



CITY OF WAUWATOSA

COMMON COUNCIL

MINUTES • JUNE 18, 2013

Regular Meeting

Common Council Chambers

7:30 PM

7725 West North Avenue, Wauwatosa, WI 53213

PRESENT: Alds. Tilleson, Walz-Chojnacki, Wilke, Berdan, Donegan, Dubinski, Ewerdt, Hanson, McBride, Moldenhauer, Organ, Pantuso, Roznowski -13

EXCUSED: Alds. Birschel, Causier, Wilson

ALSO PRESENT: Mr. Archambo, City Administrator; Mr. Kesner, City Attorney; Mr. Porter, Public Works Director; Mr. Ruggini, Finance Director; Fire Chief Ugaste; Police Capt. Sutterr; 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. -13

APPOINTMENTS BY THE MAYOR

1. Board of Reveiw (for appointment)

Roger Walsh, 9215 Wilson Boulevard (Dist. 6)
(Term expires 6/30/17)

It was moved by Ald. McBride, seconded by Ald. Moldenhauer to concur with the foregoing appointment. -13

2. Library Board (reappointments, first reading)

Bill Andrae, 2521 N. 94th Street (Dist. 6)
David Marheine, 2027 Sunset court (Dist. 2)
Tom Miller, 12130 Meadow Court (Dist. 7)
(Terms expire 6/30/16)

3. Ad Hoc Committee on Marketing and Communications (first reading)

Jill Morin, 2005 Underwood Avenue (Dist. 1)
Colleen Sprague, 12324 W. Vliet Street (Dist. 7)
Amy Decker, 171 N. 88th Street (Dist. 3)
Laura Wainscott, 2122 N. 69th Street (Dist. 1)
Beth Fredrickson, 7927 Warren Avenue (Dist. 1)
Terry Estness, Wauwatosa Chamber of Commerce
Jim Plaisted, Village of Wauwatosa BID
Meg Miller, East Tosa Neighborhood Alliance

4. Board of Zoning Appeals (first reading)

Pamela Stokke-Ceci, 6420 Betsy Ross Place (Dist. 1)

(Term expires 4/30/16)

Foregoing appointments ordered held as this was the first reading.

APPLICATIONS, COMMUNICATIONS, ETC.

1. Summons and Complaint by United HealthCare Services/Inland American Wauwatosa Research, 9900 Bren Road E., Minnetonka, MN

City Attorney

2. Notice of Claim: Antoine Gee Jr., 7019 W. Lancaster Ave., Milwaukee

City Attorney

3. Wauwatosa Water Utility Statement of Receipts and Disbursements for the period ending 5/31/2013

Place on file

4. Letter from Sabina B. (no address given) in support of six-foot high fences

Add to existing file

ORDINANCES FOR INTRODUCTION

1. Ordinance amending Chapter 15.28 of the Wauwatosa Municipal Code to permit installation of fences in rear yards up to six feet in height

Re-refer to originating committee

FROM THE COMMITTEE ON TRAFFIC & SAFETY

1. Ordinance amending Section 11.32.080 of the Wauwatosa Municipal Code to provide for 30-minute angled parking at the northeast corner of Swan Boulevard and W. North Avenue

Committee recommended approval 4-0

ORDINANCE O-13-9

AN ORDINANCE AMENDING SECTION 11.32.080 OF THE CODE OF THE CITY OF WAUWATOSA TO PROVIDE FOR 30 MINUTE PARKING AT SWAN BOULEVARD AND NORTH AVENUE

The Common Council of the City of Wauwatosa do ordain as follows:

Part I. The introductory subsection of Section 11.32.080" the following subsection: of the Wauwatosa Municipal Code is hereby amended by adding the following"

(ccc) no more than thirty (30) minutes between the hours of 8:30 AM - 7:00 PM on weekdays and 8:30 AM to 3:00 PM on Saturday and Sunday

Part II. The "Swan Boulevard - east side" portion of the schedule of streets, and portions, subsection of Section 11.32.080 of the Wauwatosa Municipal Code is hereby amended by adding the following:

(ccc) in the angled parking spaces between West North Avenue and the alley immediately north thereof.

