



CITY OF WAUWATOSA
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COMMON COUNCIL
Regular Meeting, Tuesday, March 20, 2012

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

EXCUSED: Ald. Jay

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; Mr. Summerfield, Bus. Supervisor; Ms. Ledesma, City Clerk

Mayor Meaux in the Chair

The Mayor called the meeting to order at 7:30 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

APPOINTMENTS BY THE MAYOR

Ad Hoc Energy Committee (for information only)
Jeffrey Roznowski, Aldermanic Liaison, 2609 N. 82nd Street

APPLICATIONS, COMMUNICATIONS, ETC.

1. Request by Lisa Allen, Village Business Improvement District Events Committee, 7511 Harwood Avenue, for a street festival permit for the VillageGreen Street Fair to be held on June 2, 2012

Community Development Committee

2. Report from the Southeastern Wisconsin Watersheds Trust, Inc., regarding Inside the Greater Milwaukee Watersheds

Place on file

3. Notice of Claim: Kristin R. Timmer, 1486 MacKenzie Lane Oconomowoc; Henry Schills, 548 N. 63rd Street

City Attorney

4. Letter from William Poull, The Club Tap, 8828 W. North Avenue, requesting an extension of his liquor license for the annual corn roast to be held June 1-3, 2012
Legislation, Licensing & Communications Committee

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-12-46

BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin that permission be and the same is hereby granted to HSA Commercial, Inc. for a Land Division by Certified Survey Map at 11200 West Burleigh Street. The location of the parcels is more particularly described as follows:

A division of lands part of the Southwest ¼ and Northwest ¼ of the Southeast ¼ of Section 7, 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:

1. the payment of all outstanding special assessments on the aforescribed property which is being subdivided
2. completion and recording of cross access agreements/easements

It was moved by Ald. Organ, seconded by Ald. Roznowski to approve the foregoing resolution. -14

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

ORDINANCE O-12-09

AN ORDINANCE AMENDING CHAPTER 7.50 OF THE WAUWATOSA MUNICIPAL CODE TO PROVIDE A METHOD OF PERMITTING SPECIAL EVENTS WHICH REQUIRE EXTRAORDINARY POLICE DEPARTMENT INVOLVEMENT

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

Part I. Chapter 7.50 of the Wauwatosa Municipal Code is amended to read in its entirety as follows:

Chapter 7.50 - PARADES AND SPECIAL EVENTS

Sections:

7.50.010 - Definitions.

7.50.020 - Permit required.

7.50.030 - Permit application—Fee.

7.50.035 - Permit—Standards for issuance.

7.50.040 - Conditions—Liability insurance.

7.50.042 - Payment of fee.

7.50.050 - Revocation or suspension of permit.

7.50.070 - Duties of permittee—Possession of permit.

7.50.075 - Appeal of denial.

7.50.080 - Fourth of July parade route street vending prohibited.

7.50.090 - Glass beverage containers prohibited.

7.50.010 - Definitions.

As used in this chapter:

"Parade" means any parade, march, motorcade, run/walk, bicycle or foot race or similar event in or upon any street, sidewalk, or other public place in the City of Wauwatosa; provided, that it would tend to disrupt or interfere with the normal flow of vehicular or pedestrian traffic on any street, sidewalk or other public place.

"Parade permit fee" means the greater of the following:

1. A processing charge of fifty dollars to offset the city's cost in reviewing the application; or
2. A fee estimated by the chief of police based upon the cost to the city of the proposed parade and shall include the following costs:
 - a. All overtime labor costs to be incurred by any city department in connection with the proposed parade;
 - b. Public works costs including but not limited to charges for vehicles, equipment, dumpsters, barricades, fences and temporary traffic signs to be used in connection with the parade.

"Person" is any person, firm, partnership, association, corporation, company or organization of any kind.

"Special Event" is any organized event occurring on private or public property which, due to number of people involved, timing of the event, or other factors deemed relevant by the Chief of Police, would require added police presence or crowd control activities beyond those normally provided through routine patrols, such that the Police Department would incur extraordinary personnel or related costs which would otherwise go unreimbursed.

7.50.020 - Permit required.

- A. Permit Required. No person shall engage in, participate in, conduct, aid, form or start any parade or special event without having first obtained a parade and Special Event permit.
- B. Exceptions. This chapter shall not apply to:
 1. Funeral processions;
 2. Students going to and from classes or participating in educational activities under the immediate direction and supervision of the proper school authorities of schools located within the City of Wauwatosa;
 3. Religious activities or ceremonies of any religious congregation located within the City of Wauwatosa, providing such conduct is under the immediate direction and supervision of the proper authorities of the religious congregation;
 4. Neighborhood block parties;
 5. "Street festivals" as defined by Wauwatosa Code Chapter 6.98

6. The city's Fourth of July parade.

7.50.030 - Permit application—Fee.

