



CITY OF WAUWATOSA

COMMON COUNCIL

MINUTES • JULY 2, 2013

Regular Meeting

Common Council Chambers

7:30 PM

7725 West North Avenue, Wauwatosa, WI 53213

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

EXCUSED: Alds. Ewerdt and Hanson

ALSO PRESENT: Mr. Archambo, City Administrator; Mr. Kesner, City Attorney; Ms. Plass, Acctg. Manager; Police Chief Weber; Ms. Enders, Development Director; Ms. Murphy, Library Director; Ms. Ledesma, City Clerk

Mayor Ehley in the Chair

The Mayor called the meeting to order at 7:35 p.m.

Approval of minutes of previous meeting

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

APPOINTMENTS BY THE MAYOR

1. Library Board (reappointments, for approval)

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)

2. Ad Hoc Committee on Marketing and Communications (for approval)

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

3. Board of Zoning Appeals (for approval)

Pamela Stokke-Ceci, 6420 Betsy Ross Place (Dist. 1)
 (Term expires 4/30/16)

It was moved by Ald. Birschel, seconded by Ald. Donegan to concur with the foregoing appointments -14

APPLICATIONS, COMMUNICATIONS, ETC.

1. Notice of Claim: Gervase R. Rose, 810 Geralayne Circle

City Attorney

2. Summons and Complaint by Antoine Gee, Jr., 7019 W. Lancaster Avenue, Milwaukee

City Attorney

3. Communication from the Economic Development Advisory Committee recommending implementation of a coordinated approach to economic development in Wauwatosa

Committee on Community Development

4. Application for a Land Division by Certified Survey Map at 2500 N. Mayfair Road, Attorney Brian C. Randall, applicant

Plan Commission, Committee on Community Development

5. Conditional Use application in the M1 District for a dog daycare at 6228 W. State Street, Kerry Krienitz, Central Bark, and Tom Schuler, JMT Group, LLC, applicants

Plan Commission, Committee on Community Development

6. Planned Development Amendment application in the Planned Development District for a multi-family development at 9722 Watertown Plank Road, Phillip Aiello, Mandel Group Properties, LLC, and David Gilbert, UW-Milwaukee Real Estate Foundation, Inc., applicants

Plan Commission, Committee on Community Development

7. Conditional Use application in the C2 District for a retail store selling new and refurbished durable medical equipment at 3720 N. 124th Street, Scott Lubber, IndependenceFirst, Inc., and Stephen Lauenstein, KL 124th Partners, LLC, applicants

Plan Commission, Committee on Community Development

8. Conditional Use application in the C1 District for a two-story bar and restaurant with outdoor dining at 7700 Harwood Avenue, Michael Eitel, The Lowlands Group, and Sean Phelan, 7700 Harwood, LLC, applicants

Plan Commission, Committee on Community Development

9. Preliminary Planned Development application in the Planned Development District for a multi-family residential use at 1215 N. 62nd Street, Anthony DeRosa, WP Property Acquisitions, LLC, and David Israel, Learsi Wisconsin, LLC, applicants

Plan Commission, Committee on Community Development

10. Application by Michael Laus, d/b/a Jimmy's Island Grill/Radisson Hotel, 2303 N. Mayfair Road, for a temporary extension of their liquor license to include the parking lot on August 25, 2013 for their anniversary party

Board of Public Works & Legislation, Licensing and Communications Committee

ORDINANCES FOR INTRODUCTION

1. Ordinance amending portions of Section 3.20.040 of the Wauwatosa Municipal Code to raise the purchase order threshold to five thousand dollars (for adoption)

Re-refer to originating committee

ORDINANCE

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

Part I. Section 3.20.040A2 of the Wauwatosa Municipal Code is hereby amended by changing the term "One Thousand Dollars" to "Five Thousand Dollars"

Part II. Section 3.20.040A3 shall be amended to read in its entirety as follows:

When any single purchase or group of related purchases shall be less than five thousand dollars, the purchase may be authorized without the taking of quotations or bids as described in Section 3.20.050 or 3.20.060 of the chapter, subject to the Common Council's approval of the payment for such purchase

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

FROM THE COMMITTEE ON TRAFFIC & SAFETY

1. Resolution approving a pilot program for the installation of temporary speed tables on N. 103rd Street, N. 104th Street, and N. 106th Street between Blue Mound Road and Wisconsin Avenue at no cost to residents on those streets

Committee recommended approval 5-0

RESOLUTION R-13-126

WHEREAS, the Committee of Traffic and Safety reviewed a memorandum from the Director of Public Works regarding information to be distributed in a letter to residents in the traffic calming pilot program area on 103rd, 104th, and 106th Streets between Wisconsin Avenue and Blue Mound Road;

WHEREAS, the Wisconsin Department of Transportation approved the use of traffic mitigation funds for the purchase of portable speed tables for the streets affected by the Zoo Interchange Project; and

WHEREAS, the Committee discussed sending homeowners a letter regarding the pilot program and providing them a ballot to vote, yes or no, whether to install temporary speed table;

NOW, THEREFORE, BE IT RESOLVED THAT the City of Wauwatosa hereby approves a pilot program utilizing temporary speed tables on 103rd, 104th and 106th Streets at no cost to residents, provided that ballots for residents for each street to vote for the placement of temporary speed tables shall be hand-delivered to the residents, and 50% of returned ballots voting in favor shall be sufficient to approve the installation on each particular block.

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

- Resolution authorizing the temporary elimination of parking on the south side of W. Wisconsin Avenue from Bel Air Circle to Elmspring Avenue

Committee recommended approval 5-0

RESOLUTION R-13-127

WHEREAS, construction on Watertown Plank Road through the year 2015 will cause an increase to traffic entering into the Milwaukee County Medical Complex at 87th Street from Wisconsin Avenue; and

WHEREAS, temporarily eliminating parking on a section of Wisconsin Avenue near 87th Street would improve traffic flow and reduce the possibility of accidents during this period of extra traffic;

NOW, THEREFORE, BE IT RESOLVED THAT parking restrictions on the south side of Wisconsin Avenue from Bel Air Circle to Elmspring Avenue are hereby temporarily modified to "No Parking At Anytime," with such temporary restrictions being effective from September, 2013, through May, 2015.

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

FROM THE COMMITTEE ON LEGISLATION, LICENSING & COMMUNICATIONS

- Resolution approving a Reserve "Class B" Liquor License and a Class "B" Beer License for Arte LLC, 7511 Harwood Avenue, for the period ending June 30, 2014, Karen Wilman-Salituro, agent, and approving an economic development grant

Committee recommended approval 4-0

RESOLUTION R-13-128

WHEREAS, Karen Salituro-Wilman, agent for Arte LLC, d/b/a Arte Wine and Painting Studio, 7511 Harwood Avenue, Wauwatosa, WI, has applied for a Reserve Class B liquor license and a Class B beer license;

NOW, THEREFORE, BE IT RESOLVED THAT a Class B liquor and Class B beer license be awarded to Arte LLC, d/b/a Arte Wine and Painting Studio, 7511 Harwood Avenue, Wauwatosa, WI, for the period ending June 30, 2013;

BE IT FURTHER RESOLVED THAT an economic development grant in the sum of \$9,500 pursuant to Section 6.08.475 of the Wauwatosa Municipal Code be and hereby is granted.

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

- Resolution approving the temporary extension of the "Class B" Liquor and Class "B" Beer license for Juniper 61 LLC, d/b/a Juniper 61, 6030 W. North Avenue, Sara Jonas, agent, to include the parking lot for their annual East Town Get Down event on August 17, 2013

Committee recommended approval 4-0

RESOLUTION R-13-129

WHEREAS, Sarah Jonas, agent for Juniper 61 LLC, d/b/a Juniper 61, 6030 W. North Avenue, Wauwatosa, WI, has requested a temporary extension of the licensed premises to include the parking lot on Saturday, August 17, 2013, for their third annual East Town Get Down event;

NOW, THEREFORE, BE IT RESOLVED THAT the licensed premises of Juniper 61 be extended to include the parking lot on Saturday, August 17, 2013, with live music from 1:00 p.m. to 8:00 p.m.

