



CITY OF WAUWATOSA

COMMON COUNCIL

MINUTES • JANUARY 7, 2014

Regular Meeting

Common Council Chambers

7:30 PM

7725 West North Avenue, Wauwatosa, WI 53213

PRESENT: Alds. Berdan, Birschel, Causier, Dubinski, Ewerdt, Hanson, McBride, Moldenhauer, Organ, Pantuso, Roznowski, Tilleson, Walz-Chojnacki, Wilke, Wilson -15

EXCUSED: Ald. Donegan

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

Mayor Ehley in the Chair

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

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

PUBLIC HEARING

1. Request by David Ewanowski, Kee Architecture, and Brad McClain, UW Credit Union, for a Zoning Map Amendment from M1 District to C2 District at 6510 W. State Street

The public hearing was declared open. Proof of publication is in the file.

In a meeting held on November 11, 2013 the City Plan Commission recommended approval of the request.

No one of the public present wished to be heard in favor of the proposed Zoning Map Amendment.

No one of the public present wished to be heard in opposition to the proposed Zoning Map Amendment.

No one of the public present wished to be heard either for or against the proposed Zoning Map Amendment or had any comments or questions.

The public hearing was declared closed. Ordered held to the next Community Development Committee meeting on January 14, 2014.

APPOINTMENTS BY THE MAYOR

1. Village of Wauwatosa Business Improvement District (BID) Board (reappointment, final reading)

Jeff Roznowski, representative for WHS Little Red Store, 7603 W. State Street
Term expires 12/31/2015

2. Commercial Design Review Board (reappointment, final reading)

Gary G. Woodward, 6934 Cedar Street (Dist. 4)
Term expires 12/31/2015

Edward Haydin III, 2568 N. 71st Street (Dist. 5)
Term expires 12/31/2015

3. Residential Design Review Board (reappointment, final reading)

David Wall, 2378 N 70th Street (Dist. 5)
Term expires 12/31/2015

4. Civic Celebration Commission (reappointment, final reading)

Bill Berdan, 2049 N. 114th Street (Dist. 7)
Term expires 12/31/2017

Robert Brunow, 10401 W. Vienna Avenue (Dist. 8)
Term expires 12/31/2017

Partick McNally, 9646 W. Palmetto Avenue (Dist. 8)
Term expires 12/31/2017

5. Civic Service Commission (reappointment, final reading)

John Schapekahm, 653 N. 77th Street (Dist. 4)
Term expires 9/30/2016

6. Citizens with Disabilities (reappointment, final reading)

Jean Davidson, 1957 River Park Court (Dist. 2)
Term expires 12/31/2016

Lanette Davidson, 1957 River Park Court (Dist. 2)
Term expires 12/31/2016

7. Citizens with Disabilities (appointment, final reading)

Mallory Walsh, 1200 N. 62nd Street (Dist. 4)
Term expires 12/31/2016

8. Ad Hoc Energy Committee (reappointment, final reading)

Jay Kasmerchak, 2028 Two Tree Lane (Dist. 1)
Term expires 12/31/2016

It was moved by Ald. Birschel, seconded by Ald. Berdan
to concur with the foregoing appointments. -15

APPLICATIONS, COMMUNICATIONS, ETC.

1. Summons and Complaint by Wauwatosa Professional Firefighters' Association, Local 1923, IAAF, AFL-CIO

City Attorney

2. Notice of Claim: John Klett, 6133 W. Washington Boulevard

City Attorney

FROM THE COMMITTEE ON EMPLOYEE RELATIONS

- 1. Appointment of Acting Assessor

Committee met prior to Council and recommended approval 5-0

Robert Lenski, Deputy Assessor - Acting Assessor

It was moved by Ald. Causier, seconded by Ald. Hanson to appoint Deputy Assessor Rober Lenski as Acting Assessor. -15

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

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

- 1. Resolution approving a Conditional Use in the C2 District at 151 North Mayfair Road to add a patio, Brenna Malaney, Norr Architects, and Brian Garver, Starbucks Coffee Co., applicants

