



CITY OF WAUWATOSA

COMMON COUNCIL

MINUTES • MAY 7, 2013

Regular Meeting

Common Council Chambers

7:30 PM

7725 West North Avenue, Wauwatosa, WI 53213

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

ALSO PRESENT: Mr. Archambo, City Administrator; Mr. Kesner, City Attorney; Ms Aldana, Asst. City Atty./HR Director; Mr. Porter, Public Works Director; Mr. Ruggini, Finance Director; Fire Chief Ugaste; Police Chief Weber; Ms. Enders, Development Director; Ms. Van Hoven, Deputy City Clerk

Mayor Ehley in the Chair

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

1. Wauwatosa Historical Society's children's art contest awards

The following students were recognized for their entries in the Historical Society's annual student art contest:

Grade 4K: 1st: Holden Glunz-Christ King
2nd: Amelia Luna-Christ King

Grade 5K: 1st: Anya Dempsey-Christ King
2nd: Liam Merz-Christ King

Grade 1: 1st: Annamaria Luna-Christ King
2nd: Lily Freistadt-Washington

Grade 2: 1st: Henry Merz-Christ King

Grade 3: 1st: Gisele Glunz-Christ King

Grade 4: 1st: Sara Stanslawski-Eisenhower
2nd: Haley Grant-Washington

Grade 5: 1st: Katherine Arndt-Eisenhower
2nd: Tatyana Brown--Washington

2. Preservation of Properties Awards by Historic Preservation Commission

Charles Mitchell of the Historic Preservation Commission presented the Preservation of Property award to Rocket Baby Bakery, 6822 W. North Avenue.

3. 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

PUBLIC HEARING

1. Proposed change of zoning from M1 District to M1 District/PUD Overlay at 11123 W. Burleigh Street, 3000 N. 112th Street, and 2960 N. 112th Street

The first item of business was a public hearing to consider a proposed ordinance rezoning property at 11123 W. Burleigh Street, 3000 N. 112th Street, and 2960 N. 112th Street from M1 District to M1 District/PUD Overlay

Proof of publication is in the file.

In a meeting held on March 11, 2013, the City Plan Commission recommended approval of the request.

No one of the public present wished to be heard in favor of the proposed ordinance.

No one of the public present wished to be heard in opposition to the proposed ordinance.

No one of the public present wished to be heard either for or against the proposed ordinance or had any comments or questions.

The public hearing was declared closed.

Ordered held to the next Community Development Committee meeting on May 14, 2013.

APPOINTMENTS BY THE MAYOR

1. Board of Zoning Appeals (Alternates)

**David Kern, 7527 Kenwood Avenue
Jaime Kristof, 1754 N. 73rd Street
(Terms expire 4/30/16)**

2. Civic Celebration Commission

**Mary Foley, 2205 N. 102nd Street
(Term expires 12/31/17)**

Foregoing appointments ordered held as this was the first reading

APPLICATIONS, COMMUNICATIONS, ETC.

1. Wauwatosa Water Utility Statement of Receipts and Disbursements as of March 31, 2013

Place on file

2. Notice of Claim: Debra A. Petersen, 2266 N. 60th Street, Milwaukee

City Attorney

FROM THE COMMITTEE ON TRAFFIC & SAFETY

1. Resolution approving recommended traffic improvement options

Committee recommended approval 5-0

RESOLUTION R-13-72

WHEREAS, the Director of Public Works has worked closely with the retained consultant, Ayres Associates to study traffic improvement options along the "East Tosa" portion of North Avenue between 60th Street and Wauwatosa Avenue; and

WHEREAS, on March 26, 2013, a public information session was held with businesses and neighbors in the North Avenue corridor in which three different Traffic control options were discussed by Ayres Associates and the public provided comment forms which were presented to the Committee on Traffic and Safety; and

WHEREAS, the memorandum of the Director of Public Works dated April 24, 2013, describes the results of these comments and costs associated with options, ultimately recommending the "Vision Option" to the Committee on Traffic and Safety, at an estimated cost of \$946,870.00; and

WHEREAS, the Committee on Traffic and Safety believes the "Vision Option" is in the best interest of the City, and voted to recommend to the Common Council that this option move forward utilizing currently budgeted capital funds for East Tosa North Avenue Improvements;

