



**CITY OF WAUWATOSA**  
**COMMON COUNCIL**  
**MINUTES • APRIL 16, 2013**

**Regular Meeting**

**Common Council Chambers**

**7:30 PM**

7725 West North Avenue, Wauwatosa, WI 53213

PRESENT: Alds. Berdan, Birschel, Causier, Donegan, Dubinski, Ewerdt, Hanson, McBride, Moldenhauer, Pantuso, Roznowski, Tilleson, Walz-Chojnacki, Wilson -14

EXCUSED: Alds. Organ and Wilke

ALSO PRESENT: Mr. Archambo, City Administrator; Mr. Kesner, City Attorney; Mr. Porter, Public Works Director; Mr. Ruggini, Finance Director; Police Chief Weber; Ms. Ledesma, City Clerk

Mayor Ehley in the Chair

**Swearing-in of John J. Dubinski as Second District Alderperson**

City Clerk Carla Ledesma swore in John J. Dubinski as Second District Alderperson for the unexpired balance of a term expiring April 19, 2016.

**Approval of minutes of previous meeting**

It was moved by Ald. McBride, seconded by Ald. Hanson that the reading of the minutes of the previous meeting be dispensed with and they be approved as printed. -14

**APPOINTMENTS BY THE MAYOR**

**APPLICATIONS, COMMUNICATIONS, ETC.**

1. Notice of Claim: Monique Schneider, 8617 W. Lincoln Avenue, West Allis

**City Attorney**

2. Application by Lisa Allen, Village of Wauwatosa BID Events Committee, for a Street Festival Permit for the Village Green Street Fair on June 1, 2013

**Community Development Committee**

3. Letter from Richard Wanta, Wisconsin Underground Contractors' Association, 2835 N. Mayfair Road, requesting that a letter be sent to the City of Milwaukee urging them to maintain their water infrastructure and not transfer rate-paying money to the General Fund

**Place on file**

4. Letter and petition from James Maurer, 1839-41 Ludington Avenue, supporting the Development Department's plan to update the ordinances pertaining to fences

**Development Department**

**FROM THE COMMITTEE ON TRAFFIC & SAFETY**

1. Resolution approving implementation in 2013 of short-term recommendations proposed in the Ayres Associates school crossing study for N. 100th Street near Madison School, and W. Center Street near Wauwatosa West High School, and implementation of long-term solutions as part of the capital budget process

**RESOLUTION R-13-66**

WHEREAS, the Traffic and Safety Committee was presented with a school crossing study performed by Ken Voigt of Ayres Associates regarding the segment of W. Center Street near Wauwatosa West High School and a segment of N. 100th Street near Madison School; and

WHEREAS, Mr. Voigt and the Public Works Director provided a power-point presentation illustrating short term and long term plans to improve safety in both locations; and

WHEREAS, Mr. Voigt estimated that short term improvements in the Wauwatosa West High School area would likely cost approximately \$20,850.00 and short term parking lot improvements at Madison School would cost approximately \$1,900.00;

THEREFORE, BE IT RESOLVED THAT the Common Council of the City of Wauwatosa recommends implementation of short term recommendations put forward by Ayres Associates for Center Street and Madison School and more fully described in the supporting documents provided to the Traffic and Safety Committee at its meeting of April 9, 2013;

BE IT FURTHER RESOLVED THAT long term recommendations shall be referred to the Public Works Director for possible inclusion in the 2014 City of Wauwatosa Capital budget;

BE IT FINALLY RESOLVED THAT appropriate City officials are encouraged to contact St. Joseph's School on Center Street in an effort to include that location as part of the improvements near Wauwatosa West High School.

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

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

1. Resolution approving the operator license application by Anthony J. Keller, W342 N4906 W. Lindy Lane, Nashotah, for the period ending June 30, 2013

**Committee recommended approval 5-0**

**RESOLUTION R-13-67**

WHEREAS, Anthony J. Keller, W342 N4906 W. Lindy Lane, Nashotah, WI, has applied for an operator's license in conjunction with his employment at Cafe Hollander, 7677 W. State Street, Wauwatosa, WI;

NOW, THEREFORE, BE IT RESOLVED THAT Anthony Keller , W342 N4906 W. Lindy Lane, Nashotah, WI, is hereby issued an operator's license for the period ending June 30, 2013.

