



CITY OF WAUWATOSA

COMMON COUNCIL

AGENDA • JUNE 4, 2013

Regular Meeting

Common Council Chambers

7:30 PM

7725 West North Avenue, Wauwatosa, WI 53213

PLEASE NOTE: The items on this agenda may be revised before the time of the Common Council meeting, some items may be removed and others added prior to the completion of the final Common Council agenda. The final agenda will be available in the City Clerk's office and on the city website at www.wauwatosa.net. It is anticipated that each item listed on the agenda may be discussed, referred or acted upon unless it is noted in the specific agenda item that no action is contemplated.

ROLL CALL

Approval of minutes of previous meeting

APPOINTMENTS BY THE MAYOR

1. Board of Review (first reading)

**Roger Walsh, 9215 Wilson Boulevard
(Term expires 6/30/2017)**

2. City Attorney (reappointment)

Alan Kesner, 4-year term pursuant to Wauwatosa Municipal Code 20.071(7)

APPLICATIONS, COMMUNICATIONS, ETC.

1. Notice of Claim: Jennifer Race, 2629 Zastrow Road, Hartland

City Attorney

2. Wauwatosa Water Utility Statement of Receipts and Disbursements as of April 30, 2013

Place on file

3. Southeast Regional Planning Commission Report #54, "A Regional Housing Plan for Southeastern Wisconsin: 2035"

Development Department

ORDINANCES FOR INTRODUCTION

1. Ordinance amending Chapter 11.32.080 of the Wauwatosa Municipal Code creating 30-minute angled parking on the northeast corner of Swan Boulevard and W. North Avenue

Re-refer to originating committee

FROM THE COMMITTEE ON LEGISLATION, LICENSING & COMMUNICATIONS

1. Resolution authorizing the temporary liquor license extension for Tosa Foods LLC d/b/a Shepherd's Sports Bar, 6715 W. North Avenue, to include the parking lot at 6707 W. North Avenue on June 29-30, 2013

Committee recommended approval 5-0

2. Resolution approving the Operator license application by Ryan A. Bachorz, 10536 W. Fountain Avenue, Milwaukee, for the period ending June 30, 2014

Committee recommended approval 5-0

3. Resolution denying the Operator license application by Lindsay M. Wells, 3032A N. Bartlett Avenue, Milwaukee, for the period ending June 30, 2013

Committee recommended approval 3-2

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

1. Resolution approving a Conditional Use in the R2 District at 2506 Wauwatosa Avenue to operate a day camp, Yosef Perlman, BEST Camp Inc, and Dean Weyer, St. Pius X Parish, applicants

Committee recommended approval 8-0

2. Resolution approving a Conditional Use in the R1-9 District at 4750 N. Mayfair Road to operate a Buddhist temple, Tu Mai, Phuoc Hau Buddhist Temple, and Russell Gnant, Unity West, Inc., applicants

Committee recommended approval 8-0

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

Committee recommended approval 5-1-2

4. Resolution approving a Conditional Use in the R1-9 District at 12121 W. North Avenue to expand the athletic fields at Breitlow Field, Tom DiSalvo, Zimmerman Architectural Studios, Inc., and Tom Kulczewski, Wauwatosa School District, applicants

Committee recommended approval 8-0

FROM THE COMMITTEE ON BUDGET & FINANCE

1. Resolution authorizing the dual use operation of the transfer station beginning in June 2013

Committee recommended approval 8-0

2. Resolution authorizing the purchase of an automated refuse truck from Stepp Equipment in the amount of \$236,888, and the lease/purchase of a 2007 automated refuse truck from Stepp Equipment in the amount of \$73,000 until the new truck is delivered

Committee recommended approval 8-0

3. Resolution authorizing execution of a professional services agreement with K. Singh & Associates for water main and retaining wall design along Menomonee River Parkway/State Street in the amount of \$75,000

Committee recommended approval 8-0

4. Resolution authorizing execution of an agreement with the Wisconsin Department of Transportation for Utility upgrades related to the Union Pacific Railroad overpass replacement near I-94, with a 10% city cost of \$39,500

Committee recommended approval 8-0

5. Resolution approving a pass-through water rate increase of 0.9% beginning with bills issued August 1, 2013

Committee recommended approval 8-0

6. Resolution authorizing execution of an agreement with the Wisconsin Department of Transportation for improvement of Mayfair Road from Burleigh Street to the north city limits south of Hampton Avenue in an amount up to \$200,000 for the local share of parking lane resurfacing, new sidewalk installation, and other non-participating items

