



# CITY OF WAUWATOSA

## COMMON COUNCIL

MINUTES • FEBRUARY 5, 2013

**Regular Meeting**

**Common Council Chambers**

**7:30 PM**

7725 West North Avenue, Wauwatosa, WI 53213

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

**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, Development Director; Ms. Ledesma, City Clerk

Mayor Ehley in the Chair

### Approval of minutes of previous meeting

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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Dennis McBride, Alderman
<b>SECONDER:</b>	Jill Organ, Alderwoman
<b>AYES:</b>	Berdan, Birschel, Causier, Donegan, Dubinski, Ewerdt, Hanson, McBride, Moldenhauer, Organ, Pantuso, Roznowski, Tilleson, Walz-Chojnacki, Wilke, Wilson

### APPOINTMENTS BY THE MAYOR

1. Youth Commission (for appointment)

Betsy DuCanto, 1809 Wauwatosa Avenue (District 1) Experience: East PTA parent, community volunteer  
(Term expires 8/31/15)

2. Residential Design Review Board (for appointment)

Christine Westfall, 6171 Washington Circle (District 1 ) Experience: home remodeling  
John Niemer, 7424 Kenwood Avenue (District 1) Experience: home remodeling  
Traci Elliott, 2415 N. Pasadena Blvd. (District 6) Experience: architecture  
Robert Sebastian, 2431 N. 115th Street (District 7) Experience: architectural design; remodeling; construction  
(Terms expire 12/31/14)

3. Commercial Design Review Board (for appointment)

Dennis Scherr, 2390 N. 100th Street (District 6) Experience: architecture  
Tom DiSalvo, 2234 N. 115th Street (District 7) Experience: landscape architect  
Fouad Saab, 1630 Church Street (District 1) Experience: Architecture  
(Terms expire 12/31/14)

4. Committee for Citizens with Disabilities (for appointment)

Julie Alexander, 7224 W. State Street (District 2)

Mary Callen, 7439 Harwood Avenue (District 2)  
 Paul Sokolowski, 7439 Harwood Avenue (District 2)  
 (Terms expire 12/31/14)

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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Donald Birschel, Alderman
<b>SECONDER:</b>	Kathleen Causier, Alderwoman
<b>AYES:</b>	Berdan, Birschel, Causier, Donegan, Dubinski, Ewerdt, Hanson, McBride, Moldenhauer, Organ, Pantuso, Roznowski, Tilleson, Walz-Chojnacki, Wilke, Wilson

### **APPLICATIONS, COMMUNICATIONS, ETC.**

1. Claims for Excessive Assessment submitted by Robert Hill Law, Ltd., for properties at 10701 Research Drive and 7520 W. Blue Mound Road

**City Attorney**

2. Claims for Excessive Assessment submitted by Don H. Millis, Reinhart Boerner Van Deuren s.c., PO Box 2018 Madison, for properties at 3900 N. 124th Street, at 3201 N. Mayfair Road, at 2500 N. Mayfair Road, and for personal property account #162325

**City Attorney**

3. Claim for Excessive Assessment submitted by Matthew J. Fleming, Agent, Murphy Desmond SC, 33 E. Main Street, Madison, for property at 2400 N. Mayfair Road

**City Attorney**

4. Notice of Claim: Samantha Schulta, 7262 N. Lake Street, Lannon

**City Attorney**

5. Claim for Excessive Assessment submitted by Daniel J. Habeck, Cramer, Multhauf & Hammes, LLP, for properties at 12019 and 12007 W. Burleigh Street

**City Attorney**

6. Emails received in opposition to passage of the ordinance permitting the keeping of backyard chickens: George & Kathleen Schneider, 2531 Pasadena Blvd., Karen Albers, 2122 N. 107th Street, William Boyle, 7224 W. State Street, Steve Braun, 6832 Cedar Street, Jacqueline Jay, 11624 W. Mt. Vernon Avenue, David Nygro, Swan Boulevard, Nate Ristow, 7918 Harwood Avenue

**Add to existing file**

7. Emails received in support of passage of the ordinance permitting the keeping of backyard chickens: Cornelia Beilke, 1443 Alice St., Tammy & Bill Bokern, 8029 Chestnut St., Kimberly Meinert, 941 Currie Pl., Nicole Penegor, 10137 W. Sunset, Eric & Lisa Fowler, 11008 W. Ruby Ave., Ed, Maggie & Henry Buc, 6839 Cedar St., Mike Arney, no address given, Ellen Boettcher, 1438 N. 69th St., Michelle Hartlmeier, Bryan Schuh, Russ Jerome, no addresses given, and Natalie Wysong, 6750 Hillside La.

