



CITY OF WAUWATOSA

COMMON COUNCIL

MINUTES • SEPTEMBER 3, 2013

Regular Meeting

Common Council Chambers

7:30 PM

7725 West North Avenue, Wauwatosa, WI 53213

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

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

Common Council President McBride in the Chair

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

Approval of minutes of previous meeting

It was moved by Ald. Organ, seconded by Ald. Hanson that the reading of the minutes of the last regular meeting be dispensed with and they be approved as printed. -16

APPLICATIONS, COMMUNICATIONS, ETC.

1. Summons and Complaint filed by Atty. Matthew J. Fleming, PO Box 2038, Madison, WI, on behalf of Bonstores Realty One, LLC, 2801 E. Market Street, York, PA

City Attorney

2. Letter from Time Warner Cable advising that several channels will be delivered in digital format only effective on or about September 11, 2013

Place on file

3. Notice of Claim: Inge Eszes, 2435 N. 64th Street

City Attorney

4. Wauwatosa Water Utility Statement of Receipts and Disbursements as of July 31, 2013

Place on file

FROM THE COMMITTEE ON TRAFFIC & SAFETY

1. Ordinance amending Section 11.32.080 of the Wauwatosa Municipal Code to add a parking restriction on West Blue Mound Road (for adoption)

Committee met prior to Council meeting

ORDINANCE O-13-14

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

Part I. The ""Blue Mound Road - north side" portion of the "Schedule of Streets, and portions"

subsection of Wauwatosa Code Section 11.32.080 is hereby amended by adding the following:

- (a) at the no loading zone in front of 9898 W. Blue Mound Road

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

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

FROM THE COMMITTEE ON LEGISLATION, LICENSING & COMMUNICATIONS

1. Resolution approving a Class "A" Beer / "Class A" Liquor License application by Tall Guy and A Grill Catering, LLC, d/b/a Tall Guy and A Grill Catering, 7227 W. North Avenue, Daniel P. Nowak, agent, for the period ending June 30, 2014

Committee met prior to Council meeting

RESOLUTION R-13-167

WHEREAS, Daniel Nowak, agent for Tall Guy and A Grill Catering, LLC, d/b/a Tall Guy and A Grill Catering, 7227 W. North Avenue, Wauwatosa, WI, has applied for a Class "A" beer and "Class A" liquor license;

NOW, THEREFORE, BE IT RESOLVED THAT a Class "A" Beer and "Class A" liquor license be awarded to Daniel Nowak, agent for Tall Guy and A Grill Catering, LLC, d/b/a Tall Guy and A Grill Catering, 7227 W. North Avenue, Wauwatosa, WI, for the period ending June 30, 2014.

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

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

1. Resolution approving a Conditional Use in the C1 District at 1442 Underwood Avenue for a painting studio (Arte), Lisa Allen, Arte, and Daniel Holter, AlbinEber Investments, applicants

Committee met prior to Council meeting

RESOLUTION R-13-168

WHEREAS, Lisa Allen, Arte, and Daniel Holter, AlbinEber Investments, applied for a Conditional Use in the C1 District at 1442 Underwood Avenue for a painting studio (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 Lisa Allen, Arte, and Daniel Holter, AlbinEber Investments, to operate painting studio in the C1 District at 1442 Underwood Avenue, with the following conditions:

1. hours of operation from 9 a.m. to 11 p.m. daily
2. compliance with building and fire code regulations
3. obtaining any other licenses and permits

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

2. Resolution approving a Conditional Use in the M1 District at 6228 West State Street for a dog day care, Kerry Krienitz, Central Bark, and Tom Schuler, JMT Group LLC, applicants

Committee met prior to Council meeting

RESOLUTION R-13-169

WHEREAS, Kerry Krienitz, Central Bark, and Tom Schuler, JMT Group LLC, applied for a Conditional Use in the M1 District at 6228 West State Street for a dog day care, 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 Kerry Krienitz, Central Bark, and Tom Schuler, JMT Group LLC, to operate a dog day care in the M1 District at 6228 West State Street, with the following conditions:

1. hours of operation: Monday through Friday 7 a.m. to 6:30 p.m.; Saturday 8 a.m. to 5 p.m.; and Sunday 10 a.m. to 4 p.m.
2. installation of an eight foot fence around the outdoor play area
3. submitting the new parking lot site plan in the file to the Engineering

Division

4.the private parties resolve their easement issues

5.obtaining any additional permits and licenses

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

FROM THE COMMITTEE ON BUDGET & FINANCE

1. Resolution authorizing a Site Assessment Grant Contract with the Wisconsin Economic Development Corporation for a grant award of \$62,500

Committee met prior to Council meeting

RESOLUTION R-13-170

BE IT RESOLVED, by the Common Council of the City of Wauwatosa, THAT the appropriate City officials are hereby authorized to execute the attached Site Assessment Grant Contract between the Wisconsin Economic Development Corporation and the City of Wauwatosa.