NOW, THEREFORE, BE IT RESOLVED THAT the Common Council of the City of Wauwatosa does hereby recommend moving forward with the "Vision Option" as described more particularly in the memorandum of the Public Works Director dated April 24, 2013, which includes resurfacing of North Avenue, traffic signal replacement at 68th Street, utility and "bump out" relocation, certain rapid flashing beacons and bike lane markings, with a current estimated cost of \$946,870.00;

BE IT FURTHER RESOLVED THAT bid specifications should also include alternative intersection and crosswalk treatments featuring the use of thermoplastic materials which can be added or subtracted as options from the final contract in order to meet necessary budget constraints.

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

FROM THE COMMITTEE ON LEGISLATION, LICENSING & COMMUNICATIONS

1. Resolution approving a request for a temporary extension of licensed premises for two outdoor parties, at Hector's - A Mexican Restaurant, 7118 W. State Street, Robert Messinger, applicant

Committee recommended approval 4-0

RESOLUTION R-13-86

WHEREAS, Robert Messinger of Hector's - A Mexican Restaurant, 7118 W. State Street, Wauwatosa, WI, has requested a temporary extension of the licensed premises for 2 outdoor parties to be held on June 13, 2013, for their anniversary party to include live music from 6:00 PM to 10:00 PM and on Saturday, September 7, 2013, for their annual HectorFest to include live music from 4:00 PM to 10:00 PM;

NOW, THEREFORE, BE IT RESOLVED THAT the licensed premises of Hector's - A Mexican Restaurant be extended to include the parking lot of the building on June 13, 2013, and September 7, 2013, between the hours listed above;

BE IT FURTHER RESOLVED THAT the proprietors of Hector's shall perform garbage cleanup on neighboring properties resulting from the outdoor event, cooperate with any requested noise abatement, and provide a phone number where he/she can be reached at in the event of an emergency.

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

- Resolution approving a transfer of the Class A Beer/Class A Liquor and Class B Beer/Class B Liquor licenses to KL Hotel, LLC d/b/a Crowne Plaza Milwaukee West, Patrick Palmer, agent

Committee recommended approval 4-0

RESOLUTION R-13-76

WHEREAS, Lane Wauwatosa, LLC, d/b/a Crowne Plaza Milwaukee West, 10499 W. Innovation Drive, Wauwatosa, WI, has asked for a transfer of their Class A Beer/Class A Liquor and Class B Beer/Class B Liquor licenses to KL Hotel, LLC, d/b/a Crowne Plaza Milwaukee West, Patrick Palmer, agent;

NOW, THEREFORE, BE IT RESOLVED THAT the Class A Beer/Class A Liquor and Class B Beer/Class B Liquor licenses be transferred from Lane Wauwatosa, LLC, d/b/a Crowne Plaza Milwaukee West, to KL Hotel, LLC, d/b/a Crowne Plaza Milwaukee West, Patrick Palmer, agent.

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

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

- Resolution approving an amendment to a Planned Unit Development at 7700 Portland Avenue to remove the senior housing requirement at Hawthorne Terrace Request, William Reilly, Reilly-Joseph Co., applicant

Committee recommended approval 7-0-1

RESOLUTION R-13-78

WHEREAS, William Reilly, Reilly-Joseph Co., applied for an amendment to a Planned Unit Development at 7700 Portland Avenue to remove the senior housing requirement at Hawthorne Terrace, 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 an amendment to a Planned Unit Development removing the senior housing requirement at Hawthorne Terrace, 7700 Portland Avenue, to William Reilly, Reilly-Joseph Co.

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

- Resolution approving a Conditional Use in the M1 District at 10950 W. Potter Road to operate a children's college with outdoor play area, Greg Bradner, Bryant & Stratton College, and Pat Linnan, Underwood Joint Venture LLP., applicants

Committee recommended approval 8-0

RESOLUTION R-13-77

WHEREAS, Greg Bradner, Bryant & Stratton College, and Pat Linnan, Underwood Joint Venture LLP., applied for a Conditional Use in the M1 District at 10950 West Potter Road, to operate children's college with outdoor play area, 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 Greg Bradner, Bryant & Stratton College, and Pat Linnan, Underwood Joint Venture LLP., to operate a children's college with outdoor play area in the M1 District at 10950 West Potter Road contingent upon obtaining any additional permits and licenses