**Add to existing file**

8. Phone calls received in opposition to the passage of the ordinance permitting the keeping of backyard chickens from a resident at 2214 N. 62nd Street, and 'Debbie', no address given

**Add to existing file****FROM THE COMMITTEE ON TRAFFIC & SAFETY**

1. Resolution approving a Trans 75 'Absence of Need' resolution for bike lanes on a portion of Glenview Avenue

**Committee recommended approval 5-0****RESOLUTION** R-13-07

WHEREAS, the City of Wauwatosa has entered into an agreement with the Wisconsin Department of Transportation (WisDOT) to reconstruct State highway 181 (Glenview Avenue) from Blue Mound Road to Wisconsin Avenue as part of WisDOT Project 1060-33-71,

WHEREAS, The Common Council of the City of Wauwatosa has determined that the proposed highway improvement project meets the conditions outlined in Wisconsin Administrative Code, Trans 75.06 (Constrained Environment) exception (WisDOT Exception 3) for bicycle lanes on Glenview Avenue (STH 181) from Blue Mound Road (US 18) to Wisconsin Avenue,

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Wauwatosa the Common Council of the City of Wauwatosa that the proposed highway improvement (WisDOT Project I.D. 1060-33-71) meets conditions outlined in Wisconsin Administrative Code, Trans 75.06 "Constrained Environment" Exception (WisDOT Exception 3) for bicycle accommodations (installation of bicycle lanes).

It was moved by Ald. Wilke, seconded by Ald. McBride to approve the foregoing resolution. -16

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jason Wilke, Alderman
<b>SECONDER:</b>	Dennis McBride, Alderman
<b>AYES:</b>	Berdan, Birschel, Causier, Donegan, Dubinski, Ewerdt, Hanson, McBride, Moldenhauer, Organ, Pantuso, Roznowski, Tilleson, Walz-Chojnacki, Wilke, Wilson

**FROM THE COMMITTEE ON LEGISLATION, LICENSING & COMMUNICATIONS**

1. Resolution approving the transfer of a Class "B" and "Class B" Liquor license from North Avenue Partners LLC to PM Food Service LLC d/b/a North Avenue Grill, 7225 W. North Avenue, Michael Topolovich, agent, for the period ending June 30, 2013

**Committee recommended approval 6-0****RESOLUTION** R-13-09

WHEREAS, North Avenue Partners, LLC, d/b/a North Avenue Grill, Jon Anne Willow, agent, 7225 W. North Avenue has asked for a transfer of their Class B beer and Class B liquor license to PM Food Services, LLC, Michael Topolovich, agent;

NOW, THEREFORE, BE IT RESOLVED THAT the Class B beer and Class B liquor license be transferred from North Avenue Partners LLC, d/b/a North Avenue Grill, Jon Anne Willow, agent, to PM Food Services, LLC, d/b/a North Avenue Grill, Michael Topolovich, agent, 7225 W. North Avenue, Wauwatosa, WI.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Peter Donegan, Alderman
<b>SECONDER:</b>	Brian Ewerdt, Alderman
<b>AYES:</b>	Berdan, Birschel, Causier, Donegan, Dubinski, Ewerdt, Hanson, McBride, Moldenhauer, Organ, Pantuso, Roznowski, Tilleson, Walz-Chojnacki, Wilke, Wilson

- 2. Resolution approving the Class "A" Beer/"Class A" Liquor License application by Jeff's Oil Co., LLC, d/b/a/ Ryan's Express Mart, 11500 W. North Avenue, Elaine L. Blumreiter, agent, for the period ending June 30, 2013

**Committee recommended approval 6-0**

**RESOLUTION** R-13-08

WHEREAS, Elaine L. Blumreiter, agent for Jeff's Oil Co., LLC, d/b/a Ryan's Express Mart, 11500 W. North Avenue, has applied for a Class A Beer and Class A liquor license;

NOW, THEREFORE, BE IT RESOLVED THAT a Class A Beer and Class A liquor license be awarded to Elaine L. Blumreiter, agent for Jeff's Oil Co., LLC, d/b/a Ryan's Express Mart, 11500 W. North Avenue, 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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Peter Donegan, Alderman
<b>SECONDER:</b>	Brian Ewerdt, Alderman
<b>AYES:</b>	Berdan, Birschel, Causier, Donegan, Dubinski, Ewerdt, Hanson, McBride, Moldenhauer, Organ, Pantuso, Roznowski, Tilleson, Walz-Chojnacki, Wilke, Wilson

- 3. Resolution denying the Operator License application of Kayla R. Quesada, 2325 N. 115th Street, for the period ending June 30, 2013

**Committee recommended approval 4-1-1**

**RESOLUTION** R-13-10

WHEREAS, Kayla R. Quesada, 2325 N. 115th Street, Wauwatosa, WI, applied for an operator's license in conjunction with her employment at Jackson's Blue Ribbon Pub, 11302 W. Blue Mound Road, Wauwatosa, WI; and

WHEREAS, a background investigation revealed the applicant had more than one conviction which she failed to disclose; and

WHEREAS, the circumstances surrounding these previous convictions and her failure to disclose them 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 Kayla R. Quesada is hereby denied;

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

It was moved by Ald. Donegan, seconded by Ald. Ewerdt to approve the foregoing resolution. Ayes 15, Present 1 (Ewerdt)