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

- Resolution approving the Operator License application by Amanda C. Mathson, 4460 Danbury Drive, Brookfield, for the period ending June 30, 2014

Committee recommended approval 4-0

RESOLUTION R-13-130

WHEREAS, Amanda C. Mathson, 4460 Danbury Drive, Brookfield, WI has applied for an operator's license in conjunction with her employment at The Cheesecake Factory, 2350 N. Mayfair Road, Wauwatosa, WI;

NOW, THEREFORE, BE IT RESOLVED THAT Amanda C. Mathson, 4460 Danbury Drive, Brookfield, WI, is hereby issued an operator's license for the period ending June 30, 2014.

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

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

1. Resolution denying the Conditional Use application by Mandeep Dhawan and Robert Wold, Robert Wold Architects, to operate a gas station with convenience store at 6005 W. Vliet Street

Committee recommended approval 5-2

RESOLUTION R-13-131

WHEREAS, Mandeep Dhawan and Robert Wold, Robert Wold Architects, applied for a Conditional Use in the C2 District at 6005 West Vliet Street, to operate a gas station with convenience store, and;

WHEREAS, this request was reviewed by the City Plan Commission and the Committee on Community Development, who found that the that the establishment, maintenance or operation of the conditional use will be detrimental to or endanger the public health, safety or general welfare due to concerns regarding increased traffic, crime, and information that was received regarding the operation of the other stations owned by the applicant;

WHEREAS, that the uses, values and enjoyment of surrounding properties for purposes already permitted in the district will be substantially impaired or diminished by the establishment, maintenance or operation of the conditional use due to increased activity and traffic in the neighborhood and the quality of the proposal as a gateway to Wauwatosa;

WHEREAS, adequate measures have not been taken regarding ingress and egress that will minimize on- and off-site traffic congestion;

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Wauwatosa, Wisconsin adopts the findings made by Plan Commission and the Committee on Community Development and hereby denies a Conditional Use to Mandeep Dhawan and Robert Wold, Robert Wold Architects, to operate gas station with convenience store in the C2 District at 6005 West Vliet Street.

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

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

Committee recommended approval 7-0

At the request of the City Attorney, it was moved by Ald. Roznowski, seconded by Ald. Causier to adopt the foregoing ordinance with the change in wording in Part IV to read as follows: "The Board of Zoning Appeals may grant an exception to allow a fence no more than six (6) feet in height at the interior side yard of a corner lot in residential districts."

Following discussion, and with the consent of the Mover and Second, the word "interior" was stricken. Roll call vote, Ayes 10, Noes 4 (Birschel, Causier, McBride, Organ)

ORDINANCE O-13-10

AN ORDINANCE AMENDING PORTIONS OF CHAPTER 15.28 OF THE WAUWATOSA MUNICIPAL CODE TO PERMIT INSTALLATION OF FENCES IN REAR YARDS UP TO SIX FEET IN HEIGHT IN CERTAIN CIRCUMSTANCES

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

Part I. Section 15.28.020 of the Wauwatosa Municipal Code is hereby amended to read in its entirety as follows:

15.28.020 Work exempt from permit.

Permits shall not be required for the following:

A. If the city directs the owner of a structure to maintain or repair that structure to the standards set by the city building maintenance code, and said maintenance or repair cannot be accomplished because a part of the structure is obstructed by a fence, the city shall require the owner of the fence to temporarily remove that portion of the fence causing the obstruction at the fence owner's cost until said maintenance or repair is completed. The fence owner shall then replace that portion of the fence at the fence owner's cost.