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

- 2. Resolution approving the temporary liquor license extension for The Club Tap, 8828 W. North Avenue, to include the parking lot on May 31, and June 1-2, 2013

**Committee recommended approval 5-0**

**RESOLUTION R-13-68**

WHEREAS, William Poull of the Club Tap, 8828 W. North Avenue, has requested a temporary extension of the licensed premises to include the parking lot of his business on May 31, June 1 and June 2, 2013, for a birthday party and his annual corn roast;

NOW, THEREFORE, BE IT RESOLVED THAT the licensed premises of the Club Tap be extended to include the parking area in the rear of the building on May 31, 2013, from 5:00 PM to 10:00 PM with no live music, and for June 1, and June 2, 2013, from Noon to 10:00 PM with live music from 1:00 PM to 6:00 PM, on the condition that refuse resulting from the event will be thoroughly cleaned by the premises owner and any outdoor music will be kept to a minimal volume.

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

- 3. Resolution approving the temporary liquor license extension for The Club Tap, 8828 W. North Avenue, to include the parking lot on October 12, 2013

**Committee recommended approval 5-0**

**RESOLUTION R-13-69**

WHEREAS, William Poull of the Club Tap, 8828 W. North Avenue, has requested a temporary extension of the licensed premises to include the parking lot of his business on October 12, 2013, for a birthday party;

NOW, THEREFORE, BE IT RESOLVED THAT the licensed premises of the Club Tap be extended to include the parking area in the rear of the building on October 12, 2013, for a birthday party from 12:00 PM to 10:00 PM without live music, on the condition that refuse resulting from the event will be thoroughly cleaned by the premises owner.

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

- Ordinance amending portions of Chapter 6.60.010 and 6.60.030 of the Wauwatosa Municipal Code pertaining to soda water licensing

**Committee recommended approval 5-0**

**ORDINANCE O-13-5**

**ORDINANCE AMENDING PORTIONS OF CHAPTER 6.60.010 AND 6.60.030 OF THE WAUWATOSA MUNICIPAL CODE PERTAINING TO SODA WATER LICENSING**

Part I. Section 6.60.010 of the Wauwatosa Municipal Code is hereby amended to read as follows:

No person, firm or corporation shall sell, barter, exchange, offer for sale or have in his possession with intent to sell, deal or traffic in soda water beverages, as defined in section 97.34(1)(b) of the Wisconsin statutes, without having first procured a license as provided in this chapter.

Part II. 6.60.030 of the Wauwatosa Municipal Code is hereby amended to read as follows:

The holder of a soda water license shall be entitled to sell, barter, exchange, offer for sale or have in his possession with intent to sell, deal or traffic in soda water beverages, as defined in Section 97.34(1)(b) of the Wisconsin statutes, in original containers only, to be consumed on or off the premises where sold.

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

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

**FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT**

- Ordinance amending Chapter 6.55.010 of the Wauwatosa Municipal Code pertaining to Secondhand Dealer licensing

**Committee recommended approval 8-0**

**ORDINANCE O-13-6**

**AN ORDINANCE AMENDING CHAPTER 6.55.010 SECONDHAND DEALER LICENSE AND REPORTING PROVISION TO DELETE PRECIOUS METALS AND GEMS**

Part I. Section 6.55.010 (D) of the Wauwatosa Municipal Code is hereby amended to read as follows.

6.55.010 - Definitions.

A. "Dealer" and "secondhand dealer" mean any person, firm, partnership, corporation or association operating or owning or leasing a fixed place of business for the in person purchase, sale or exchange of any secondhand merchandise or articles of property within the City of Wauwatosa. This term includes, but is not limited to, a pawnbroker as defined below, but does not include a consignment business.

B. A "reportable transaction" means a transaction occurring in the City of Wauwatosa that is an acquisition, exchange, purchase or consignment of secondhand merchandise as defined in this section.

C. "Pawnbroker" means a person, firm, corporation, partnership or association engaged in the business of lending money on personal property or goods which are pledged as security for the loan on the condition that if the loan is not repaid within a specified period of time the goods used as security may be sold to compensate for nonpayment.

D. "Secondhand merchandise" means previously owned or used china, crystal, silverware, precious coins, computers and computer supplies, office equipment, small electrical appliances, electronic equipment, video games and video game systems, compact discs, DVDs, musical instruments and equipment, recreational and sporting equipment, fur coats and fur clothing, tools, snow removal and lawn equipment, ammunition and knives.

Secondhand merchandise in the following categories are deemed reportable if the items are valued over fifty dollars individually or as a group: Compact discs, DVDs, video games, or sporting equipment. Items may not be divided or regrouped into separate transactions in order to avoid the reporting requirement.

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

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

2. Ordinance amending portions of Chapter 6.53 of the Wauwatosa Municipal Code pertaining to Precious Metal and Gem Dealer licensing

**Committee recommended approval 8-0**

**ORDINANCE O-13-7**

AN ORDINANCE AMENDING PORTIONS OF CHAPTER 6.53 OF THE MUNICIPAL CODE OF THE CITY OF WAUWATOSA TO AMEND THE HOLDING PERIOD OF SECONDHAND PRECIOUS METAL AND GEMS FOR DEALERS, TO ALLOW ELECTRONIC REPORTING, AND TO REPLACE THE TERM “STONE” WITH “GEMS”

Part I.