Committee met prior to Council and recommended approval 8-0

RESOLUTION

WHEREAS, Brenna Malaney, Norr Architects, and Brian Garver, Starbucks Coffee Co., applied for a Conditional Use in the C2 District at 151 North Mayfair Road for a patio, 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 Brenna Malaney, Norr Architects, and Brian Garver, Starbucks Coffee Co., to add a patio in the C2 District at 151 North Mayfair Road, contingent upon:

- 1. Hours of operation from 5 a.m. to midnight daily
- 2. Obtaining all other necessary licenses and permits

It was moved by Ald. Roznowski, seconded by Ald. Pantuso to approve the foregoing resolution. --

It was moved by Ald. Hanson, seconded by Ald. Pantuso to amend the motion to provide for a six-month review of the patio's hours of operation. -15

Vote on original motion, as amended, -15.

RESOLUTION R-14-1

WHEREAS, Brenna Malaney, Norr Architects, and Brian Garver, Starbucks Coffee Co., applied for a Conditional Use in the C2 District at 151 North Mayfair Road for a patio, 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 Brenna Malaney, Norr Architects, and Brian Garver, Starbucks Coffee Co., to add a patio in the C2 District at 151 North Mayfair Road, contingent upon:

1. Hours of operation from 5 a.m. to midnight daily
2. Obtaining all other necessary licenses and permits

BE IT FURTHER RESOLVED that the Development Department shall review the patio’s hours of operation in six months and report to the Community Development Committee at that time if there are outstanding issues.

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

2. Ordinance creating section 2.29 of the Wauwatosa Municipal Code to create the Energy and Recycling Advisory Committee (for adoption)

Committee met prior to Council and recommended approval 8-0

ORDINANCE O-14-1

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

Title 2. Administration and Personnel.

Part I. The City of Wauwatosa Ordinances, Chapter 2.29, is hereby created.

2.29.010 Created.

A. There is hereby created a committee to be known as the Wauwatosa Energy and Recycling Advisory Committee, comprised of nine (9) individuals, to include:

1. Eight (8) citizen members, who shall be residents of Wauwatosa, to be selected at large by the mayor and subject to confirmation by majority vote of the common council, being selected so as to provide a broad range of expertise on energy or recycling issues; and

2. One (1) member who shall be a member of the common council, appointed biannually by the mayor, to be a liaison and voting member of the committee;

B. A city staff member may be appointed to serve as an *ex officio* (non-voting) member.

2.29.020 Appointment.

A. Appointments to the committee by the mayor shall be for a term of three years.

B. Members shall serve staggered three year terms, with three terms expiring at the end of each calendar year.

C. The members shall elect a chair, vice chair, and secretary for one year terms at the beginning of each calendar year, after the start of new membership terms. The chair, vice chair and secretary may serve a maximum of two consecutive, one year officer terms.

2.20.030 Mission.

The committee's mission shall be to advise the City staff and Common Council on matters involving:

- A. City energy consumption, including tracking and benchmarking usage and emissions, recommending goals, suggesting evaluating possible capital projects and their effect on energy, and evaluating possible capital projects and their effect on energy, and evaluating alternative energy solutions. The goal shall be to reduce the usage, cost and emissions of City energy consumption, comparing calendar year energy consumption and emission measurements to goals and benchmarks.
- B. Recycling, solid waste, and yard waste collection and processing, including tracking and benchmarking of landfill diversion, recommending goals, suggesting and evaluating possible capital projects and their effect on recycling, and evaluating alternative recycling solutions. The goal shall be to increase the amount of recycling and landfill diversion, by comparing calendar-year measurements to goals and benchmarks.
- C. Community outreach initiatives that help to educate residents and businesses on energy use and recycling initiatives that work to maintain the quality of life in Wauwatosa.

2.29.040 Annual Report.

The Wauwatosa Energy Committee shall provide an annual update to the Community Development Committee in the first quarter of each calendar year.

2.29.050 Sunset Provision for Recycling Committee.

The Recycling Committee created by resolution is hereby merged with the Ad Hoc Energy Committee to create the Energy and Recycling Advisory Committee. The Recycling Committee shall expire on

December 31, 2013.

