



CITY OF WAUWATOSA

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COMMON COUNCIL

Regular Meeting, Tuesday, June 19, 2012

PRESENT: Alds. Berdan, Birschel, Causier, Donegan, Dubinski, Ewerdt, Hanson, McBride, Moldenhauer, Organ, Pantuso, Roznowski, Tilleson, Walz-Chojnacki, Wilke, Wilson
-16

ALSO PRESENT: Mr. Archambo, City Administrator; Mr. Kesner, City Attorney; Mr. Porter, Public Works Director; Mr. Ruggini, Finance Director; Fire Chief Ugaste; Police Capt. Weiss; Ms. Szudy, Planner; Ms. Ledesma, City Clerk

Mayor Ehley in the Chair

The Mayor called the meeting to order at 7:32 p.m.

The Mayor advised that she accepted an award on behalf of the city from the Public Policy Forum's 20th annual 'Salute to Local Government' in recognition of the city's innovation, partnership, and collaboration on a wireless infrastructure expansion project.

APPOINTMENT OF SECOND DISTRICT ALDERMAN

RESOLUTION R-12-109

BE IT RESOLVED, by the Common Council of the City of Wauwatosa, THAT the rules of the Common Council be suspended for the purpose of appointing John Dubinski as Alderman of the Second Aldermanic District of the City of Wauwatosa for a term ending in April, 2016.

It was moved by Ald. Causier, seconded by Ald. Pantuso to approve the foregoing resolution. -15

City Clerk Ledesma swore in John Dubinski as Second District Alderman. -16

RESOLUTION R-12-106

WHEREAS, the regularly scheduled July 3rd Common Council meeting will occur the day before Independence Day; and

WHEREAS, numerous members of the Common Council and city staff may wish to participate in the post-sundown activities on that evening, but may not be able to do so if the meeting of the Common Council begins at 7:30 p.m.;

NOW, THEREFORE, BE IT RESOLVED THAT, the meeting of the Wauwatosa Common Council on July, 3, 2012, shall begin at 6:30 p.m.

It was moved by Ald. Moldenhauer, seconded by Ald. Organ to approve the foregoing resolution under suspension of the rules. -16

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. -16

APPLICATIONS, COMMUNICATIONS, ETC.

1. Notice of Claim: Vivian L. Schueler, N73 W30476 Polo Court South, Hartland
City Attorney
2. Email from Acquanitta Harris-Patterson, 4735 Parkside Drive, opposing an amendment to the zoning code and the Conditional Use to allow funeral assembly in the AAA Single Family Residence District
Place in existing file
3. Wauwatosa Water Utility Statement of Receipts and Disbursements
Place on file

FROM THE TRAFFIC & SAFETY COMMITTEE FOR INTRODUCTION

1. Ordinance amending Chapter 11.32.080 of the city code to add a ‘no parking here to corner’ restriction on Elm Lawn and a ‘no parking’ restriction on Watertown Plank Road during the morning and evening rush hours
Re-refer to originating committee
2. Ordinance amending Chapter 11.32.080 of the city code to add a 15-minute parking zone on the north side of Warren Avenue between Wauwatosa and Underwood Avenues near Lincoln School
Re-refer to originating committee
3. Ordinance amending Chapter 11.32.080 of the city code to add two-hour parking restrictions for 11127 W. Blue Mound Road
Re-refer to originating committee

FROM THE COMMUNITY DEVELOPMENT COMMITTEE FOR INTRODUCTION

1. Ordinance amending the zoning code to add Funeral & Interment Services – Funeral Assembly as a Conditional Use in the AAA Single Family Residence District
Re-refer to originating committee
2. Ordinance amendment for a Change of Zoning for a Business Planned Development at 6005 W. Martin Drive to construct a 40-unit apartment building
Re-refer to originating committee

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-12-98

WHEREAS, Kelley Ruzicka, Charity Run Chair, on behalf of the Tosa East Neighborhood Association (TETNA), has applied for a street festival permit to utilize the public parking lot at N. 72nd Street at W. North Avenue on Saturday, September 22, 2012 from 7:00 a.m. to noon for purposes of the Annual Charity Run to benefit Ronald McDonald House of Eastern Wisconsin; and

