



CITY OF WAUWATOSA

COMMON COUNCIL

MINUTES • JUNE 20, 2023

Regular Meeting

Common Council Chambers / Zoom

7:30 PM

7725 W. North Avenue, Wauwatosa, WI 53213

CALL TO ORDER

Mayor Dennis McBride called the regular Common Council meeting to order at 7:30 PM.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

ROLL CALL

Attendee Name	Title	Status	Arrived
Andrew Meindl	Aldersperson District 1	Present	
James Moldenhauer	Aldersperson District 1	Present	
Margaret Arney	Aldersperson District 2	Present	
John Dubinski	Aldersperson District 2	Present	
Joseph Makhlof II	Aldersperson District 3	Present	
Robin Brannin	Aldersperson District 3	Present	
Ernst Franzen	Aldersperson District 4	Present	
David Lewis	Aldersperson District 4	Present	
Sean Lowe	Aldersperson District 5	Present	
Joel Tilleson	Aldersperson District 5	Present	
Joe Phillips	Aldersperson District 6	Present	
Meagan O'Reilly	Council President, Aldersperson District 6	Present	
Amanda Fuerst	Aldersperson District 7	Present	
Mike Morgan	Aldersperson District 7	Present	
Jason Wilke	Aldersperson District 8	Present	
Melissa Dolan	Aldersperson District 8	Remote	
Dennis McBride	Mayor	Present	
James Archambo	City Administrator	Present	
Melissa Cantarero Weiss	Deputy City Administrator	Present	
Alan Kesner	City Attorney	Present	
Steven Braatz	City Clerk	Present	
Beth Mbow	HR Director	Present	
James MacGillis	Police Chief	Present	
John Ruggini	Finance Director	Present	
Paulette Enders	Development Director	Present	

APPROVAL OF MINUTES

1. Approval of minutes of the June 6, 2023 regular meeting

RESULT:	APPROVE [UNANIMOUS]
MOVER:	Ernst Franzen, Alderperson District 4
SECONDER:	David Lewis, Alderperson District 4
AYES:	Meindl, Moldenhauer, Arney, Dubinski, Makhlouf II, Brannin, Franzen, Lewis, Lowe, Tilleson, Phillips, O'Reilly, Fuerst, Morgan, Wilke, Dolan

APPOINTMENTS BY THE MAYOR

1. Appointment by Mayor McBride of Megan Weigand as a member of the Village of Wauwatosa Business Improvement District, for the term ending December 31, 2026

Second Reading

RESULT:	APPROVE [UNANIMOUS]
MOVER:	Megan O'Reilly, Council President, Alderperson District 6
SECONDER:	Mike Morgan, Alderperson District 7
AYES:	Meindl, Moldenhauer, Arney, Dubinski, Makhlouf II, Brannin, Franzen, Lewis, Lowe, Tilleson, Phillips, O'Reilly, Fuerst, Morgan, Wilke, Dolan

2. Appointment by Mayor McBride of C.J. Dykstra (District 8) as a member of the Wauwatosa Library Board, for the term ending, June 30, 2026

First Reading

RESULT:	HELD	Next: 7/18/2023 7:30 PM
TO:	Common Council	

3. Appointment by Mayor McBride of Brian Konyn (District 5) as a member of the Wauwatosa Plan Commission, for the term ending April 30, 2024

First Reading

RESULT:	HELD	Next: 7/18/2023 7:30 PM
TO:	Common Council	

APPLICATIONS, COMMUNICATIONS, ETC.

1. Claim - Mai Xiong

Referred to City Attorney

RESULT:	INFORMATION ONLY
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2. Claim - Children's Specialty Group, Inc.

Referred to City Attorney

RESULT: INFORMATION ONLY

ORDINANCES FOR INTRODUCTION

- 1. Ordinance creating Section 11.04.015 of the Wauwatosa Municipal Code adopting Wis. Administrative Code Trans 305 for enforcement of equipment violations

Refer to Transportation Affairs Committee

ORDINANCE

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

Part I. Section 11.04.015 of the Wauwatosa Municipal Code is hereby created to read as follows:

11.04.015 Trans 305 adopted

All provisions of Chapter Trans 305, Wisconsin Administrative Code, are adopted by reference excepting the penalty provisions thereof. Any person violating the provisions of this section shall be subject to the general penalty provisions of this code.

