



CITY OF WAUWATOSA
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COMMON COUNCIL
Regular Meeting, Tuesday, May 17, 2011

PRESENT: Alds. Causier, Donegan, Ewerdt, Hanson, Jay, Meaux, Organ, Pantuso, Walsh, Wilke, Wilson, Berdan -12

EXCUSED: Alds. Birschel, McBride, Nikcevich, Roznowski

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. Welch, Community Development Director; Ms. Enders, Economic Development Director; Mr. Wehrley, City Engineer; Ms. Ledesma, City Clerk

Mayor Didier in the Chair

The Mayor called the meeting to order at 7:54 p.m.

It was moved by Ald. Organ, seconded by Ald. Hanson that the reading of the minutes of the last two regular meetings be dispensed with and they be approved as printed. -12

APPOINTMENTS BY THE MAYOR

City Plan Commission (first reading)

John Albert, 1922 N. 122nd Street

Board of Review (first reading)

Peter Stefaniak, 8042 W. Wisconsin Avenue

Joseph Duffey, 726 Windsor Court

Historic Preservation Commission (first reading)

Betsy Caron, 1761 Church Street

Annette Mertens, 2448 N. 73rd Street

Board of Zoning Appeals (first reading)

Kerry Harris, 1121 Elm Lawn

Police and Fire Commission

Peter Subotich, 2557 N. 82nd Street (first reading)

Dominic Leone, 7111 Cedar Street (for approval)

Redistricting Committee (first reading)
Brian Faltinson, 2209 N. 62nd Street (chair)
Jim Krol, 7828 Milwaukee Avenue
Jill Organ, 7722 Geralayne Circle
Ellyn Steinke, 2737 N. 1176h Place

First-reading appointments ordered held.

It was moved by Ald. Organ, seconded by Ald. Jay
to concur with the appointment of Dominic Leone to
the Police and Fire commission. -12

APPLICATIONS, COMMUNICATIONS, ETC.

1. Notice of Claim: Rozalyn Brown, 2625 N. 51st Street, Milwaukee
City Attorney
2. Offer by Brett W. Haney, HSI Properties, 20975 Swenson Drive, Waukesha, to donate property
at 1245 N. 62nd Street to the city
City Attorney, Community Development Director
3. Civil Summons and Complaint by Jeffrey and Sherrie Griffin, 3351 N. 95th Street, Milwaukee,
and Atty. James Shilobrit, 100 E. Wisconsin Avenue, Milwaukee
City Attorney

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-11-59

WHEREAS, Daniel J. Moreno, 7849 S. Scepter Drive, Franklin, WI, applied for an operator's license
in conjunction with his employment at Qdoba Mexican Grill, 418 N. Mayfair Road, Wauwatosa; and

WHEREAS, the Committee on Legislation, Licensing & Communications requested that Mr.
Moreno appear before the Committee on two occasions to discuss his record but applicant did not
appear; and

WHEREAS, the applicant's failure to appear as twice requested reflects poorly upon the
characteristics of personal responsibility which are materially related to the obligations of an
individual with an operator's license;

NOW, THEREFORE, BE IT RESOLVED THAT the operator's license application of Daniel J.
Moreno is hereby denied;

BE IT FURTHER RESOLVED THAT the Clerk shall notify Mr. Moreno in writing of this decision
and the reasons for the denial.

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-11-60

WHEREAS, Jill Tews 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 on June 16, 2011 for their Anniversary with live music from 6:00 p.m. to 10:00 p.m. and September 10, 2011, for HectorFest with live music from 4:00 p.m. to 10:00 p.m.;

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 16, 2011, and September 10, 2011, between the hours listed above;

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/she can be reached at in the event of an emergency.

It was moved by Ald. Causier, seconded by Ald. Berdan to approve the two foregoing resolutions. -12

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-11-61

WHEREAS, Tony Reyes, Reyes Lawn & Landscaping Co., LLC, and Bill Brodd have applied for a Conditional Use in the AA Light Manufacturing District at 3029 N. 112th Street for a landscaping business with outdoor storage, 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 Tony Reyes, Reyes Lawn & Landscaping Co. LLC, and Bill Brodd for landscaping business with outdoor storage in the AA Light Manufacturing District at 3029 N. 112th Street subject to the following conditions:

- 1) Hours of operation from 6:30 a.m. to 7:00 p.m. daily, and
- 2) Obtaining all necessary licenses and permits.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-11-62

BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin THAT a public hearing be held before the Common Council in the Council Chambers at 7:30 p.m. Local Time, on

Tuesday, June 21, 2011 in the City Hall of the City of Wauwatosa, Wisconsin at which time all persons interested, or their agents or attorneys, will be heard concerning the adoption of the East Tosa North Avenue Plan by Ordinance as an amendment to the City's Comprehensive Plan.