<b>RESULT:</b>	<b>ADOPTED [15 TO 0]</b>
<b>MOVER:</b>	Peter Donegan, Alderman
<b>SECONDER:</b>	Brian Ewerdt, Alderman
<b>AYES:</b>	Berdan, Birschel, Causier, Donegan, Dubinski, Hanson, McBride, Moldenhauer, Organ, Pantuso, Roznowski, Tilleson, Walz-Chojnacki, Wilke, Wilson
<b>ABSTAIN:</b>	Ewerdt

### **FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT**

1. Resolution approving a Street Festival Permit for the Village area for Tosafest on September 6-7, 2013

**Committee recommended approval 6-0**

#### **RESOLUTION** R-13-11

WHEREAS, Sherry Carlin, chairperson of Tosafest 2013, has applied for a Street Festival Permit to the Village area on September 6-7, 2013 for Tosafest; and

WHEREAS, the Committee on Community Development reviewed the request and recommends granting a Street Festival permit subject to the following restrictions:

1. Tosafest shall be conducted on Friday, September 6, 2013, from 1 PM to 11:30 PM; and on Saturday, September 7 from 11 AM to 11:30 PM; with take down and clean-up on Sunday, September 8 from 7 AM to 12:00 noon;
2. Live and recorded music associated with the event shall cease no later than 11:00 PM;
3. Tosafest shall pay all actual costs for Public Works services provided should City resources be utilized for the event.

NOW, THEREFORE, BE IT RESOLVED THAT a Street Festival permit be granted for Tosafest 2013 to use the Village area on September 6-7, 2013.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeffrey Roznowski, Alderman
<b>SECONDER:</b>	Craig Wilson, Alderman
<b>AYES:</b>	Berdan, Birschel, Causier, Donegan, Dubinski, Ewerdt, Hanson, McBride, Moldenhauer, Organ, Pantuso, Roznowski, Tilleson, Walz-Chojnacki, Wilke, Wilson

2. Resolution approving a Conditional Use in the AA Business District at 11320 W. Blue Mound Road to operate Pitch's Baby Grand bar and restaurant, John Picciurro, applicant

**Committee recommended approval 6-0****RESOLUTION** R-13-12

WHEREAS, John Picciurro, Pitch's Club 113 Inc., has applied for a Conditional Use in the AA Business District at 11320 West Blue Mound Road, to operate Pitch's Baby Grand bar and restaurant, 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 Picciurro, Pitch's Club 113, to operate Pitch's Baby Grand bar and restaurant in the AA Business District at 11320 West Blue Mound Road, subject to the following:

1. the applicant contacting Fire and Health Departments;
2. daily hours of operation - bar: 10 a.m. to bar time; restaurant: 9 a.m. to midnight; outdoor dining and drive thru: 9 a.m. to 10 p.m.;
3. obtaining any additional permits and licenses

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeffrey Roznowski, Alderman
<b>AYES:</b>	Berdan, Birschel, Causier, Donegan, Dubinski, Ewerdt, Hanson, McBride, Moldenhauer, Organ, Pantuso, Roznowski, Tilleson, Walz-Chojnacki, Wilke, Wilson

3. Resolution granting final plan approval of Phase 1A for a Business Planned Development at 11500 W. Burleigh Street to construct a retail development; Tim Blum, HSA Commercial, applicant

**Committee recommended approval 7-0****RESOLUTION** R-13-13

WHEREAS, Tim Blum, HSA Commercial, has applied for final approval of Phase 1A of a Business Planned Development at 11500 West Burleigh Street, to construct retail development, 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 preliminary approval for Phase 1A of a Business Planned Development to Tim Blum, HSA Commercial, to construct a retail development at 11500 West Burleigh Street, subject to the following:

- 1) approval by appropriate city staff related to utilities, engineering, traffic, fire and building codes
- 2) obtaining all necessary licenses and permits

It was moved by Ald. Roznowski, seconded by Ald.

Wilson to approve the three foregoing resolutions. -16

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeffrey Roznowski, Alderman
<b>AYES:</b>	Berdan, Birschel, Causier, Donegan, Dubinski, Ewerdt, Hanson, McBride, Moldenhauer, Organ, Pantuso, Roznowski, Tilleson, Walz-Chojnacki, Wilke, Wilson

4. Ordinance amending Chapter 9.04 of the Wauwatosa Municipal Code pertaining to the keeping of chickens within the city limits (for adoption)

**Committee recommended approval 6-1**

**ORDINANCE** O-13-01

**AN ORDINANCE AMENDING PORTIONS OF CHAPTER 9 OF THE MUNICIPAL CODE OF THE CITY OF WAUWATOSA TO PERMIT THE DOMESTIC KEEPING OF CHICKENS IN THE CITY**

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

Part I.