B. Fences located in the buildable area of the rear or side yard, six feet or less in height,

C. Fences located adjacent to any alley and set back a minimum of eighteen inches from the lot line;

D. Fences located in rear yards not abutting a street may be erected to a height of six feet.

E. Fences located in the side yard not abutting a street, four and one-half feet or less in height,

F. Other:

1. Fences used for safety to enclose or protect public and private athletic fields, ball diamonds, tennis courts and similar uses,

2. Fences approved as a part of a special use, conditional use, planned development

or required parking plan,

3. Fences used for temporary safety purposes approved by the chief inspector.

Part II. Subsection 15.28.030 A. 3. of the Wauwatosa Municipal Code shall be amended by adding, at the end, the phrase “except as provided on Section 15.28.020.”

Part III. Subsection 15.28.030 B.2. of the Wauwatosa Municipal Code shall be amended by deleting the words “and rear” from said subsection.

Part IV. Subsection 15.28.060 E. of the Wauwatosa Municipal Code is hereby created to read as follows:

E. The Board of Zoning Appeals may grant an exception to allow a fence no more than six (6) feet in height at the side yard of a corner lot in residential districts.

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

RESULT:	ADOPTED [10 TO 4]
MOVER:	Jeffrey Roznowski, Alderman
SECONDER:	Kathleen Causier, Alderwoman
AYES:	Berdan, Donegan, Dubinski, Moldenhauer, Pantuso, Roznowski, Tilleson, Walz- Chojnacki, Wilke, Wilson
NAYS:	Birschel, Causier, McBride, Organ
EXCUSED:	Ewerdt, Hanson

FROM THE COMMITTEE ON BUDGET & FINANCE

1. Resolution authorizing a transfer of \$40,000 from the Reserve for Contingencies account into the 2013 Library book budget account (2/3 vote required)

Committee recommended approval 6-0

RESOLUTION R-13-132

BE IT RESOLVED, by the Common Council of the City of Wauwatosa THAT the transfer of \$40,000.00 from the Reserve for Contingencies to the Library Book budget is hereby approved.

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

2. Resolution authorizing a three-year postage meter contract with Mailwaukee Mailing and Shipping Equipment in the amount of \$372 annually

Committee recommended approval 7-0

RESOLUTION R-13-133

BE IT RESOLVED, by the Common Council of the City of Wauwatosa THAT permission be and the same is hereby granted to enter into a three year agreement with "Mailwaukee" for the rental of a new postage meter and scale at the annual rate of \$372.00.

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

3. Resolution approving a Level III fund transfer for the Safe Routes to School Grant

Committee recommended approval 7-0

RESOLUTION R-13-134

WHEREAS, receipt of a Safe Routes to School Grant in the amount of \$166,940.00 which includes \$92,220.00 in infrastructure improvements and \$74,720.00 non-infrastructure items, requires a Level III fund transfer in order to be received and spent;

NOW, THEREFORE, BE IT RESOLVED THAT the City of Wauwatosa's 2013 budget is hereby amended by increasing revenues in the amount of \$92,220.00 in the City's Capital Projects Fund, with corresponding expenditures consistent with the Safe Routes to School Grant;

BE IT FURTHER RESOLVED THAT General Fund Revenues are increased in the amount of \$74,720.00 with corresponding adjustments in expenditure accounts to carry out the purposes of the Safe Routes to School Grant.

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

4. Bills and claims

FROM THE COMMITTEE ON BUDGET AND FINANCE

BILLS AND CLAIMS FOR THE PERIOD 6/19/13 to 7/2/13 --

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 6/19/13 - 7/2/13: \$2,401,699.61

It was moved by Ald. Causier, seconded by Ald. Wilson 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 13-20 Pavement Repair, to C.P.R., Inc., for their total bid price of \$107,633.50 (low of 6 bids)

Board recommended approval 3-0

RESOLUTION R-13-136

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 13-20 Pavement Repair;

