



# CITY OF WAUWATOSA

## COMMON COUNCIL

MINUTES • SEPTEMBER 17, 2013

**Regular Meeting**

**Common Council Chambers**

**7:30 PM**

7725 West North Avenue, Wauwatosa, WI 53213

PRESENT: Alds. McBride, Moldenhauer, Organ (7:35 p.m.), Pantuso, Roznowski, Tilleson, Walz-Chojnacki, Wilke, Wilson, Berdan, Birschel, Causier, Donegan, Dubinski, Ewerdt, Hanson, -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

Mayor Ehley in the Chair

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

A moment of silence was observed in memory of Lois Weber. Lois was a former School Board member for 25 years and was active in the Wauwatosa Children's Theater and Wauwatosa schools for many years

### Approval of minutes of previous meeting

It was moved by Ald. McBride, seconded by Ald. Hanson that the reading of the minutes of the last regular meeting be dispensed with and that they be approved as printed. -15

### APPOINTMENTS BY THE MAYOR

1. Police and Fire Commission (reappointment, first reading)

Marna Tess-Mattner, 1542 Upper Parkway South (Dist 1)  
Term ending 4/30/18

2. Ad Hoc Crossing Guard Study Committee (appointment, first reading)

Sarah Lerand, 2125 N. 90th Street (Dist 2)  
Anthony Brown, City Hall Staff Representative  
Jeffrey Roznowski, 2609 N. 82nd Street (Dist 6)  
Laura Wainscott, Wauwatosa School District Representative  
Mike Heun, Wauwatosa School District Representative

All foregoing appointments ordered held as this was the first reading.

### APPLICATIONS, COMMUNICATIONS, ETC.

1. Statements of Financial Condition for the months ending July 31, 2013 and August 31, 2013

**Place on file**

2. Notice of Claim: Schmitz Ready Mix, Inc., PO Box 250847, Milwaukee, WI

**City Attorney**

3. Letters in support of the Mandel Group residential development proposal at approximately 9722 Watertown Plank Road received from Chris Leffler, 644 N. Honey Creek Parkway, Jim Villa,

Commercial Association of Wisconsin Realtors, 735 N. Water Street, Milwaukee, and Geoffrey Mykleby DDS, 2386 N. Menomonee River Parkway, Charles Mitchell, 7525 Oakhill Avenue, and Mark R. Hogan, 2510 N. 90th Street

**Add to existing file**

### **ORDINANCES FOR INTRODUCTION**

1. Ordinance amending portions of Chapter 6.08 of the Wauwatosa Municipal Code to delegate authority to the Legislation, Licensing and Communications Committee to issue operator licenses

**Re-refer to originating committee**

### **ORDINANCE**

AN ORDINANCE AMENDING PORTIONS OF CHAPTER 6.08 OF THE MUNICIPAL CITY CODE TO ALLOW THE LEGISLATION, LICENSING AND COMMUNICATIONS COMMITTEE TO ISSUE OPERATOR LICENSES.

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

#### 6.08 ALCOHOLIC BEVERAGES

##### Part I.

Section 6.08.060 (C) of the Wauwatosa Municipal Code is hereby amended to read as follows:

##### Section 6.08.060 (C) License Issuance- Conditions.

C. An applicant for an operator's license whose application has been denied by the Wauwatosa legislation, licensing and communications committee shall not be permitted to reapply or be reconsidered for an operator's license at any time sooner than six months following the date of the denial by the legislation, licensing and communications committee.

##### Part. II.

Section 6.08.090 (A) and (B) of the Wauwatosa Municipal Code is hereby amended to read as follows:

##### 6.08.090 Granting of license.

A. Opportunity shall be given by the legislation, licensing and communications committee to any person to be heard for or against the granting of any license. Upon approval of the application by the legislation, licensing and communications committee and a receipt showing the payment of the required license fee to the city treasurer, the city clerk shall issue to the applicant a license. Each license shall be numbered in the order in which issued and shall specifically state the premises for which issued, the date of issuance and the date of expiration, the fee paid, and the name of the licensee. Except as provided in Section 6.08.040, all licenses shall remain in force until the first day of July next after the granting thereof, unless sooner revoked in the manner provided in Wisconsin Statutes Chapter 125 and acts amendatory and supplementary thereto.

