



CITY OF WAUWATOSA

COMMON COUNCIL

MINUTES • APRIL 15, 2014

Regular Meeting

Common Council Chambers

7:30 PM

7725 West North Avenue, Wauwatosa, WI 53213

PRESENT: Alds. Pantuso, Roznowski, Tilleson, Walz-Chojnacki, Stippich, Wilson, Berdan, Kofroth, Causier, Dubinski, Byrne, Hanson, McBride, Moldenhauer, Walsh -15

EXCUSED: Ald. Wilke

ALSO PRESENT: Mr. Porter, Public Works Director; Mr. Kesner, City Attorney; Ms. Szudy, City Planner; Police Chief Weber; Ms. Marquardt, Deputy City Clerk

Mayor Ehley in the Chair

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

Deputy City Clerk Marquardt swore in Council members Stippich, Causier, Hanson, Walsh, Pantuso, Byrne, Kofroth, and Wilson to their four-year terms ending in April 2018.

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

The second order of business was confirmation of the following appointments:

Ald. Dennis McBride as Common Council President; Ald. Joel Tilleson as aldermanic representative to the Plan Commission; Ald. Cheryl Berdan as aldermanic representative to the Economic Development Advisory Committee.

It was moved by Ald. Hanson, seconded by Ald. Wilson to confirm the foregoing with a single vote. -15

APPLICATIONS, COMMUNICATIONS, ETC.

1. Wauwatosa Water Utility Statement of Receipts and Disbursements for the month ended February 28, 2014

Place on file

2. Email from David Laatsch, 6327 Washington Circle, supporting the Camp Bar application

Add to existing file

3. Email from Nancy and Jeremy Koss, 2251 N. 66th Street, in support of back-yard bee-keeping

Add to existing file

4. Email from Nancy Hall, 6222 W. North Avenue, supporting the Camp Bar application

Add to existing file

5. Notice of Claim: State Farm on behalf of Edgar Kelnhofer

City Attorney

- 6. Email from Doreen Zeller, 8025 Jackson Park Blvd., opposing the Pasadena Apartments proposal

Add to existing file

- 7. Request by Ald. Pantuso to amend the sign ordinance to permit the use of sandwich board signs in East Tosa

Development Department

- 8. Notice of Claim: Lynn Staskiewicz, 2116 Delafield Street, Waukesha

City Attorney

- 9. Notice of Claim: Jane Fox, 7101 W. Wisconsin Avenue

City Attorney

FROM THE COMMITTEE ON LEGISLATION, LICENSING & COMMUNICATIONS

- 1. Resolution awarding a Reserve Class "B" Liquor License and "Class B" Beer License to Camp Bar, Inc., d/b/a Camp Bar, 6600 W. North Avenue, for the period ending June 30, 2015 and approving an economic development grant

Committee recommended approval 6-0

RESOLUTION R-14-70

WHEREAS, Paul Hackbarth, agent for Camp Bar, Inc., d/b/a Camp Bar, 6600 W. North 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 Reserve Class B liquor license and a Class B Beer license be awarded to Camp Bar, Inc., d/b/a Camp Bar, 6600 W. North Avenue, Wauwatosa, WI, for the period ending June 30, 2015;

BE IT FURTHER RESOLVED THAT an economic development grant in the sum of \$9,500.00 pursuant to Section 6.08.475 of the Wauwatosa Municipal Code be and hereby is granted.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Gregory Walz-Chojnacki, Alderman
SECONDER:	John Dubinski, Alderman
AYES:	Berdan, Birschel, Causier, Dubinski, Hanson, McBride, Moldenhauer, Pantuso, Roznowski, Tilleson, Walz-Chojnacki, Wilson, Kofroth, Byrne, Stippich, Walsh
EXCUSED:	Wilke

- 2. Resolution awarding a Class "B" Liquor License extension to Hector's - A Mexican Restaurant, 7118 W. State Street, on Thursday, June 12, 2014 and Saturday, September 6, 2014

Committee recommended approval 6-0

RESOLUTION R-14-71

WHEREAS, Robert Messinger of Hector's - A Mexican Restaurant, 7118 W. State Street, has requested a temporary extension of the licensed premises to include the parking lot of his business on June 12, 2014, and September 6, 2014, for two annual outdoor parties;

NOW, THEREFORE, BE IT RESOLVED THAT the licensed premises of Hector's - A Mexican Restaurant, 7118 W. State Street be extended to include the parking area on June 12, 2014, with live music from 6 PM to 10PM, and September 6, 2014, with live music from 4 PM to 10PM, and with all trash being removed from the parking lot after the event, and the music be kept at a reasonable level of volume.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Gregory Walz-Chojnacki, Alderman
SECONDER:	John Dubinski, Alderman
AYES:	Berdan, Birschel, Causier, Dubinski, Hanson, McBride, Moldenhauer, Pantuso, Roznowski, Tilleson, Walz-Chojnacki, Wilson, Kofroth, Byrne, Stippich, Walsh
EXCUSED:	Wilke