Sections 9.04.050 and 9.04.060 of the Wauwatosa Municipal Code are hereby CREATED to read as follows:

9.04.050. Domestic Keeping of Chickens in the City.

9.04.050. Findings.

The common council of the City of Wauwatosa desires to provide for the health, safety, and well-being of its residents, to ensure and maintain property conditions and values, and to provide a domestic and sustainable source of nourishing food through chicken egg hatching in an environment respecting its urban surroundings and rural origins.

9.04.060. License, Application, Enforcement, Penalty.

A. License Required.

1. No person shall keep live chickens in the city without first obtaining a valid license issued by the city clerk. The license process requires a completed application accompanied with a fee as set forth in the consolidated fee schedule. The license application is also subject to notification and approval.
2. License. Each owner shall obtain a city-issued license prior to acquiring any live chicken. A license and fee shall be required for each chicken. No such license shall be transferable.
3. No license fee may be refunded in whole or in part or be transferable.
4. A license is subject to revocation upon failure to comply with any provision under this code. Once a license is revoked, a license shall not be reissued.
5. If the ordinance is extended beyond the sunset provision, on January 1 of each year, the license shall be renewed and the owner shall pay the annual fee. There shall be a penalty added to the license fee for late payment of the license fee at a rate established by the city clerk.

B. Neighborhood Approval and Site Plan Required.

1. Before a license is issued for the keeping of chickens, the applicant shall obtain the written consent of the owner of the property where chickens shall be kept and the owners of all adjoining or diagonally abutting properties, including those across an alley. Written consent shall be provided at the time of the application.
2. The applicant must complete an approved site plan to the satisfaction of the development director or his or her designee.

C. Keeping of Chickens Allowed. Up to four licensed chickens may be kept on a residential property, subject to the following provisions:

1. No roosters shall be kept.
  2. No chicken shall be slaughtered.
  3. Chickens shall be regularly provided with fresh water and adequate amounts of feed.
  4. Chickens shall be provided with a sanitary and adequate-sized covered enclosure or coop and shall be kept in the covered enclosure or coop or a sanitary, adequate, and accessible fenced enclosure at all times.
  5. Chicken coops shall be moisture-resistant, sturdy, constructed in a workmanlike manner, and either raised up off the ground or placed on a hard surface such as concrete, patio block, or gravel.
  6. Chicken coops shall be constructed and residential yards maintained to reasonably prevent the collection of standing water and shall be cleaned of droppings, uneaten feed, feathers, and other waste daily and as soon as is necessary to ensure that the coop and yard do not become a health, odor, or other nuisance.
  7. Together, chicken coops and the residential yards in which they are located shall be large enough to provide at least 16 square feet of space per chicken.
  8. No enclosure or coop shall be located closer than 25 feet to any residential dwelling on any other lot unless consent to place it less than 25 feet to the residential dwelling is given by its owner.
  9. No enclosure or coop shall be located in the front yard of a dwelling.
  10. In addition to compliance with the requirements of this section, no one shall keep chickens that cause any nuisance, create an unhealthy condition or a public health threat, or otherwise interfere with the normal use of property in the enjoyment of life by humans or animals.
  11. Chicken eggs may not be sold, traded, or hatched for commercial purposes.
- D. Public Health Requirements.
1. Chickens shall be kept and handled in a sanitary manner to prevent the spread of communicable diseases among birds or to humans.
  2. Any person keeping chickens shall immediately report any unusual illness or death of chickens to the health department.
  3. The health officer may order testing, quarantine, isolation, vaccination, or humane euthanasia of ill chickens or chickens believed to be carriers of communicable disease.
- E. Penalty.
1. Any person violating any provision of this chapter shall be subject to the general penalty provisions of this code in addition to the penalties provided under this section. A citation may be issued pursuant to Wauwatosa Municipal Code Chapter 1.24.010 and Wisconsin Statute Section 800.02.
  2. Removal of chicken. The city may impound or remove any chicken for violations of this chapter. The chicken's owner shall be responsible for costs of the impoundment or removal.

Part II.

Section 9.08.030 of the Wauwatosa Municipal Code is hereby amended to read as follows:

Section 9.08.030. Fowl prohibited.

It is unlawful for any person, firm, or corporation to keep, harbor, or maintain live roosters, turkeys, geese, or ducks within the city of Wauwatosa, except as stated in Section 9.08.060.

Part III.

Section 9.08.060 of the Wauwatosa Municipal Code is hereby amended to read as follows:

9.08.060. Baby Animals.

It is unlawful for any person, firm, or corporation to sell or offer for sale, to barter, or to give away baby roosters or ducklings as pets or novelties. This section shall not be construed to prohibit the sale of live chicks or ducklings in proper brooder facilities by hatcheries or stores engaged in the business of selling them to be raised.

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

Note: Within six months of the effective date of this ordinance, the health officer and development director shall evaluate the results and effectiveness of the ordinance and report to the common council these results and

potential improvements to be made. The authorization of this ordinance shall expire one year from the effective date of the ordinance unless reauthorized by the common council.