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

- Resolution approving a street festival permit for the VillageGreen Street Fair on June 1, 2013

Committee recommended approval 8-0

RESOLUTION R-13-79

WHEREAS, Lisa Allen, chairperson of the Village BID, has applied for a Street Festival Permit to the Village area on June 1, 2013, for VillageGreen Street Fair; and

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

1. VillageGreen Street Fair shall be conducted on Saturday, June 1, 2013, from 9:00 a.m. to 4:00 p.m., with take down and clean-up starting at 5:00 a.m. and ending at 7:00 p.m.
2. Live and recorded music associated with the event shall cease no later than 4:00 p.m.;

NOW, THEREFORE, BE IT RESOLVED THAT a Street Festival Permit be granted to the Village BID for VillageGreen Street Fair to use the Village area on June 1, 2013.

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

4. Resolution approving a Conditional Use the C1 District at 7511 Harwood Avenue for outdoor seating at Arte, Karen Salituro, Arte LLC., applicant

Committee recommended approval 8-0

RESOLUTION R-13-80

WHEREAS, Karen Salituro, applied for a Conditional Use in the C1 District at 7511 Harwood Avenue for outdoor seating at Arte, 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 Karen Salituro, Arte LLC., for outdoor seating at Arte in the C1 District at 7511 Harwood Avenue contingent upon:

1. Outdoor hours of operation per the Plan Commission recommendation of Monday through Friday 4:00 p.m. to midnight, Saturday 11:00 a.m. to midnight, and Sunday 11:00 a.m. to 6:00 p.m.
2. the Conditional Use approval can be revoked with a 60 day notice when the Village plan is implemented

3. be in compliance with building and fire code regulations
4. modification of the existing beer license and obtaining the appropriate liquor license
5. six month staff review
6. approval of an encroachment/lease by the Board of Public Works; and
7. obtaining the necessary licenses and permits

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

5. Resolution approving a Conditional Use in the Special Purpose District - Parks and Open Space (SP-POS) at 1800 Swan Blvd to extend the operating hours, Kathleen Slawski and Heidi Janzen, Friends of Hoyt Park & Pool, applicants

Committee recommended approval 6-0-2

RESOLUTION R-13-81

WHEREAS, Kathleen Slawski and Heidi Janzen, Friends of Hoyt Park & Pool, applied for a Conditional Use in the Special Purpose District - Parks and Open Space (SP-POS) at 1800 Swan Blvd to extend the operating hours;

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 Kathleen Slawski and Heidi Janzen, Friends of Hoyt Park & Pool, to extend the operating hours in the Special Purpose District - Parks and Open Space (SP-POS) at 1800 Swan Blvd to extend the operating hours subject to the following:

- Grand hall/bathhouse - Sunday through Thursday 5:00 a.m. to 11:00 p.m.; Friday and Saturday 5:00 a.m. to 12:00 a.m. (midnight)
- Pool - Sunday through Saturday 5:00 a.m. to 10:00 p.m.

RESULT:	APPROVED [14 TO 0]
MOVER:	Jeffrey Roznowski, Alderman
SECONDER:	Jill Organ, Alderwoman
AYES:	Berdan, Moldenhauer, Birschel, Causier, Pantuso, Walz-Chojnacki, Donegan, Wilke, Dubinski, Ewerdt, Hanson, Organ, Tilleson, Wilson
ABSTAIN:	Roznowski, McBride

FROM THE COMMITTEE ON BUDGET & FINANCE

1. Resolution providing for the continuation of the self-insured worker's compensation program that is currently in effect

Committee recommended approval 8-0

RESOLUTION R-13-82

WHEREAS, the City of Wauwatosa is a qualified political subdivision of the State of Wisconsin; and

WHEREAS, the Wisconsin Worker's Compensation Act (Act) provides that employers covered by the Act either insure their liability with worker's compensation insurance carriers authorized to do business in Wisconsin, or to be exempted (self-insured) from insuring liabilities with a carrier and thereby assuming the responsibility for its own worker's compensation risk and payment; and

WHEREAS, the State and its political subdivisions may self-insure worker's compensation without a special order from the Department of Workforce Development (Department) if they agree to report faithfully all compensable injuries and agree to comply with the Act and rules of the Department; and

WHEREAS, the Budget and Finance Committee at its April 30, 2013, meeting approved the continuation of the self-insured worker's compensation program, in compliance with Wisconsin Administrative Code DWD 80.60(3);

NOW, THEREFORE, BE IT RESOLVED THAT the Common Council of the City of Wauwatosa, does ordain as follows:

(1) Provide for the continuation of a self-insured worker's compensation program that is currently in effect.

