



CITY OF WAUWATOSA
7725 WEST NORTH AVENUE
WAUWATOSA, WI 53213
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COMMON COUNCIL
Regular Meeting, Tuesday, December 4, 2012

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

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. Szudy, Principal Planner; Ms. Aldana, HR Director/Asst. City Atty.; Asst. Fire Chief Case; Mr. Brown, Asst. to the Administrator; Ms. Ledesma, City Clerk

Common Council President McBride in the Chair

The Acting Mayor called the meeting to order at 7:30 p.m.

It was moved by Ald. Organ, seconded by Ald. Hanson that the reading of the minutes of the last regular meeting be dispensed with and they be approved as printed. -16

APPOINTMENTS BY THE MAYOR

Village of Wauwatosa Business Improvement District Board

Sean Phelan, Phelan Development, property owner
Mark Veth, BeSpectacled, business owner
Christine Maciejewski, Metcalfe Market, business representative
Gordon Goggin, The Lowlands Group
(Reappointments, terms expire 2015)

Bill Robison, community representative
(Reappointment, term expires 2013)

Foregoing ordered held as this was the first reading.

APPLICATIONS, COMMUNICATIONS, ETC.

1. Statement of Receipts and Disbursements for the period ending October 31, 2012
Place on file

2. Southeastern Wisconsin Regional Planning Commission 2011 Annual Report
Place on file
3. Conditional Use request in the AA Industrial District for outside storage at 4480 N. 124th Street, Jim Larson, Units Mobile Storage, and Robert Wagner, Wauwatosa Real Estate Holdings, LLC, applicants
Plan Commission, Community Development Committee
4. Conditional Use request in the AA Business District for a child care center at 7219 W. Center Street, Latonya and Ken Hughes, applicants
Plan Commission, Community Development Committee

ORDINANCES FOR INTRODUCTION

1. Ordinance amending portions of the Wauwatosa Municipal Code pertaining to certain residency requirements
Re-refer to originating committee

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-12-220

WHEREAS, Brett Swider, agent for Brett's Brats, LLC, d/b/a Highlands Cafe, 1413 N. 60th Street, Wauwatosa, WI, has applied for a Reserve "Class B" liquor license;

NOW, THEREFORE, BE IT RESOLVED THAT a Reserve "Class B" liquor license be awarded to Brett Swider, agent for Brett's Brats, LLC, d/b/a Highlands Cafe, Wauwatosa, WI, for the period ending June 30, 2013;

BE IT FURTHER RESOLVED THAT an economic development grant in the sum of \$9,500.00 pursuant to Section 6.08.475 of the Wauwatosa Municipal Code be and hereby is granted.

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-12-219

WHEREAS, Chris Murphy, agent for Eddie Martini's Enterprises, Inc., d/b/a Eddie Martinis, 8612 W. Watertown Plank Road, Wauwatosa, WI, has applied for a Class B beer/liquor license for its location;

NOW, THEREFORE, BE IT RESOLVED THAT a Class B beer/liquor license be awarded to Chris Murphy, agent for Eddie Martini's Enterprises, Inc., d/b/a Eddie Martinis, Wauwatosa, WI, for the period ending June 30, 2013.

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

FROM THE COMMITTEE ON TRAFFIC AND SAFETY

ORDINANCE O-12-24

ORDINANCE AMENDING SECTION 11.32.080 OF THE WAUWATOSA MUNICIPAL CODE TO CREATE A 'NO PARKING' ZONE ON W. WISCONSIN AVENUE BETWEEN N. 108TH PLACE AND N. 109TH STREET

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

Part I. The "Wisconsin Avenue - south side" portion of the Schedule of Streets, and Portions, subsection of Section 11.3.2080 of the Wauwatosa Municipal Code is hereby amended by adding the following:

(a) between N. 108th and N. 109th Streets

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

FROM THE COMMITTEE ON TRAFFIC AND SAFETY

RESOLUTION R-12-218

WHEREAS, planning studies adopted for the East Tosa North Avenue and the Wauwatosa Village area both recommend significant traffic changes; and

WHEREAS, suggested traffic changes should be reviewed in order to assure compliance with Manual on Uniform Traffic Control Devices (MUTCB) and other engineering standards; and

WHEREAS, the engineering division has received proposals from Ayres Associates of Waukesha, WI, to perform both traffic analyses at a total cost estimated not to exceed \$46,000; and

WHEREAS, the Committee on Traffic and Safety has recommended that should the total funds available not be spent, it would be advantageous to use additional traffic analysis funds toward the study of that commercial area of West North Avenue to the west of the proposed study area;

NOW, THEREFORE, BE IT RESOLVED THAT appropriate City officials are hereby authorized to enter into an agreement with Ayres Associates of Waukesha, WI, to perform traffic analyses as part of the implementation of the East Tosa North Avenue and Wauwatosa Village development plans in an amount not to exceed \$46,000.;

BE IT FURTHER RESOLVED THAT should these funds not be spent entirely on these areas, any additional remaining funds may be utilized for additional traffic study of that part of North Avenue west of the land study area.