WHEREAS, the Community Development Committee has reviewed the request and believes the issuance of the permit to be in the public interest; and

NOW, THEREFORE, BE IT RESOLVED THAT, a street festival permit shall be granted for the Annual Charity Run to benefit Ronald McDonald House of Eastern Wisconsin to utilize the public parking lot at N. 72nd Street at W. North Avenue on Saturday, September 22, 2012 from 7:00 a.m. to noon consistent with the terms and conditions reflected in the attached Street Festival Permit which is incorporated as though fully set forth herein.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-12-99

WHEREAS, Nicole Breest, Nickel, LLC., has applied for a Conditional Use in the Village Trade District at approximately 1349 Wauwatosa Avenue to operate a popcorn wagon, 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 Nicole Breest, Nickel, LLC., to operate a popcorn wagon in the Village Trade District at approximately 1349 Wauwatosa Avenue, subject to the following:

- 1) Hours of operation Tuesday through Friday 4 p.m. to 8:30 p.m. and Saturday and Sunday 3 p.m. to 8:30 p.m. as well as extended hours during special events in the Village
- 2) Delegating authority to the Board of Public Works to enter into the lease agreement
- 3) Delegating authority to the City Engineer to approve the generator and specific location
- 4) Allowing use of a quiet generator this season; permanent power source for future seasons
- 5) 60-day notice to vacate when Village plan implemented
- 6) Obtaining all necessary licenses and permits

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-12-100

WHEREAS, Bob Monday, Ronald McDonald House Charities, and Robert Kramer, Plunkett Raysich Architects, have applied for a Conditional Use in the Medical Center and Institutions District at 8948 Watertown Plank Road to expand the Ronald McDonald 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 Bob Monday, Ronald McDonald House Charities, and Robert Kramer, Plunkett Raysich Architects, to expand the Ronald McDonald House in the Medical Center and Institutions District at 8948 Watertown Plank Road, subject to the following:

- 1) obtaining all necessary licenses and permits

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-12-101

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, July 17, 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 a proposed ordinance amending Section 24.08.015 of the Code by adding Funeral & Interment Services-Funeral Assembly as a Conditional use in the AAA Single Family Residence 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-12-102

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, July 17, 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 a proposed ordinance rezoning the property located at 6005 West Martin Drive from AA Light Manufacturing District to Business Planned Development 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.

It was moved by Ald. Roznowski, seconded by Ald. Pantuso to approve the five foregoing resolutions. -16

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-12-103

WHEREAS, the amount for the City's Community Development Block Grant (CDBG) allocation for 2012 is \$864,509 which is approximately 21% less than the amount estimated in the fall of 2011 for program allocation in 2012; and,

WHEREAS, the 21% reduction in funding was applied to the funding levels of all 2012 projects that were approved for CDBG funding in the fall of 2011;

NOW, THEREFORE BE IT RESOLVED THAT the Common Council of the City of Wauwatosa approves the use of 2012 CDBG funds for the following purposes:

Administration & Planning - \$172,900 Max.

Metro Fair Housing:	<u>\$26,000</u>
Total:	\$26,000

Public Services & Community Programs - \$129,676 Max.

Senior Center:	\$ 83,600
ARC Milwaukee:	\$ 13,800
Elena's House:	\$ 9,800
Interfaith:	\$ 12,800
Tosa Food Pantry:	\$ 2,600
PEP Program:	\$ 3,826
Tosa Cares	<u>\$ 3,250</u>
Total:	\$129,676

Public Facilities, Economic Development & Rehabilitation

Water Mains in LMI:	\$ 67,387
Greek Orthodox Manor:	\$ 75,000
Badger Association/Blind	\$ 12,500
Lutheran Home	\$190,000
Health Department	\$ 19,000
Rebuilding Together Grt Milw.	\$ 94,946
WEDC:	<u>\$250,000</u>