BE IT FURTHER RESOLVED THAT the grant amount of \$62,500 is hereby accepted as a revenue by the City of Wauwatosa and a Level III transfer of funds allowing the expenditure of the grant funds is hereby approved.

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

2. Bills and claims

FROM THE COMMITTEE ON BUDGET AND FINANCE

BILLS AND CLAIMS FOR THE PERIOD 8/7/13 - 9/3/13 --

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 8/7/13 - 9/3/13: \$12,069,016.81

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)

FROM THE BOARD OF PUBLIC WORKS

1. Resolution authorizing the encroachment for a projecting sign at 6204 W. State Street, subject to the execution of a hold harmless agreement, Andrew Dillard, applicant

Board met prior to Council meeting**RESOLUTION R-13-171**

BE IT RESOLVED, by the Common Council of the City of Wauwatosa, THAT permission be and the same is hereby granted to Big Head Brewing Company, 6204 W. State Street, Wauwatosa, WI, to encroach onto City right-of-way with a projecting sign 9'2" above the sidewalk, 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.

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

2. Resolution accepting the right-of-way dedication from Milwaukee County and easement agreements from Children's Hospital of Wisconsin and Ronald McDonald House Charities of Southeast Wisconsin for purpose of pedestrian bridge construction over Watertown Plank Road

Board met prior to Council meeting**RESOLUTION R-13-172**

WHEREAS, the Wauwatosa Common Council, at its meeting of August 6, 2013, approved a Memorandum of Understanding between the City, the State of Wisconsin Department of Transportation, Children's Hospital of Wisconsin and the Ronald McDonald House Charities of Southeastern Wisconsin, in order to facilitate the construction of a pedestrian bridge over Watertown Plank Road by the Department of Transportation; and

WHEREAS, execution of the Memorandum of Understanding and construction of the pedestrian bridge require certain land transactions to occur between the City of Wauwatosa, Milwaukee County, Children's Hospital of Wisconsin and the Ronald McDonald House Charities of Southeastern Wisconsin; and

WHEREAS, Milwaukee County has executed a Dedication of Right-of-Way via a Quit Claim Deed to the City of Wauwatosa in order to facilitate construction of the bridge, and Children's Hospital of Wisconsin and the Ronald McDonald House Charities of Southeastern Wisconsin have prepared the necessary easement agreements in order for the City to obtain the right to construct and maintain the proposed pedestrian bridge, which construction will be conducted by a contractor hired by the Wisconsin Department of Transportation;

NOW, THEREFORE, BE IT RESOLVED THAT the appropriate City officials are hereby authorized to accept the Dedication of Right-of-Way on Watertown Plank Road from Milwaukee County for purposes of construction of a pedestrian bridge, which land shall be dedicated as Roadway Right of Way as part of Watertown Plank Road;

BE IT FURTHER RESOLVED THAT appropriate City officials are hereby authorized to execute Easement Agreements from Children's Hospital of Wisconsin and the Ronald McDonald House Charities of Southeastern Wisconsin, accepting the necessary easements, in order to facilitate the construction and future maintenance of the proposed pedestrian bridge.

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

- 3. Resolution authorizing the encroachment for underground sprinkler lines and heads at 9411 Harding Boulevard, subject to the execution of a hold harmless agreement, Marybeth Jacobson and Ted Strupp, applicants

Board met prior to Council meeting

RESOLUTION R-13-173

BE IT RESOLVED, by the Common Council of the City of Wauwatosa, THAT permission be and the same is hereby granted to Marybeth Jacobson and Ted Strupp, 9411 Harding Blvd., Wauwatosa, WI, to encroach onto City right-of-way with sprinkler lines/heads, subject to the applicants 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 applicants.

