaux, Nikceovich, Organ, Pantuso, Roznowski, Walsh, Wilke, Wilson, Berdan, Birschel -16

ALSO PRESENT: Mr. Archambo, City Administrator; Mr. Kesner, City Attorney; Mr. Porter, Public Works Director; Mr. Ruggini, Finance Director; Fire Chief Ugaste; Police Chief Weber; Ms. Aldana, Asst. City Atty./HR Director; Mr. Wojcehowicz, Water Utility Supt.; Ms. Szudy, Planner; Ms. Ledesma, City Clerk

Mayor Didier in the Chair

The Mayor called the meeting to order at 7:30 p.m.

The Mayor and Claudia Shea and Barb Benton of the Wauwatosa Historical Society presented certificates to the winners of the Historical Society's student art contest. The art pieces will be on display through the end of May at the Little Red Store:

<u>Grade</u>	<u>Name</u>	<u>Historic Site</u>	<u>School</u>
JK	Elliott Muller	Little Red Store	Lincoln
JK	Ella Smith	Dittmar-Robertson Bldg	Lincoln
SK	Ty Zurawik	1st Congregational Church	Roosevelt
SK	Camille Schoenberg	1st Congregational Church	Roosevelt
1st	Ella Birschbach	Georgian Revival	Roosevelt
1st	Jenna Larsen	Kneeland Walker House	Roosevelt
2nd	Chloe Anderson	Little Red Store	Washington
2nd	Georgia Potrzebowski	Thomas Benjamin Hart House	Wilson
3rd	Noah Boeding	1st Congregational Church	Wilson
3rd	Eva Offutt	Dutch Colonial	Roosevelt
4th	Sophie Tian	Bungalow	Roosevelt
4th	Abby Schermerhorn	Little Red Store	Roosevelt
5th	Hannah Agpoon	Dittmar-Robertson Bldg	Roosevelt
5th	Allison Kuhn	Fisk Holbrook Day Residence	Washington

Wauwatosa Historic Preservation Commission Chair Brian Faltinson presented Preservation of Properties awards to the following for their efforts to maintain/renovate their properties while still preserving the original character of the buildings:

Emily McNulty, 6178 Washington Circle
Wauwatosa Women's Club, 1626 Wauwatosa Avenue; Joan Riggin accepted on behalf of the Club.

It was moved by Ald. McBride, seconded by Ald. Organ that the reading of the minutes of the last special meeting be dispensed with and they be approved as printed. -16

OLD BUSINESS

After the April 19, 2011 Common Council meeting, the Mayor submitted the following veto letter:

April 20, 2011

Re: Resolutions R-11-29, R-11-30, R-11-31

Last night, April 19, 2011, the Wauwatosa Common Council revisited the issue of ratifying three labor contracts which had previously been acted upon on March 15, 2011. The meeting last night was called under ordinance 2.02.060 requiring the mayor to preside over a special meeting of the Common Council. Regardless of the merits of the issue, I believe it is wrong for council members to take this approach to policymaking.

Using my authority under Wisconsin Statute 62.09(8)(c), I hereby veto resolutions R-11-29, R-11-30 and R-11-31. My objection is that this issue was fully vetted and all normal procedures were followed prior to the vote on the March 15, 2011.

In addition, the decision to vote in favor of the ratification sets employee groups against one another. As the leader of this organization, I must strike the balance between the well being of our workers, our responsibilities and the expectations of the Wauwatosa community.

I appreciate the city workers and all that they do on a daily basis. This is a wonderful community whose best interest is always my priority.

Jill Didier, Mayor

It was moved by Ald. McBride, seconded by Ald. Meaux to override the veto and to immediately table this issue. Roll call vote, Ayes 8, Noes 8 (Causier, Hanson, Jay, Organ, Walsh, Wilson, Berdan, Birschel). The Mayor cast the tie-breaking vote of "no". --Motion failed.

APPOINTMENTS BY THE MAYOR

Police and Fire Commission

Dominic Leone, 7111 Cedar Street (13)
(Term ends 4/30/12)

Foregoing appointment ordered held as this was the first reading.

APPLICATIONS, COMMUNICATIONS, ETC.