Committee recommended approval 8-0

7. Bills and claims

FROM THE COMMITTEE OF THE WHOLE

1. Resolution authorizing an agreement with a firm to conduct the Common Council strategic planning process

Committee met prior to council meeting

FROM THE BOARD OF PUBLIC WORKS

1. Resolution authorizing encroachment onto city right-of-way with an awning overhang at 949 N. Glenview Avenue, Kevin Wahlgren, applicant, subject to verification of the bottom height of the awning and the execution of a hold harmless agreement

Board recommended approval 4-0

2. Resolution authorizing the dedication of right-of-way for, and the renaming of, Harley-Davidson Avenue

Board recommended approval 4-0

3. Resolution awarding the bid for Contract 13-03 / Project 1013 Sanitary Sewer & Storm Sewer Relay, Repair & Reconstruction Using a Structural C.I.P.P. Relining Process to American Sewer Services, Inc., in the amount of \$326,399.50 (only bid received)

Board recommended approval 4-0

4. Resolution approving the second amendment to the agreement with the City of Milwaukee for wholesale water purchase, clarifying and expanding the City's service area to include several properties currently served by Milwaukee County

Board recommended approval 4-0

Any person who has a qualifying disability as defined by the Americans with Disabilities Act who requires the meeting or materials at the meeting to be in an accessible location or format, must contact the City Clerk at voice telephone 479-8917 or TTY 471-8484 (City Hall, 7725 W. North Avenue, Wauwatosa, Wisconsin 53213) for accommodations. Requests for accommodations for meetings should be made at least three (3) business days prior to the meeting. Every effort will be made to arrange accommodations for all meetings; so please give the City Clerk as much advance notice as possible.

CITY OF WAUWATOSA
Resolution

By: Legislation Licensing & Communications

WHEREAS, Martin Beaudoin, agent for Shepherd's Sports Bar, 6715 W. North Avenue, Wauwatosa, WI, has requested a temporary extension of the licensed premises to include the parking lot at 6707 W. North Avenue for the Wauwatosa Gran Prix Bike Race on Saturday, June 29, 2013 from 5:00 PM to 10:00 PM and Sunday, June 30, 2013, from 9:00 AM to 10:00 PM;

NOW, THEREFORE, BE IT RESOLVED THAT the licensed premises of Shepherd's Sports Bar be extended to include the parking lot at 6707 W. North Avenue on June 29, 2013, from 5:00 PM to 10:00 PM and June 30, 2013, from 9:00 AM to 10:00 PM.

Passed and Dated _____

City Clerk

Approved _____

Mayor

CITY OF WAUWATOSA
Resolution

By: Legislation Licensing & Communications

WHEREAS, Ryan A. Bachorz, 10536 W. Fountain Avenue, Milwaukee, WI, has applied for an operator's license in conjunction with his employment at Dave and Busters, 2201 N. Mayfair Road, Wauwatosa, WI;

NOW, THEREFORE, BE IT RESOLVED THAT Ryan A. Bachorz is hereby issued an operator's license for the period ending June 30, 2014.

Passed and Dated _____

City Clerk

Approved _____

Mayor

CITY OF WAUWATOSA
Resolution

By: Legislation, Licensing & Communications

WHEREAS, Lindsay M. Wells, 3032A N. Bartlett Avenue, Milwaukee, WI, applied for an operator's license in conjunction with her employment at Dave & Busters 2201 N. Mayfair Road, Wauwatosa, WI; and

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

WHEREAS, the circumstances surrounding these previous convictions, and the failure to fully disclose the past convictions during the application process, 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 Lindsay M. Wells is hereby denied for at least a period of six months;

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

Passed and Dated _____

City Clerk

Approved _____

Mayor

CITY OF WAUWATOSA
Resolution

By: Community Development Committee

WHEREAS, Yosef Perlman, BEST Camp Inc., and Dean Weyer, St. Pius X Parish , have applied for a Conditional Use in the R2 District at 2506 Wauwatosa Avenue to operate a day camp, 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 Yosef Perlman, BEST Camp Inc., and Dean Weyer, St. Pius X Parish, to operate a day camp in the R2 District at 2506 Wauwatosa Avenue contingent upon hours of operation from 9 a.m. to 3 p.m. Monday through Friday from June until August and obtaining any additional permits and licenses.