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

RESULT:	REFER TO ORIGINATING COMMITTEE	Next: 7/11/2023 7:30 PM
TO:	Transportation Affairs Committee	

- 2. Ordinance amending Section 11.32.080 of the Wauwatosa Municipal Code to modify parking regulations on the east side of 68th Street south of Milwaukee Avenue to State Street

Refer to Transportation Affairs Committee

ORDINANCE

Part I. The portion of the "Schedule of Streets", and portions subsection of Wauwatosa Code Section 11.32.080 is hereby amended by creating the following subsection:

"(mmm) from 8AM to 6PM Monday-Friday"

Part II. The "68th street-east side" portion of the "Schedule of Streets", and portions subsection of Wauwatosa Code Section 11.32.080 is hereby amended by deleting the following:

"(a) from Milwaukee Avenue to State Street"

Part III. The "68th street-east side" portion of the "Schedule of Streets", and portions subsection of Wauwatosa Code Section 11.32.080 is hereby amended by adding the following:

"(mmm) from 73 feet south of Milwaukee Avenue to 125 feet south of Milwaukee Avenue"

Part IV. The "68th street-east 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) from Milwaukee Avenue to 73 feet south of Milwaukee Avenue”

and

“(a) from 125 feet south of Milwaukee Avenue to State Street”

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

RESULT:	REFER TO ORIGINATING COMMITTEE	Next: 7/11/2023 7:30 PM
TO:	Transportation Affairs Committee	

FROM THE PLAN COMMISSION

1. Resolution approving a Conditional Use Permit in the C2 District at 11500 W. North Avenue for an eating establishment, Alison Cebulla, Hatched, applicant

Commission recommended approval 7-0

RESOLUTION R-23-101

Resolution approving a Conditional Use Permit in the C2 District at 11500 W. North Avenue for an eating establishment, Alison Cebulla, Hatched, applicant

WHEREAS Alison Cebulla, Hatched, applied for a Conditional Use Permit in the C2 District at 11500 W. North Avenue for an eating establishment, and;

WHEREAS, this request was reviewed and recommended by the City Plan Commission 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 Permit to Alison Cebulla, Hatched, subject to:

1. Operating hours are Monday through Thursday, from 7:00 am to 5:00 pm; Friday and Saturday from 7:00 am to 7:00 pm, and Sunday from 7:00 am to 3:00 pm.
2. Providing detailed costs of any alterations and/or new construction, as well as income & expense as requested by the Assessor's office.
3. Providing short- and long-term bicycle parking in compliance with City Code 24.11.080 prior to occupancy permit issuance.
4. If the building project exceeds \$100,000, the project is subject to sanitary sewer lateral replacement or repair if the existing lateral does not pass Board of Public Works testing requirements according to City Code 13.30.030.
5. Roof drains are required to be directly connected to the City's storm sewer through underground piping per City Code 15.04.060.F.2.
6. If a trash dumpster is located outside, it must be screened from view of streets and all abutting lots according to the requirements outlined in City Code 24.12.040.
7. Under WMC 24.16.040I., a Conditional Use will lapse and have no further effect one year after it is approved by the Common Council, unless a building permit has been issued (if required); the use or structure has been lawfully established; or unless a different lapse of approval period or point of expiration has been expressly established by the Common Council.
8. Obtaining other required licenses, permits, and approvals.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Ernst Franzen, Alderperson District 4
SECONDER:	Joseph Makhlouf II, Alderperson District 3
AYES:	Meindl, Moldenhauer, Arney, Dubinski, Makhlouf II, Brannin, Franzen, Lewis, Lowe, Tilleson, Phillips, O'Reilly, Fuerst, Morgan, Wilke, Dolan

- Resolution approving a Conditional Use Permit in the C1/North Avenue Overlay District at 6715 W. North Avenue for an eating and drinking establishment, Jason Growel, 67 North LLC., applicant

Commission recommended approval 7-0

RESOLUTION R-23-102

Resolution approving a Conditional Use Permit in the C1/North Avenue Overlay District at 6715 W. North Avenue for an eating and drinking establishment, Jason Growel, 67 North LLC., applicant

WHEREAS Jason Growel, 67 North LLC., applied for a Conditional Use Permit in the C1/North Avenue Overlay District at 6715 W. North Avenue for an eating and drinking establishment, and;

WHEREAS, this request was reviewed and recommended by the City Plan Commission 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 Permit to Jason Growel, 67 North LLC., subject to:

- Operating hours are Monday through Sunday, from 6:00 am to 2:00 am and the outdoor patio area shall close no later than 11:00 pm. If the City receives noise complaints regarding facility operations, the applicant shall take corrective action to resolve those complaints to the satisfaction of the Zoning Administrator and may include modifying hours of operation.
- Provide detailed costs of any alterations and/or new construction, as well as income & expense as requested by the Assessor's office.
- The existing water lateral must be disconnected from the former County water main per City standards and connect to the 12-inch City water main in W. North Avenue.
- Design Review Board approval required; plan review and all applicable building permits required. DSPPS plan approvals may be required depending on scope of work.
- If the building project exceeds \$100,000, the project is subject to sanitary sewer lateral replacement or repair if the existing lateral does not pass Board of Public Works testing requirements according to City Code 13.30.030.
- Roof drains are required to be directly connected to the City's storm sewer through underground piping per City Code 15.04.060.F.2.
- If a trash dumpster is located outside, it must be screened from view of streets and all abutting lots according to the requirements outlined in City Code 24.12.040.
- Under WMC 24.16.040I., a Conditional Use will lapse and have no further effect one year after it is approved by the Common Council, unless a building permit has been issued (if required); the use or structure has been lawfully established; or unless a different lapse of approval period or point of expiration has been expressly established by the Common Council.
- Obtaining other required licenses, permits, and approvals.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Ernst Franzen, Alderperson District 4
SECONDER:	Joseph Makhlouf II, Alderperson District 3
AYES:	Meindl, Moldenhauer, Arney, Dubinski, Makhlouf II, Brannin, Franzen, Lewis, Lowe, Tilleson, Phillips, O'Reilly, Fuerst, Morgan, Wilke, Dolan

- 3. Resolution approving a Land Combination via Certified Survey Map at 2825 N. Mayfair Road, Joe Vavrina, HR Green, Inc., applicant
Commission recommended approval 7-0

RESOLUTION R-23-103

Resolution approving a Land Combination via Certified Survey Map at 2825 N. Mayfair Road, Joe Vavrina, HR Green, Inc., applicant

BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin that permission be and the same is hereby granted for a Certified Survey Map to combine two adjacent parcels, 2825 N. Mayfair Road and 2835 N. Mayfair Road. The location of the parcels are more particularly described as follows:

Part of the Southeast ¼ of the Northeast ¼, Section 18, Township 7 North, Range 21 East, City of Wauwatosa, Milwaukee County, Wisconsin

All in accordance with the application attached hereto and made a part of this resolution, in compliance with Section 17.02.070 of the Code of the City of Wauwatosa and subject to the following conditions:

- 1. Any technical corrections as identified by the Register of Deeds and City staff.
- 2. Payment of property taxes prior to recording the CSM.
- 3. Per State Statute 236.34 (2), the CSM is to be recorded within 12 months of the Common Council approval.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Ernst Franzen, Alderperson District 4
SECONDER:	Joseph Makhlouf II, Alderperson District 3
AYES:	Meindl, Moldenhauer, Arney, Dubinski, Makhlouf II, Brannin, Franzen, Lewis, Lowe, Tilleson, Phillips, O'Reilly, Fuerst, Morgan, Wilke, Dolan

- 4. Resolution denying a request by Joe Vavrina, HR Green, Inc., for a Conditional Use Permit in the C2 District at 2825 N. Mayfair Road for an eating establishment (Chick-Fil-A) with drive-through
Commission recommended denial (approval of this resolution) 7-0

Motion by Fuerst, seconded by Phillips, to amend the resolution to include language directing City staff to explore a proposal to prohibit all high volume drive-through restaurant services on all, or portions of, Mayfair Road in the City of Wauwatosa and to bring the proposal forward for further consideration by this council at a future date. Motion carried 16-0.

RESOLUTION R-23-104

Resolution denying a request by Joe Vavrina, HR Green, Inc., for a Conditional Use Permit in the C2 District at 2825 N. Mayfair Road for an eating establishment (Chick-Fil-A) with drive-through

WHEREAS Joe Vavrina, HR Green, Inc., on behalf of Chick-Fil-A, is requesting approval of a Conditional Use Permit to develop and establish an eating establishment with drive-through located at 2825 N. Mayfair Road (currently two parcels addressed as 2825-2835 N. Mayfair Road) in the General Commercial (C2) zone; and

WHEREAS, this request was reviewed by the City Plan Commission to determine whether it is necessary for the public convenience at that location; is located and proposed to be operated in such manner which will protect the public health, safety, and welfare; and whether it can be found to be compatible with surrounding uses; and