It was moved by Ald. Roznowski, seconded by Ald. Wilson to adopt the foregoing ordinance. --

With the consent of the Mover and the Second, the wording 'on any other lot' was inserted in C8, replacing 'on an adjacent lot.'

Roll call vote on motion, Ayes 11, Noes 5 (Moldenhauer, Berdan, Birschel, Causier, Dubinski

<b>RESULT:</b>	<b>ADOPTED [11 TO 5]</b>
<b>MOVER:</b>	Jeffrey Roznowski, Alderman
<b>SECONDER:</b>	Craig Wilson, Alderman
<b>AYES:</b>	Donegan, Ewerdt, Hanson, McBride, Organ, Pantuso, Roznowski, Tilleson, Walz- Chojnacki, Wilke, Wilson
<b>NAYS:</b>	Berdan, Birschel, Causier, Dubinski, Moldenhauer

**FROM THE COMMITTEE ON BUDGET & FINANCE**

1. Resolution approving a one-year extension to the professional services agreement with Graef-USA for construction inspection services

**Committee recommended approval 8-0**

**RESOLUTION** R-13-14

WHEREAS, the City of Wauwatosa has an existing contract with Graef-USA for construction inspection services; and

WHEREAS, the terms of the contract allow a one year extension for the year 2013, along with their 2013 fee schedule for non-City funded projects;

NOW, THEREFORE, BE IT RESOLVED THAT the Wauwatosa Common Council hereby approves a one year extension of the existing construction inspection services contract with Graef-USA for the year 2013, along with their 2013 fee schedule for non-City funded projects.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Craig Wilson, Alderman
<b>SECONDER:</b>	Cheryl Berdan, Alderwoman
<b>AYES:</b>	Berdan, Birschel, Causier, Donegan, Dubinski, Ewerdt, Hanson, McBride, Moldenhauer, Organ, Pantuso, Roznowski, Tilleson, Walz-Chojnacki, Wilke, Wilson

2. Resolution accepting a 2013 Assistance to Firefighters Grant through FEMA in the amount of \$245,543, and amending the Fire Department's budget by adding \$27,282 for the required matching funds

**Committee recommended approval 8-0**

**RESOLUTION** R-13-15

WHEREAS, the Fire Chief of the City of Wauwatosa has requested permission to apply for a 2013 Assistance to Firefighter's grant administered through the Federal Emergency Management Agency; and

WHEREAS, the proposed grant would provide replacement of the portion of firefighter personal protective equipment, for which previous budget years have not provided sufficient replacements to meet the life expectancy of the currently utilized equipment; and

WHEREAS, currently budgeted amounts for the purchase of personal protective equipment would provide the necessary 10% match as part of the grant, which would be in the amount of \$272,825.00;

NOW, THEREFORE, BE IT RESOLVED THAT appropriate City officials are hereby authorized to apply for an Assistance to Firefighters Grant from the Federal Emergency Management Agency in an amount of \$272,825.00, with a 10% match by the City, for the purpose of replacing protective equipment.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Craig Wilson, Alderman
<b>SECONDER:</b>	Cheryl Berdan, Alderwoman
<b>AYES:</b>	Berdan, Birschel, Causier, Donegan, Dubinski, Ewerdt, Hanson, McBride, Moldenhauer, Organ, Pantuso, Roznowski, Tilleson, Walz-Chojnacki, Wilke, Wilson

3. Resolution authorizing the redemption of General Obligation promissory Notes, Series 2004

**Committee recommended approval 8-0**

**RESOLUTION** R-13-16

WHEREAS, the City of Wauwatosa, Milwaukee county, Wisconsin (the "City") has outstanding its General Obligation Promissory Notes, Series 2004, dated March 15, 2004 (the "2004 Notes") which mature on December 1, 2013.

WHEREAS, the Common Council has determined that it is necessary and desirable to call the 2004 Notes for redemption on March 12, 2013 with funds of the City;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Wauwatosa, Milwaukee County, Wisconsin, that the 2004 Notes are called for prior payment on March 12, 2013 at the price of par plus accrued interest to the date of redemption.

The City hereby directs the City Clerk to work with Hutchinson, Shockey, Erley & Co. to cause timely notice of redemption, in substantially the form attached hereto as Exhibit A and incorporated herein by this reference (the "Notice"), to be provided at the times, to the parties and in the manner set forth on the Notice.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Craig Wilson, Alderman
<b>SECONDER:</b>	Cheryl Berdan, Alderwoman
<b>AYES:</b>	Berdan, Birschel, Causier, Donegan, Dubinski, Ewerdt, Hanson, McBride, Moldenhauer, Organ, Pantuso, Roznowski, Tilleson, Walz-Chojnacki, Wilke, Wilson

4. Resolution approving a contract with AECOM in the amount of \$6,900 to assist the city in the WI DNR permit application for dual use of the transfer station