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

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

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

1. Resolution approving a Conditional Use in the C1 District at 6715 W. North Avenue to operate a restaurant with outdoor dining; Martin Beaudoin, applicant

Committee recommended approval 7-0

RESOLUTION R-13-120

WHEREAS, Martin Beaudoin has applied for a Conditional Use in the C1 District at 6715 West North Avenue to operate a restaurant with outdoor dining, 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 Martin Beaudoin to operate a restaurant with outdoor dining in the C1 District at 6715 West North Avenue contingent upon:

1. hours of operation from 4 p.m. to 2 a.m. Monday through Friday and 10 a.m. to 2 a.m. Saturday and Sunday; outdoor dining to close at 11 p.m. daily
2. approval of an encroachment agreement for use of the sidewalk
3. obtaining the necessary licenses and permits

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

FROM THE COMMITTEE ON BUDGET & FINANCE

1. Resolution awarding the contract for remodeling portions of City Hall and the Public Works building to Arcint Architects

Committee recommended approval 4-0-1

RESOLUTION R-13-121

BE IT RESOLVED, by the Common Council of the City of Wauwatosa THAT the proposal of Arcint Architects in the sum of \$41,975.00 for design services in preparation for remodeling of certain spaces at City Hall and the Public Works building be and hereby is approved as being in the best interests of the City of Wauwatosa, and appropriate City officials are hereby authorized to enter into a professional services contract with Arcint Architects for this purpose.

RESULT:	APPROVED [11 TO 0]
MOVER:	Tim Hanson, Alderman
SECONDER:	Bobby Pantuso, Alderman
AYES:	Berdan, Donegan, Dubinski, Ewerdt, Hanson, McBride, Moldenhauer, Organ, Roznowski, Walz-Chojnacki, Wilke
ABSTAIN:	Pantuso, Tilleson
EXCUSED:	Birschel, Causier, Wilson

2. Resolution allocating \$80,000 to assist in the funding and construction of a skateboard park at Hart Park, and an additional \$15,000 for five years of maintenance, with funding coming from the General Fund Parks Reserve

Committee recommended approval 5-0

RESOLUTION R-13-122

BE IT RESOLVED, by the Common Council of the City of Wauwatosa THAT permission be and hereby is granted for the City of Wauwatosa to contribute toward the cost of construction of a skateboard park at Hart Park, consistent with the revised plans presented to the Budget and Finance Committee at its meeting on June 11, 2013, the sum of \$80,000, with an additional \$15,000 being set aside to provide five years' of projected maintenance costs, with such funds to be derived from the sale of the land at the Public Works yard; and

BE IT FURTHER RESOLVED THAT, the expenditure of funds for this purpose shall be authorized at such time as Tosa Skateboarders United has raised sufficient funds to match the City's \$80,000 contribution and the \$80,000 contribution of the Doyle Family in furtherance of the goals of the Jack Doyle Memorial Challenge Grant.

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

- 3. Resolution authorizing the early purchase of a replacement ladder truck (2014 capital purchase) from Pierce Manufacturing in the amount of \$927,221, waiving the competitive bidding process, and permitting the City to sign a contract prior to July 1, 2013

Committee recommended approval 5-0

RESOLUTION R-13-123

WHEREAS, the City of Wauwatosa 5 year capital plan includes anticipated purchase of a replacement ladder truck for the Wauwatosa Fire Department in 2014; and

WHEREAS, the model which is being replaced is a 1998 3D/HME, has been experiencing significant maintenance issues; and

WHEREAS, in order to maintain consistency and remain with a dependable brand of fire truck, the fire department has requested the ability to purchase a replacement ladder truck directly from Pierce Manufacturing in 2014; and

WHEREAS, review of competitive pricing requests for similar apparatus' purchased by other municipalities shows that the current quoted cost of \$927,221.00 for Wauwatosa's replacement ladder truck from Pierce Manufacturing is a competitive price; and

WHEREAS, ordering of the new truck at this time will result in delivery during the 2014 calendar year, such payment will not be required until January, 2014, and a planned 3.0% price increase will be avoided;

NOW, THEREFORE, BE IT RESOLVED THAT appropriate City officials are hereby authorized to place an order for a new Pierce ladder truck for use at the Wauwatosa Fire Department, consistent with the quoted price of \$927,221.00, for delivery in the calendar year 2014 and to be paid as part of the 2014 City of Wauwatosa capital budget;

BE IT FURTHER RESOLVED THAT the competitive bidding for this purchase is hereby waived.

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

- 4. Bills and claims

FROM THE COMMITTEE ON BUDGET AND FINANCE

BILLS AND CLAIMS FOR THE PERIOD 6/05/13 - 6/18/13 --

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 6/5/13 - 6/18/13: \$11,043,552.40

It was moved by Ald. Hanson, seconded by Ald. Dubinski that each and every account of bills and claims be allowed and ordered paid. Roll call vote, Ayes 12-0-1 (Donegan)

FROM THE BOARD OF PUBLIC WORKS

1. Resolution approving an encroachment into City right-of-way with tables and chairs in front of Sherbrooke Restaurant, 6715 W. North Avenue, subject to the execution of an encroachment agreement; Martin Beaudoin, applicant

Board recommended approval 5-0

RESOLUTION R-13-124

BE IT RESOLVED by the Common Council of the City of Wauwatosa THAT permission be and the same is hereby granted to Sherbrooke Restaurant, 6715 W. North Avenue, Wauwatosa, WI, to encroach onto City right-of-way with outdoor seating, subject to the applicant executing unto the City of Wauwatosa an indenture setting forth the terms, provisions, and conditions relating to the granting of the aforesaid permission by said City to said applicant and also subject to final seating plan approval by the Engineering Services Division of the Public Works Department.