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 C.P.R., Inc. for the work of Pavement Repair and work incidental thereto under Contract 13-20 at and for their total bid price of \$107,633.50 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:	Bobby Pantuso, Alderman
SECONDER:	Kathleen Causier, Alderwoman
AYES:	Berdan, Birschel, Causier, Donegan, Dubinski, McBride, Moldenhauer, Organ, Pantuso, Roznowski, Tilleson, Walz-Chojnacki, Wilke, Wilson
EXCUSED:	Ewerdt, Hanson

2. Resolution awarding the bid for Contract 13-06 / Project 1013, 2013 Asphalt Resurfacing, to Payne & Dolan, Inc., for their total bid price of \$522,893.25 (low of 2 bids)

Board recommended approval 3-0

RESOLUTION R-13-135

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 13-06 / Project 1013, 2013 Asphalt Resurfacing;

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 Payne & Dolan, Inc. for the work of 2013 Asphalt Resurfacing and work incidental thereto under Contract 13-06 / Project 1013 at and for their total bid price of \$522,893.25 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:	Bobby Pantuso, Alderman
SECONDER:	Kathleen Causier, Alderwoman
AYES:	Berdan, Birschel, Causier, Donegan, Dubinski, McBride, Moldenhauer, Organ, Pantuso, Roznowski, Tilleson, Walz-Chojnacki, Wilke, Wilson
EXCUSED:	Ewerdt, Hanson

Carla A. Ledesma, CMC, City Clerk

Ordinance

ORDINANCE AMENDING PORTIONS OF SECTION 3.20.040 OF THE WAUWATOSA MUNICIPAL CODE TO RAISE THE PURCHASE ORDER THRESHOLD TO FIVE THOUSAND DOLLARS (FOR ADOPTION)

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

Part I. Section 3.20.040A2 of the Wauwatosa Municipal Code is hereby amended by changing the term "One Thousand Dollars" to "Five Thousand Dollars"

Part II. Section 3.20.040A3 shall be amended to read in its entirety as follows:

When any single purchase or group of related purchases shall be less than five thousand dollars, the purchase may be authorized without the taking of quotations or bids as described in Section 3.20.050 or 3.20.060 of the chapter, subject to the Common Council's approval of the payment for such purchase

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-13-126

By: Traffic & Safety

WHEREAS, the Committee of Traffic and Safety reviewed a memorandum from the Director of Public Works regarding information to be distributed in a letter to residents in the traffic calming pilot program area on 103rd, 104th, and 106th Streets between Wisconsin Avenue and Blue Mound Road;

WHEREAS, the Wisconsin Department of Transportation approved the use of traffic mitigation funds for the purchase of portable speed tables for the streets affected by the Zoo Interchange Project; and

WHEREAS, the Committee discussed sending homeowners a letter regarding the pilot program and providing them a ballot to vote, yes or no, whether to install temporary speed table;

NOW, THEREFORE, BE IT RESOLVED THAT the City of Wauwatosa hereby approves a pilot program utilizing temporary speed tables on 103rd, 104th and 106th Streets at no cost to residents, provided that ballots for residents for each street to vote for the placement of temporary speed tables shall be hand-delivered to the residents, and 50% of returned ballots voting in favor shall be sufficient to approve the installation on each particular block.

Passed and Dated _____

City Clerk

Approved _____

Mayor

CITY OF WAUWATOSA
Resolution

R-13-127

By: Traffic & Safety

WHEREAS, construction on Watertown Plank Road through the year 2015 will cause an increase to traffic entering into the Milwaukee County Medical Complex at 87th Street from Wisconsin Avenue; and

WHEREAS, temporarily eliminating parking on a section of Wisconsin Avenue near 87th Street would improve traffic flow and reduce the possibility of accidents during this period of extra traffic;

NOW, THEREFORE, BE IT RESOLVED THAT parking restrictions on the south side of Wisconsin Avenue from Bel Air Circle to Elmspring Avenue are hereby temporarily modified to "No Parking At Anytime," with such temporary restrictions being effective from September, 2013, through May, 2015.