It was moved by Ald. Wilke, seconded by Ald. Roznowski to adopt the foregoing ordinance and to approve the foregoing resolution. -16

FROM THE COMMITTEE ON EMPLOYEE RELATIONS

ORDINANCE O-12-25

ORDINANCE REPEALING PORTIONS OF CHAPTER 2.52 AND 2.58 OF THE WAUWATOSA MUNICIPAL CODE PERTAINING TO PERSONNEL REGULATIONS

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

Part I. All sections of Chapter 2.52 of the Code of the City of Wauwatosa are hereby repealed in their entirety except sections 2.52.060, 2.52.071 and 2.52.240.

Part II. All sections of Chapter 2.58 of the Code of the City of Wauwatosa are hereby repealed in their entirety except sections 2.58.110, 2.58.125 and 2.58.320.

Part III. This ordinance shall take effect on and after its date of publication or on the date that the Employee Handbook is officially distributed to City employees, whichever is later.

It was moved by Ald. Causier, seconded by Ald. Berdan to adopt the foregoing ordinances. 15-1 (Hanson)

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-12-221

WHEREAS, John Balzer, Froedtert Health, and Gregg Prossen, Zimmerman Architectural Studios, have applied for a Conditional Use in the Medical Center and Institutions District at 8700 West Doyne Avenue to expand the parking structure, 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 Balzer, Froedtert Health, and Gregg Prossen, Zimmerman Architectural Studios, to expand the parking structure in the Medical Center and Institutions District at 8700 West Doyne Avenue, subject to obtaining any additional permits and licenses

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-12-222

WHEREAS, Sean Phelan, Phelan Development, and William Bruss, General Counsel, WaterStone Bank, have applied for a Conditional Use in the AA Business District at 9125 West North Avenue to expand Alterra Cafe, 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, Sean Phelan, Phelan Development, and William Bruss, General Counsel, WaterStone Bank to expand Alterra Cafe in the AA Business District at 9125 West North Avenue, subject to obtaining any additional permits and licenses

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-12-223

WHEREAS, Scott Johnson, Belair Cantina, has applied for a Conditional Use in the Trade District at 6817 West North Avenue for Belair Cantina restaurant with 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 Scott Johnson, Belair Cantina, for Belair Cantina restaurant with outdoor seating in the Trade District at 6817 West North Avenue, subject to the following:

1. Hours of operation Monday through Friday 11 a.m. 2 a.m. and Saturday/Sunday 10 a.m. to 2 a.m. with an 11 p.m. daily closing time for the outdoor dining areas
2. Contacting the fire department
3. Obtaining any additional permits and licenses

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

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION

WHEREAS, James Keegan, Milwaukee County Parks, has applied for a Conditional Use in the Parks and Open Space District at 3535 North Mayfair Road to expand the dog exercise area at Currie Park, 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 James Keegan, Milwaukee County Parks, to expand the dog exercise area at Currie Park in the Parks and Open Space District at 3535 North Mayfair Road, subject to the following:

1. Hours of operation dawn to dusk daily
2. Maintenance of site fencing and gravel surface at gates
3. Obtaining any additional permits and licenses
4. Improvements to the entrance drive pursued with WisDOT
5. Maintain vegetative buffer on Capitol Drive and Mayfair Road
6. Accessibility improvements to curbs and parkway

It was moved by Ald. Wilson, seconded by Ald. Wilke to amend the foregoing resolution to provide that the parkway is maintained under good repair so it is accessible to all users. Roll call vote, Ayes 8, Noes 7 (Pantuso, Tilleson, Berdan, Birschel, Donegan, Dubinski, Hanson), Present 1 (Organ)

Vote on motion as amended, 15-1 (Hanson)

The amended resolution is as follows:

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

AMENDED RESOLUTION R-12-224

WHEREAS, James Keegan, Milwaukee County Parks, has applied for a Conditional Use in the Parks and Open Space District at 3535 North Mayfair Road to expand the dog exercise area at Currie Park, 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 James Keegan, Milwaukee County Parks, to expand the dog exercise area at Currie Park in the Parks and Open Space District at 3535 North Mayfair Road, subject to the following:

1. Hours of operation dawn to dusk daily
2. Maintenance of site fencing and gravel surface at gates
3. Obtain any additional permits and licenses
4. Improvements to the entrance drive pursued with WisDOT
5. Maintain vegetative buffer on Capitol Drive and Mayfair Road
6. Maintain adjacent roadways under good repair so that the park is accessible to all users

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-12-225

WHEREAS, 2012 Community Block Grant Development funding included approximately \$40,000.00 from Administration and Planning dollars to complete a City-wide bicycle/pedestrian facilities plan; and

WHEREAS, the Development Department received responses to an RFP to consultant services to complete the plan, choosing from the three lowest bidders the Toole Design Group of Silver Spring, Maryland, as the most qualified consultant; and

WHEREAS, existing 2012 CDBG funds are set aside in the Administrative and Planning portion of the budget in sufficient amounts to pay the contract;

NOW, THEREFORE BE IT RESOLVED THAT appropriate City officials are hereby authorized to enter into an agreement with Toole Design Group for creation of a bicycle/pedestrian facilities plan for the City of Wauwatosa in the amount of \$42,045.47 and as further described in the memorandum of the Assistant City Planner dated November 20, 2012.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-12-226

WHEREAS, the City of Wauwatosa solicited proposals for 2012 Health Department Renovations; and

WHEREAS, the lowest and best bid was submitted by Selzer-Ornst, Co., in the amount of \$278,000.00, which, with ancillary costs added would result in a total project cost of \$314,000.00; and

WHEREAS, the available budget for this project is \$250,000.00, requiring that \$64,000.00 should be transferred from other budgets as described in the November 20, 2012, memorandum of the Director of Public Works;

NOW, THEREFORE, BE IT RESOLVED THAT the appropriate City officials are hereby authorized to enter into a contract with Selzer-Ornst, Co., in the amount of \$278,000.00 for the 2012 Health Department renovation;

BE IT FURTHER RESOLVED THAT funds are hereby transferred to this project from:

1. 2013 Capital Improvement Project No. 6009, in the amount of \$20,000.00,
2. 2012 Surplus Municipal Complex Capital Projects Fund in the amount of \$30,000.00, and
3. 2013 Repair Funds in the amount of \$24,000.00,
to cover additional costs necessary as part of this project.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-12-227

WHEREAS, certain aspects of construction during preparation for the Zoo Interchange Project by the Wisconsin Department of Transportation may impact the ability of services from Wauwatosa Fire Station #3 to reach certain parts of the City; and

WHEREAS, the Wisconsin Department of Transportation has proposed a construction mitigation contract with the City of Wauwatosa to provide up to \$200,000.00 in funding to the City to assist with mitigating emergency incidents during the 2013-2014 portions of construction associated with the Zoo Interchange; and

WHEREAS, the funding will allow for construction of a temporary pole barn to be used as a temporary fire station at the Public Works yard, along with temporary installation of living quarters at that location for fire department personnel to be able to have up to two apparatus' at the facility; and

WHEREAS, following construction the pole barn will become property of the City;

NOW, THEREFORE, BE IT RESOLVED THAT appropriate City officials are hereby authorized to enter into a construction mitigation contract with the Wisconsin Department of Transportation to provide up to \$200,000.00 in funding to assist with mitigating emergency incidents affecting the Wauwatosa Fire Department during the 2013-2014 Mayfair Road and Watertown Plank Road construction portions of the Zoo Interchange Project, which contract was presented at the Special Meeting of the Committee on Budget and Finance on December 4, 2012.

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

FROM THE COMMITTEE ON BUDGET AND FINANCE

BILLS AND CLAIMS FOR THE PERIOD 11/21/12 – 12/04/12 --

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 11/21/12 – 12/04/12: \$5,979,695.71

It was moved by Ald. Causier, seconded by Ald. Ewerdt that each and every account of bills and claims be allowed and ordered paid. Roll call vote, Ayes 14, Present 2 (Donegan, Hanson)

There being no further business, the meeting adjourned at 8:08 p.m.

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