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

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

FROM THE COMMITTEE ON BUDGET & FINANCE

1. Resolution rescinding 2013 property taxes for six properties

Committee met prior to Council and recommended approval 7-0

RESOLUTION R-14-2

BE IT RESOLVED, by the Common Council of the City of Wauwatosa THAT the specified portions of the 2013 property taxes for the following properties be and hereby are rescinded:

Address	Original Taxes	Rescinded Taxes	2013 Taxes Amended
3720 N. 124th St. 258-0002-13	81,719.21	(16,574.84)	65,144.37
2130 N. Mayfair Rd. 340-0129-01	29,504.02	(8,020.39)	21,483.63
1233 N. Mayfair Rd. 375-9992-05	152,939.08	(4,372.17)	148,566.91
2645 N. Mayfair Rd. 336-9999-16	67,980.51	(22,414.00)	45,567.00
7133 W. Wells St. 208551 (personal property)	23.75	(23.75)	--
11430 W. Bluemound Rd. 249950 (personal property)	431.99	(431.99)	--

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

2. Bills and Claims

BILLS AND CLAIMS FOR THE PERIOD 12/18/13 to 1/7/14 -

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 12/18/13 - 1/7/14: \$4,965,510.37

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

FROM THE BOARD OF PUBLIC WORKS

- 1. Resolution authorizing final payment of \$406.34 to the Wisconsin DOT for State Project No. 2656-00-71, 70th Street Bridge over Menomonee River

Board recommended approval 5-0

RESOLUTION R-14-3

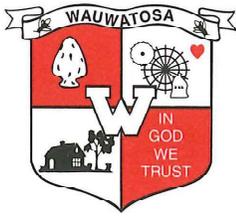
WHEREAS, the Board of Public Works has accepted the work of 70th Street Bridge Over Menomonee River, Stim/Const/Replacement and work incidental thereto in the City of Wauwatosa under Wisconsin Department of Transportation State Project No. 2656-00-71 and the same if ready for final payment.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin that the proper City officers be and they are hereby authorized and directed to draw and sign a City order in the sum of four hundred six dollars and thirty-four cents (\$406.34) as the final payment under said contract, upon receipt of waivers of lien and for labor and materials furnished under said contract, and upon receipt of an affidavit stipulating compliance with wage rate requirement.

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

Carla A. Ledesma, CMC, City Clerk

KATHY EHLEY
Mayor



CITY OF WAUWATOSA

7725 WEST NORTH AVENUE
WAUWATOSA, WISCONSIN 53213
PHONE: (414) 479-8915
FAX: (414) 479-8985
E-MAIL: mayor@wauwatosa.net
www.wauwatosa.net

January 6, 2014

Dear Members of Employee Relations Committee and Common Council:

As you are aware, Wauwatosa City Assessor Steve Miner has resigned his position as of January 3, 2014. I thank Steve Miner for his service as our City Assessor, especially his work on our 2013 property revaluation, and I wish him the best in his new opportunity with the City of Milwaukee.

Because of this vacancy, I am recommending Wauwatosa Deputy Assessor Robert Lenski to serve as Interim Assessor. Mr. Lenski is a valuable member of the City Assessor team and has effectively stepped into this role once before managing the team during the leadership transition. His experience and background knowledge is important and will serve the department and City well especially considering the short-term and long-term issues before us.

Mr. Lenski's appointment will begin at the end of the business day January 6, 2014 and will remain in effect until a new assessor is retained and in the office on a daily basis.

Sincerely,

Kathy Ehley, Mayor

KE/kj

Attachment: Letter from the Mayor - Recommendation of Acting Assessor (1886 : Appointment of Acting Assessor)

CITY OF WAUWATOSA
Resolution

R-14-1

By: Community Development Committee

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Passed and Dated _____

Clerk

Approved _____

Mayor

Ordinance O-14-1

ORDINANCE CREATING SECTION 2.29 OF THE WAUWATOSA MUNICIPAL CODE TO CREATE THE ENERGY AND RECYCLING ADVISORY COMMITTEE (FOR ADOPTION)

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

Title 2. Administration and Personnel.