In the following provisions, the term “stones” shall be deleted and replaced with the term “gems”.

6.53.010 (C)

6.53.020 (A)

6.53.060 (C)(2)

Part II. Section 6.53.060 (D) and (E) of the Wauwatosa Municipal Code is hereby amended to read as follows:

6.53.060 - Regulations.

D. Holding Period.

1. Any secondhand article made of precious metals or precious gems purchased by a precious metal and gem dealer from a member of the general public shall be kept on the dealer's premises in the form that it was received for not less than thirty days from the date of purchase, during which time the article shall be held separate and apart from any other transaction and shall not be changed or altered in any manner. The dealer shall permit the chief of police or any other police officer designated by the chief to inspect the article during the holding period.
2. If the secondhand dealer is utilizing the electronic reporting system in the manner described in section E (2), the holding period may be reduced to 21 days.

3. The chief of police or any police officer designated by the chief may, in his or her discretion, cause any secondhand article made of precious metals or precious gems which has been exchanged or purchased, which he or she has reason to believe was not sold or exchanged by the lawful owner, to be held for the purpose of identification for such additional length of time as the chief of police or designated police officer deems necessary.

E. Reports Required.

1. Every dealer shall provide the police department, within 24 hours of acquiring the article, on a form provided by the police department, a record of all secondhand articles made of precious metals or precious gems purchased from the general public or other precious metal and gem dealers and one copy of the seller's declaration of ownership. The form for recording such purchases shall contain the same information required to be recorded in the dealer's register pursuant to subsection C of this section. The police department shall designate the dates on which the records and declarations shall be picked up by the police department. All required records must be transmitted completely and accurately each day in accordance with standards and procedures established by the police department using procedures that address security concerns.

2. Electronic reporting of all required information by transferring such information electronically to the Wauwatosa Police Department via a computer program or similar internet based service in a manner specifically authorized and designated by police may be permitted. Electronic reporting must occur within 24 hours after the dealer acquires the article. If such electronic reporting is not successful, the dealer must provide a written record to the police within 24 hours of the attempted electronic reporting.

3. The police department may forward copies of such records and declarations of ownership, upon request, to any other law enforcement agency.

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

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

3. Resolution granting a Street Festival Permit to Karri Tait, East Tosa Alliance, for the East Tosa Gran Prix bicycle race on June 30, 2013

**Committee recommended approval 8-0****RESOLUTION R-13-70**

WHEREAS, Karri Tait, on behalf of the North Avenue Neighborhood/East Tosa Alliance, has applied for a street festival permit to utilize W. North Avenue between N. 68<sup>th</sup> Street and Wauwatosa Avenue on Sunday June 30, 2013, for purposes of the “East Tosa Gran Prix; 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 “East Tosa Gran Prix” Bicycle race to utilize the following streets and parking lots on Sunday, June 30, 2013 from 9:00 a.m. to 10:00 p.m. consistent with the terms and conditions reflected in the attached street festival permit which is incorporated as though fully set forth herein.

- W. North Avenue between N. 68<sup>th</sup> Street and Wauwatosa Avenue
- W. Meinecke Avenue between N. 68<sup>th</sup> Street and N. 74<sup>th</sup> Street
- N. 74<sup>th</sup> Street; Lefeber Street, North 73<sup>rd</sup> Street, N.71<sup>st</sup> Street
- N.70<sup>th</sup> Street, N. 69<sup>th</sup> Streets between W. North Avenue and W. Meinecke Street
- Public parking lots at N. 69<sup>th</sup> Street and W. North Avenue and N. 72<sup>nd</sup> Street and W. North Avenue

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

4. Resolution granting a Street Festival Permit to Karri Tait, East Tosa Alliance, for Chili'n on the Avenue on September 14, 2013

**Committee recommended approval 8-0****RESOLUTION R-13-71**

WHEREAS, Karri Tait, on behalf of the North Avenue Neighborhood/East Tosa Alliance, has applied for a street festival permit to utilize that portion of North Avenue between the west side of N. 68<sup>th</sup> Street and the east side of Wauwatosa Avenue on Saturday, September 14, 2013, for purposes of the “Chili'n on the Avenue” Chili Cook Off; 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 “Chili'n on the Avenue” Chili Cook Off to utilize that portion of North Avenue between the west side of N. 68<sup>th</sup> Street and the east side of Wauwatosa Avenue on Saturday, September 14, 2013 between the hours of 7:00 a.m. and 6:00 p.m. consistent with the terms and conditions reflected in the attached street festival permit which is incorporated as though fully set forth herein.