1. Request for a Street Festival permit for Sts. Constantine & Helen Greek Orthodox Church, 2160 Wauwatosa Avenue, for their Grecian Festival 2011 to be held on June 10-12, Peter Pagonis, applicant
Community Development Committee
2. Conditional Use request in the AA Business District for a hot dog vending cart at 10506 W. Blue Mound Road, Michael Isherwood, M&M Hot Dogs, LLC, and Jake R. Wood, applicants
City Plan Commission, Community Development Committee
3. Conditional Use request in the AA Business District for massage therapy at 611 N. Mayfair Road, Lay Phommasack, MBM Group LLC and Peter Skanavis, 611 Group LLC, applicants
City Plan Commission, Community Development Committee
4. Conditional Use request in the Village Trade District for an indoor playground and recreation facility at 7400 W. State Street, Mary Pruitt Martinez, Turkeypants Playground LLC, and Robert Kuesel, Key Management, Inc. applicants
City Plan Commission, Community Development Committee
5. Conditional Use request in the AA Light Manufacturing District for a landscaping business with outdoor storage at 3029 N. 112th Street, Tony Reyes, Reyes Lawn & Landscaping Co. LLC, and Bill Brodd, applicants
City Plan Commission, Community Development Committee

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-11-49

WHEREAS, Eric Neumann, MSI General Corp., and Pam Mehnert, Outpost Natural Foods, have applied for a Conditional Use in the AA Business District at 7000 W. State Street for additional seating and outdoor patio space, 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 Eric Neumann, MSI General Corp., and Pam Mehnert, Outpost Natural Foods, for additional seating and outdoor patio space in the AA Business District at 7000 W. State Street subject to the following:

- 1) Compliance with floodplain regulations; and
- 2) Obtaining all necessary licenses and permits.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-11-50

WHEREAS Ginger Hartman, Mayfair ME, LLC, and William Steele, One Mayfair, LLC, have applied for a Conditional Use in the Business Planned Development District at 2751 N. Mayfair Road to operate a massage therapy establishment, 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 Ginger Hartman, Mayfair ME, LLC, and William Steele, One Mayfair, LLC, to operate a massage therapy establishment in the Business Planned Development District at 2721 N. Mayfair Road subject to the following:

- 1) Hours of operation Monday through Friday from 8:00 a.m. to 10:00 p.m.; Saturday from 8:00 a.m. to 8:00 p.m. and Sunday from 10:00 a.m. to 8:00 p.m.; and
- 2) Obtaining all necessary licenses and permits.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-11-51

WHEREAS, Ed Bushman, Victor Construction Inc., and Brandon Bergman, Naturequest 2000 Development, have applied for a Conditional Use in the AA Business District at 869 N. Mayfair Road for an expanded outdoor dining area, 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 Ed Bushman, Victor Construction Inc., and Brandon Bergman, Naturequest 2000 Development, for an expanded outdoor dining area in the AA Business District at 869 N. Mayfair Road subject to the following:

- 1) Board of Public works approval and encroachment agreement; and
- 2) Obtaining all necessary licenses and permits.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-11-52

WHEREAS Dean Heus and Dr. Phil Ertl, Wauwatosa School District, have applied for a Conditional Use in the Professional Office District at 12121 W. North Avenue for a Montessori School, 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 Dean Heus and Dr. Phil Ertl, Wauwatosa School District, for a Montessori School in the Professional Office District at 12121 W. North Avenue subject to the following:

- 1) Hours of operation Monday through Friday from 7:30 a.m. to 4:30 p.m. or as approved by the School District; and
- 2) Obtaining all necessary licenses and permits.

It was moved by Ald. Organ, seconded by Ald. Jay
to approve the four foregoing resolutions. -16

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-11-53

WHEREAS, Deborah C. Tomczyk, Reinhart Boerner Van Deuren S.C., and Franklin C. Gatlin III, Gatlin Development Co., has applied for a Conditional Use in the AA Business District at 3850 North 124th Street for a retail development over 50,000 square feet including a Wal-Mart Market grocery store, 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 Deborah C. Tomczyk, Reinhart Boerner Van Deuren S.C., and Franklin C. Gatlin III, Gatlin Development Co., for a retail development over 50,000 square feet including a Wal-Mart Market grocery store in the AA Business District at 3850 North 124th Street subject to the following conditions:

- 1) Hours of operation 24 hours daily, and
- 2) Obtaining all necessary licenses and permits.

