



CITY OF WAUWATOSA

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COMMON COUNCIL

Regular Meeting, Tuesday, May 1, 2012

PRESENT: Alds. Wilson, Berdan, Birschel, Causier, Hanson, McBride, Meaux, Moldenhauer, Organ, Pantuso, Roznowski, Tilleson, Walz-Chojnacki, Wilke -14

EXCUSED: Alds. Donegan and 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. Ledesma, City Clerk

Mayor Ehley 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, recognized the following student art contest winners. The students depicted historical buildings around Wauwatosa in a variety of mediums. The artwork will be on display at the Little Red Store in the Village on Saturdays and Sundays in May:

Anya Valeria Dempsey, Christ King, 4K, 1st
Madelyn Serio, Roosevelt, 5K, 1st
Joy Lopez, Roosevelt, 5K, 2nd
Tully Teipel, Washington, Gr. 1, 1st
Jackson Sachter, Washington, Gr. 1, 2nd
Grant Matthai, Lincoln, Gr. 2, 1st
Thomas Harper, Lincoln, Gr. 2, 2nd

Autumn Cartright, Washington, Gr. 3, 1st
Haley Grant, Washington, Gr. 3, 2nd
Benjamin Monty, Eisenhower, Gr. 4, 1st
Sophia Wilhelm, Roosevelt, Gr. 4, 2nd
Laura Kloser, Christ King, Gr. 5, 1st
Abby Wood, Washington, Gr. 5, 2nd

The Mayor and Brian Faltinson, chair of the Wauwatosa Historic Preservation Commission, recognized the following for their building preservation efforts:

Glenn Johnson and Julia White, 7336 Hillcrest Drive
Heidi Janson on behalf of Friends of Hoyt Park and Pool (pool's bathhouse renovation)

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

Aldermanic Selection Committee (for 2nd District vacancy)

- Ald. Kathleen Causier, Chair
- Ald. Peter Donegan
- Ald. Tim Hanson
- Ald. Bobby Pantuso
- Ald. Jason Wilke

Foregoing appointments submitted for information only.

APPLICATIONS, COMMUNICATIONS, ETC.

1. Notice of Claim: William Weinfurter, 2477 N. 67th Street; Monique Schneider, 8617 N. Mayfair Road, West Allis
City Attorney

FROM THE COMMITTEE ON EMPLOYEE RELATIONS FOR INTRODUCTION

1. Ordinance amending Chapter 2.59 of the city code changing the position of Master Mechanic to Battalion Chief/Mechanic in the Fire Department
Re-refer to originating committee
2. Ordinance amending Chapter 2.59 of the city code consolidating the Community Development and Economic Development Departments into the Development Department
Re-refer to originating committee
3. Ordinance amending Chapter 2.59 of the city code reclassifying the Purchasing Assistant to Purchasing Coordinator in the Purchasing Department
Re-refer to originating committee

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-12-65

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, May 15, 2012 in City Hall of the City of Wauwatosa, Wisconsin at which time all persons interested, or their agents or attorneys, will be heard concerning Local Historic Designation for the Rockway and Brookside Places Neighborhood and approving the preservation plan for the district.

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-12-66

WHEREAS, the Wauwatosa Historic Preservation Commission met and held a public hearing on April 4, 2102 to review the qualifications of the Muellner Building located in Hart Park at 7300 Chestnut Street for designation as a Wauwatosa Historic Property, and;

WHEREAS, the building located at 7300 Chestnut Street is eligible for listing on the National Register of Historic Places and complies with Chapter 24.55.040 of the Wauwatosa Municipal Code by reflecting the broad cultural, political, economic or social history of Wauwatosa.

NOW, THEREFORE BE IT RESOLVED that the Common Council of the City of Wauwatosa, upon recommendation of the Wauwatosa Historic Preservation Commission and the findings of fact, hereby designate the Muellner Building located in Hart Park at 7300 Chestnut Street as a Wauwatosa Historic Property.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-12-67

WHEREAS, Sarah Freymuth, Zimmerman Architectural Studios, and Larry Lenz, Aurora Health Care, Inc., have applied for a Conditional Use in the AA Institutions District at 1220 Dewey Avenue to expand the President's house, 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 Sarah Freymuth, Zimmerman Architectural Studios, and Larry Lenz, Aurora Health Care, Inc. to expand the President's house in the AA Institutions District at 1220 Dewey Avenue, subject to the following:

- 1) obtaining all necessary licenses and permits

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-12-68

BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin that permission be and the same is hereby granted to Daniel Drake and Todd Champeau, Harley-Davidson Motor Company, for a Land Division by Certified Survey Map at 11700 West Capitol Drive. The location of the parcels is more particularly described as follows:

Being a part of the Northeast ¼ and Southeast ¼ of the Southwest ¼ of Fractional Section 6, Town 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 the payment of all outstanding special assessments on the aforescribed property which is being subdivided.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-12-69

BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin that permission be and the same is hereby granted to Carol Maria for a Land Division by Certified Survey Map at 2545 North 100th Street. The location of the parcel is more particularly described as follows:

Being a division of Lot 1, Block 2, Greenwood Estates located in the Northeast ¼ of the Southwest ¼ of Section 17, Town 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 the payment of all outstanding special assessments on the aforescribed property which is being subdivided.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-12-70

WHEREAS, Jon Anne Willow, North Avenue Partners, LLC., and Al Rusk, Alshor Investments, have applied for a Conditional Use in the Trade District at 7225 West North Avenue to modify hours of operation and add outdoor seating, 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 Anne Willow, North Avenue Partners, LLC., and Al Rusk, Alshor Investments, to modify the hours of operation and add outdoor seating in the Trade District at 7225 West North Avenue, subject to the following:

- 1) Hours of operation 6 a.m. to 11 p.m. daily
- 2) obtaining all necessary licenses and permits

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-12-71

WHEREAS, Alex Marlis 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 8-10, 2012; 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 2012.
2. The festival shall be conducted on June 8 through 10, 2011. Hours of operation shall be June 8th 4:00 p.m. to 10:00 p.m.; June 9th Noon to 10:00 p.m.; and June 10th 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 9th and Sunday, June 10th 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 11, 2012. 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 11, 2012.

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-12-72

WHEREAS, John Eggers, Straighten’ and Strengthen Fitness Solutions, LLC. and Philip Jennings, Jennings Properties, have applied for a Conditional Use in the AA Business District at 8316 West Blue Mound Road to operate a fitness training 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 John Eggers, Straighten’ and Strengthen Fitness Solutions, LLC. and Philip Jennings, Jennings Properties to operate a fitness training establishment in the AA Business District at 8316 West Blue Mound Road, subject to the following:

- 1) Hours of operation 6 a.m. to 8 p.m. daily
- 2) obtaining all necessary licenses and permits

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-12-73

WHEREAS, Brooke Boomer, The Ruby Tap, LLC., and Karen Wilman-Salituro, Sustainable Properties, Inc., have applied for a Conditional Use in the Village Trade District at 1341 Wauwatosa Avenue to operate a wine 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 Brooke Boomer, The Ruby Tap, LLC., and Karen Wilman-Salituro, Sustainable Properties, Inc., to operate a wine store in the Village Trade District at 1341 Wauwatosa Avenue, subject to the following:

- 1) Hours of operation Tuesday through Thursday noon to 10 p.m.; Friday and Saturday noon to 12 a.m.; Sunday noon to 9 p.m.;
- 2) Delineation of the outdoor space between The Ruby Tap and Yo Mama;
- 3) Installation of directive signage; and
- 4) obtaining all necessary licenses and permits

It was moved by Ald. Roznowski, seconded by Ald. Pantuso to approve the nine foregoing resolutions. -14

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-12-74

BE IT RESOLVED, by the Common Council of the City of Wauwatosa THAT the sum of \$33,000.00 be transferred from the Reserve for Contingencies Fund to Account #01-142 Elections to cover the upcoming special elections not budgeted for in the 2012 Elections Budget.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-12-75

WHEREAS, the City of Wauwatosa Police Department has been presented an opportunity to utilize the bid process of the City of Milwaukee for the purchase of two mobile license plate recognition units from Federal Signal Company; and

WHEREAS, the acquisition of this technology would allow data-mining of historic license plate information obtained and stored from all deployed mobile and fixed systems within the Police Department and allow integration of such historic information with other Police Departments utilizing the same system; and

WHEREAS, the City of Wauwatosa has been offered the opportunity to obtain these same hardware and software discounts offered to the City of Milwaukee for a final price of \$29,962.00 for 2 units which includes delivery, installation and training;

NOW, THEREFORE, BE IT RESOLVED THAT appropriate City officials are hereby authorized to purchase two mobile license plate recognition units with two cameras each from Federal Signal Company consistent with the bid obtained by the City of Milwaukee at a total price not to exceed \$29,962.00.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-12-76

WHEREAS, in response to a recent tragedy involving the death of a pedestrian at the railroad crossing at 68th and State Street in the City of Wauwatosa, City officials have reviewed and analyzed pedestrian safety at all railroad crossings within the City of Wauwatosa; and