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

2. Resolution accepting the 2012 Electronic Compliance Maintenance Annual Report (ECMAR) and forwarding same to the WI Department of Natural Resources

RESOLUTION R-13-125

WHEREAS, the City of Wauwatosa is required under its Wisconsin Pollutant Discharge Elimination System (WPDES) permit issued by the Wisconsin Department of Natural Resources to file a Compliance Maintenance Annual Report (CMAR) for its wastewater collection system under Wisconsin Administrative Code NR 208 ; and

WHEREAS, it is necessary to acknowledge that the governing body has reviewed the Compliance Maintenance Annual Report (CMAR); and

WHEREAS, it is necessary to provide recommendations or an action response plan for all individual CMAR section grades of "C" or less and/or an overall grade point average less than 3.00; and

WHEREAS, after receiving an "A" on the one credit financial management section and an "A" on the three credit collection system section, the City of Wauwatosa's overall grade point average is 4.00;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Wauwatosa to accept the 2012 Compliance Maintenance Annual Report (CMAR) and that the following recommendations and actions be taken to address and correct problems and deficiencies of the collection system, in order to maintain compliance with effluent limitations and permit conditions and eliminate Sanitary Sewer Overflows (SSO):

- 1) Continue with the City's accelerated Inflow and Infiltration elimination program.
- 2) Continue with its current sanitary sewer collection system operational procedures and make improvements where necessary.
- 3) Initiate additional engineering studies in areas where there may be inadequate capacity.
- 4) Perform orderly and timely repairs and maintenance.
- 5) Add newly identified troubled spots to a monthly maintenance schedule.

BE IT FURTHER RESOLVED THAT the Director of Public Works or his representative is hereby designated to act as the City of Wauwatosa's authorized representative for administering and submitting the Compliance Maintenance Annual Report and that he is hereby directed to make that submittal.

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

Carla A. Ledesma, CMC, City Clerk

Ordinance O-13-9

ORDINANCE AMENDING SECTION 11.32.080 OF THE WAUWATOSA MUNICIPAL CODE TO PROVIDE FOR 30-MINUTE ANGLED PARKING AT THE NORTHEAST CORNER OF SWAN BOULEVARD AND W. NORTH AVENUE

AN ORDINANCE AMENDING SECTION 11.32.080 OF THE CODE OF THE CITY OF WAUWATOSA TO PROVIDE FOR 30 MINUTE PARKING AT SWAN BOULEVARD AND NORTH AVENUE

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(ccc) in the angled parking spaces between West North Avenue and the alley immediately north thereof.

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

Passed and Dated _____

City Clerk

Approved _____

Mayor

CITY OF WAUWATOSA
Resolution

R-13-120

By: Community Development Committee

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2. approval of an encroachment agreement for use of the sidewalk
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Passed and Dated _____

City Clerk

Approved _____

Mayor

CITY OF WAUWATOSA
Resolution

R-13-121

By: Budget & Finance Committee

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CITY OF WAUWATOSA
Resolution

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BE IT FURTHER RESOLVED THAT, the expenditure of funds for this purpose shall be authorized at such time as Tosa Skateboarders United has raised sufficient funds to match the City's \$80,000 contribution and the \$80,000 contribution of the Doyle Family in furtherance of the goals of the Jack Doyle Memorial Challenge Grant.

Passed and Dated _____

City Clerk

Approved _____

Mayor

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Resolution

R-13-123

By: Budget & Finance Committee

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BE IT FURTHER RESOLVED THAT the competitive bidding for this purchase is hereby waived.

Passed and Dated _____

City Clerk

Approved _____

Mayor

CITY OF WAUWATOSA
Resolution

R-13-124

By: Board of Public Works

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Passed and Dated _____

City Clerk

Approved _____

Mayor

CITY OF WAUWATOSA
Resolution

R-13-125

By: Board of Public Works

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- 4) Perform orderly and timely repairs and maintenance.
- 5) Add newly identified troubled spots to a monthly maintenance schedule.

BE IT FURTHER RESOLVED THAT the Director of Public Works or his representative is hereby designated to act as the City of Wauwatosa's authorized representative for administering and submitting the Compliance Maintenance Annual Report and that he is hereby directed to make that submittal.

Passed and Dated _____

City Clerk

Approved _____

Mayor