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

- Report placing on file the Wisconsin Public Service Commission's decision in the matter of Western Milwaukee County Electric Reliability Project (ATC transmission lines)

**Committee recommended approval 8-0**

TO THE COMMON COUNCIL, CITY OF WAUWATOSA, WI --

The Committee on Community Development, to whom was given a report pertaining to the Wisconsin Public Service Commission's decision in the matter of the Western Milwaukee County Electric Reliability Project (ATC transmission lines), recommends to the Common Council that the report be accepted and placed on file.

Dated this 9th day of April, 2013.

COMMITTEE ON COMMUNITY DEVELOPMENT

It was moved by Ald. Roznowski, seconded by Ald. Ewerdt to place the foregoing on file. -14

**FROM THE COMMITTEE ON BUDGET & FINANCE**

- Resolution denying 2012 property tax refund claims filed by United Healthcare, CVS, Target, Sears, Bonstores, and AMC Theaters, and by Layton State Bank (water bills), and by Macy's (personal property)

**Committee recommended approval 7-0**

**RESOLUTION R-13-73**

BE IT RESOLVED, by the Common Council of the City of Wauwatosa, THAT the following claims for 2012 property tax refunds are hereby denied:

CLAIMANT	ASSESSED PROPERTY VALUE	CLAIMED VALUE	TOTAL PROPERTY TAX DUE	CLAIMANT'S DESIRED TAX	EXCESS TAX ASSERTED BY CLAIMANT
United Healthcare	\$14,868,000	\$9,372,950	\$337,503.47	\$212,805.91	\$124,697.56
CVS	\$1,950,000	\$1,543,78			

		0	\$44,209.82	\$35,050.39	\$9,159.43
Target	\$17,155,700	\$13,563,210	\$389,444.00	\$307,943.00	\$81,501.00
Sears	\$8,096,400	\$3,741,130	\$184,192.00	\$84,940.00	\$99,252.00
Bonstores	\$25,593,300	\$11,000,000	\$581,013.51	\$249,746.88	\$331,266.63
AMC Showplace	\$230,750,600	\$155,635,078	\$5,241,226.00	\$3,533,580.00	\$1,707,064.00
Macy's (Personal Property)	\$8,865,000	\$3,320,569	\$201,275.00	\$75,391.00	\$125,984.00
Layton State Bank	Water Bills		\$4,746.66		\$3,955.39

**RESULT:** APPROVED [UNANIMOUS]  
**MOVER:** Craig Wilson, Alderman  
**SECONDER:** Tim Hanson, Alderman  
**AYES:** Berdan, Birschel, Causier, Donegan, Dubinski, Ewerdt, Hanson, McBride, Moldenhauer, Pantuso, Roznowski, Tilleson, Walz-Chojnacki, Wilson  
**EXCUSED:** Organ, Wilke

2. Bills and claims

BILLS AND CLAIMS FOR THE PERIOD 4/3/13 - 4/16/13 --

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 4/3/13 - 4/16/13: \$1,780,539.68

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 13, Present 1 (Donegan)

**FROM THE BOARD OF PUBLIC WORKS**

1. Resolution awarding the bid for Contract 13-18, Aggregate Sealcoating, to Fahrner Asphalt Sealers, LLC, in the amount of \$183,170.95 (low of 2 bids)

**Committee recommended approval 4-0**

**RESOLUTION R-13-074**

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 Fahrner Asphalt Sealers, LLC, for the work of Aggregate Sealcoating and work incidental thereto under Contract 13-18, 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>	Donald Birschel, Alderman
<b>AYES:</b>	Berdan, Birschel, Causier, Donegan, Dubinski, Ewerdt, Hanson, McBride, Moldenhauer, Pantuso, Roznowski, Tilleson, Walz-Chojnacki, Wilson
<b>EXCUSED:</b>	Organ, Wilke

- Resolution awarding the bid for Contract 13-25, Interior Lighting Replacement at Public Works Building, to Steiner Electric, Inc., in the amount of \$133,150 (low of 5 bids)

**Committee recommended approval 4-0**

**RESOLUTION R-13-075**

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 Steiner Electric, Inc., for the work of Interior Lighting Replacement, and work incidental thereto, under Contract 13-25, 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>	Donald Birschel, Alderman
<b>AYES:</b>	Berdan, Birschel, Causier, Donegan, Dubinski, Ewerdt, Hanson, McBride, Moldenhauer, Pantuso, Roznowski, Tilleson, Walz-Chojnacki, Wilson
<b>EXCUSED:</b>	Organ, Wilke

Carla A. Ledesma, CMC, City Clerk