B. The legislation, licensing and communications committee, by a majority of its members, may authorize or deny the license. Upon denial of any initial application, the committee must set forth the reasons for such action.

Part III.

Section 6.08.100 (A) of the Wauwatosa Municipal Code is hereby amended to read as follows:

Section 6.08.100 Authorization to the city clerk to issue and renew operator's licenses.

A. The city clerk is authorized to issue or renew operator's licenses pursuant to section 6.08.090 without the need for further legislation, licensing and communications committee authorization provided that the clerk has:

1. Received a report from the police department regarding the licensee as not having violated the law substantially relating to the sale or use of alcohol, illegal substances or other laws having a bearing on the licensees' fitness;
2. Not received information regarding complaints filed with the city relative to the licensee or licensed premises in which the license is an operator;
3. Not received a request from a committee or council member or the mayor for a review of this licensee's renewal; or
4. No other good and sufficient reason to believe such license renewal application should be reviewed by the appropriate committee of the common council.

Part IV.

Section 6.08.250 (A) of the Wauwatosa Municipal Code is hereby amended to read as follows:

6.08.250 Operator's license.

A. An operator's license shall be granted by the legislation, licensing and communications committee upon written application.

Part V.

Section 6.08.270 (B) of the Wauwatosa Municipal Code is hereby amended to read as follows:

Section 6.08.270 Provisional operator's license.

B. A provisional operator's license shall be effective upon being stamped by the Wauwatosa police department for a period not to exceed sixty days from the date of issuance or until an operator's license is approved or denied by the legislation, licensing and communications committee, which event occurs first in time, unless such provisional operator's license has been revoked as provided in this chapter.

Part VI.

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

<b>RESULT:</b>	<b>REFER TO ORIGINATING COMMITTEE</b>	<b>Next: 9/24/2013 7:00 PM</b>
<b>TO:</b>	Legislation, Licensing & Communications Committee	

- Ordinance creating Section 11.36.472 of the Wauwatosa Municipal Code to reduce the speed limit on Ludington Avenue

**Re-refer to originating committee**

### **ORDINANCE**

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

Part I. Section 11.36.472 of the Code of the City of Wauwatosa is hereby created to read as follows:

11.36.472 Speed limits - Twenty Five miles per hour.

The speed of any vehicle shall not be in excess of twenty-five miles per hour on the following highways:

- Ludington Avenue between Milwaukee Avenue and 88th Street north of North Avenue

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

<b>RESULT:</b>	<b>REFER TO ORIGINATING COMMITTEE</b>	<b>Next: 9/24/2013 7:00 PM</b>
<b>TO:</b>	Traffic and Safety Committee	

- Ordinance amending Chapter 24 of the Wauwatosa Municipal Code to clarify various sections within the newly adopted Zoning Code

**Re-refer to originating committee**

- Ordinance authorizing a change in zoning from R1-6 District to C1 District at 7517 Milwaukee Avenue (Wauwatosa Woman's Club)

**Re-refer to originating committee**

### **FROM THE COMMITTEE ON TRAFFIC & SAFETY**

- Resolution creating an Ad Hoc Crossing Guard Program Committee

**Committee recommended approval 5-0**

### **RESOLUTION R-13-174**

WHEREAS, the Committee on Traffic and Safety received a report at its meeting on September 10, 2013, regarding the crossing guard program; and

WHEREAS, the report explained that there is concern regarding the continued rise of crossing guard costs due to hourly rate increases, the addition of new crossing guard locations, and

the need to address levy limits and other budgetary constraints; and

WHEREAS, these issues must be balanced against the increased need and awareness of pedestrian safety in school zones; and

WHEREAS, a citizen committee would be well positioned to address the need to balance cost constraints and safety concerns;

NOW, THEREFORE, BE IT RESOLVED THAT an Ad Hoc Crossing Guard Program Committee, with members to be appointed by the Mayor and approved by the Common Council, shall be created to investigate alternatives to reduce program costs while maintaining or improving pedestrian safety;

BE IT FURTHER RESOLVED THAT said Committee shall report back to the Traffic & Safety Committee in approximately 90 days.