**Committee recommended approval 8-0**

**RESOLUTION** R-13-17

BE IT RESOLVED, by the Common Council of the City of Wauwatosa THAT appropriate City staff are hereby authorized to enter into an Agreement with AECOM in the sum of \$6,900.00 from Account #01-361-5900-000 and 01-331-5650-000 to assist the City in the permitting process with the Wisconsin Department of Natural Resources to convert the City's transfer station to a dual use format.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Craig Wilson, Alderman
<b>SECONDER:</b>	Cheryl Berdan, Alderwoman
<b>AYES:</b>	Berdan, Birschel, Causier, Donegan, Dubinski, Ewerdt, Hanson, McBride, Moldenhauer, Organ, Pantuso, Roznowski, Tilleson, Walz-Chojnacki, Wilke, Wilson

5. Resolution approving the 2012 operating and capital carryover requests

**Committee recommended approval 8-0**

**RESOLUTION** R-13-18

WHEREAS, various City departments have filed forms with the Finance Director requesting that specific funds within various accounts be carried over from the 2012 to the 2013 budget year; and

WHEREAS, those forms were provided to the Committee on Budget and Finance at its January 29, 2013, meeting and more particularly described in the memorandum of the Finance Director to the Committee dated January 23, 2013, available for review at the office of the City Clerk;

NOW, THEREFORE, BE IT RESOLVED THAT the carryover requests presented to the Budget and Finance Committee at its January 29, 2013, meeting and further retained in the files of the City Clerk and Finance Director are hereby approved for carryover into the 2013 budget year, and the 2013 City of Wauwatosa budget is hereby amended accordingly.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Craig Wilson, Alderman
<b>SECONDER:</b>	Cheryl Berdan, Alderwoman
<b>AYES:</b>	Berdan, Birschel, Causier, Donegan, Dubinski, Ewerdt, Hanson, McBride, Moldenhauer, Organ, Pantuso, Roznowski, Tilleson, Walz-Chojnacki, Wilke, Wilson

6. Resolution rescinding 2012 property taxes for the improvements upon 1430 N. 119th Street

**Committee recommended approval 8-0**

**RESOLUTION R-13-19**

WHEREAS, a fire destroyed the building on the property at 1430 N. 119th Street in the year 2011; and

WHEREAS, the appropriate demolition permit for the property was not received by the Assessor until after 2012 property assessments had been established; and

WHEREAS, this delay resulted in an incorrect tax bill issued in December, 2012, which included the value of the house and the land on the property resulting in taxes which were \$4,618.18 higher than appropriate for the property;

NOW, THEREFORE, BE IT RESOLVED THAT \$4,618.18 in property taxes for 2012 for the property at 1430 N. 119th Street, in the City of Wauwatosa are hereby rescinded consistent with the memorandum of the Finance Director dated January 23, 2013, and City officials are hereby authorized to take actions consistent with this rescission.

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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Craig Wilson, Alderman
<b>SECONDER:</b>	Cheryl Berdan, Alderwoman
<b>AYES:</b>	Berdan, Birschel, Causier, Donegan, Dubinski, Ewerdt, Hanson, McBride, Moldenhauer, Organ, Pantuso, Roznowski, Tilleson, Walz-Chojnacki, Wilke, Wilson

7. Bills and Claims

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

BILLS AND CLAIMS FOR THE PERIOD 01/16/13 - 02/05/13 --

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 01/16/13 - 02/05/13: \$44,743,444.61

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 15-0-1 (Donegan)

<b>RESULT:</b>	<b>ADOPTED [15 TO 1]</b>
<b>MOVER:</b>	Kathleen Causier, Alderwoman
<b>SECONDER:</b>	John Dubinski, Alderman
<b>AYES:</b>	Berdan, Birschel, Causier, Dubinski, Ewerdt, Hanson, McBride, Moldenhauer, Organ, Pantuso, Roznowski, Tilleson, Walz-Chojnacki, Wilke, Wilson
<b>NAYS:</b>	Donegan

### **FROM THE BOARD OF PUBLIC WORKS**

1. Resolution approving the purchase of stone, sand, and gravel in 2013 on an as-needed basis

**Board recommended approval 4-0**

#### **RESOLUTION** R-13-20

WHEREAS, the Wauwatosa purchasing department has received bids for the purchase of stone, sand, and gravel to meet 2013 requirements; and

WHEREAS, it has been past practice to award the bid to multiple bidders for purchases during 2013 on an as-needed basis because of price, convenience and availability;

NOW, THEREFORE, BE IT RESOLVED THAT the City of Wauwatosa purchasing department is hereby authorized to purchase stone, sand, and gravel for the year 2013 from any of the five bidders submitting bids, with individual purchases being evaluated on an as-needed basis pursuant to price, convenience, and availability.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Tim Hanson, Alderman
<b>SECONDER:</b>	Cheryl Berdan, Alderwoman
<b>AYES:</b>	Berdan, Birschel, Causier, Donegan, Dubinski, Ewerdt, Hanson, McBride, Moldenhauer, Organ, Pantuso, Roznowski, Tilleson, Walz-Chojnacki, Wilke, Wilson