WHEREAS, staff recommended denial of the Conditional Use Permit based primarily upon the dangers which would be created by the projected increase in traffic entering the site from Mayfair Road, and traffic on the site as it interacts with neighboring properties, as identified in the Engineering Services Division portion of the staff report, in addition to traffic safety concerns detailed by the Chief of Police and the Fire Chief of the City of Wauwatosa before the Plan Commission at its meeting of June 12, 2023; and

WHEREAS the Plan Commission determined that approval would be contrary to the required Conditional Use criteria and standards outlined in Wauwatosa Municipal Code (WMC) 24.16.040.G.; and

WHEREAS based upon the staff report and other information made available to the Plan Commission, there was substantial evidence in the record before the Commission to support the determination that:

1. The establishment and operation of the conditional use will be detrimental to and endanger the public health, safety and general welfare (WMC 24.16.040.G.1);
2. adequate and necessary street improvements are not being provided to accommodate the development (WMC 24.16.040.G.4);
3. that adequate measures are not being taken to provide ingress and egress that will minimize on and off-site traffic congestion (WMC 24.16.040.G.5);

NOW THEREFORE BE IT RESOLVED THAT, the Common Council of the City of Wauwatosa does find that substantial evidence exists to support denial of the permit application, based upon the above information provided in the record before the Wauwatosa Plan Commission, as such development, will not meet the criteria for approval of a Conditional Use Permit described in Section 24.14.040.G. of the Wauwatosa Municipal Code; and

BE IT FURTHER RESOLVED THAT the application for a Conditional Use Permit to develop and establish an eating establishment with drive-through on the parcels currently designated with

the addresses 2825-2835 N. Mayfair Road in the General Commercial (C2) zone is hereby denied;

BE IT FINALLY RESOLVED THAT City of Wauwatosa staff are hereby directed to explore a proposal to prohibit all high volume drive-through restaurant services on all, or portions of, Mayfair Road in the City of Wauwatosa and to bring the proposal forward for further consideration by this council at a future date.

RESULT:	APPROVED AS AMENDED [15 TO 1]
MOVER:	Ernst Franzen, Alderperson District 4
SECONDER:	Joseph Makhlof II, Alderperson District 3
AYES:	Meindl, Moldenhauer, Arney, Dubinski, Makhlof II, Brannin, Franzen, Lewis, Lowe, Tilleson, Phillips, O'Reilly, Fuerst, Wilke, Dolan
NAYS:	Morgan

FROM THE COMMUNITY AFFAIRS COMMITTEE

1. Ordinance amending Section 15.14.250 of the Wauwatosa Municipal Code to provide for uniform sign code requirements in the Milwaukee County Research Park

Ready for adoption, Committee recommended adoption 6-0

ORDINANCE O-23-13

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

Part I. Section 15.14.250 of the Wauwatosa Municipal Code of Ordinances is hereby amended to read in its entirety as follows:

15.14.250 - Special purpose research park planned development district.

Each occupant shall submit sign plans to the "Milwaukee Regional Innovation Center/Project and Architectural Review Committee" ("MRIC/PARC") for approval prior to applying for a sign permit.

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

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jason Wilke, Alderperson District 8
SECONDER:	Ernst Franzen, Alderperson District 4
AYES:	Meindl, Moldenhauer, Arney, Dubinski, Makhlof II, Brannin, Franzen, Lewis, Lowe, Tilleson, Phillips, O'Reilly, Fuerst, Morgan, Wilke, Dolan

2. Resolution approving Planned Unit Development final plans at 11400 W. Blue Mound Road for a multi-unit residential building, Jonathan Ward, Altius Building Company, applicant

Committee recommended approval 6-0

RESOLUTION R-23-105

Resolution approving Planned Unit Development final plans at 11400 W. Blue Mound Road for a multi-unit residential building, Jonathan Ward, Altius Building Company, applicant

WHEREAS, Jonathan Ward, Altius Building Company, applied for Planned Unit Development final plans 11400 W. Blue Mound Road for a multi-unit residential development; and,

WHEREAS, this request was reviewed and recommended by the Community Affairs Committee 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 Unit Development final plans to Jonathan Ward, Altius Building Company, subject to:

1. CSM must be recorded prior to issuing building permits.
2. Providing detailed costs of any alterations and/or new construction as well as income and expense information as requested by the Assessor's office.
3. Site plans showing adequate sewer capacity, construction staging information, traffic/access improvements, site lighting, bike parking, and storm water management subject to approval by the Engineering Division prior to issuing building permits.
4. Approval of the fire flow calculations is required prior to final site plan approval.
5. In the event the landowner fails to commence development shown on the final development plan within 12 months after final approval has been granted, then such final approval will lapse and be of no further effect unless the time period is extended by the common council upon written application by the landowner.
6. Obtaining all necessary approvals, licenses, and permits.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Jason Wilke, Alderperson District 8
SECONDER:	Ernst Franzen, Alderperson District 4
AYES:	Meindl, Moldenhauer, Arney, Dubinski, Makhlouf II, Brannin, Franzen, Lewis, Lowe, Tilleson, Phillips, O'Reilly, Fuerst, Morgan, Wilke, Dolan

FROM THE GOVERNMENT AFFAIRS COMMITTEE

1. Resolution approving the application for a Fireworks User Permit by Padi Kong, Wolverine Fireworks, at the property located at 11400 W. Center Street, on September 22, 2023 at 9:15 PM, rain date October 13, 2023 at 9:15 PM

Committee recommended approval 5-0

RESOLUTION R-23-106

Resolution approving the application for a Fireworks User Permit by Padi Kong, Wolverine Fireworks, at the property located at 11400 W. Center Street, on September 22, 2023 at 9:15 PM, rain date October 13, 2023 at 9:15 PM

WHEREAS, Wolverine Fireworks, through Padi Kong, has applied for a fireworks user's permit for the purposes of conducting fireworks displays at 11400 W. Center Street, Wauwatosa, WI, on September 22, 2023 at 9:15 PM, rain date October 13, 2023 at 9:15 PM; and

WHEREAS, the Government Affairs Committee has considered the request at its meeting of June 13, 2023 and recommends approval.

NOW, THEREFORE, BE IT RESOLVED THAT the City Clerk be authorized to issue a firework user's permit to Wolverine Fireworks, Padi Kong, for the purpose of conducting fireworks displays on September 22, 2023 at 9:15 PM, rain date October 13, 2023 at 9:15 PM, at 11400 W. Center Street, 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 Wolverine Fireworks 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.
4. All provisions of subsection 14.32.040 B. of the Wauwatosa Municipal Code of Ordinances, including the ten-minute time limitation, shall be applicable.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Joel Tilleson, Alderperson District 5
SECONDER:	Joseph Makhlof II, Alderperson District 3
AYES:	Meindl, Moldenhauer, Arney, Dubinski, Makhlof II, Brannin, Franzen, Lewis, Lowe, Tilleson, Phillips, O'Reilly, Fuerst, Morgan, Wilke, Dolan

2. Resolution approving the application for Special Event Permit and temporary "Class B" Liquor license extension by Ray's Growler Gallery, Sara Laev, Agent, Event Name: Ray-borhood BBQ Bash, Date/Time: August 6, 2023, 12:00 PM - 6:00 PM, Location: 8930 W. North Avenue

Committee recommended approval 5-0

RESOLUTION R-23-107

Resolution approving the application for Special Event Permit and temporary "Class B" Liquor license extension by Ray's Growler Gallery, Sara Laev, Agent, Event Name: Ray-borhood BBQ Bash, Date/Time: August 6, 2023, 12:00 PM - 6:00 PM, Location: 8930 W. North Avenue

WHEREAS, Ray's Growler Gallery has requested a Special Event Permit for the Ray-borhood BBQ Bash event on August 6, 2023, located at 8930 W. North Avenue from 12:00 PM - 6:00 PM;

WHEREAS, Ray's Growler Gallery has requested a temporary "Class B" Liquor license extension for the same event to include their parking lot and adjacent portions of N 89th Street and N 90th Street;

WHEREAS, the Government Affairs Committee has considered the requests at its meeting of June 13, 2023 and recommends approval.

NOW, THEREFORE, BE IT RESOLVED THAT the Special Event Permit and temporary "Class B" Liquor license extension is hereby approved for the Ray-borhood BBQ Bash event on August 6, 2023 from 12:00 PM - 6:00 PM.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Joel Tilleson, Alderperson District 5
SECONDER:	Joseph Makhlouf II, Alderperson District 3
AYES:	Meindl, Moldenhauer, Arney, Dubinski, Makhlouf II, Brannin, Franzen, Lewis, Lowe, Tilleson, Phillips, O'Reilly, Fuerst, Morgan, Wilke, Dolan

- 3. Resolution approving the application for Special Event Permit by Wauwatosa Village BID, Event Name: Village al Fresco, Date/Time: July 25, 2023, 5:30 PM - 8:00 PM, Location: W. State Street, Underwood Avenue and Wauwatosa Avenue

Committee recommended approval 5-0

RESOLUTION R-23-108

Resolution approving the application for Special Event Permit by Wauwatosa Village BID, Event Name: Village al Fresco, Date: July 25, 2023, 5:30 PM - 8:00 PM, Location: W. State Street, Underwood Avenue and Wauwatosa Avenue

WHEREAS, the Wauwatosa Village BID has requested a Special Event Permit for the Village al Fresco event on July 25, 2023, located at W. State Street, Underwood Avenue and Wauwatosa Avenue from 5:30 PM until 8:00 PM; and

WHEREAS, the Government Affairs Committee has considered the request at its meeting of June 13, 2023 and recommends approval.