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

- Resolution amending the Official Stop Sign Map to add stop signs at the intersection of Eagle Street and 78th Street

**Committee recommended approval 5-0**

**RESOLUTION R-13-175**

WHEREAS, at the meeting of June 13, 2013, the Traffic and Safety Committee instituted a 90 day trial by placing stop signs for traffic on Eagle and 78th Streets; and

WHEREAS, the Department of Public Works has reported that there were no accidents during the 90 day trial of stop signs and that the stop signs have been well liked by the neighborhood;

NOW, THEREFORE, BE IT RESOLVED THAT the official stop sign map of the City of Wauwatosa shall hereby be amended by adding the installed stop signs on Eagle and 78th Streets in the City of Wauwatosa.

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

**FROM THE COMMITTEE ON LEGISLATION, LICENSING & COMMUNICATIONS**

- Resolution approving a fireworks permit for the annual Wauwatosa West High School homecoming display to be conducted by Bartolotta Fireworks Co., Inc. at 11400 W. Center Street on Friday, October 4, 2013, Andy Zietlow, Wauwatosa West High School, applicant

**Committee recommended approval 5-0****RESOLUTION R-13-176**

WHEREAS, the Wauwatosa School District has applied for a fireworks user's permit for the purposes of conducting a fireworks display at Wauwatosa West High School on October 4, 2013; and

WHEREAS, the Committee on Legislation, Licensing and Communications has reviewed their request;

NOW, THEREFORE, BE IT RESOLVED THAT the Clerk be authorized to issue a firework user's permit to the Wauwatosa School District for the purpose of conducting a fireworks display on October 4, 2013, at Wauwatosa West High School at a specific location to be designated by the Wauwatosa Fire Chief, subject to all applicable laws and permit conditions, and subject further to all of the following:

1. Receipt by the City Clerk of a signed application and appropriate permit fee;
2. Receipt by the City Attorney of a Hold Harmless Agreement executed by the Wauwatosa School District in favor of the City of Wauwatosa;
3. Receipt by the City Attorney of a Certificate of General Liability Insurance evidencing liability coverage for the fireworks contractor naming the City of Wauwatosa as an additional insured.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Peter Donegan, Alderman
<b>SECONDER:</b>	Donald Birschel, Alderman
<b>AYES:</b>	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 setting a public hearing date of November 5, 2013 to consider miscellaneous zoning text amendments to Chapter 24 of the Wauwatosa Municipal Code

**Committee recommended approval 8-0****RESOLUTION R-13-177**

BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin THAT a public hearing be held before the Common Council in the Council Chambers at 7:00 p.m. Local Time, on Tuesday, November 5, 2013 in City Hall of the City of Wauwatosa, Wisconsin at which time all persons interested, or their agents or attorneys, will be heard concerning miscellaneous zoning text amendments to Chapter 24 of the Wauwatosa Municipal Code.

BE IF FURTHER RESOLVED THAT the City Clerk be and is hereby directed to publish the proper notices of said hearing as required by law.

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

2. Resolution setting a public hearing date of November 5, 2013 to consider a change of zoning from R1-6 District to C1 District at 7517 Milwaukee Avenue (Wauwatosa Woman's Club)

**Committee recommended approval 8-0**

**RESOLUTION R-13-178**

BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin THAT a public hearing be held before the Common Council in the Council Chambers at 7:00 p.m. Local Time, on Tuesday, November 5, 2013 in City Hall of the City of Wauwatosa, Wisconsin at which time all persons interested, or their agents or attorneys, will be heard concerning a proposed ordinance rezoning the property located at 7517 Milwaukee Avenue from R1-6 District to C1 District.

BE IF FURTHER RESOLVED THAT the City Clerk be and is hereby directed to publish the proper notices of said hearing as required by law.

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

3. Resolution approving preliminary plans for a Planned Development to construct a multifamily development at 1215 North 62nd Street, Anthony DeRosa, WP Property Acquisitions LLC, and David Israel, Learsi Wisconsin LLC, applicants

**Committee recommended approval 8-0**

**RESOLUTION R-13-179**

WHEREAS, Anthony DeRosa, WP Property Acquisitions LLC, and David Israel, Learsi Wisconsin LLC, applied for preliminary plans for Planned Development at 1215 North 62nd Street to construct a multifamily development, 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 Planned Development preliminary plan approval to Anthony

DeRosa, WP Property Acquisitions LLC, and David Israel, Learsi Wisconsin LLC, to construct a multifamily development at 1215 North 62<sup>nd</sup> Street, subject to the following:

1. plans showing adequate sewer capacity, environmental remediation and storm water management subject to approval by the city engineer
2. plans for water supply to the site subject to approval by the city water superintendent
3. building plans designating design and materials recommended by the Design Review Board;
4. conservation easement and access easement granted for the Schoonmaker Reef per City specifications
5. developer's agreement approved by the Common Council
6. appropriate sensitivity to and maintenance of historic site from recommendations of the Historic Preservation Commission
7. sensitivity to exhaust issues brought up at Plan Commission
8. obtaining all necessary licenses and permits

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

4. Resolution approving a Conditional Use in the C1 District at 6818 West North Avenue for a restaurant with outdoor seating, John Steiner and Milton Investments, applicants

**Committee recommended approval 8-0**

**RESOLUTION R-13-180**

WHEREAS, John Steiner and Milton Investments, applied for a Conditional Use in the C1 District at 6818 West North Avenue for a restaurant with outdoor seating, 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 John Steiner and Milton Investments Group to operate a restaurant in the C1 District at 6818 West North Avenue, contingent upon:

1. hours of operation: 3 p.m. to bar time daily with outdoor dining hours of 4 p.m. to 11 p.m.
2. creating a living unit for employee housing only, not a rental for the general public
3. complying with building and fire code regulations
4. applying to the Board of Public Works for an exception of three parking spaces
5. applying for a parking lot permit from the Engineering Division
6. obtaining all other necessary licenses and permits

7. monitoring waste disposal for smells and vermin

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

5. Resolution approving a Planned Development Amendment at approximately 9722 Watertown Plank Road to construct a multifamily development and related development in the Eschweiler buildings, Phil Aiello, Mandel Group Properties, LLC, and David Gilbert, UWM Real Estate Foundation, applicants

**Committee recommended approval 8-0**

**RESOLUTION R-13-181**

WHEREAS, Phil Aiello, Mandel Group Properties, LLC, and David Gilbert, UWM Real Estate Foundation, applied for an amendment to a Planned Development at approximately 9722 Watertown Plank Road to construct a multifamily development and related development in the Eschweiler buildings, 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 approval of an amendment to a Planned Development to Phil Aiello, Mandel Group Properties, LLC, and David Gilbert, UWM Real Estate Foundation, to construct a multifamily development and related development in the Eschweiler buildings, subject to the following:

1. Plans showing adequate sewer capacity and storm water management subject to approval by the city engineer
2. Plans for water supply to site and hydrant placement subject to approval by the city water superintendent
3. Developer's agreement approved by the Common Council
4. Obtaining any additional licenses and permits
5. The landscape plan can be adapted by the Mayor's UWM workgroup as a collaborative consensus and adhere to at least a three-year natural landscape maintenance plan
6. An existing habitat and tree construction protection plan be in place and that any trees located close to construction be properly pruned, maintained, and monitored.

<b>RESULT:</b>	<b>APPROVED [13 TO 2]</b>
<b>MOVER:</b>	Jeffrey Roznowski, Alderman
<b>SECONDER:</b>	Bobby Pantuso, Alderman
<b>AYES:</b>	Berdan, Birschel, Causier, Donegan, Dubinski, McBride, Moldenhauer, Pantuso, Roznowski, Tilleson, Walz-Chojnacki, Wilke, Wilson
<b>NAYS:</b>	Hanson, Organ
<b>ABSTAIN:</b>	Ewerdt

### **FROM THE COMMITTEE ON BUDGET & FINANCE**

#### 1. Bills and claims

BILLS AND CLAIMS FOR THE PERIOD 9/4/13 - 9/17/13 --

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 9/4/13 - 9/17/13 \$2,223,591.41

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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 of a garage over a city easement at 629 N. 79th Street, subject to the execution of an encroachment agreement

**Board recommended approval 4-0**

#### **RESOLUTION R-13-182**

BE IT RESOLVED, by the Common Council of the City of Wauwatosa THAT permission be and the same is hereby granted to Jim Walker, 629 N. 79th Street, Wauwatosa, WI, to encroach onto a City water main easement with a garage, at a distance no further into the easement than that occupied by the existing garage, 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.

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

2. Resolution approving an emergency purchase under Section 3.20.040(4) of the Wauwatosa Municipal Code in the amount of \$9,099.30 to repair sink holes near the Harmonie Bridge

**Board recommended approval 4-0**

**RESOLUTION** R-13-183

BE IT RESOLVED, by the Common Council of the City of Wauwatosa, THAT the emergency repair of two sink holes on the Harmonie Bridge by Concrete Raising Corporation in the sum of \$9,099.30 be and the same is hereby approved.

