



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, January 17, 2012

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

EXCUSED: Ald. Ewerdt

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. Enders, Economic Development Director/Interim Community Development Director; Ms. Aldana, HR Director/Asst. City Atty.; Ms. Ledesma, City Clerk

Acting Mayor Meaux in the Chair

The Acting Mayor called the meeting to order at 8:30 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

PUBLIC HEARING

The first order of business was a public hearing to consider a proposal to rezone property at 3720 N. 124th Street from AA Industrial to AA Business District.

Proof of publication is in the file.

In a meeting held on December 13, 2011, the City Plan Commission recommended approval of the request.

Steve Wellenstein, 3839 Grand Boulevard, Mequon, was present in favor of the proposed ordinance. This parcel is located in a commercial area; over the years, it has been difficult to find compatible tenants because of the zoning.

No one of the public present wished to be heard against the proposed ordinance or had any comments or questions.

The public hearing was declared closed. Ordered held to the Community Development Committee meeting on January 31, 2012.

OLD BUSINESS

ORDINANCE O-12-05

AN ORDINANCE CREATING SECTION 24.54 OF THE WAUWATOSA MUNICIPAL CODE OF ORDINANCES RELATING TO THE DESIGN REVIEW BOARD

The Common Council of the City of Wauwatosa does hereby ordain as follows:

Part I. Section 24.54 of the City of Wauwatosa Municipal Code of Ordinances is hereby created to read as follows:

Chapter 24.54. Design Review Board

Wherefore, the City has deemed it necessary to simplify the design review board and the process of obtaining a board review, henceforth sections 24.54.010, 24.54.020 and 24.54.050 are hereby eliminated and replaced with the following provisions.

24.54.010 Approval required for building permit.

A. No building permit for any structure for which a building permit is required shall be issued unless it has received the approval of the design review board.

B. The design review board shall consider the exterior architectural appeal, the site location and proposed location on the structure on the building site, the landscaping, topography and whether the structure to be altered or constructed shall be so similar to, or so at variance from, other structures already constructed or under construction in the immediate neighborhood of the applicable district so as to cause a substantial depreciation in the property value of the neighborhood within the applicable district.

24.54.020 Organization.

A. Structure. There shall be a residential design review board called the "Design Review Board- Residential" and a commercial design review board called the "Design Review Board- Commercial". The design review board- residential shall review and determine approval for applications for all residential districts and the design review board- commercial shall review and determine approval for all commercial districts and village trade, and bus shelters not in the public right-of-way, each board with its own power to approve or deny plans for construction of, or addition, to buildings or structures as designated.

B. Organization. The design review board- residential shall consist of eight members serving without compensation and the design review board-commercial shall consist of seven members serving without compensation. At every time, at least one board member of each design review board shall have specialized training necessary for the board. A chairperson and a vice chairperson for each design review board shall be appointed by the mayor from among the members of each board.

C. Terms. Members shall be appointed for a term of two years, subject to Council approval. Such terms begin July 1 to June 30.

D. Meetings. Each design review board shall meet as an open meeting in an appropriately designated room at city hall the first and third Thursday of each month at seven p.m. when there is business brought before it, unless such time or place is otherwise specifically altered for good reason and notice of such is given to all members. A quorum of three members shall be necessary to conduct a meeting.

E. Exception. The design review boards may by majority vote establish criteria allowing administrative approval of any building permit which would otherwise be subject to design review board approval. If an applicant's design complies with the criteria established by the board, the chief inspector may authorize the issuance of a building permit without specific approval by the board though the inspector is not required to do so. In the event that the chief inspector declines to issue a permit, the applicant may seek approval through the design review board. The building inspector may send individual items for specific design review authority.

F. Agenda Length. Two Boards. Design Review Board-Residential. The design review board-residential chair, at a regularly scheduled meeting at which eight members are in attendance, may divide the board into two groups consisting of four members to hear and review matters on the agenda if the agenda's length justifies such. The agenda shall be divided between the boards by the chair. A quorum shall consist of three members for each divided board. Upon such division, the vice chairperson shall chair one board and the chairperson shall chair the other board.

