



CITY OF WAUWATOSA
7725 WEST NORTH AVENUE
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COMMON COUNCIL

Regular Meeting, Tuesday, September 6, 2011

PRESENT: Alds. Roznowski, Pantuso, Walsh, Wilke, Wilson, Berdan, Birschel, Causier, Ewerdt, Hanson, Jay, McBride, Meaux, Nikcevich, Organ – 15

EXCUSED: Ald. Donegan

ALSO PRESENT: J. Archambo, City Admin.; A. Kesner, City Atty.; J. Ruggini, Finance Director; Police Chief, B. Weber; Fire Chief, R. Ugaste; N. Welch, Comm. Devel. Director; W. Porter, Public Works Dir.; J. Wojcehowicz, Water Supt.; S. Van Hoven, Deputy City Clerk

Mayor Didier in the Chair

The Mayor called the meeting to order at 7:55 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

PUBLIC HEARING

The first item of business was a public hearing on a proposed ordinance adding the Village Plan as an amendment to the city's Comprehensive Plan.

Proof of publication is in the file.

In a meeting held on September 6, 2011, the following members of the public present were heard in favor of the proposed ordinance:

Kathy Ehley, 7437 Kenwood Avenue, Exec. Dir., Village Business Improvement District (BID), spoke in support of the Village Master Plan. She explained that the plan came about during flood mitigation over the last 10 years. The plan is intended as a support to help Village businesses plan for the future. City staff was receptive and the BID was invited to work closely with the Community Development Director. She noted that the document is a vision of concepts and a guideline of what could be. There were 12 people involved from various professional backgrounds as well as Marty Shukert of RDG Associates.

Caroline Esswein, 1829 N. 69th Street, was happy to be a member of the committee. They handled about 60 projects over the last 15 years and have looked back at the changes. She was sure there will be many changes over the next 15 years including new businesses, lighting changes, and changes to Hart Park.

Sean Phelan, 7667-77 W. State Street, was in support of the master plan especially with the focus on pedestrian activity, and the importance of way finding. He stressed that they were not looking at all the ideas being implemented at once. The master plan is a framework of ideas.

Tom Schuler, 1761 Church Street, noted that in his personal view much progress has been made. The master plan continues to progress.

Bill Brown, 1949 Forest Street, observed that there are small quick projects as well as medium projects included in the plan. As a resident he cares because of the benefit to property values and the partnership between businesses and the BID.

Jim Plaisted, 7436 Kenwood Avenue commented that he works on planning with the east side of Milwaukee and the Town of Shorewood. He noted that this is a very strong plan. It has to be a living document. He encouraged the realization of the plan's goals.

Ed Hayden, 2568 N. 71st Street, commented that he is happy to be a part of both the East Tosa, and the Village master plans. He added that they were able to use the East Tosa plan as an economic development tool. The Village has become the beating heart of the area. He urged the Council to support this.

Karen Willman, 7511 W. Harwood Avenue, was doing her part on the development team as well as looking at growth and helping Village businesses to thrive during any construction.

The following member of the public present was heard in opposition of the proposed ordinance:

Russ Drover, 7530 W. State Street, felt this was too much planning which will result in too much control. He was concerned about potentially closing off the railway lot and making people have to walk extra blocks.

Ms. Ehley stressed that there are \$750 million dollars of businesses in the Village area. She urged that people not become complacent. She noted that some of the safety issues are necessities.

The public hearing was declared closed and ordered held to the next meeting of the Community Development Committee on September 13, 2011.