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

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Carla A. Ledesma, CMC, City Clerk

## Ordinance

ORDINANCE AMENDING PORTIONS OF CHAPTER 6.08 OF THE WAUWATOSA MUNICIPAL CODE TO DELEGATE AUTHORITY TO THE LEGISLATION, LICENSING AND COMMUNICATIONS COMMITTEE TO ISSUE OPERATOR LICENSES

AN ORDINANCE AMENDING PORTIONS OF CHAPTER 6.08 OF THE MUNICIPAL CITY CODE TO ALLOW THE LEGISLATION, LICENSING AND COMMUNICATIONS COMMITTEE TO ISSUE OPERATOR LICENSES.

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

### 6.08 ALCOHOLIC BEVERAGES

#### Part I.

Section 6.08.060 (C) of the Wauwatosa Municipal Code is hereby amended to read as follows:

#### Section 6.08.060 (C) License Issuance- Conditions.

C. An applicant for an operator's license whose application has been denied by the Wauwatosa legislation, licensing and communications committee shall not be permitted to reapply or be reconsidered for an operator's license at any time sooner than six months following the date of the denial by the legislation, licensing and communications committee.

#### Part. II.

Section 6.08.090 (A) and (B) of the Wauwatosa Municipal Code is hereby amended to read as follows:

#### 6.08.090 Granting of license.

A. Opportunity shall be given by the legislation, licensing and communications committee to any person to be heard for or against the granting of any license. Upon approval of the application by the legislation, licensing and communications committee and a receipt showing the payment of the required license fee to the city treasurer, the city clerk shall issue to the applicant a license. Each license shall be numbered in the order in which issued and shall specifically state the premises for which issued, the date of issuance and the date of expiration, the fee paid, and the name of the licensee. Except as provided in Section 6.08.040, all licenses shall remain in force until the first day of July next after the granting thereof, unless sooner revoked in the manner provided in Wisconsin Statutes Chapter 125 and acts amendatory and supplementary thereto.

B. The legislation, licensing and communications committee, by a majority of its members, may authorize or deny the license. Upon denial of any initial application, the committee must set forth the reasons for such action.

#### Part III.

Section 6.08.100 (A) of the Wauwatosa Municipal Code is hereby amended to read as follows:

Section 6.08.100 Authorization to the city clerk to issue and renew operator's licenses.

A. The city clerk is authorized to issue or renew operator's licenses pursuant to section 6.08.090 without the need for further legislation, licensing and communications committee authorization provided that the clerk has:

1. Received a report from the police department regarding the licensee as not having violated the law substantially relating to the sale or use of alcohol, illegal substances or other laws having a bearing on the licensees' fitness;
2. Not received information regarding complaints filed with the city relative to the licensee or licensed premises in which the license is an operator;
3. Not received a request from a committee or council member or the mayor for a review of this licensee's renewal; or
4. No other good and sufficient reason to believe such license renewal application should be reviewed by the appropriate committee of the common council.

Part. IV.

Section 6.08.250 (A) of the Wauwatosa Municipal Code is hereby amended to read as follows:

6.08.250 Operator's license.

A. An operator's license shall be granted by the legislation, licensing and communications committee upon written application.

Part V.

Section 6.08.270 (B) of the Wauwatosa Municipal Code is hereby amended to read as follows:

Section 6.08.270 Provisional operator's license.

B. A provisional operator's license shall be effective upon being stamped by the Wauwatosa police department for a period not to exceed sixty days from the date of issuance or until an operator's license is approved or denied by the legislation, licensing and communications committee, which event occurs first in time, unless such provisional operator's license has been revoked as provided in this chapter.

Part VI.