- A. Unless otherwise permitted by the Common Council, a person seeking issuance of a parade or special event permit shall file a written application with the chief of police not less than sixty days prior to the date of proposed special event on a form provided by the police department.
- B. Not later than thirty days after receipt of an application for a parade and special event permit, the chief of police shall:
 1. Approve the parade permit and notify the applicant of the parade and special event permit fee, together with any conditions pursuant to Section 7.50.040 of this chapter; or
 2. Deny the application and notify the applicant, in writing, of the reasons therefor.
- C. Calculation of Fee. When calculating the parade and special event permit fee, the chief of police shall, to the extent consistent with the health, safety and welfare of the community, attempt to minimize those expenses set forth in Section 7.50.010, "parade and special event permit fee." Volunteers and police reservists shall be utilized in lieu of police overtime when feasible. An itemization of costs comprising the parade permit fee shall be provided to the applicant.

7.50.035 - Permit—Standards for issuance.

The chief of police may deny a parade and special event permit if he finds any of the following factors:

- A. Conduct of the parade or special event will substantially interrupt the safe and orderly movement of traffic contiguous to its location;
- B. The parade or special event will require the diversion of so great a number of police officers as to prevent normal police protection to the city;
- C. The concentration of the persons, animals, and vehicles associated with the parade or special event will unduly interfere with proper fire, police, or ambulance service to the parade or special event or to any other area of the city;
- D. The parade or special event is reasonably likely to cause injury to persons or properties or provoke disorderly conduct or create disturbances or incite a riot;
- E. A parade or special event being conducted on public property is held for the sole purpose of advertising any commercial products, goods, or events, unless such special event has been otherwise approved by the Board of Public Works;
- F. At least one parade and special event permit or street festival permit was previously issued for an event on the same date as the requested parade such that the combination of events would cause any of the factors listed in subsections A through E of this section to occur.

7.50.040 - Conditions—Liability insurance.

- A. The chief of police may impose conditions to provide for the health, safety and welfare of the community when such conditions are deemed to be in the best public interest. Such conditions may include but are not limited to time restrictions, alternative routes,

noise limitations, the providing of temporary toilet facilities, the requirement of additional security to be provided by the applicant, the requirement of inspection by the health department of consumable items, reimbursement to the city for actual city expense, posting of a bond to secure reimbursement, insurance in addition to that required by Section 7.50.040 B, providing additional trash containers, and cleanup of debris.

- B.** Comprehensive general liability insurance, insuring the parade or special event and naming the city as an additional insured shall be required as a permit condition. Unless a different amount is specified by the chief of police, coverage shall be in amounts not less than the following:

<u>1.</u> Bodily injury (each occurrence)	\$1,000,000
<u>2.</u> Bodily injury (aggregate)	<u>1,000,000</u>
<u>3.</u> Property damage (each occurrence)	500,000
<u>4.</u> Property damage (aggregate)	<u>1,000,000</u>

Certificates of insurance shall be filed with the police department.

7.50.042 - Payment of fee.

The parade and special event permit fee shall be paid by the applicant to the police department no later than ten working days following approval or conditional approval of the parade and special event permit by the chief of police. In the event the fee is not so paid, the application will be deemed to have been withdrawn. Unless otherwise provided herein, no permit shall be issued until the parade and special event permit fee has been paid.

7.50.050 - Revocation or suspension of permit.

The issuance of a parade and special event permit does not vest the holder thereof with a right, but rather such permit grants a privilege that is subject to suspension or revocation for just cause. The chief of police is empowered to temporarily suspend a parade and special event permit if he has reason to believe that the public interest shall be best served by such suspension. Such suspension shall be subject to review by the common council which body may then determine whether the suspension shall be upheld or the permit permanently revoked after a hearing has been held on such matter. The common council shall also have the power to revoke the permit for just cause which shall include but not be limited to violations of any conditions imposed upon the granting of such permit.

7.50.070 - Duties of permittee—Possession of permit.

A permittee hereunder shall:

- A.** Comply with all permit directions and conditions and with all applicable laws and ordinances of the City of Wauwatosa.
- B.** Be responsible for gathering and removing all litter and refuse resulting from the parade.
- C.** Carry the parade and special event permit upon his person during the special event.

- D. Distribute flyers containing specific information on the parade or special event, including date, time and route to all residents along the route of or whose property border the location of planned event and any other areas designated by the police department at least seven days in advance of the parade or special event.

7.50.075 - Appeal of denial.

Any permit applicant aggrieved by a decision of the chief of police with respect to denial of an application, imposition of conditions or determination of the "parade permit fee" may, upon written request to the city clerk, have the decision reviewed by the legislation, licensing and communications committee of the common council. Such review and determination of the committee shall constitute final action.

7.50.080 - Fourth of July parade route street vending prohibited.

