



CITY OF WAUWATOSA
7725 WEST NORTH AVENUE
WAUWATOSA, WI 53213
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COMMON COUNCIL
Regular Meeting, Tuesday, December 18, 2012

PRESENT: Alds. McBride, Moldenhauer, Organ, Pantuso, Roznowski, Tilleson, Walz-
Chojnacki, Wilke, Wilson, Berdan, Birschel, Causier, Donegan, Dubinski, Ewerdt,
Hanson -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. Enders, Development Director; Ms. Aldana, HR Director/Asst. City
Attorney; Mr. Brown, Asst. to the Administrator; Ms. Ledesma, City Clerk

Mayor Ehley in the Chair

The Mayor called the meeting to order at 8:00 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. -16

APPOINTMENTS BY THE MAYOR

Village of Wauwatosa Business Improvement District Board (for approval)

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)

It was moved by Ald. Roznowski, seconded by Ald. Birschel
to concur with the foregoing appointments. -16

Design Review Board (first reading)

Jessica Basile, 2452 N. 68th Street - background: architect (District 5)
(Term expiring 12/31/14)

Foregoing appointment ordered held as this was the first reading.

APPLICATIONS, COMMUNICATIONS, ETC.

1. Notice of Claims: John E. Serwa, 3908 N. Fourth Street, Milwaukee; Heath M. Halvorson, 2324 N. 101st Street
City Attorney
2. Wauwatosa Water Utility Statement of Receipts and Disbursements for the month ended November 30, 2012
Place on file
3. Special Use request in the AA Business District for a pet boutique and bakery at 12201 W. North Avenue, Luke and Amy Crow, applicants
Plan Commission
4. Special Use request in the AA Business District for a cat- focused pet boutique at 12201 W. North Avenue, Amy Dedow, Purr Tosa, LLC, applicant
Plan Commission
5. Conditional Use request in the AA Business District for a gas station with convenience store at 6005 W. Vliet Street, Robert Wood, Robert Wood Architects, and Mahdeep Dhawn, applicants
Plan Commission, Community Development Committee
6. Conditional Use request in the AA Business District for a bar/restaurant at 11320 W. Blue Mound Road, John J. Picciurro, Pitch's Club 113, Inc., applicant
Plan Commission, Community Development Committee
7. Request for Final Plan Approval of a Business Planned Development at 11500 W. Burleigh Street, Tim Blum, HSA Commercial and Burleigh 45, LLC, applicant
Plan Commission, Community Development Committee
8. Email from Frank and Joanne Shansky, 2030 Church Street, opposing the proposal to develop the vacant lot at 1463 Underwood Avenue
Development Director

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-12-229

WHEREAS, Pitch's Club 113, Inc., d/b/a Pitch's Baby Grand, 11320 W. Blue Mound Road, has asked for a transfer of the Class B beer and liquor license from Guadalupe LLC, d/b/a Guadalupe Mexican Restaurant, Gloria Andersen, agent;

NOW, THEREFORE, BE IT RESOLVED THAT the Class B beer and Class B liquor license be transferred from Guadalupe LLC, d/b/a Guadalupe Mexican Restaurant, 11320 W. Blue Mound Road, Gloria Andersen, agent, to Pitch's Club 113, Inc., d/b/a Pitch's Baby Grand, John Picciurro, agent.

It was moved by Ald. Donegan, seconded by Ald. Walz-Chojnacki to approve the foregoing resolution. -16

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-12-230

WHEREAS, Merissa L. Kelsey, 2102 N. 54th Street, Milwaukee, WI, applied for an operator's license in conjunction with her employment at The Cheesecake Factory, 2350 N. Mayfair Road, Wauwatosa, WI; and

WHEREAS, a background investigation revealed the applicant had more than one conviction; and

WHEREAS, failure to disclose such convictions and the circumstances surrounding these previous convictions are substantially related to the responsibilities required of persons holding operator's licenses in the City of Wauwatosa;

NOW, THEREFORE, BE IT RESOLVED THAT the operator's license application of Merissa L. Kelsey is hereby denied;

BE IT FURTHER RESOLVED THAT the Clerk shall notify Ms. Kelsey in writing of this decision and the reasons for the denial.

It was moved by Ald. Donegan, seconded by Ald. Walz-Chojnacki to approve the foregoing resolution. –

It was moved by Ald. Tilleson, seconded by Ald. Hanson to amend the foregoing motion and approve the operator license application with a six-month review. Roll call vote, Ayes 4 (Pantuso, Tilleson, Wilke, Wilson), Noes 12. Motion failed.