2. Resolution authorizing the purchase of emulsion and street patching materials for the upcoming repair season from qualified vendors based upon price, convenience, and availability

**Board recommended approval 4-0**

#### **RESOLUTION** R-13-21

WHEREAS, the Wauwatosa Purchasing Department has requested bids for emulsion and street patching materials for the 2013 spring/summer repair season, and

WHEREAS, each of the four bidders reflected in the memorandum from Purchasing Department dated January 24, 2013 provide different advantages based upon the price, convenience and availability;

NOW, THEREFORE, BE IT RESOLVED that each of the four vendors described in the memorandum the Purchasing Department are hereby qualified to provide emulsion and street patching materials for the 2013 spring/summer repair season on an as-needed basis, with individual purchases being made on the basis of price, convenience, and availability.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Tim Hanson, Alderman
<b>SECONDER:</b>	Cheryl Berdan, Alderwoman
<b>AYES:</b>	Berdan, Birschel, Causier, Donegan, Dubinski, Ewerdt, Hanson, McBride, Moldenhauer, Organ, Pantuso, Roznowski, Tilleson, Walz-Chojnacki, Wilke, Wilson

3. Resolution awarding the bid for the purchase of trees for the 2013 spring planting season to all responding bidders based upon price, convenience, and availability

**Board recommended approval 4-0**

**RESOLUTION** R-13-22

WHEREAS, the Purchasing Department has requested bids for the purchase of trees for the 2013 spring planting season; and

WHEREAS, it has been past practice to award the bid to multiple bidders for purchases during the planting season on an as-needed basis because of price, convenience, and availability;

NOW, THEREFORE, BE IT RESOLVED THAT the Purchasing Department is hereby authorized to purchase trees for the 2013 spring planting season from any of the ten bidders submitting bids, with individual purchases being evaluated on an as-needed basis pursuant to price, convenience and availability.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Tim Hanson, Alderman
<b>SECONDER:</b>	Cheryl Berdan, Alderwoman
<b>AYES:</b>	Berdan, Birschel, Causier, Donegan, Dubinski, Ewerdt, Hanson, McBride, Moldenhauer, Organ, Pantuso, Roznowski, Tilleson, Walz-Chojnacki, Wilke, Wilson

4. Resolution awarding the bid for Contract 13-51, Glenwood Avenue and Harwood Avenue Water Main Relays, to American Sewer Services, Inc., in the amount of \$1,215,989 (low of 7 bids)

**Board recommended approval 4-0**

**RESOLUTION** R-13-23

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 American Sewer Services, Inc., for the work of Glenview Avenue and Harwood Avenue Water Main Relays and work incidental thereto under Contract 13-51 at and for their bid price of \$1,215,989.00, this being the lowest and best bid.

BE IT FURTHER RESOLVED that the surety deposits, if any, be returned to the unsuccessful bidders.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Tim Hanson, Alderman
<b>SECONDER:</b>	Cheryl Berdan, Alderwoman
<b>AYES:</b>	Berdan, Birschel, Causier, Donegan, Dubinski, Ewerdt, Hanson, McBride, Moldenhauer, Organ, Pantuso, Roznowski, Tilleson, Walz-Chojnacki, Wilke, Wilson

5. Resolution awarding the bid for Contract 12-14, 100th Street Relief Sewer, to Vinton Construction Company in the amount of \$3,113,942.87 (low of 8 bids)

**Board recommended approval 4-0**

**RESOLUTION** R-13-24

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 Vinton Construction Company for the work of 100th Street Relief Sewer from Ruby Avenue to Grantosa Drive, and work incidental thereto under Contract 12-14 at and for their bid price of \$3,113,942.87, this being the lowest and best bid.

BE IT FURTHER RESOLVED that the surety deposits, if any, be returned to the unsuccessful bidders.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Tim Hanson, Alderman
<b>SECONDER:</b>	Cheryl Berdan, Alderwoman
<b>AYES:</b>	Berdan, Birschel, Causier, Donegan, Dubinski, Ewerdt, Hanson, McBride, Moldenhauer, Organ, Pantuso, Roznowski, Tilleson, Walz-Chojnacki, Wilke, Wilson

6. Resolution awarding the bid for Contract 13-77, Sanitary Lateral Chemical Grouting to Great Lakes TV Seal, Inc., in the amount of \$121,135 (low of 3 bids)

**Board recommended approval 4-0**

**RESOLUTION** R-13-25

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 Great Lakes TV Seal, Inc., for the work of sanitary lateral chemical grouting in an area bounded by Lloyd Street, Milwaukee Avenue, 60th Street, and 68th Street, and work incidental thereto under Contract 13-77 at and for the bid price of \$121,135.00, this being the lowest and best bid.

BE IT FURTHER RESOLVED that Revenue Account No. 04-221-4110-000 be increased by \$249,000 and the Expenditure Account No. 041-211-5980-025 be decreased by \$249,000 to reflect Milwaukee Metropolitan Sewerage District's private property inflow and infiltration funding.