Part II. Section 24.54.050 Appeals of the Wauwatosa Municipal Code of Ordinances shall be amended to read as follows.

- A. A request for review or appeal of a decision shall be filed with the building regulations administrator within ten days of such decision.
- B. Any person who is aggrieved may file a request for review before the design review board that issued the decision.
- C. Following a review before the design review board, any person who is aggrieved may file an appeal with the board of zoning appeals in accordance with the provisions of section 24.54.040.
- D. Any aggrieved person who chooses not to have his decision reviewed may appeal the decision directly to the board of zoning appeals in accordance with the provisions of section 24.54.040.

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

It was moved by Ald. Organ, seconded by Ald. Jay
to adopt the foregoing ordinance. -14

APPLICATIONS, COMMUNICATIONS, ETC.

1. Notice of Claim: Holly Deimerly, 818 N. 60th Street, Wauwatosa
City Attorney
2. Summons and Complaint: Mary R. Horne, 9995 W. North Avenue, Milwaukee
City Attorney
3. Wauwatosa Water Utility Statement of Receipts and Disbursements for the period ending December 31, 2011
Place on file

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS FOR INTRODUCTION

1. Proposed ordinance amending Chapters 6.36 and 6.56 of the city code to transfer certain food establishment licensing and regulation responsibilities from the City Clerk to the Health Department
Re-refer to originating committee

FROM THE COMMITTEE OF THE WHOLE

RESOLUTION R-12-04

BE IT RESOLVED by the Common Council of the City of Wauwatosa, THAT Eric Meaux is hereby appointed as Mayor of the City of Wauwatosa for the balance of the current mayoral term.

It was moved by Ald. Walsh, seconded by Ald. Berdan to approve the foregoing resolution. -14

FROM THE COMMITTEE ON EMPLOYEE RELATIONS

RESOLUTION R-12-05

BE IT RESOLVED THAT the tentative agreement with the Wauwatosa Peace Officers' Association for the years 2011-2013 be ratified.

FROM THE COMMITTEE ON EMPLOYEE RELATIONS

RESOLUTION R-12-06

BE IT RESOLVED THAT the police supervisors be awarded a 3% across-the-board salary increase effective January 1, 2012.

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

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-12-07

WHEREAS, JoJo's Pizza and Pub, 11302 W. Blue Mound Road has asked for a transfer of their Class B beer and Class B liquor license to Blue Ribbon Pub, LLC;

NOW, THEREFORE, BE IT RESOLVED THAT the Class B beer and Class B liquor license be transferred from JoJo's Pizza and Pub to Blue Ribbon Pub, LLC, 11302 W. Blue Mound Road, Wauwatosa, WI.

It was moved by Ald. Birschel, seconded by Ald. Causier to approve the foregoing resolution. -14

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-12-08

WHEREAS, concern has been repeatedly expressed regarding the question of whether the size of the Wauwatosa Common Council, at sixteen (16) members, is larger than necessary for its function; and

WHEREAS, the Common Council has itself formally addressed the question on at least four (4) occasions over a period of the past twenty (20) years, but has not taken any action during that time toward changing the number of aldermanic positions on the Common Council; and

WHEREAS, the Committee on Legislation and Licensing has recently considered recommending a charter ordinance with a binding referendum to permanently change the Common Council from consisting of two (2) alderperson per aldermanic district to one (1) per district, which would have the effect of reducing the total size of the Common Council from sixteen (16) to eight (8) members; and

WHEREAS, further consideration of the specific changes which should be made is important in order to assure the correct new structure of the council should a reduction be made; and

WHEREAS, the need for further consideration of the specific changes to be made would not allow such decisions to take place in a timely manner in order to get the final determination onto the ballot at the Spring General Election of 2012; and