Roll call vote on original motion, Ayes 13, Noes 3 (Pantuso, Tilleson, Wilson)

FROM THE COMMITTEE ON TRAFFIC AND SAFETY

RESOLUTION R-12-228

WHEREAS, the Traffic and Safety Committee was presented with an update regarding the construction schedule for the Zoo Interchange; and

WHEREAS, the Department of Transportation's current budget proposal for the 2013-2015 Biennium anticipates a possible delay in further construction of the Zoo Interchange and related projects in the next State Biennial Budget; and

WHEREAS, Wauwatosa public officials are interested in expressing their concern for effects in delays for completion of the Zoo Interchange Project following currently scheduled work;

NOW, THEREFORE, BE IT RESOLVED THAT appropriate City officials are hereby authorized to send a letter, a copy of which is attached hereto, on behalf of the Wauwatosa Common Council, to be

signed by the Mayor, urging the Governor, State Senators, and State Representatives to move forward without delay with State funds and all ancillary projects related to the Zoo Interchange.

It was moved by Ald. McBride, seconded by Ald. Roznowski to approve the foregoing resolution. Roll call vote, Ayes 13, Noes 1 (Hanson), Present 2 (Berdan, Ewerdt)

FROM THE COMMITTEE ON EMPLOYEE RELATIONS

ORDINANCE

AN ORDINANCE REPEALING AND RECREATING SECTION 2.58.320 OF THE WAUWATOSA MUNICIPAL CODE REMOVING RESIDENCY REQUIREMENTS FOR CITY OF WAUWATOSA EMPLOYEES, WITH THE EXCEPTION OF CERTAIN SPECIFIED POSITIONS

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

Part I. Section 2.58.320 of the Wauwatosa Municipal Code shall be repealed in its entirety and recreated to read as follows:

2.58.320 - Residence requirement.

A. Employees of the city in positions listed below are required as a condition of their continued employment to maintain residence in the City of Wauwatosa. Personnel hereafter employed by the city in such positions shall be required, as a condition of their continued employment, to establish and maintain residence in the City of Wauwatosa within one year of their date of hire or within six months of successful completion of their probationary period, whichever date is later:

1. Director of public works;
2. Police chief;
3. Fire chief

B. It shall be the policy of the City of Wauwatosa that, at the time of hiring any employee, the City may consider residency and response time of candidates or employees if operational needs for the position warrant such consideration.

Part II. Section 2.52.240 shall be repealed in its entirety.

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

It was moved by Ald. Causier, seconded by Ald. Berdan to adopt the foregoing ordinance. Roll call vote, Ayes 6 (Pantuso, Roznowski, Wilson, Berdan, Causier, Donegan), Noes 10. Motion failed.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-12-231

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-12-234

BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin that permission be and the same is hereby granted to Robert Kramer, Plunkett Raysich Architects, and Ann Petrie, Ronald McDonald House, for a Land Division by Certified Survey Map at 8948 Watertown Plank Road. The location of the parcel is more particularly described as follows:

Being a part of the SW ¼ of the SW ¼ of Section 21 and Part of the NW ¼ of the NW ¼ of Section 28, 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.

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

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-12-232

WHEREAS, Jim Larson, UNITS Mobile Storage of Milwaukee, and Robert Wagner, Wauwatosa Real Estate Holdings, LLC., have applied for a Conditional Use in the AA Industrial District at 4480 North 124th Street, for outdoor storage, 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 Jim Larson, UNITS Mobile Storage of Milwaukee, and Robert Wagner, Wauwatosa Real Estate Holdings, LLC, for outdoor storage in the AA Industrial District at 4480 North 124th Street, subject to the following:

- 1) Allowed to stack up to three UNITS high with Fire Department approval
- 2) Obtaining all necessary licenses and permits

It was moved by Ald. Roznowski, seconded by Ald. Pantuso to approve the foregoing resolution. Ayes 15, Present 1 (Moldenhauer)

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-12-233

WHEREAS, Ken and Latonya Hughes have applied for a Conditional Use in the AA Business District at 7219 West Center Street, to operate a child care center, 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 Ken and Latonya Hughes to operate a child care center in the AA Business District at 7219 West Center Street, subject to the following:

- 1) Hours of operation Monday through Saturday 6 a.m. to 11 p.m.
- 2) Obtaining state daycare licensing
- 3) Contacting the Fire Department for applicable fire suppression regulations
- 4) Obtaining all necessary licenses and permits

It was moved by Ald. Roznowski, seconded by Ald. Pantuso to approve the foregoing resolution. Ayes 15, Noes 1 (Wilke)

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-12-235

WHEREAS, Request for Proposals were sent out by the City for vehicle towing and storage services for the period January 1, 2013 through December 31, 2015, the lowest of which was Dennis' Towing, our current provider;

NOW, THEREFORE, BE IT RESOLVED THAT the contract for vehicle towing and storage services for the period January 1, 2013 through December 31, 2015, is hereby awarded to Dennis' Towing at the proposed rates.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-12-236

WHEREAS, the Director of Public Works has presented a draft agreement with the Wisconsin Department of Transportation regarding traffic mitigation on local roads during the years 2013-2014 as part of the Zoo Interchange Project; and

WHEREAS, the agreement with the DOT will allow reimbursement to the City of Wauwatosa for expenses incurred as part of traffic mitigation efforts associated with the Zoo Interchange Project and its effects on local roads; and

WHEREAS, any projects affecting local streets within a two mile radius of the interstate which are necessary to mitigate traffic effects due to the Zoo Interchange Project are eligible for reimbursement;