BE IT FURTHER RESOLVED that the surety deposits, if any, be returned to the unsuccessful bidders.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Tim Hanson, Alderman
<b>SECONDER:</b>	Cheryl Berdan, Alderwoman
<b>AYES:</b>	Berdan, Birschel, Causier, Donegan, Dubinski, Ewerdt, Hanson, McBride, Moldenhauer, Organ, Pantuso, Roznowski, Tilleson, Walz-Chojnacki, Wilke, Wilson

7. Resolution authorizing change order #1 in the amount of \$22,950 for Contract 12-77, Sanitary Lateral Chemical Grouting

**Board recommended approval 4-0**

**RESOLUTION** R-13-26

BE IT RESOLVED, by the Common Council of the City of Wauwatosa THAT, Change Order Number 1 to Contract 12-77 Sanitary Lateral Grouting in the amount of \$22,950.00 to fund root removal in sanitary laterals and additional quantities of lateral grouting be approved:

BE IT FURTHER RESOLVED THAT, General Ledger Account No. 04-211-5980-025 be used to fund the change order.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Tim Hanson, Alderman
<b>SECONDER:</b>	Cheryl Berdan, Alderwoman
<b>AYES:</b>	Berdan, Birschel, Causier, Donegan, Dubinski, Ewerdt, Hanson, McBride, Moldenhauer, Organ, Pantuso, Roznowski, Tilleson, Walz-Chojnacki, Wilke, Wilson

8. Resolution approving a Conveyance of Rights in Land document in advance of the 2013 paving of Mayfair Road from I-94 to Watertown Plank Road

**Board recommended approval 5-0**

**RESOLUTION** R-13-27

WHEREAS, the Wisconsin Department of Transportation has requested a conveyance of certain rights in lands 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 for Mayfair Road which was presented to the Board of Public Works at its meeting of February 3, 2013; 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" in advance of the 2013 paving of Mayfair Road from I-94 to Watertown Plank Road presented by the Wisconsin Department of Transportation in preparation for future work related to the Zoo Interchange Project in the City of Wauwatosa.

**RESOLUTION** R-13-28

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Tim Hanson, Alderman
<b>SECONDER:</b>	Cheryl Berdan, Alderwoman
<b>AYES:</b>	Berdan, Birschel, Causier, Donegan, Dubinski, Ewerdt, Hanson, McBride, Moldenhauer, Organ, Pantuso, Roznowski, Tilleson, Walz-Chojnacki, Wilke, Wilson

- 9. Resolution approving a Conveyance of Rights in Land document in advance of the 2013 paving of Glenview Avenue from south city limits to south of West Avon Court

**Board recommended approval 5-0**

**RESOLUTION** R-13-28

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 for Glenview Avenue which was presented to the Board of Public Works at its meeting of February 3, 2013; 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" in advance of the 2013 paving of Glenview Avenue from the south city limits to south of W. Avon Court presented by the Wisconsin Department of Transportation in preparation for future work related to the Zoo Interchange Project in the City of Wauwatosa.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Tim Hanson, Alderman
<b>SECONDER:</b>	Cheryl Berdan, Alderwoman
<b>AYES:</b>	Berdan, Birschel, Causier, Donegan, Dubinski, Ewerdt, Hanson, McBride, Moldenhauer, Organ, Pantuso, Roznowski, Tilleson, Walz-Chojnacki, Wilke, Wilson

- 10. Resolution approving the transfer of ownership of traffic signals to the Wisconsin Department of Transportation at 112th Street and 121st Street on Blue Mound Road

**Board recommended approval 5-0**

**RESOLUTION** R-13-29

WHEREAS the traffic signals owned and operated by the City of Wauwatosa located at 112th street and at 121st Street on Blue Mound Road were replaced and installed by the Wisconsin Department of Transportation ("DOT") as part of its 2011 Blue Mound Road construction project; and

WHEREAS DOT has approached the City of Wauwatosa and expressed an interest in obtaining ownership and control of all traffic signals along Blue Mound Road in order to install a coordinated traffic signal system; and

WHEREAS transferring ownership of the signals to DOT would remove the future obligation for the City to operate and maintain or replace such signals in the future, which is in the best interests of the City of

Wauwatosa;

NOW THEREFORE BE IT RESOLVED THAT appropriate City officials are hereby authorized to execute necessary documents for the purpose of transferring ownership and control of traffic signals at 112th street and at 121st street on Blue Mound Road in the City of Wauwatosa to the Wisconsin Department of Transportation in order that DOT will be able to provide a coordinated traffic control system for all traffic signals along Blue Mound Road.

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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Tim Hanson, Alderman
<b>SECONDER:</b>	Cheryl Berdan, Alderwoman
<b>AYES:</b>	Berdan, Birschel, Causier, Donegan, Dubinski, Ewerdt, Hanson, McBride, Moldenhauer, Organ, Pantuso, Roznowski, Tilleson, Walz-Chojnacki, Wilke, Wilson

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Carla A. Ledesma, CMC, City Clerk