Passed and Dated _____

City Clerk

Approved _____

Mayor

CITY OF WAUWATOSA
Resolution

By: Community Development Committee

WHEREAS, Tu Mai, Phuoc Hau Buddhist Temple, and Russell Gnant, Unity West, Inc, have applied for a Conditional Use in the R1-9 District at 4750 North Mayfair Road to operate a Buddhist temple, 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 Tu Mai, Phuoc Hau Buddhist Temple, and Russell Gnant, Unity West, Inc., to operate a Buddhist temple in the R1-9 District at 4750 North Mayfair Road contingent upon:

1. Hours of operation Monday through Thursday 7 p.m. to 9 p.m.; Sunday 9 a.m. to 4 p.m.; and Saturday 9 a.m. to 5 p.m.
2. Obtaining the necessary licenses and permits for the living quarters and any other operations

Passed and Dated _____

City Clerk

Approved _____

Mayor

CITY OF WAUWATOSA
Resolution

By: Community Development Committee

WHEREAS, Kathleen Slawski and Heidi Janzen, Friends of Hoyt Park & Pool, have applied for a Conditional Use in the Special Purpose District - Parks and Open Space (SP-POS) at 1800 North Swan Blvd to operate a beer garden, 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 Kathleen Slawski and Heidi Janzen, Friends of Hoyt Park & Pool, Inc., to operate a beer garden in the Special Purpose District - Parks and Open Space (SP-POS) at 1800 North Swan Blvd contingent upon:

1. hours of operation from noon to 10:00 p.m. Wednesday through Sunday
2. live music not restricted by hours
3. obtaining the necessary licenses and permits
4. site plan approval by appropriate staff for a fire pit or heating elements, as necessary

Passed and Dated _____

City Clerk

Approved _____

Mayor

CITY OF WAUWATOSA
Resolution

By: Community Development Committee

WHEREAS, Tom DiSalvo, Zimmerman Architectural Studios, Inc., and Tom Kulczewski, Wauwatosa School District, have applied for a Conditional Use in the R1-9 District at 12121 West North Avenue to expand the athletic fields at Breitlow Field, 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 Tom DiSalvo, Zimmerman Architectural Studios, Inc., and Tom Kulczewski, Wauwatosa School District, to expand the athletic fields at Breitlow Field in the R1-9 District at 12121 West North Avenue contingent upon:

1. Record a parking easement or formal document with the Register of Deeds with a copy to the City of Wauwatosa
2. establish a Code of Conduct and executing a User Agreement
3. addressing storm water management on 121st Street
4. having the Board of Public Works addressing the traffic conditions and safety
5. limiting the PA system limited to a small portable system
6. obtaining any additional licenses and permits

Passed and Dated _____

City Clerk

Approved _____

Mayor

CITY OF WAUWATOSA
Resolution

By: Budget & Finance Committee

BE IT RESOLVED, by the Common Council of the City of Wauwatosa THAT the proper City officials are hereby authorized to execute the State/Municipal Agreement with the Wisconsin Department of Transportation pertaining to Union Pacific Railroad overpass near I-94.

Passed and Dated _____

City Clerk

Approved _____

Mayor

CITY OF WAUWATOSA
Resolution

By: Budget & Finance Committee

BE IT RESOLVED, by the Common Council of the City of Wauwatosa THAT the proper City officials are hereby authorized to execute a State/Municipal agreement with the Wisconsin Department of Transportation for improvement of Mayfair Road from Burleigh Street to north City limits south of Hampton Avenue using the \$200,000.00 from the Capital Improvements budget for payment of the City's share of costs for this project.

Passed and Dated _____

City Clerk

Approved _____

Mayor

CITY OF WAUWATOSA
Resolution

By: Board of Public Works

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 13-03 / Project 1013 Sanitary Sewer & Storm Sewer Relay, Repair & Reconstruction Using a Structural C.I.P.P. Relining Process,

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 Sanitary Sewer & Storm Sewer Relay, Repair & Reconstruction Using a Structural C.I.P.P. Relining Process and work incidental thereto under Contract 13-03 / Project 1013 at and for their bid price of \$326,399.50 this being the lowest and best bid.

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

Passed and Dated _____

City Clerk

Approved _____

Mayor