NOW, THEREFORE, BE IT RESOLVED THAT City officials are hereby authorized to enter into a Traffic Mitigation Agreement with the Wisconsin Department of Transportation as presented to the Committee on Budget & Finance at its meeting of December 11, 2012.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-12-237

BE IT RESOLVED, by the Common Council of the City of Wauwatosa, THAT renewal of the contract of Safety National Casualty Corporation as the City's excess worker's compensation carrier in the sum of \$47,198.00 with a stop-loss threshold of \$500,000 for 2013, be and hereby is approved.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-12-238

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

WHEREAS, recommended rate increases for 2013 sanitary sewer rates are reflected in a December 5, 2012, memorandum of the City of Wauwatosa Finance Director along with his recommendation for an increase in storm sewer rates; and

WHEREAS, final 2013 sanitary sewer rates from MMSD have not been received to date, although the Common Council desires to pass through any rate increase directly to sanitary sewer customers;

NOW, THEREFORE, BE IT RESOLVED THAT the recommendation of the Finance Director for an increase in the 2013 sanitary sewer rates by 20%, along with a 21.2% increase in storm sewer rates per his memorandum dated December 5, 2012, such that rates shall be as follows:

2013 sanitary sewer rates per ccf (before pass-through of MMSD increase)	
0 - 50 ccf	\$1.76
next 150 ccf	2.64
over 200 ccf	3.52

2013 storm sewer rates per ERU	
per ERU	\$16.82

BE IT FURTHER RESOLVED THAT at such time as final 2013 sanitary sewer rates are received from MMSD, any increase from 2012 rates shall be passed through directly to the customers of the sanitary sewer utility, such that the increase over 2012 rates shall be added to the above-stated approved 2013 rates to provide the final rate for sanitary sewer customers.

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

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-12-239

BE IT RESOLVED, by the Common Council of the City of Wauwatosa THAT a fund transfer from the Reserve for Contingencies in the sum of \$67,000.00 to the City Attorney's Sundry Contractual Services Account for litigation costs in property tax appeal cases and representation in the American Transmission Company power line matter be and hereby is approved.

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

FROM THE COMMITTEE ON BUDGET AND FINANCE

BILLS AND CLAIMS FOR THE PERIOD 12/5/12 – 12/18/12 --

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 12/5/12 – 12/18/12:	\$3,548,855.85
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It was moved by Ald. Causier, seconded by Ald. Dubinski that each and every account of bills and claims be allowed and ordered paid. Roll call vote, Ayes 15, Present 1 (Donegan)

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-12-240

WHEREAS, the Wauwatosa Water Utility was required to make emergency repairs to a water main break located underneath the Mayfair Road bridge over that roads crossing Underwood Creek and the Canadian Pacific Railway near the location of Thurner Heat Treating on or about November 13, 2012; and

WHEREAS, formal purchasing procedures were not conducive to purchasing the necessary supplies in time to repair the water main break; and

WHEREAS, Section 3.20.040 A. 4. Of the Wauwatosa Municipal Code provides that emergency purchase of supplies may be made at the time of such emergency provided that approval of the Council is subsequently obtained;

NOW, THEREFORE, BE IT RESOLVED THAT the emergency purchase of supplies from Ferguson Waterworks in the amount of \$3,571.00 for supplies related to the emergency repair of a water main underneath the Mayfair Road bridge on November 13, 2012 is hereby approved.

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-12-242

WHEREAS, the Wisconsin Department of Transportation has requested a conveyance of certain rights in land over which the Wauwatosa Water Utility holds an easement; and

WHEREAS, the specific locations and nature of those rights being conveyed are described in the "Conveyance of Rights in Land" document which was presented to the Board of Public Works at its meeting of December 17, 2012; and

WHEREAS, approval of the Conveyance of Rights in Land document is in the best interest of the City of Wauwatosa;

NOW, THEREFORE, BE IT RESOLVED THAT appropriate City officials are hereby authorized to execute the "Conveyance of Rights in Land" presented by the Wisconsin Department of Transportation in preparation for future work related to the Zoo Interchange Project in the City of Wauwatosa.

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-12-241

WHEREAS, the Meinecke Avenue construction project has required that the City of Wauwatosa obtain additional easements at five separate addresses between 82nd and 88th Streets on Meinecke Avenue; and

WHEREAS, property owners for each of the relevant parcels have agreed and executed the easement documents presented to the Board of Public Works at its meeting of December 17, 2012;

NOW, THEREFORE, BE IT RESOLVED THAT appropriate City officials are hereby authorized to accept the easements and enter into the proposed easement agreements for the following parcels:

Parcel #333-0270-00	2377 N. 82nd Street
#333-0295-00	2378 N. 83rd Street
#333-0171-00	2378 N. 86th Street
#333-0397-00	8608 W. Meinecke Avenue
#333-0418-00	2404 N. 88th Street

all of the above addresses located in the City of Wauwatosa.

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

There being no further business, the meeting adjourned at 9:50 p.m.

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