BE IF FURTHER RESOLVED THAT the City Clerk be and is hereby directed to publish the proper notices of said hearing as required by law.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-11-63

WHEREAS, Peter Pagonis of Sts. Constantine and Helen Greek Orthodox Church at 2160 Wauwatosa Avenue has applied for a street festival permit for the church's annual festival on June 10-12, 2011; and

WHEREAS, the Committee on Community Development recommends issuance of a permit subject to certain conditions;

1. The permit shall be valid only for conduct of Grecian Festival 2011.
2. The festival shall be conducted on June 10 through 12, 2011. Hours of operation shall be June 10th 4:00 p.m. to 10:00 p.m.; June 11th Noon to 10:00 p.m.; and June 12th Noon to 10:00 p.m.
3. The permittee shall pay all costs incurred by the City for this event.
4. Noise associated with music and exhibits shall not be excessive as that term is defined by Section 7.48.040 of the Wauwatosa Municipal Code. The City in its sole discretion shall determine whether noise associated with the festival is excessive and upon request of the City the permittee shall immediately reduce the volume of said noise.
5. The permittee shall be responsible for removing all refuse associated with the event. Failure of the permittee to do so will result in additional charges by the City.
6. No carnival rides will be used.
7. Live music is permitted on Saturday, June 11th and Sunday, June 12th from 3:30 p.m. to 9:30 p.m.
8. The Police Department will develop a plan to eliminate parking on one side of the streets in the immediate area, as appropriate.
9. The church shall be responsible to provide and install signs directing patrons to the City Hall parking lot and to M & I Wauwatosa State Bank; the church parishioners shall be encouraged to park in the City Hall parking lot; a mechanism will be established to make announcements at the festival if a driveway is reported to be blocked.
10. Security will be provided during the event.

11. The church grounds and immediate neighborhood shall be patrolled daily to remove litter.
12. Neighbors will be invited to meet with church officials to review plans and discuss solutions to other potential concerns before the event.
13. The dumpster on the church grounds shall be removed by 5 p.m. on Monday, June 13, 2011. Permittee shall provide a copy of its contract for removal of the garbage dumpster to the Director of Public Works. The Permittee shall also obtain a dumpster permit from the Engineering Department before placing the dumpsters in the street. The semi-trailers shall be removed from the grass by 5 p.m. on June 13, 2011.
14. Beer sales shall end one-half hour before the closing of the festival each evening.
15. Temporary “NO PARKING AT ANY TIME” restrictions will be posted and will be in effect only during the hours of the festival on the north side of Rogers Avenue, between Wauwatosa Avenue and Underwood Avenue, and the west side of North 74th Street, between Kenwood and Garfield Avenues.
16. Officers assigned to this area and adjacent streets are to check the area frequently for traffic congestion and parking violations. No parking permission has been given in any of the “No Parking at Any Time” zones.
17. Flashing barricades will be placed across Garfield Avenue and Wauwatosa Avenue, and at the north driveway to the church parking lot. A flashing barricade and sign will also be placed on Garfield Avenue at North 74th Street indicating that the street is open to local traffic only.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Wauwatosa THAT the City Clerk is authorized to issue a street festival permit to Sts. Constantine and Helen Greek Orthodox Church for the purpose of conducting the church’s proposed festival subject to the conditions listed herein.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-11-64

WHEREAS, Timothy Blum, HSA Commercial Real Estate, and Burleigh 45 LLC, has submitted a preliminary plan for a Business Planned Development for a mixed-use development at 11500 West Burleigh Street; and

WHEREAS, these preliminary plans have been reviewed and recommended by the City Plan Commission, the Design Review Board, and the Committee on Community Development; and

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin hereby approves the preliminary plans for a Business Planned Development for a mixed-use development submitted by Timothy Blum, HSA Commercial Real Estate, and Burleigh 45 LLC, based upon the plans submitted to the City and the public hearings conducted on this matter and subject to the following conditions:

- 1) plans showing adequate sewer capacity, environmental remediation, and stormwater management subject to approval by the City Engineer; and
- 2) parking lot and traffic circulation plans including a traffic impact study subject to approval by the City Engineer; and
- 3) plans for water supply to the site subject to approval by the City Water Superintendent; and
- 4) final building plans designating design and materials recommended by the City Design Review Board; and
- 5) emergency vehicle access plan subject to approval by City police and fire departments;
- 6) legal division of the parcel as necessary to comply with local ordinances; and
- 7) final landscaping plan showing a detailed list of plantings and details for planting areas;
- 8) phasing plan outlining anticipated uses on the site and marketing plan for attracting the desired mix of uses; and
- 9) maintenance plan detailing how any undeveloped portions of the property will be maintained; and
- 10) approved plan showing pedestrian and bicycle access to the site; and
- 11) inclusion of adjacent business and/or property owner in discussions regarding redevelopment and access; and
- 12) retail development must be in compliance with Chapter 24.25 of the Municipal Code; and
- 13) final developer's agreement approved by the Common Council; and
- 14) obtaining all other applicable licenses and permits.

It was moved by Ald. Organ, seconded by Ald. Wilke
to approve the four foregoing resolutions. -12

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-11-65

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 – 2010;

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-11-66

WHEREAS, previous success of sanitary sewer dye testing has indicated the advantage of this technique for determining sanitary sewer problem areas during rain events; and

WHEREAS, sewer sheds WA 3012 Watertown Plank Road – north and WA 4004 have sewer flows exceeding the Metropolitan Milwaukee Sewerage Districts peak weather flow standards and have experienced numerous basement backups; and

WHEREAS, the City of Wauwatosa Purchasing Department received proposals for sanitary sewer dye testing in the above areas, the most advantageous of which was submitted by Graef/R. A. Smith National of Brookfield, WI, in an amount not to exceed \$436,332.00;

NOW, THEREFORE, BE IT RESOLVED THAT the appropriate City officials are hereby authorized to enter into a contract for sanitary sewer design and dye testing with Graef/R.A. Smith National of Brookfield, WI, in an amount not to exceed \$436,332.00, to be funded from the 2011 Capital Improvements Plan and Sanitary Sewer Reserve.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-11-67

WHEREAS, the City of Wauwatosa has budgeted \$3 million in the year 2011 for design and construction expenditures in Tax Incremental Finance District No. 6, UWM Innovation Park; and

WHEREAS, the consulting firm of Graef performed previous work on design for sanitary sewer, storm sewer, water main, grading, paving, street lighting, traffic signals and other infrastructure in the area included within TIF #6 on behalf of Milwaukee County; and

WHEREAS, the skills and experience of this firm in this location will provide efficiencies of the design process which cannot duplicated by other firms;

NOW, THEREFORE, BE IT RESOLVED THAT the appropriate City officials are hereby authorized to negotiate and enter into design contracts with Graef for infrastructure in Incremental Financing District No. 6, UWM Innovation Park, provided that such contracts are within the appropriate budgeted amounts for this project.

It was moved by Ald. Walsh, seconded by Ald. Donegan
to approve the three foregoing resolutions. -12

FROM THE COMMITTEE ON BUDGET AND FINANCE

BILLS AND CLAIMS FOR THE PERIOD 5/4/11 – 5/17/11 --

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 5/4/11 – 5/17/11: \$1,767,985.34

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 11-0-1 (Donegan)

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-11-68

BE IT RESOLVED, by the Common Council of the City of Wauwatosa, THAT permission be and the same is hereby granted to the Milwaukee County Transit System to encroach onto City right-of-way with a bus shelter on the southwest corner of Watertown Plank Road and N. 87th Street, 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 subject to the Engineering Department's approval of the final placement.

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-11-69

BE IT RESOLVED by the Common Council of the City of Wauwatosa that the proper city officials be and they are hereby authorized and directed to enter into a contract with J & A Pohl, Inc., for the work of pavement repair (portions of N. 64th Street, Garfield Avenue, Harwood Avenue, Innovation Drive, Walnut Road, State Street) and work incidental thereto under Contract 11-20 Pavement Repair, this being the lowest and best bid.

BE IT FURTHER RESOLVED that the surety deposits, if any, be returned to the unsuccessful bidders.

It was moved by Ald. Hanson, seconded by Ald. Berdan to approve the two foregoing resolutions. -12

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

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Carla A. Ledesma, CMC, City Clerk