Passed and Dated _____

City Clerk

Approved _____

Mayor

CITY OF WAUWATOSA
Resolution

R-13-128

By: Legislation, Licensing & Communications

WHEREAS, Karen Salituro-Wilman, agent for Arte LLC, d/b/a Arte Wine and Painting Studio, 7511 Harwood Avenue, Wauwatosa, WI, has applied for a Reserve Class B liquor license and a Class B beer license;

NOW, THEREFORE, BE IT RESOLVED THAT a Class B liquor and Class B beer license be awarded to Arte LLC, d/b/a Arte Wine and Painting Studio, 7511 Harwood Avenue, Wauwatosa, WI, for the period ending June 30, 2013;

BE IT FURTHER RESOLVED THAT an economic development grant in the sum of \$9,500 pursuant to Section 6.08.475 of the Wauwatosa Municipal Code be and hereby is granted.

Passed and Dated _____

City Clerk

Approved _____

Mayor

CITY OF WAUWATOSA
Resolution

R-13-129

By: Legislation, Licensing and Communications

WHEREAS, Sarah Jonas, agent for Juniper 61 LLC, d/b/a Juniper 61, 6030 W. North Avenue, Wauwatosa, WI, has requested a temporary extension of the licensed premises to include the parking lot on Saturday, August 17, 2013, for their third annual East Town Get Down event;

NOW, THEREFORE, BE IT RESOLVED THAT the licensed premises of Juniper 61 be extended to include the parking lot on Saturday, August 17, 2013, with live music from 1:00 p.m. to 8:00 p.m.

Passed and Dated _____

City Clerk

Approved _____

Mayor

CITY OF WAUWATOSA
Resolution

R-13-130

By: Legislation, Licensing & Communications

WHEREAS, Amanda C. Mathson, 4460 Danbury Drive, Brookfield, WI has applied for an operator's license in conjunction with her employment at The Cheesecake Factory, 2350 N. Mayfair Road, Wauwatosa, WI;

NOW, THEREFORE, BE IT RESOLVED THAT Amanda C. Mathson, 4460 Danbury Drive, Brookfield, WI, 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

R-13-131

By: Community Development Committee

WHEREAS, Mandeep Dhawan and Robert Wold, Robert Wold Architects, applied for a Conditional Use in the C2 District at 6005 West Vliet Street, to operate a gas station with convenience store, and;

WHEREAS, this request was reviewed by the City Plan Commission and the Committee on Community Development, who found that the that the establishment, maintenance or operation of the conditional use will be detrimental to or endanger the public health, safety or general welfare due to concerns regarding increased traffic, crime, and information that was received regarding the operation of the other stations owned by the applicant;

WHEREAS, that the uses, values and enjoyment of surrounding properties for purposes already permitted in the district will be substantially impaired or diminished by the establishment, maintenance or operation of the conditional use due to increased activity and traffic in the neighborhood and the quality of the proposal as a gateway to Wauwatosa;

WHEREAS, adequate measures have not been taken regarding ingress and egress that will minimize on- and off-site traffic congestion;

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Wauwatosa, Wisconsin adopts the findings made by Plan Commission and the Committee on Community Development and hereby denies a Conditional Use to Mandeep Dhawan and Robert Wold, Robert Wold Architects, to operate gas station with convenience store in the C2 District at 6005 West Vliet Street.

Passed and Dated _____

City Clerk

Approved _____

Mayor

Ordinance O-13-10

ORDINANCE AMENDING CHAPTER 15.28 OF THE WAUWATOSA MUNICIPAL CODE TO PERMIT INSTALLATION OF FENCES IN REAR YARDS UP TO SIX FEET IN HEIGHT

AN ORDINANCE AMENDING PORTIONS OF CHAPTER 15.28 OF THE WAUWATOSA MUNICIPAL CODE TO PERMIT INSTALLATION OF FENCES IN REAR YARDS UP TO SIX FEET IN HEIGHT IN CERTAIN CIRCUMSTANCES

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

Part I. Section 15.28.020 of the Wauwatosa Municipal Code is hereby amended to read in its entirety as follows:

15.28.020 Work exempt from permit.

Permits shall not be required for the following:

A. If the city directs the owner of a structure to maintain or repair that structure to the standards set by the city building maintenance code, and said maintenance or repair cannot be accomplished because a part of the structure is obstructed by a fence, the city shall require the owner of the fence to temporarily remove that portion of the fence causing the obstruction at the fence owner's cost until said maintenance or repair is completed. The fence owner shall then replace that portion of the fence at the fence owner's cost.