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

1. Resolution approving a Conditional Use in the Special Purpose – Medical Center District at 9250 Watertown Plank Road for an electrical substation, Robert Bokowski, We Energies, applicant

Committee recommended approval 8-0

RESOLUTION R-14-72

WHEREAS, Robert Bokowski, We Energies., applied for a Conditional Use in the Special Purpose - Medical Center District at 9250 Watertown Plank Road for an electrical substation, 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 Robert Bokowski, We Energies., for an electrical substation in the Special Purpose - Medical Center District at 9250 Watertown Plank Road, with the following conditions:

1. a landscape plan providing \$28,000 to UWM Real Estate for them to use for screening around the substation set up in the form of a bond account
2. high pressure sodium lighting to be installed 30-foot above grade
3. barbed wire fencing allowed per submitted plans
4. upon obtaining any additional licenses or permits

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

- 2. Resolution approving a Land Combination at 6707 and 6715 West North Avenue, Martin Beaudoin, CMR Holdings, LLC., applicant

Committee recommended approval 8-0

RESOLUTION R-14-73

BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin that permission be and the same is hereby granted to Martin Beaudoin, CMR Holdings, LLC. for a Land Combination at 6707 and 6715 West North Avenue. The location of the parcels is more particularly described as follows:

PABST PARK SUBD. NO. 2, NE 1/4 SEC 22-7-21, E 80 FT OF THE N 110.96 FT OF LOT 1, BLK 12, SUBJ TO EASEMENT

PABST PARK SUBD. NO. 2, NE 1/4 SEC 22-7-21, W 55 FT OF N 110.96 FT OF LOT 1 & THE E 25 FT OF N 110.96 FT OF LOT 2, BLK 12, INCLUDING EASE- MENT

All in accordance with the application attached hereto and made a part of this resolution, and in compliance with Section 17.02.070 of the Code of the City of Wauwatosa.

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

- 3. Resolution approving a Conditional Use in the C1 District at 6707 and 6715 West North Avenue for outdoor seating for Red Dot, Martin Beaudoin, Tosa Foods, LLC., applicant

Committee recommended approval 8-0

Atty. Kesner noted that the allowed opening time for indoor seating was adjusted by Staff to 10 a.m. to reflect the opening time for outdoor seating, as approved by the Committee.

RESOLUTION R-14-74

WHEREAS Martin Beaudoin, Tosa Foods, LLC., applied for a Conditional Use in the C1 District at 6707 and 6715 West North Avenue for outdoor seating for Red Dot, and;

WHEREAS, this request was reviewed and recommended by the City Plan Commission and the Committee on Community Development and determined to be necessary for the public convenience at that location; located and proposed to be operated in such manner which will protect the public health,

safety, and welfare; and was found to be compatible with surrounding uses;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin hereby grants a Conditional Use to Martin Beaudoin, Tosa Foods, LLC., for outdoor seating at Red Dot in the C1 District at 6707 and 6715 West North Avenue with the following conditions:

1. proposed patio operating hours of 10 a.m. to 11 p.m. daily; indoor seating approved to open at 10 a.m. daily
2. submit a revised parking plan to Engineering
3. signage will be a separate approval
4. site plan review by the Building and Fire departments
5. obtaining any additional licenses or permits

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

4. Resolution approving a Conditional Use in the C1 District at 1442 Underwood Avenue for expansion of Arte, Lisa Allen, Arte, and Daniel Holter, AlbinEber Investments, applicants

Committee recommended approval 8-0

RESOLUTION R-14-75

WHEREAS, Lisa Allen, Arte, and Daniel Holter, AlbinEber Investments, applied for a Conditional Use in the C1 District at 1442 Underwood Avenue for an expansion of 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 expand Arte in the C1 District at 1442 Underwood Avenue, with the following conditions:

1. operating hours Tuesday-Thursday 5:00 p.m. - 10:00 p.m., Friday 5:00 p.m. - 11:00 p.m., Saturday 10:00 a.m. - 11:00 p.m., Sunday 12:00 p.m. - 6:00 p.m. with private parties and specialty classes between the hours of 9:00 a.m. - 10:00 p.m. daily
2. obtaining any other licenses and permits

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

5. Resolution approving a Conditional Use in the C1 District at 6600 West North Avenue for a drinking establishment (Camp Bar), Paul Hackbarth, Camp Bar, Inc., applicant