Part I. The City of Wauwatosa Ordinances, Chapter 2.29, is hereby created.

2.29.010 Created.

A. There is hereby created a committee to be known as the Wauwatosa Energy and Recycling Advisory Committee, comprised of nine (9) individuals, to include:

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2.29.040 Annual Report.

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2.29.050 Sunset Provision for Recycling Committee.

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

Passed and Dated _____

City Clerk

Approved _____

Mayor

CITY OF WAUWATOSA**MEMO: TO COMMUNITY DEVELOPMENT COMMITTEE****FROM: ASSISTANT CITY ATTORNEY EILEEN MILLER CARTER****RE: ORDINANCE CREATING SECTION 2.29 ENTITLED THE ENERGY AND RECYCLING ADVISORY COMMITTEE.****DATE: December 5, 2013**

Issue:

Shall a new committee entitled “Energy and Recycling Advisory Committee” be created to provide expertise and support to the city on energy issues? Shall an ordinance be created to confer authorization on such committee?

Background:

The city is continually challenged to address the city’s energy needs. City energy consumption, tracking, benchmarking usage and emissions, and upcoming needs must be addressed. The city utilizes committee members comprised of residents to pool talents, experience and expertise.

Historically, the city has both a Citizen Advisory Solid Waste Recycling Committee and an *ad hoc* Energy Committee. The purpose of the proposed ordinance and new committee is to dispense with these two separate committees and combine their objectives and expertise into one committee. The two committees have been advised of this proposal and support it.

By memo dated March 21, 2013, Alderman Roznowski, the Common Council Liaison to the Ad Hoc Energy Committee, requested that the committee be conferred permanent status. Subsequent to that discussion, an additional request was made that the Ad Hoc Energy Committee be merged with the Recycling Committee to combine interests and objectives and pool human talent.

The purpose of this newly created ordinance is to reflect the merger of these two committees and the elimination of the Recycling Committee. The Recycling Committee was not created by ordinance. There are no related ordinances to amend or eliminate with the adaption of this proposed ordinance.

The attached ordinance creates section 2.29 of the municipal code. The newly created committee is designed to provide a consolidated approach to addressing the city’s energy and recycling needs. The committee is structured similarly to other citizen committees. There are to be 9 qualified members, selected by the mayor and confirmed by the majority vote. Each serves a three year term and the terms are staggered. An annual written report from the committee is required.

Recommendation:

In order for the city to address its energy needs, a committee created from members who possess professional experience and talent in energy efforts is needed. It is recommended that the proposed ordinance be adapted to create the new committee and that the current recycling committee be permitted to expire upon the effective date of this ordinance.

CITY OF WAUWATOSA
Resolution

R-14-2

By: Budget and Finance Committee

BE IT RESOLVED, by the Common Council of the City of Wauwatosa THAT the specified portions of the 2013 property taxes for the following properties be and hereby are rescinded:

<u>Address</u>	<u>Original Taxes</u>	<u>Rescinded Taxes</u>	<u>2013 Taxes Amended</u>
3720 N. 124th St. 258-0002-13	81,719.21	(16,574.84)	65,144.37
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7133 W. Wells St. 208551 (personal property)	23.75	(23.75)	--
11430 W. Bluemound Rd. 249950 (personal property)	431.99	(431.99)	--

Passed and Dated _____

Clerk

Approved _____

Mayor

CITY OF WAUWATOSA
Resolution

R-14-3

By: Board of Public Works

WHEREAS, the Board of Public Works has accepted the work of 70th Street Bridge Over Menomonee River, Stim/Const/Replacement and work incidental thereto in the City of Wauwatosa under Wisconsin Department of Transportation State Project No. 2656-00-71 and the same if ready for final payment.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin that the proper City officers be and they are hereby authorized and directed to draw and sign a City order in the sum of four hundred six dollars and thirty-four cents (\$406.34) as the final payment under said contract, upon receipt of waivers of lien and for labor and materials furnished under said contract, and upon receipt of an affidavit stipulating compliance with wage rate requirement.

Passed and Dated _____

Clerk

Approved _____

Mayor