Total:	\$708,833
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FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-12-104

WHEREAS, the City of Wauwatosa Finance Director has indicated numerous desired changes to the administrative policy regarding fund transfers which would increase department flexibility and budget responsibility; and

WHEREAS, the majority of the proposed changes may be accomplished by administrative direction without Council approval, and were presented to the Committee on Budget and Finance for informational purposes only; and

WHEREAS, that portion of the new proposed fund transfer policy regarding the expenditure of unanticipated revenues does require approval of the Common Council;

NOW, THEREFORE, BE IT RESOLVED THAT, as part of the administrative policy changes regarding fund transfers, the Common Council of the City of Wauwatosa does hereby declare that appropriate City officials are hereby authorized to recognize 100% of unanticipated revenues within existing budgets prior to the budget re-estimate process, with the ability to expend those funds within said budgets, consistent with the remaining provisions of the fund transfer policy.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-12-105

BE IT RESOLVED, by the Common Council of the City of Wauwatosa, THAT approval is hereby given for the transfer of \$75,000.00 from the Reserve for Contingencies to the property tax litigation account 01-625-5810-000 for property tax litigation and \$25,000.00 be transferred from the Reserve for Contingencies to the Sundry Contractual Services Account of the City Attorney's budget to protect the City's interests in relation to the ATC/Western Milwaukee Electric Reliability Project.

It was moved by Ald. Wilson, seconded by Ald. Donegan
to approve the three foregoing resolutions. -16

FROM THE COMMITTEE ON BUDGET AND FINANCE

BILLS AND CLAIMS FOR THE PERIOD 6/6/12 – 6/19/12 --

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 6/6/12 – 6/19/12: \$2,360,918.15

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 16

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-12-107

BE IT RESOLVED, by the Common Council of the City of Wauwatosa, THAT permission be and the same is hereby granted to Pattie Ford for 61 North LLC, d/b/a Juniper 61, 6030 W. North Avenue, Wauwatosa, WI, to encroach onto City right-of-way with bike racks which will run north and south on the parcel, subject to the applicant 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 and also subject to engineering approval.

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-12-108

WHEREAS, the City of Wauwatosa is required under its Wisconsin Pollutant Discharge Elimination System (WPDES) permit issued by the Wisconsin Department of Natural Resources to file a Compliance Maintenance Annual Report (CMAR) for its wastewater collection system under Wisconsin Administrative Code NR 208 ; and

WHEREAS, it is necessary to acknowledge that the governing body has reviewed the Compliance Maintenance Annual Report (CMAR); and

WHEREAS, it is necessary to provide recommendations or an action response plan for all individual CMAR section grades of "C" or less and/or an overall grade point average less than 3.00; and

WHEREAS, after receiving an "A" on the one credit financial management section and an "F" on the three credit collection system section, the City of Wauwatosa's overall grade point average is 1.00;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Wauwatosa to accept the 2011 Compliance Maintenance Annual Report (CMAR) and that the following recommendations and actions be immediately taken to address and correct problems and deficiencies of the collection system as identified in the Compliance Maintenance Annual Report (CMAR) in order to maintain compliance with effluent limitations and permit conditions and eliminate Sanitary Sewer Overflows (SSO):

- 1) Continue with the City's accelerated Inflow and Infiltration elimination program.
- 2) Continue with its current sanitary sewer collection system operational procedures and make improvements where necessary.
- 3) Initiate additional engineering studies in areas where there may be inadequate capacity.
- 4) Perform orderly and timely repairs and maintenance.
- 5) Add newly identified troubled spots to a monthly maintenance schedule.

BE IT FURTHER RESOLVED THAT the Director of Public Works or his representative is hereby designated to act as the City of Wauwatosa's authorized representative for administering and submitting the Compliance Maintenance Annual Report and that he is hereby directed to make that submittal.

It was moved by Ald. Hanson, seconded by Ald. Organ
to approve the two foregoing resolutions. -16

There being no further business, the meeting adjourned at 7:55 p.m.

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