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

Passed and Dated \_\_\_\_\_

\_\_\_\_\_

City Clerk

Approved \_\_\_\_\_

\_\_\_\_\_

Mayor

## Ordinance

### ORDINANCE CREATING SECTION 11.36.472 OF THE WAUWATOSA MUNICIPAL CODE TO REDUCE THE SPEED LIMIT ON LUDINGTON AVENUE

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

Part I. Section 11.36.472 of the Code of the City of Wauwatosa is hereby created to read as follows:

11.36.472 Speed limits - Twenty Five miles per hour.

The speed of any vehicle shall not be in excess of twenty-five miles per hour on the following highways:

1. Ludington Avenue between Milwaukee Avenue and 88th Street north of North Avenue

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-13-174

By: Traffic and Safety Committee

WHEREAS, the Committee on Traffic and Safety received a report at its meeting on September 10, 2013, regarding the crossing guard program; and

WHEREAS, the report explained that there is concern regarding the continued rise of crossing guard costs due to hourly rate increases, the addition of new crossing guard locations, and the need to address levy limits and other budgetary constraints; and

WHEREAS, these issues must be balanced against the increased need and awareness of pedestrian safety in school zones; and

WHEREAS, a citizen committee would be well positioned to address the need to balance cost constraints and safety concerns;

NOW, THEREFORE, BE IT RESOLVED THAT an Ad Hoc Crossing Guard Program Committee, with members to be appointed by the Mayor and approved by the Common Council, shall be created to investigate alternatives to reduce program costs while maintaining or improving pedestrian safety;

BE IT FURTHER RESOLVED THAT said Committee shall report back to the Traffic & Safety Committee in approximately 90 days.

Passed and Dated \_\_\_\_\_

\_\_\_\_\_

Clerk

Approved \_\_\_\_\_

\_\_\_\_\_

Mayor

CITY OF WAUWATOSA  
Resolution

R-13-175

By: Traffic and Safety Committee

WHEREAS, at the meeting of June 13, 2013, the Traffic and Safety Committee instituted a 90 day trial by placing stop signs for traffic on Eagle and 78th Streets; and

WHEREAS, the Department of Public Works has reported that there were no accidents during the 90 day trial of stop signs and that the stop signs have been well liked by the neighborhood;

NOW, THEREFORE, BE IT RESOLVED THAT the official stop sign map of the City of Wauwatosa shall hereby be amended by adding the installed stop signs on Eagle and 78th Streets in the City of Wauwatosa.

Passed and Dated \_\_\_\_\_

\_\_\_\_\_

Clerk

Approved \_\_\_\_\_

\_\_\_\_\_

Mayor

CITY OF WAUWATOSA  
Resolution

R-13-176

By: Legislation, Licensing and Communications

WHEREAS, the Wauwatosa School District has applied for a fireworks user's permit for the purposes of conducting a fireworks display at Wauwatosa West High School on October 4, 2013; and

WHEREAS, the Committee on Legislation, Licensing and Communications has reviewed their request;

NOW, THEREFORE, BE IT RESOLVED THAT the Clerk be authorized to issue a firework user's permit to the Wauwatosa School District for the purpose of conducting a fireworks display on October 4, 2013, at Wauwatosa West High School at a specific location to be designated by the Wauwatosa Fire Chief, subject to all applicable laws and permit conditions, and subject further to all of the following:

1. Receipt by the City Clerk of a signed application and appropriate permit fee;
2. Receipt by the City Attorney of a Hold Harmless Agreement executed by the Wauwatosa School District in favor of the City of Wauwatosa;
3. Receipt by the City Attorney of a Certificate of General Liability Insurance evidencing liability coverage for the fireworks contractor naming the City of Wauwatosa as an additional insured.

Passed and Dated \_\_\_\_\_

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Clerk

Approved \_\_\_\_\_

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Mayor

CITY OF WAUWATOSA  
Resolution

R-13-177

By: Community Development Committee

BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin THAT a public hearing be held before the Common Council in the Council Chambers at 7:00 p.m. Local Time, on Tuesday, November 5, 2013 in City Hall of the City of Wauwatosa, Wisconsin at which time all persons interested, or their agents or attorneys, will be heard concerning miscellaneous zoning text amendments to Chapter 24 of the Wauwatosa Municipal Code.

BE IF FURTHER RESOLVED THAT the City Clerk be and is hereby directed to publish the proper notices of said hearing as required by law.

Passed and Dated \_\_\_\_\_

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Clerk

Approved \_\_\_\_\_

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Mayor

CITY OF WAUWATOSA  
Resolution

R-13-178

By: Community Development Committee

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BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin THAT a public hearing be held before the Common Council in the Council Chambers at 7:00 p.m. Local Time, on Tuesday, November 5, 2013 in City Hall of the City of Wauwatosa, Wisconsin at which time all persons interested, or their agents or attorneys, will be heard concerning a proposed ordinance rezoning the property located at 7517 Milwaukee Avenue from R1-6 District to C1 District.