NOW, THEREFORE, BE IT RESOLVED THAT the Special Event Permit is hereby approved for the Village al Fresco event on July 25, 2023 from 5:30 PM until 8:00 PM.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Joel Tilleson, Alderperson District 5
SECONDER:	Joseph Makhlouf II, Alderperson District 3
AYES:	Meindl, Moldenhauer, Arney, Dubinski, Makhlouf II, Brannin, Franzen, Lewis, Lowe, Tilleson, Phillips, O'Reilly, Fuerst, Morgan, Wilke, Dolan

- 4. Resolution approving various alcohol license renewal applications for the 2023-2024 license period

Committee recommended approval 5-0

RESOLUTION R-23-109

Resolution approving various alcohol license renewal applications for the 2023-2024 license period

WHEREAS, the Government Affairs Committee of the City of Wauwatosa has reviewed current applications for renewal alcohol licenses for various applicants who have met the applicable qualifications of Chapter 125 of the Wisconsin Statutes and the Wauwatosa Municipal Code, and recommends approval of said renewals.

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Wauwatosa that the renewal applications for the following Class "A" beer, "Class A" liquor, Class "B" beer, "Class B" liquor,

Reserve, "Class B" liquor, and Class "C" wine licenses are hereby approved.

BE IT FURTHER RESOLVED that the list of licensees approved as part of the present renewal resolution is reflected as follows:

**LIST OF ALCOHOL BEVERAGE LICENSE RENEWALS
FOR THE 2023-2024 LICENSE PERIOD**

CLASS "B" BEER AND "CLASS B" LIQUOR - RENEWAL

1. Colonel Hart's LLC, Colonel Hart's, Patrick Modl - Agent, 7342 W. State St.
2. Cranky Al's LLC, Cranky Al's, Susan Brkich - Agent, 6901 W. North Ave.
3. Fiesta Garibaldi Mayfair LLC, Mex Ave, Melissa Escobar - Agent, 11200 W. Burleigh St.
4. Gracious Events Corp, Firefly Restaurant, Vesna Madunic - Agent, 7754 Harwood Ave.
5. Haiwen, Inc., Hui's Restaurant, Rose Hui - Agent, 8820 W. North Ave.
6. King Cobra Investments LLC, Drunken Cobra, Anthony Lampasona - Agent, 6818 W. North Ave.

CLASS "B" BEER AND RESERVE "CLASS B" LIQUOR - RENEWAL

1. Dave & Buster's of Wisconsin, Inc., Dave & Busters, Linda Halopka-Ivery - Agent, 2201 N. Mayfair Rd.
2. Ginza PZW Corp., Ginza Sushi, Fang Ping Xiao - Agent, 2727A N. Mayfair Rd.
3. Mayfair Hotel Holdings LLC, Renaissance Milwaukee West Hotel, Chadd Scott - Agent, 2300 N. Mayfair Rd.
4. Satori Operating, LLC, Thai-Namite, Nongluk Buranabunyut - Agent, 8725 W. North Ave.
5. The Ruby Tap LLC, The Ruby Tap, Brooke Smith - Agent, 1341 Wauwatosa Ave.

CLASS "B" BEER AND "CLASS C" WINE - RENEWAL

1. Cosmos Café LLC, Cosmos Café, Theofilos Tselentis - Agent, 7203 W. North Ave.
2. MOD Superfast Pizza Wisconsin LLC, MOD Super Fast Pizza, Laura Martinez Bravo - Agent, 7470 W. State St.
3. Vendetta Coffee Bar LLC, Vendetta Coffee Bar, William Haley - Agent, 7613 W. State St.