WHEREAS, while a broader range of possible safety improvements was presented to the Committee on Traffic and Safety on April 24, 2012, the most immediate and cost effective response is to provide improved signage and sidewalk markings adjacent to public pedestrian railroad crossings in the City of Wauwatosa, at a cost of approximately \$5,300.00; and

WHEREAS, sufficient funds are available in the Public Works Sign Account to provide for the immediate purchase of these signs, but such purchase would deplete the remaining sign budget for the balance of 2012 for the City of Wauwatosa; and

WHEREAS, a transfer of \$5,300.00 from the Reserve for Contingencies is hereby requested to replenish the previously approved sign budget for the year 2012 in light of the recent purchase of pedestrian safety signage at railroad crossings in the City of Wauwatosa;

NOW, THEREFORE, BE IT RESOLVED THAT the transfer of \$5,300.00 from the Reserve for Contingencies into the 2012 Sign Budget, in order to replenish that fund to its previous budget level is hereby approved.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-12-77

BE IT RESOLVED, by the Common Council of the City of Wauwatosa THAT the proper City officials are hereby authorized to execute an agreement with R. A. Smith National in an amount not to exceed \$200,000.00 for professional services related to sanitary sewer and storm sewer design and analysis for Schoonmacher Creek East Tosa, with funding from the Sanitary Sewer and Storm Sewer Capital Budget.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-12-78

WHEREAS, the City of Wauwatosa Water Utility is in the process of performing a water main condition assessment initiative; and

WHEREAS, the City of Wauwatosa has secured the services of Echologics to utilize new technologies to estimate average remaining structural pipe wall thickness and identify non-surfacing system leaks; and

WHEREAS, the Wauwatosa Water Utility has reached an agreement to obtain the services of Echologics to test up to 9,000 linear feet of underground water main for a cost not to exceed \$30,600.00;

NOW, THEREFORE, BE IT RESOLVED THAT appropriate City officials are hereby authorized to enter into an agreement with Echologics, Inc. of Mississauga, Ontario Canada to conduct a condition assessment and leak detection project up to 9,000 feet of cast iron water mains in the City of Wauwatosa.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-12-79

BE IT RESOLVED, by the Common Council of the City of Wauwatosa THAT the claim filed by Mariella Trejo-Harris 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.

FROM THE COMMITTEE ON BUDGET AND FINANCE

The Committee on Budget and Finance, to whom was referred the Fire Department's strategic plan, recommends to the Common Council that the report be accepted and placed on file.

Dated this 24th day of April 2012.

Committee on Budget and Finance

It was moved by Ald. Wilson, seconded by Ald. Hanson to approve the six foregoing resolutions and one foregoing report. -14

FROM THE COMMITTEE ON BUDGET AND FINANCE

BILLS AND CLAIMS FOR THE PERIOD 4/18/12 – 5/01/12 —

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 4/18/12 – 5/01/12: \$17,726,551.06

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 14

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-12-80

WHEREAS, the City of Wauwatosa obtained an easement in 1987 from the owners of the property located at 1514 Church Street in the City of Wauwatosa, providing for the encroachment of the former Fire Station #1 onto that residential property, with an additional 5 feet of easement space allowing maintenance of the building; and

WHEREAS, with the completion of the new Fire Station #1, the former Fire Station requiring the above easement has been demolished and the easement is no longer necessary for the purposes of the City of Wauwatosa;

NOW, THEREFORE, BE IT RESOLVED THAT the appropriate City officials are hereby authorized to execute the necessary documents to vacate the easement in favor of the City of Wauwatosa on the property at 1514 Church Street which was obtained for encroachment and access of the former Fire Station #1.

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-12-81

WHEREAS, the Wauwatosa Purchasing Department has requested pre-qualification statements and pricing from electrical, plumbing, and elevator contractors for a period of three years to perform minor and emergency repair work estimated to cost \$10,000.00 or less on an as-needed basis; and

WHEREAS, each of the ten contractors and their statements are reflected in the letter of the special projects engineer dated April 18, 2012, provide different advantages based upon the price, convenience and availability;

NOW, THEREFORE, BE IT RESOLVED THAT each of the ten contractors described in the letter of the special projects engineer are hereby qualified to provide electrical, plumbing, and elevator emergency/minor repairs estimated to cost \$10,000.00 or less on an as-needed basis for the next three years, with individual purchases being made on the basis of price, convenience and availability.

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

There being no further business, the meeting adjourned at 8:00 p.m.

cal

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