It was moved by Ald. Organ, seconded by Ald. Jay to approve the foregoing resolution. Roll call vote, Ayes 12, Noes 3 (Causier, Hanson, McBride), Present 1 (Birschel)

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-11-54

WHEREAS, in an effort to reduce the frequency and severity of surface water flooding in the City of Wauwatosa, the City Engineer issued a request for proposals to evaluate the primary and secondary drainage capabilities in the Schoonmacher Creek watershed; and

WHEREAS, in response to the RFP four proposals were received and the City Engineer has recommended that the proposal of R. A. Smith National, in an amount not to exceed \$107,665.00, is in the best interest of the City as it reflects an effort to review various alternatives which may lead to better decisions when designing and constructing potential improvements;

NOW, THEREFORE, BE IT RESOLVED THAT appropriate City officials are hereby authorized to enter into a contract with R. A. Smith National in an amount not to exceed \$107,665.00 for the purpose of Schoonmacher Creek Watershed Study consistent with the proposal from that firm received April 15, 2011.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-11-55

WHEREAS, the City of Wauwatosa hereby requests financial assistance under s. 281.65 or 281.66 Wis. Stats., and chs. NR 151, 153, and 155, Wis. Admin. Code, for the purpose of implementing measures to meet nonpoint source water pollution abatement needs in area-wide water quality management plans or with one or more components specified in s. 281.65 or 281.66 Wis. Stats.,

NOW, THEREFORE, BE IT RESOLVED THAT, the City of Wauwatosa hereby authorizes the City Engineer or his designee to act on behalf of the City in the following activities:

- Sign and submit grant application
- Sign a grant agreement between the local government and the DNR
- Submit quarterly and final reports
- Request grant reimbursement
- Sign and submit an Environmental Hazard Assessment form

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-11-56

WHEREAS, the Water Superintendent has solicited bids for professional services for water main design, contract administration, and construction administration services for Tax Incremental Financial (T.I.F.) Districts No. 2 and 6 (Innovation Park Improvements); and

WHEREAS, 5 bids were received for this proposal, of which GRAEF-USA was the low bidder;

NOW, THEREFORE, BE IT RESOLVED THAT a purchase order be issued to GRAEF-USA pursuant to bids received by the Water Department as outlined in the April 21, 2011, memorandum of the Water Superintendent to the Committee on Budget & Finance in an amount not to exceed \$163,340.00 for water main design, contract administration, and construction administration services for TIF District Nos. 2 and 6 (Innovation Park Improvements).

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-11-57

WHEREAS, in order to assure an adequate supply for the 2012 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 2011-2012 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 2011-2012 Wisconsin Department of Transportation's road salt bid be and hereby is approved.

It was moved by Ald. Ewerdt, seconded by Ald. Causier to approve the four foregoing resolutions. -16

FROM THE COMMITTEE ON BUDGET AND FINANCE

BILLS AND CLAIMS FOR THE PERIOD 4/20/11 – 5/3/11 --

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 4/20/11 – 5/3/11: \$9,146,469.87

It was moved by Ald. Meaux, seconded by Ald. Walsh that each and every account of bills and claims be allowed and ordered paid. Roll call vote, Ayes 15-0-1 (Donegan)

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-11-58

BE IT RESOLVED, by the Common Council of the City of Wauwatosa, THAT permission be and the same is hereby granted to Yo Mama Frozen Yogurt, 1349 Wauwatosa Avenue, Wauwatosa, WI, to encroach onto City right-of-way with outdoor seating on the brick paver area and a corner-mounted sign to be reviewed by the City Engineer, 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).

It was moved by Ald. Hanson, seconded by Ald. Birschel
to approve the foregoing resolution. -16

There being no further business, the meeting adjourned at 8:06 p.m.

cal

Carla A. Ledesma, CMC, City Clerk