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

Carla A. Ledesma, CMC, City Clerk

Ordinance O-13-14

ORDINANCE AMENDING SECTION 11.32.080 OF THE WAUWATOSA MUNICIPAL CODE TO ADD A PARKING RESTRICTION ON WEST BLUE MOUND ROAD (FOR ADOPTION)

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

Part I. The ""Blue Mound Road - north side" portion of the "Schedule of Streets, and portions" subsection of Wauwatosa Code Section 11.32.080 is hereby amended by adding the following:

- (a) at the no loading zone in front of 9898 W. Blue Mound Road

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

Passed and Dated _____

City Clerk

Approved _____

Mayor

CITY OF WAUWATOSA
Resolution

R-13-167

By: Legislation, Licensing and Communication

WHEREAS, Daniel Nowak, agent for Tall Guy and A Grill Catering, LLC, d/b/a Tall Guy and A Grill Catering, 7227 W. North Avenue, Wauwatosa, WI, has applied for a Class “A” beer and “Class A” liquor license;

NOW, THEREFORE, BE IT RESOLVED THAT a Class “A” Beer and “Class A” liquor license be awarded to Daniel Nowak, agent for Tall Guy and A Grill Catering, LLC, d/b/a Tall Guy and A Grill Catering, 7227 W. North Avenue, Wauwatosa, WI, for the period ending June 30, 2014.

Passed and Dated _____

City Clerk

Approved _____

Mayor

CITY OF WAUWATOSA
Resolution

R-13-168

By: Community Development Committee

WHEREAS, Lisa Allen, Arte, and Daniel Holter, AlbinEber Investments, applied for a Conditional Use in the C1 District at 1442 Underwood Avenue for a painting studio (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;

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1. hours of operation from 9 a.m. to 11 p.m. daily
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3. obtaining any other licenses and permits

Passed and Dated _____

City Clerk

Approved _____

Mayor

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Resolution

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- 2. installation of an eight foot fence around the outdoor play area
- 3. submitting the new parking lot site plan in the file to the Engineering Division
- 4. the private parties resolve their easement issues
- 5. obtaining any additional permits and licenses

Passed and Dated _____

City Clerk

Approved _____

Mayor

CITY OF WAUWATOSA
Resolution

R-13-170

By: Budget and Finance Committee

BE IT RESOLVED, by the Common Council of the City of Wauwatosa, THAT the appropriate City officials are hereby authorized to execute the attached Site Assessment Grant Contract between the Wisconsin Economic Development Corporation and the City of Wauwatosa.

BE IT FURTHER RESOLVED THAT the grant amount of \$62,500 is hereby accepted as a revenue by the City of Wauwatosa and a Level III transfer of funds allowing the expenditure of the grant funds is hereby approved.

Passed and Dated _____

City Clerk

Approved _____

Mayor

CITY OF WAUWATOSA
Resolution

R-13-171

By: Board of Public Works

BE IT RESOLVED, by the Common Council of the City of Wauwatosa, THAT permission be and the same is hereby granted to Big Head Brewing Company, 6204 W. State Street, Wauwatosa, WI, to encroach onto City right-of-way with a projecting sign 9'2" above the sidewalk, 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.

Passed and Dated _____

City Clerk

Approved _____

Mayor

CITY OF WAUWATOSA
Resolution

R-13-172

By: Board of Public Works

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WHEREAS, execution of the Memorandum of Understanding and construction of the pedestrian bridge require certain land transactions to occur between the City of Wauwatosa, Milwaukee County, Children's Hospital of Wisconsin and the Ronald McDonald House Charities of Southeastern Wisconsin; and

WHEREAS, Milwaukee County has executed a Dedication of Right-of-Way via a Quit Claim Deed to the City of Wauwatosa in order to facilitate construction of the bridge, and Children's Hospital of Wisconsin and the Ronald McDonald House Charities of Southeastern Wisconsin have prepared the necessary easement agreements in order for the City to obtain the right to construct and maintain the proposed pedestrian bridge, which construction will be conducted by a contractor hired by the Wisconsin Department of Transportation;

NOW, THEREFORE, BE IT RESOLVED THAT the appropriate City officials are hereby authorized to accept the Dedication of Right-of-Way on Watertown Plank Road from Milwaukee County for purposes of construction of a pedestrian bridge, which land shall be dedicated as Roadway Right of Way as part of Watertown Plank Road;

BE IT FURTHER RESOLVED THAT appropriate City officials are hereby authorized to execute Easement Agreements from Children's Hospital of Wisconsin and the Ronald McDonald House Charities of Southeastern Wisconsin, accepting the necessary easements, in order to facilitate the construction and future maintenance of the proposed pedestrian bridge.

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City Clerk

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Mayor

CITY OF WAUWATOSA
Resolution

R-13-173

By: Board of Public Works

BE IT RESOLVED, by the Common Council of the City of Wauwatosa, THAT permission be and the same is hereby granted to Marybeth Jacobson and Ted Strupp, 9411 Harding Blvd., Wauwatosa, WI, to encroach onto City right-of-way with sprinkler lines/heads, subject to the applicants 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 applicants.

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City Clerk

Approved _____

Mayor