(2) Authorize the Health and Productivity Coordinator to forward certified copies of this resolution to the Worker's Compensation Division, Wisconsin Department of Workforce Development.

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

2. Bills and Claims

BILLS AND CLAIMS FOR THE PERIOD 4/18/13 - 5/7/13 --

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 4/18/13 - 5/7/13: \$3,742,212.80

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)

RESULT:	APPROVED [15 TO 0]
MOVER:	Kathleen Causier, Alderwoman
SECONDER:	John Dubinski, Alderman
AYES:	Berdan, Moldenhauer, Birschel, Roznowski, Causier, McBride, Pantuso, Walz- Chojnacki, Wilke, Dubinski, Ewerdt, Hanson, Organ, Tilleson, Wilson
ABSTAIN:	Donegan

FROM THE BOARD OF PUBLIC WORKS

1. Resolution awarding the bid for Contract 13-26, Storage Building Wauwatosa Fire Department, to Ford Construction Company, Inc., for their bid price of \$159,659 (the lowest of two bids)

Board recommended approval 3-0

RESOLUTION R-13-83

WHEREAS, the Board of Public Works recommends that the proper City Officials be authorized to enter into a contract for doing work of improvement under Contract 13-26 Storage Building Wauwatosa Fire Department;

NOW, THEREFORE 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 Ford Construction Company, Inc., for the work of Storage Building Wauwatosa Fire Department and work incidental thereto under Contract 13-26 at and for their bid price of \$159,659.00 this being the lowest and best bid.

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

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

2. Resolution Awarding the Bid for Contract 13-01, Watertown Plank Sanitary Improvements, to American Sewer Services, Inc., for Their Bid Price of \$4,729,232.60 (low of 5 bids)

Board recommended approval 3-0

RESOLUTION R-13-84

WHEREAS, the Board of Public Works recommends that the proper City Officials be authorized to enter into a contract for doing work of improvement under Contract 13-01 Watertown Plank Sanitary Improvement;

NOW, THEREFORE 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 Watertown Plank Sanitary Improvements and

work incidental thereto under Contract 13-01 at and for their bid price of \$4,729,232.00, this being the lowest and best bid.

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

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

3. Resolution awarding the bid for Contract 13-19, Concrete Sidewalk Repair, to Snorek Construction, Inc., for their bid price of \$169,002.00 (low of 5 bids)

Board recommended approval 3-0

RESOLUTION R-13-85

WHEREAS, the Board of Public Works of the City of Wauwatosa reports that pursuant to the official notice, published as required by law, for proposals for furnishing material, equipment and labor necessary for Concrete Sidewalk repair on various streets and work incidental thereto under Contract 13-19 Concrete Sidewalk Repair in various Aldermanic District(s) of said City; and

WHEREAS, bids and proposals were received at the office of the City Clerk until 11:01 o'clock in the fore noon Thursday April 25, 2013 and therefore publicly opened; and

WHEREAS, that said bids and proposals are returned herewith, the bids received are as follows:

Snorek Construction, LLC	\$169,002.00
La Londe Contractors, Inc.	\$189,432.15
D.C. Burbach, Inc.	\$193,027.75
Marvin Gleason Contractors, Inc.	\$196,862.00
State Contractors, Inc.	\$213,571.50; and

WHEREAS, the lowest bid received is Snorek Construction, LLC at \$169,002.00; and

WHEREAS, the Board of Public Works recommends that the proper City Officials be authorized to enter into a contract for doing said work of improvement;

NOW, THEREFORE 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 Snorek Construction, LLC for the work of Concrete Sidewalk Repair and work incidental thereto under Contract 13-19 at and for their bid price of \$169,002.00 This being the lowest and best bid.

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

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

Carla A. Ledesma, CMC, City Clerk