WHEREAS, the members of the Wauwatosa Common Council are desirous of obtaining the opinion of the electors of the City of Wauwatosa on this issue prior to formalizing any decision on the size and composition of the Common Council into the future; and

WHEREAS, if the electors indicate that such a change is desired, the Common Council commits to diligently consider possible changes to the charter ordinances and other relevant provisions of law to put such changes into effect without requiring any further referendum vote of the electors; and

WHEREAS, if the size of the body is reduced, the Common Council commits to not increasing the current amount of compensation paid to its members due to increased workload resulting from that change;

NOW THEREFORE BE IT RESOLVED THAT the Wauwatosa City Clerk is hereby directed to call an advisory referendum election to be held at the regularly scheduled Spring General Election on Tuesday, April 3, 2012, with a ballot to be prepared in accordance with Wisconsin law, in substantially the form provided on the attached exhibit.

Exhibit:

Advisory Referendum Ballot
April 3, 2012

This is an advisory referendum question on whether to reduce the number of representatives on the Wauwatosa Common Council. The Council currently has sixteen (16) members, two (2) from each of eight (8) districts. A “yes” vote would indicate that the voters are in favor of reducing in the number of positions on the council, although no specific number or structure is proposed at this time. A “no” vote would indicate a desire retain the current council size.

Should the Wauwatosa Common Council reduce the number of representatives on the Common Council?

_____ YES

_____ NO

It was moved by Ald. Birschel, seconded by Ald. Causier to approve the foregoing resolution. –

It was moved by Ald. Walsh, seconded by Ald. Hanson to place the resolution on file. Roll call vote, Ayes 7, Noes 7 (Causier, Donegan, McBride, Nikceвич, Roznowski, Wilke, Wilson)

Mayor Meaux cast the tie-breaking vote, “no”. –Motion failed 7-8

Roll call vote on original motion, Ayes 9, Noes 5 (Hanson, Jay, Organ, Walsh, Berdan)

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

The Committee on Legislation, Licensing and Communications, to whom was referred a request by the Intergovernmental Cooperation Council of Milwaukee County that a resolution authorizing an advisory referendum concerning reduction in the size and compensation of the Milwaukee County Board of Supervisors be placed on the April 3, 2012 ballot, recommends to the Common Council that the matter be placed on file.

Dated this 10th day of January 2012

Committee on Legislation, Licensing and Communications

It was moved by Ald. Birschel, seconded by Ald. Causier to place the foregoing report on file. Ayes 12, Noes 2 (Jay, Donegan)

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-12-09

WHEREAS, the Milwaukee Metropolitan Sewerage District has notified the City of Wauwatosa of increases in sewer user charges for the year 2012 at approximately 0.2%; and

WHEREAS, current rates charged to sanitary sewer users in the City of Wauwatosa are not sufficient to pay that portion of the expenses for late sewer user charges charged by the Metropolitan Milwaukee Sewerage District while maintaining the local sewer system within the City of Wauwatosa; and

WHEREAS, recommended rate increases for 2012 sanitary sewer rates are reflected in a January 6, 2012, memorandum of the City of Wauwatosa Finance Director;

NOW, THEREFORE, BE IT RESOLVED THAT the recommendation of the Finance Director for an increase in the 2012 sanitary sewer rates as reflected in his memorandum of January 6, 2012, a copy of which is attached hereto, is hereby approved.

It was moved by Ald. Walsh, seconded by Ald. Donegan to approve the foregoing resolution. -14

FROM THE COMMITTEE ON BUDGET AND FINANCE

BILLS AND CLAIMS FOR THE PERIOD 1/4/12 – 1/17/12 --

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 1/4/12 – 1/17/12: \$2,622,492.54

It was moved by Ald. Causier, seconded by Ald. Wilson that each and every account of bills and claims be allowed and ordered paid. Roll call vote, Ayes 13-0-1 (Donegan)

There being no further business, the meeting adjourned at 9:28 p.m.

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Carla A. Ledesma
Carla A. Ledesma, CMC, City Clerk