B. Fences located in the buildable area of the rear or side yard, six feet or less in height,

C. Fences located adjacent to any alley and set back a minimum of eighteen inches from the lot line;

D. Fences located in rear yards not abutting a street may be erected to a height of six feet.

E. Fences located in the side yard not abutting a street, four and one-half feet or less in height,

F. Other:

1. Fences used for safety to enclose or protect public and private athletic fields, ball diamonds, tennis courts and similar uses,

2. Fences approved as a part of a special use, conditional use, planned development or required parking plan,

3. Fences used for temporary safety purposes approved by the chief inspector.

Part II. Subsection 15.28.030 A. 3. of the Wauwatosa Municipal Code shall be amended by adding, at the end, the phrase "except as provided on Section 15.28.020."

Part III. Subsection 15.28.030 B.2. of the Wauwatosa Municipal Code shall be amended by deleting the words “and rear” from said subsection.

Part IV. Subsection 15.28.060 E. of the Wauwatosa Municipal Code is hereby created to read as follows:

E. The Board of Zoning Appeals may grant an exception to allow a fence no more than six (6) feet in height at the side yard of a corner lot in residential districts.

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

Passed and Dated _____

City Clerk

Approved _____

Mayor

CITY OF WAUWATOSA
Resolution

R-13-132

By: Budget & Finance

BE IT RESOLVED, by the Common Council of the City of Wauwatosa THAT the transfer of \$40,000.00 from the Reserve for Contingencies to the Library Book budget is hereby approved.

Passed and Dated _____

City Clerk

Approved _____

Mayor

CITY OF WAUWATOSA
Resolution

R-13-133

By: Budget & Finance

BE IT RESOLVED, by the Common Council of the City of Wauwatosa THAT permission be and the same is hereby granted to enter into a three year agreement with "Mailwaukee" for the rental of a new postage meter and scale at the annual rate of \$372.00.

Passed and Dated _____

City Clerk

Approved _____

Mayor

CITY OF WAUWATOSA
Resolution

R-13-134

By: Budget & Finance

WHEREAS, receipt of a Safe Routes to School Grant in the amount of \$166,940.00 which includes \$92,220.00 in infrastructure improvements and \$74,720.00 non-infrastructure items, requires a Level III fund transfer in order to be received and spent;

NOW, THEREFORE, BE IT RESOLVED THAT the City of Wauwatosa's 2013 budget is hereby amended by increasing revenues in the amount of \$92,220.00 in the City's Capital Projects Fund, with corresponding expenditures consistent with the Safe Routes to School Grant;

BE IT FURTHER RESOLVED THAT General Fund Revenues are increased in the amount of \$74,720.00 with corresponding adjustments in expenditure accounts to carry out the purposes of the Safe Routes to School Grant.

Passed and Dated _____

City Clerk

Approved _____

Mayor

CITY OF WAUWATOSA
Resolution

R-13-136

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 13-20 Pavement Repair;

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 C.P.R., Inc. for the work of Pavement Repair and work incidental thereto under Contract 13-20 at and for their total bid price of \$107,633.50 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

CITY OF WAUWATOSA
Resolution

R-13-135

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 13-06 / Project 1013, 2013 Asphalt Resurfacing;

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 Payne & Dolan, Inc. for the work of 2013 Asphalt Resurfacing and work incidental thereto under Contract 13-06 / Project 1013 at and for their total bid price of \$522,893.25 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