APPOINTMENTS BY THE MAYOR

Board of Parks and Forestry Commissioners (approval)

Gregg Collins, 7025 W. Wells Street, term ending 4/30/2014

Senior Commission (approval)

Eileen Hayes, 7500 W. North Avenue, term ending 4/30/2014

Civic Celebration Commission (approval)

Kevin Mullen, 1937 N. 73rd Street, term ending 12/21/2014

It was moved by Ald. Birschel, seconded by Ald. Meaux to concur with the foregoing appointments – 15

APPOINTMENTS BY THE MAYOR

Board of Zoning Appeals (first reading)

Brian Randall, 2602 N. 88th Street, term ending 4/30/2014

William Pennoyer, 11222 W. Congress Street, term ending 4/30/2014

Ad Hoc Energy Committee (first reading)

Jay Kasmerchak, 2023 Two Tree Lane, term ending 9/1/2013

Carol Lomonaco, 9226 Jackson Park Blvd., term ending 9/1/2013

The foregoing appointments were ordered held as this was the first reading.

APPLICATIONS, COMMUNICATIONS, ETC.

1. **Notices of Claims:** Thomas and Ruth Gerek, 4530 N. 104th Street; Mariella Trejo-Harris, 9540 W. Brown Deer Road, Milwaukee; Wauwatosa Police Supervisor's Association; Sara and Jason McEvelly, 3505 S. River Glen Lane, Milwaukee
City Attorney
2. **Summons and Complaint:** Target Corp., Property Tax Dept., P.O. Box 9454, Minneapolis, MN; Walgreens Co., 200 Wilmot Road, Deerfield, IL; Macy's Retail Holdings, Seven W. Seventh Street, Cincinnati, OH; Michael and Maripat Collins, 1432 N. 50th Street, Milwaukee
City Attorney
3. Wauwatosa Water Utility Statement of Receipts and Disbursements for the period ending July 31, 2011
Place on file
4. Request by Meg Miller, Board Chair, North Avenue Neighborhood / East Tosa Alliance, for a street festival permit and use of the public right-of-way for Chili'n on the Avenue to be held on Saturday, July 21, 2012
Community Development Committee, Board of Public Works
5. Request by Dennis Kramer, Vino 100, 1442 Underwood Avenue, for a temporary extension of their liquor license to include their parking lot during TosaFest, September 9 and 10, 2011
Legislation, Licensing & Communications Committee, Board of Public Works
6. Financial Statements for the period ending July 31, 2011
Place on file
7. Letter from Bea Lex, 6030 W. Wells Street, regarding concerns about the Monarch Butterfly migration and habitat during construction on the County Grounds
Place in existing file

FROM THE COMMITTEE ON BUDGET & FINANCE FOR INTRODUCTION

1. Ordinance repealing Chapter 2.80 of the municipal code pertaining to the Citizens' Advisory Capital Improvements Committee
Re-refer to originating committee

FROM COMMITTEE ON COMMUNITY DEVELOPMENT FOR INTRODUCTION

1. Ordinance amending Section 15.14.250 of the municipal code regarding signs in the Research Park District
Re-refer to originating committee

FROM THE COMMITTEE ON LEGISLATION, LICENSING & COMMUNICATION

RESOLUTION R-11-125

WHEREAS, marketing and communications can benefit the city of Wauwatosa to increase visibility, promote community and maintain its viability as the center and strength of Milwaukee County; and

WHEREAS, there is a need to review the literature that is provided by the City as well as the current marketing and communications efforts conducted by the City and to create a citizen committee which will review and provide suggestions on how to best create and distribute information on the city;

NOW, THEREFORE, BE IT RESOLVED THAT, the City of Wauwatosa does hereby create an Ad Hoc Committee on Marketing and Communications, to be composed of ten members, consisting of not less than two members of the Common Council who shall be chosen by the Common Council, one representative appointed by the Village of Wauwatosa Business Improvement District, one representative appointed by the Wauwatosa Chamber of Commerce, with the balance of the membership being composed of local marketing and branding executives;

BE IT FURTHER RESOLVED THAT the duties of the Ad Hoc Committee on Marketing and Communications shall be directed to examine the city's image, its marketing, promotional and communications materials as well as related marketing, promotional and communications efforts, to develop a plan of action for future marketing, promotional and communications efforts based on the results of such study, and to provide recommendations for implementation and suggest staffing and funding options for such efforts in the future;

BE IT FINALLY RESOLVED THAT, the Ad Hoc Committee on Marketing and Communications shall be directed to report back to the Common Council's Committee on Legislation, Licensing and Communications not less than quarterly, or more often as necessary, and to provide updates to the Legislation, Licensing and Communications Committee or the Common Council as appropriate upon the conclusion of each stage of its overall mission, obtaining approvals as necessary to implement its recommendations.