Committee recommended approval 8-0

RESOLUTION R-14-76

WHEREAS, Paul Hackbarth, Camp Bar, Inc., applied for a Conditional Use in the C1 District at 6600 West North Avenue for a drinking establishment (Camp Bar), 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 Paul Hackbarth, Camp Bar, Inc., for a drinking establishment (Camp Bar) in the C1 District at 6600 West North Avenue, with the following conditions:

1. operating hours Monday - Thursday from 10:00 a.m. - 2:00 a.m., Friday 10:00 a.m.- 2:30 a.m., Saturday and Sunday 10:00 a.m. - 2:30 a.m. with patio hours of 10:00 a.m. - 11:00 p.m. Monday through Saturday and 10:00 a.m. - 10:00 p.m. on Sunday
2. the reduction of two required off-street parking spaces; if the applicant is able to secure a shared parking agreement within the parameters outlined in the zoning code, applicant will provide an agreement providing for shared use of parking areas, executed by the parties involved, filed with the Zoning Administrator in a form approved by the City Attorney and recorded with the Register of Deeds
3. construction of up to an eight foot tall fence to enclose the patio
4. addition of roof top screening that is aesthetically pleasing and a maximum height of eight feet
5. submitting a revised parking lot plan to Engineering
6. obtaining any additional permits and licenses

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

FROM THE COMMITTEE ON BUDGET & FINANCE

1. Resolution authorizing a Memorandum of Understanding between the City of Wauwatosa, Tosa Skateboarders United, and Michael and Judith Doyle regarding Tosa Skatepark

Committee recommended approval 6-0

RESOLUTION R-14-77

BE IT RESOLVED, by the Common Council of the City of Wauwatosa, THAT the Memorandum of Understanding between the City of Wauwatosa, Tosa Skateboarders United, and Michael and Judith Doyle regarding design and construction of the Tosa Skatepark to be located at Hart Park, a copy of which was presented to the Committee on Budget and Finance at its meeting of April 8, 2014, be and the same is hereby approved.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Tim Hanson, Alderman
SECONDER:	Craig Wilson, Alderman
AYES:	Berdan, Birschel, Causier, Dubinski, Hanson, McBride, Moldenhauer, Pantuso, Roznowski, Tilleson, Walz-Chojnacki, Wilson, Kofroth, Byrne, Stippich, Walsh
EXCUSED:	Wilke

- Resolution approving an amendment to the original design contract with Ayres and Associates for Project 9001 Tosa Eastown Improvements - North Avenue Plan

Committee recommended approval 6-0

RESOLUTION R-14-78

BE IT RESOLVED, by the Common Council of the City of Wauwatosa THAT permission be and the same is hereby granted to the proper City officials to enter into an amendment to the original design contract with Ayres and Associates for Project 9001 Tosa Eastown Improvements, consistent with the proposed Amendment to Agreement submitted on March 7, 2014, for an amount not to exceed \$21,600.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Tim Hanson, Alderman
SECONDER:	Craig Wilson, Alderman
AYES:	Berdan, Birschel, Causier, Dubinski, Hanson, McBride, Moldenhauer, Pantuso, Roznowski, Tilleson, Walz-Chojnacki, Wilson, Kofroth, Byrne, Stippich, Walsh
EXCUSED:	Wilke

- Ordinance recreating Section 6.98.040 of the Code of the City of Wauwatosa pertaining to Street Festival Permits

Committee recommended approval 6-0

ORDINANCE O-14-14

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

Part I. Section 6.98.040 of the Code of the City of Wauwatosa is hereby deleted and recreated to read as follows:

"A fee shall be paid for the issuance of the street festival permit at the time of making application at the city clerk's office. The fee amount shall be as set forth in the consolidated fee schedule. Application shall be forwarded to the common council. This fee shall be in lieu of and take the

place of beer, food and soda water licenses and parade permit which would otherwise be required for those concessions run by nonprofit civic organizations.”

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

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Tim Hanson, Alderman
SECONDER:	Craig Wilson, Alderman
AYES:	Berdan, Birschel, Causier, Dubinski, Hanson, McBride, Moldenhauer, Pantuso, Roznowski, Tilleson, Walz-Chojnacki, Wilson, Kofroth, Byrne, Stippich, Walsh
EXCUSED:	Wilke

4. *Resolution authorizing the denial of 2013 property tax claims for Target, Dental Associates, General Growth Properties, Macy's, Sears, CVS, Phillip Jennings, LRJ 84, LLC., and multiple Walgreens properties

Committee recommended approval 6-0

RESOLUTION R-14-79

BE IT RESOLVED, by the Common Council of the City of Wauwatosa, THAT the following claims for excessive assessment are hereby denied:

Taxpayer	Address	Parcel #
Target	3900 North 124th Street	258-0001-09
Walgreens	2656 North Wauwatosa Avenue	331-0777-01
Walgreens	10800 West Capitol Drive	256-0075-07
Walgreens	6600 West State Street	384-0009-02
Manos Holdings Burleigh, LLC	11711 West Burleigh Street	298-9987-06
General Growth	2500 North Mayfair Road	335-9998-20
Macy's	Personal Property	162-325

BE IT FURTHER RESOLVED, by the Common Council of the City of Wauwatosa, THAT the following purported claims for excessive assessment are hereby denied due to failure to comply with the prerequisite statutory requirements to constitute a valid claim:

Taxpayer	Address	Parcel #
Walgreens	1435 North 113th Street	375-9989-02
Sears	3201 North Mayfair Road	296-9999-05
CVS	7520 W Blue Mound Rd	406-0177-00
Jennings	539 Glenview Ave	382-0402-00
Jennings	542 Robertson St	382-0411-00
Jennings	8318 W. Blue Mound Rd	382-0407-00
Jennings	8340 W. Blue Mound Rd	382-0408-00
Jennings	Glenview Ave (parking lot)	382-0403-00
Jennings	8306 W. Blue Mound Rd	382-0405-00
Jennings	515 Glenview Ave	382-0406-01

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Tim Hanson, Alderman
SECONDER:	Craig Wilson, Alderman
AYES:	Berdan, Birschel, Causier, Dubinski, Hanson, McBride, Moldenhauer, Pantuso, Roznowski, Tilleson, Walz-Chojnacki, Wilson, Kofroth, Byrne, Stippich, Walsh
EXCUSED:	Wilke

5. Bills and Claims

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 04/02/14 - 04/15/14: \$1,722,788.08

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

RESULT:	APPROVE [UNANIMOUS]
AYES:	Berdan, Birschel, Causier, Dubinski, Hanson, McBride, Moldenhauer, Pantuso, Roznowski, Tilleson, Walz-Chojnacki, Wilson, Kofroth, Byrne, Stippich, Walsh
EXCUSED:	Wilke

FROM THE BOARD OF PUBLIC WORKS

- Resolution setting a public hearing date for proposed 2014 street improvements

Board recommended approval 3-0

RESOLUTION R-14-80

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 7:30 PM Local Time on Tuesday May 20, 2014 in the City Hall of the City of Wauwatosa, Wisconsin at which time all persons interested, or their agents or attorneys, will be heard concerning special assessments relating to the City's intent to perform street construction work in the City of Wauwatosa.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Tim Hanson, Alderman
SECONDER:	Michael Walsh, Alderman
AYES:	Berdan, Birschel, Causier, Dubinski, Hanson, McBride, Moldenhauer, Pantuso, Roznowski, Tilleson, Walz-Chojnacki, Wilson, Kofroth, Byrne, Stippich, Walsh
EXCUSED:	Wilke

- Resolution authorizing the award of Contract 14-19 Concrete Sidewalk Repair to State Contractors, Inc.

Board recommended approval 3-0

RESOLUTION R-14-81

WHEREAS, pursuant to the official notice, published as required by law, for proposals for furnishing material, equipment and labor necessary for Concrete Sidewalk Repair and work incidental thereto under Contract 14-19 Concrete Sidewalk Repair in various Aldermanic District(s) of the City of Wauwatosa; and

WHEREAS, bids and proposals were received at the office of the City Clerk until 11:01 o'clock in the fore noon Thursday April 10, 2014 and therefore publicly opened; and

WHEREAS, that said bids and proposals are returned herewith, the bids received are as follows:

	Division A	Division B	Total Bid
State Contractors, Inc	\$285,510.00	\$8,820.00	\$294,330.00
Snorek Construction, Inc.	\$298,860.00	\$8,965.00	\$307,825.00
Marvin Gleason Contractor, Inc.	\$407,265.00	\$7,950.00	\$415,215.00

WHEREAS, the lowest bid received is State Contractors, Inc. in the amount of \$294,330.00;

NOW THEREFORE BE IT RESOLVED, by the Board of Public Works to recommend that the proper city officials be authorized to enter into a contract with State Contractors, Inc. in the amount of \$294,330.00 for doing said work of improvement

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Tim Hanson, Alderman
SECONDER:	Michael Walsh, Alderman
AYES:	Berdan, Birschel, Causier, Dubinski, Hanson, McBride, Moldenhauer, Pantuso, Roznowski, Tilleson, Walz-Chojnacki, Wilson, Kofroth, Byrne, Stippich, Walsh
EXCUSED:	Wilke

The meeting adjourned at 7:45 p.m.

Carla A. Ledesma, CMC, City Clerk