BE IF FURTHER RESOLVED THAT the City Clerk be and is hereby directed to publish the proper notices of said hearing as required by law.

Passed and Dated \_\_\_\_\_

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Clerk

Approved \_\_\_\_\_

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Mayor

CITY OF WAUWATOSA  
Resolution

R-13-179

By: Community Development Committee

WHEREAS, Anthony DeRosa, WP Property Acquisitions LLC, and David Israel, Learsi Wisconsin LLC, applied for preliminary plans for Planned Development at 1215 North 62nd Street to construct a multifamily development, 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 Planned Development preliminary plan approval to Anthony DeRosa, WP Property Acquisitions LLC, and David Israel, Learsi Wisconsin LLC, to construct a multifamily development at 1215 North 62<sup>nd</sup> Street, subject to the following:

1. plans showing adequate sewer capacity, environmental remediation and storm water management subject to approval by the city engineer
2. plans for water supply to the site subject to approval by the city water superintendent
3. building plans designating design and materials recommended by the Design Review Board;
4. conservation easement and access easement granted for the Schoonmaker Reef per City specifications
5. developer's agreement approved by the Common Council
6. appropriate sensitivity to and maintenance of historic site from recommendations of the Historic Preservation Commission
7. sensitivity to exhaust issues brought up at Plan Commission
8. obtaining all necessary licenses and permits

Passed and Dated \_\_\_\_\_

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Clerk

Approved \_\_\_\_\_

\_\_\_\_\_

Mayor

CITY OF WAUWATOSA  
Resolution

R-13-180

By: Community Development Committee

WHEREAS, John Steiner and Milton Investments, applied for a Conditional Use in the C1 District at 6818 West North Avenue for a restaurant with outdoor seating, 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 John Steiner and Milton Investments Group to operate a restaurant in the C1 District at 6818 West North Avenue, contingent upon:

1. hours of operation: 3 p.m. to bar time daily with outdoor dining hours of 4 p.m. to 11 p.m.
2. creating a living unit for employee housing only, not a rental for the general public
3. complying with building and fire code regulations
4. applying to the Board of Public Works for an exception of three parking spaces
5. applying for a parking lot permit from the Engineering Division
6. obtaining all other necessary licenses and permits
7. monitoring waste disposal for smells and vermin

Passed and Dated \_\_\_\_\_

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Clerk

Approved \_\_\_\_\_

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Mayor

CITY OF WAUWATOSA  
Resolution

R-13-181

By: Community Development Committee

WHEREAS, Phil Aiello, Mandel Group Properties, LLC, and David Gilbert, UWM Real Estate Foundation, applied for an amendment to a Planned Development at approximately 9722 Watertown Plank Road to construct a multifamily development and related development in the Eschweiler buildings, 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 approval of an amendment to a Planned Development to Phil Aiello, Mandel Group Properties, LLC, and David Gilbert, UWM Real Estate Foundation, to construct a multifamily development and related development in the Eschweiler buildings, subject to the following:

1. Plans showing adequate sewer capacity and storm water management subject to approval by the city engineer
2. Plans for water supply to site and hydrant placement subject to approval by the city water superintendent
3. Developer's agreement approved by the Common Council
4. Obtaining any additional licenses and permits
5. The landscape plan can be adapted by the Mayor's UWM workgroup as a collaborative consensus and adhere to at least a three-year natural landscape maintenance plan
6. An existing habitat and tree construction protection plan be in place and that any trees located close to construction be properly pruned, maintained, and monitored.

Passed and Dated \_\_\_\_\_

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Clerk

Approved \_\_\_\_\_

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Mayor

7525 Oakhill Avenue  
Wauwatosa WI 53201

August 26, 2013

**To: All Common Council Members**  
**City of Wauwatosa**  
7725 West North Avenue  
Wauwatosa WI 53213

**Re: Mandel Residential Project**  
**Approve the project and TIF**

As current chairman of the Wauwatosa Historic Preservation Commission, I have a broad perspective of Mandel Group's apartment complex planned to be built on the UWM Innovation Campus. One of the important features of the project is the historic Eschweiler buildings.