FROM THE COMMITTEE ON LEGISLATION, LICENSING & COMMUNICATION

RESOLUTION R-11-126

WHEREAS, Dennis W. Kramer of Vino 100, 1442 Underwood Avenue, Wauwatosa, WI, has requested a temporary extension of the licensed premises to include the parking lot on September 9th and 10th, 2011;

NOW, THEREFORE, BE IT RESOLVED THAT the licensed premises of Vino 100 be extended to include the parking lot of the building on September 9th and 10th, 2011, until 11:30 PM each night;

BE IT FURTHER RESOLVED THAT the proprietors of Vino 100 shall perform garbage cleanup on neighboring properties resulting from the outdoor event and will cooperate with any requested noise abatement.

FROM THE COMMITTEE ON LEGISLATION, LICENSING & COMMUNICATION

RESOLUTION R-11-128

WHEREAS, Jennifer Lynn Yogurtian, 1417 South 86th Street, West Allis, WI, has applied for an operator's license in conjunction with her employment at CVS Pharmacy, 7520 West Bluemound Road, Wauwatosa, WI;

NOW, THEREFORE, BE IT RESOLVED THAT Jennifer Lynn Yogurtian is hereby issued an operator's license for the period ending June 30, 2012.

BE IT FURTHER RESOLVED THAT the Wauwatosa Police Department is directed to review Ms. Yogurtian'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.

Moved by Ald. Birschel, seconded by Ald. Nikcevich to approve
the foregoing three resolutions – 15

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-11-130

WHEREAS, Helmut Toldt, Toldt Development, Inc., has submitted an amendment allowing the construction of an assisted living/memory care facility to the approved plan for a Business Planned Development at 1621 Rivers Bend in the Mt. Tosa Neighborhood; and

WHEREAS, these final 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 amendment allowing the construction of an assisted living/memory care facility to the approved plan for a Business Planned Development at 1621 Rivers Bend in the Mt. Tosa Neighborhood submitted by Helmut Toldt, Toldt Development, Inc. based upon the plans submitted to the City and the public hearings conducted on this matter and subject to obtaining any necessary licenses and permits.

Moved by Ald. Organ, seconded by Ald. Roznowski to approve
the foregoing resolution – 15

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION

WHEREAS, Harneet Kaur, Tosa Wine and Spirits, and David Carter, Cedarbrook Investments, have applied for a Conditional Use in the AA Business District at 11747 W. North Avenue to add a bar within an existing store, and;

WHEREAS, this request was reviewed and recommended by the City Plan Commission and the Committee on Community Development; and

WHEREAS, the Plan Commission and Committee on Community Development have recommended denial of the application.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin hereby denies the request for a Conditional Use to Harneet Kaur, Tosa Wine and Spirits, and David Carter, Cedarbrook Investments to add a bar within an existing store in the AA Business District at 11747 W. North Avenue.

Moved by Ald. McBride, seconded by Ald. Hanson to refer the Conditional Use application by Harneet Kaur, Tosa Wine and Spirits back to the Community Development Committee for further discussion. Upon a roll call vote, vote On the motion was Ayes: 8, Noes: 7 (Walsh, Causier, Ewerdt, Jay, Meaux, Nikceovich, Organ)

FROM THE COMMITTEE ON BUDGET & FINANCE

RESOLUTION R-11-131

WHEREAS, the Purchasing Department has solicited bids for professional services for 2012 water main replacement design and contract administration; and

WHEREAS, Four (4) bids were received for this proposal, of which Graef was the low bidder;

NOW, THEREFORE, BE IT RESOLVED THAT a purchase order be issued to Graef pursuant to bids received by the Purchasing Department as outlined in the August 30, 2011, memorandum of the Water Superintendent to the Committee on Budget & Finance in the amount of \$27,900.00.