"CLASS C" WINE ONLY - RENEWAL

1. AV Nail Spa Mayfair, LLC, Anthony Vince Nail Spa, Chi Nguyen - Agent, 11250 W. Burleigh St.

CLASS "A" BEER AND "CLASS A" LIQUOR - RENEWAL

1. ASG Wine Merchants Inc, Tosa Wine & Spirits, Harneet Kaur - Agent, 11500 W. North Ave.
2. Walgreen Company, Walgreens #10196, Spencer Peck - Agent, 6600 W. State St.
3. Walgreen Company, Walgreens #04253, Deborah Schuyler - Agent, 2656 Wauwatosa Ave.
4. Walgreen Company, Walgreens #04095, David Smith - Agent, 10800 W. Capitol Dr.
5. Walgreen Company, Walgreens #03578, Kyle Becker - Agent, 2275 N. Mayfair Rd.

"CLASS A" LIQUOR ONLY - RENEWAL

1. Fortune Wisconsin LLC, Empire Fish, Derek Pannemann - Agent, 11200 Watertown Plank Rd.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Joel Tilleson, Alderperson District 5
SECONDER:	Joseph Makhlouf II, Alderperson District 3
AYES:	Meindl, Moldenhauer, Arney, Dubinski, Makhlouf II, Brannin, Franzen, Lewis, Lowe, Tilleson, Phillips, O'Reilly, Fuerst, Morgan, Wilke, Dolan

- 5. Resolution approving Amusement Arcade and Theatre renewal applications for the 2023-2024 license period

Committee recommended approval 5-0

RESOLUTION R-23-110

Resolution approving Amusement Arcade and Theatre renewal applications for the 2023-2024 license period

WHEREAS, the Government Affairs Committee of the City of Wauwatosa has reviewed current applications for renewal Amusement Arcade and Theatre licenses for various applicants who have met the applicable qualifications of Chapter 6.12 and 6.68 if the Wauwatosa Municipal Code, and recommends approval of said renewals; and

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Wauwatosa that the renewal applications for the following Amusement Arcade and Theatre licenses are hereby approved.

BE IT FURTHER RESOLVED that the list of licensees approved as part of the present renewal resolution is reflected as follows:

LIST OF AMUSEMENT ARCADE AND THEATRE LICENSE RENEWALS FOR THE 2022-2023 LICENSE PERIOD

AMUSEMENT ARCADE

- 1. Dave and Busters of Wisconsin Inc., 2201 N. Mayfair Rd.
- 2. AMF Bowling Centers, Inc., 11737 W. Burleigh St.
- 3. American Multi-Cinema Inc., 2500 N. Mayfair Rd.
- 4. Walters' on North, 6930 W. North Ave.

THEATRE

- 1. American Multi-Cinema Inc, 2500 N. Mayfair Rd.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Joel Tilleson, Alderperson District 5
SECONDER:	Joseph Makhlouf II, Alderperson District 3
AYES:	Meindl, Moldenhauer, Arney, Dubinski, Makhlouf II, Brannin, Franzen, Lewis, Lowe, Tilleson, Phillips, O'Reilly, Fuerst, Morgan, Wilke, Dolan

- 6. Resolution amending the 2023 Common Council Meeting Calendar to cancel the July 5, 2023 Common Council meeting

Committee recommended approval 5-0

RESOLUTION R-23-111

Resolution amending the 2023 Common Council Meeting Calendar to cancel the July 5, 2023 Common Council meeting

WHEREAS, Wis. Stat. 62.11(2) says the council shall meet at least once a month, and on the first Tuesday unless a different day be fixed by the council, but allows more frequent regular meetings may be established by the council; and

WHEREAS, the Common Council adopts its schedule of meetings annually via a calendar; and

WHEREAS, there will not be standing committee meetings on June 27, 2023 due to a Joint Comprehensive Plan Steering Committee/Common Council project kickoff working session, which means there will not be actions to consider at the July 5, 2023 Common Council meeting; and

WHEREAS, the Common Council desires to cancel the July 5, 2023 Council meeting; and

WHEREAS, the Government Affairs Committee has considered the proposal at its meeting of June 13, 2023 and recommends approval.

NOW THEREFORE, BE IT RESOLVED, THAT the 2023 Common Council Meeting Calendar be amended to cancel the July 5, 2023 Common Council meeting.

BE IT FURTHER RESOLVED, if there are matters of extreme and time sensitive importance, the Common Council shall hold a special meeting on June 27, 2023 to act on such matters.