- A. Street vending, for purposes of this chapter, shall include the selling, offering for sale, soliciting for, displaying, and/or hawking of any commodity on any street within the City of Wauwatosa.
- B. No person, firm or corporation shall park a vending vehicle along the parade route on the day of the fourth of July parade, nor shall any person engage in any form of street vending in the paved portion of the street along the parade route during such time as the parade is in progress.
- C. The route of the fourth of July parade shall be duly published at least one week prior to the fourth of July parade in the official city newspaper.

7.50.090 - Glass beverage containers prohibited.

No person shall carry, possess, or drink any liquid beverage in a glass container while on a parade route outlined in the parade and special event permit.

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

It was moved by Ald. Organ, seconded by Ald. Roznowski to adopt the foregoing ordinance. -13-1 (Walsh)

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-12-47

WHEREAS, Jon Hughes, PM Design Group, and Dan Cohen, DCBB Holdings, have applied for a Conditional Use in the Trade District at 6102 West North Avenue, for an auto parts store over 5,000 square feet 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 Jon Hughes, PM Design Group, and Dan Cohen, DCBB Holdings, for an auto parts store over 5,000 square feet in the Trade District at 6102 West North Avenue, subject to the following:

1. hours of operation from 7:30 a.m. to 9:00 p.m. daily
2. no vehicle repairs (e.g., oil changes, brake jobs, tire replacement, muffler installations, etc.) shall be allowed in the parking lot and adjacent streets by customers or employees with the exception of lights, batteries, and windshield wipers”
3. no overnight parking of customer vehicles except for company owned vehicles
4. trash and recyclable containers shall be located close to the building; containers shall be periodically emptied or emptied whenever they are full
5. the parking lot shall be periodically inspected and any trash or recyclables shall be picked up
6. establish a pedestrian connection to the public sidewalk,
7. landscape Plan approved by the Design Review Board,
8. signage to be reviewed and approved per Municipal Code 15.14 and 15.16
9. freestanding and exterior signs approved by the Design Review Board
10. obtaining any additional licenses and permits.

It was moved by Ald. Organ, seconded by Ald. Roznowski to approve the foregoing resolution. Roll call, Ayes 11, Noes 3 (Nikcevich, Pantuso, Walsh)

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-12-48

BE IT RESOLVED, by the Common Council of the City of Wauwatosa, THAT pursuant to Section 34.05 of the Wisconsin Statutes, the following public depositories are approved for deposit of City of Wauwatosa funds:

Banks

Associated Bank, N.A.
Baylake Bank/American Depository Management Company
BOKF, N.A.
BMO Harris Bank, N.A.
CIBM Bank
JP Morgan Chase Bank, N.A.
Johnson Bank
Mitchell Bank
Park Bank
PNC Bank, N.A.
Ridgestone Bank
Tri City National Bank
U.S. Bank, N.A.
Wells Fargo Bank, N.A.

Savings and Loan Associations

Bank Mutual

Equitable Bank S.S.B.

Great Midwest Bank S.S.B.

Guaranty Bank

North Shore Bank F.S.B.

Waterstone Bank S.S.B.

Trust Funds

Local Government Investment Pool

MBIA Municipal Investors Corporation

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-12-49

BE IT RESOLVED, by the Common Council of the City of Wauwatosa, THAT Natural Landscapes, Inc. be awarded a three-year contract for native plantings at Hartung Park pursuant to the memorandum dated March 5, 2012, of the Superintendent of Parks and Forestry.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-12-50

WHEREAS, Request for Proposals were sent out by the City for crossing guard services, resulting in one proposal from Twin City Security, which currently provides crossing guard service to the City;

NOW, THEREFORE, BE IT RESOLVED THAT the proposed 3 year contract with Twin City Security, to be effective from July 1, 2012 through June 30, 2015, is hereby approved at the lower hourly rate.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-12-51

BE IT RESOLVED, by the Common Council of the City of Wauwatosa THAT the claim filed by Beth Wilson for damages be and the same is hereby denied and placed on file for the reason that no liability exists on the part of the City;

BE IT FURTHER RESOLVED THAT the City Clerk is hereby authorized and directed to notify said claimant of this action of the Common Council as provided by law.

It was moved by Ald. Wash, seconded by Ald. Wilson
to approve the four foregoing resolutions. -14

FROM THE COMMITTEE ON BUDGET AND FINANCE

BILLS AND CLAIMS FOR THE PERIOD 3/7/12 – 3/20/12 --

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 3/7/12 – 3/20/12: \$1,651,714.02

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

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-12-52

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 Visu-Sewer, Inc., for the work of sanitary sewer relay, repair and relining under Contract 12-03, Project 1002, 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. Birschel to approve the foregoing resolution. -14

There being no further business, the meeting adjourned at 8:13 p.m.

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Carla A. Ledesma, CMC, City Clerk