FROM THE COMMITTEE ON BUDGET & FINANCE

RESOLUTION R-11-132

WHEREAS, the City Attorney's office has requested a transfer from the Reserve for Contingencies for additional 2011 funding for litigation costs related to property tax matters;

NOW, THEREFORE, BE IT RESOLVED THAT the amount of \$40,000.00 is hereby transferred from the Reserve for Contingencies to the City Attorney's Sundry Contractual Services Account – Property Tax to fund immediate and known litigation and litigation support expenses in the property tax cases for the balance of budget year 2011.

FROM THE COMMITTEE ON BUDGET & FINANCE

RESOLUTION R-11-133

BE IT RESOLVED THAT, appropriate City officials are hereby authorized to enter into a Settlement Agreement with Wheaton Franciscan Healthcare – Southeast Wisconsin, Inc. in the matters of *Covenant Healthcare v. City of Wauwatosa*, Milwaukee County Circuit Court Case Nos. 04-CV-6458 & 06-CV-5558, and related cases filed in Milwaukee County Circuit Court, under terms and conditions more particularly described in the draft Settlement Agreement document discussed by the Committee on Budget & Finance during its closed session on September 6, 2011; and

BE IT FURTHER RESOLVED THAT, city officials are hereby authorized to pay the plaintiffs the sum of \$8,439,284.90 in settlement of the above matters, with appropriate prepayment discounts as applicable, from available funds, in a manner described more particularly in the draft Settlement Agreement and pursuant to financial arrangements discussed during the aforementioned closed session; and

BE IT FINALLY RESOLVED THAT, appropriate City Officials are hereby directed to seek chargebacks related to this and other property tax repayments as appropriate from the other affected taxing jurisdictions pursuant to the provisions of Section 74.41 of the Wisconsin Statutes, and are authorized to explore available mechanisms, as appropriate, to reduce the immediate tax impact of the chargeback payments upon property taxpayers in the City of Wauwatosa.

It was moved by Ald. Walsh, seconded by Ald. Wilson to approve the foregoing three resolutions – 15

FROM THE COMMITTEE ON BUDGET & FINANCE

BILLS AND CLAIMS FOR THE PERIOD 8/03/11 – 9/06/11 –

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 8/03/11 – 9/06/11: \$13,317,855.42

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: 15

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-11-134

BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin that the following revised account of the special assessments for sidewalk replacement in conjunction with Contract 09-07 Street Repaving, be submitted to the Finance Director, and

BE IT FURTHER RESOLVED that the City Clerk be and she is hereby directed to send out the proper amended notices to the owners of the properties as listed below:

Address	Key No.	Description	Original Assessment	Amended Assessment
2639 N. 86 th Street	333-0307-00	5” Sidewalk	\$503.24	\$246.50
2639 N. 86 th Street	333-0307-00	7” Sidewalk	\$229.05	\$0.00

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-11-135

WHEREAS, the Washington Highlands Historical Preservation Association, by Frank DiCasteri, 6313 Washington Circle, has requested permission to encroach onto City property in the right-of-way at the Northeast Corner of Milwaukee and Mountain Avenues in the City of Wauwatosa; and

WHEREAS, this encroachment would be for the purpose of removing an existing bus shelter and concrete pad and replacing them with an entry monument similar to those located at other entrances to the Washington Highlands neighborhood;

NOW, THEREFORE, BE IT RESOLVED THAT the application of Washington Highlands Historical Preservation Association to encroach onto City of right-of-way to remove an existing bus shelter and concrete pad, and replace them with an entry monument similar to those located at other entrances to the Washington Highlands neighborhood, be and hereby is approved.

Moved by Ald. Hanson, seconded by Ald. Berdan to approve
the forgoing two resolutions – 15

There being no further business, the meeting adjourned at 9:03 p.m.

Susan Van Hoven
Deputy City Clerk

svh