Mandel has done a lot of work planning all aspects of the residential development over the last two years, and the HPC was a forum for the presentation, discussion, and critique of that work. Mandel has appeared at many HPC meetings, some of them public hearings. Each time they appeared, some progress was made on the project and on the role of the Eschweiler buildings within the project. Last year Mandel dealt with the public outcry regarding the possibility that some of the Eschweiler buildings be torn down because of cost of rehabilitation. Mandel people were always sensitive to public opinion and comments by the HPC members. They have been cognizant of the standards of Wauwatosa, known as a city of wonderful homes, and to the needs of the Innovation Campus, and they gradually came up with a design for an apartment development that we all can be proud of. The plan encourages the possibility that all four Eschweilers be used as a charter school, if the interested tenant, the Forestry Exploration Center, can raise the money to do the rehabilitation. The plan also has an excellent alternative which preserves the largest of the Eschweilers, the Administration Building, and reduces two Eschweilers to walled gardens. The gardens would be very pleasant outdoor spaces within remnants of the walls of the old buildings. Open to the general public, the gardens would be places where residents of the apartments and the rest of Innovation Campus would gather to relax and to socialize.

The new buildings, arranged in an arc around the Eschweilers, make for a charming residential community. The outstanding architecture complements the Eschweilers. The project does justice to its prominent position on a high hill.

The HPC, a part of Wauwatosa city government, carrying out the mission of the city regarding preservation of historic buildings as stated in the city ordinances, has approved Mandel's plan. This is one good reason for the city to invest TIF in a project that includes these very charming and respected buildings.

Mandel Residential Project, contd.

August 20, 2013

There is another reason, a very practical one, to support a project that renovates the Eschweiler buildings. The Eschweilers are not just historical, they are a tremendous asset to the residential project because they are handsome buildings, charming and attractive. Mandel realizes their value as an element of the apartment project. This is a common sense approach, using the buildings as amenities for tenants to enjoy. It is a wise business decision because the buildings help attract and retain tenants.

The Mandel project is a reasonable approach. It doesn't demand saving all the Eschweiler buildings at any cost. It saves all of them only if a prospective tenant like the FEC is able to provide the money to do it. In either case, about \$2.5M TIF is needed. This amount is not beyond what practically any other real estate project would be granted. It would insure a tax increment of about \$20M.

For comparison, the ABB building being built now on the Innovation Campus is receiving \$2.1M in TIF and will provide a \$13M tax increment. The apartment building proposed in March on Church St. next to the fire house was expecting \$1.4M in TIF and would have provided only an \$8.2M tax increment. The apartment project on 62<sup>nd</sup> St. north of State Street, similar in size to the Mandel project and recently approved by the Plan Commission, is reported to be asking for \$2.53M in TIF. (Projects are commanding this kind of support from the city without even preserving any historic buildings.)

In a recent development, it appears that the Wisconsin State Historical Society, an agency of state government, will also do a review of the Mandel project because of the historic status of the Eschweilers. This is a duplication of the process that your local HPC has gone through, and the WSHS is likely to come to the same conclusion and recommendation as the HPC. But even if the WSHS recommendation is somewhat different, you need to decide what you think is the best solution for the City of Wauwatosa at Budget and Finance Committee and Common Council meetings that are likely to be held in September and early October.

It's a great project, beautiful new apartment buildings augmented by revered Eschweiler buildings. I've lived in Wauwatosa my entire adult life, and this project looks to me like an opportunity of a lifetime, fully worthy of TIF money. I urge you to approve it.

Charles Mitchell

414-258-1525

CITY OF WAUWATOSA  
Resolution

R-13-182

By: Board of Public Works

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BE IT RESOLVED, by the Common Council of the City of Wauwatosa THAT permission be and the same is hereby granted to Jim Walker, 629 N. 79th Street, Wauwatosa, WI, to encroach onto a City water main easement with a garage, at a distance no further into the easement than that occupied by the existing garage, 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 \_\_\_\_\_

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Clerk

Approved \_\_\_\_\_

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Mayor

CITY OF WAUWATOSA  
Resolution

R-13-183

By: Board of Public Works

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BE IT RESOLVED, by the Common Council of the City of Wauwatosa, THAT the emergency repair of two sink holes on the Harmonee Bridge by Concrete Raising Corporation in the sum of \$9,099.30 be and the same is hereby approved.

Passed and Dated \_\_\_\_\_

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Clerk

Approved \_\_\_\_\_

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Mayor