BE IT FURTHER RESOLVED, such changes are shown on the attached Exhibit A, Common Council Meeting Calendar.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Joel Tilleson, Alderperson District 5
SECONDER:	Joseph Makhlouf II, Alderperson District 3
AYES:	Meindl, Moldenhauer, Arney, Dubinski, Makhlouf II, Brannin, Franzen, Lewis, Lowe, Tilleson, Phillips, O'Reilly, Fuerst, Morgan, Wilke, Dolan

FROM THE TRANSPORTATION AFFAIRS COMMITTEE

1. Ordinance creating Section 11.66.025 of the Wauwatosa Municipal Code regarding impoundment of vehicles involved in reckless driving violations

Ready for adoption, Committee recommended adoption 8-0

ORDINANCE O-23-14

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

Part I. Section 11.66.025 of the Wauwatosa Municipal Code of Ordinances in created to read in its entirety as follows:

11.66.025 - Impounding Vehicles involved in Reckless Driving.

Pursuant to Wis. Stats. sec. 349.115, a law enforcement officer may impound any vehicle used in the commission of a violation of Wis. Stats. sec. 346.62, or a local ordinance in strict conformity with Wis. Stat. 346.62, at the time of issuing a citation for the offense, if the person cited is the owner of the vehicle and that person has a prior conviction for a violation of Wis. Stats.sec. 346.62 or a local ordinance in strict conformity with Wis. Stats.sec. 346.62, for which a forfeiture was imposed that has not been fully paid. That vehicle may be impounded until the person fully pays the prior forfeiture amount and makes a deposit under Wis. Stats.sec. 345.26 for the citation for which the vehicle was impounded. The impounded vehicle shall be returned to the owner or disposed of pursuant to Wis. Stats secs. 349.115(2) and (3).

Part II. This ordinance shall become effective on and after its dates of passage and publication.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mike Morgan, Alderperson District 7
SECONDER:	Sean Lowe, Alderperson District 5
AYES:	Meindl, Moldenhauer, Arney, Dubinski, Makhlouf II, Brannin, Franzen, Lewis, Lowe, Tilleson, Phillips, O'Reilly, Fuerst, Morgan, Wilke, Dolan

FROM THE FINANCIAL AFFAIRS COMMITTEE

1. Resolution authorizing a five-year contract with Waste Management for disposal of refuse materials

Committee recommended approval 8-0

RESOLUTION R-23-112

Resolution authorizing a five-year contract with Waste Management for disposal of refuse materials

WHEREAS, the City of Wauwatosa's contract for disposal refuse with GFL will expire at the end of 2023 and the City acquired proposals from available area vendors for service, Waste Management and GFL;

WHEREAS, both Waste Management and CFL submitted their proposals and Waste Management was approximately \$500,000.00 less than CFL for a five year contract;

NOW THEREFORE BE IT RESOLVED by the Common Council of the City of Wauwatosa that the City enter into a five year contract with Waste Management for disposal of refuse materials effective January 1, 2024.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	James Moldenhauer, Alderperson District 1
SECONDER:	Amanda Fuerst, Alderperson District 7
AYES:	Meindl, Moldenhauer, Arney, Dubinski, Makhlouf II, Brannin, Franzen, Lewis, Lowe, Tilleson, Phillips, O'Reilly, Fuerst, Morgan, Wilke, Dolan

- 2. Resolution authorizing appropriate City Staff to execute a five-year agreement with Natural Landscapes for naturalized vegetation management at Hartung and Hart Parks in an amount of \$11,570.00 per year for five years

Committee recommended approval 8-0

RESOLUTION R-23-113

Resolution authorizing appropriate City Staff to execute a five-year agreement with Natural Landscapes for naturalized vegetation management at Hartung and Hart Parks in an amount of \$11,570.00 per year for five years

BE IT RESOLVED, by the Common Council of the City of Wauwatosa THAT permission be and the same is hereby granted for execution of a three-year contract with Natural Landscapes for maintenance and monitoring of prairie areas of Hart and Hartung Parks for an amount of \$11,570.00 per year for five years, consistent with the terms presented to the Financial Affairs Committee at its June 13, 2023 meeting.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	James Moldenhauer, Alderperson District 1
SECONDER:	Amanda Fuerst, Alderperson District 7
AYES:	Meindl, Moldenhauer, Arney, Dubinski, Makhlouf II, Brannin, Franzen, Lewis, Lowe, Tilleson, Phillips, O'Reilly, Fuerst, Morgan, Wilke, Dolan

- 3. Resolution approving an award of a three-year contract for dumpster services with John's Disposal in the amount of \$165 per dumpster hauled

Committee recommended approval 8-0

RESOLUTION R-23-114

Resolution approving an award of a three-year contract for dumpster services with John's Disposal in the amount of \$165 per dumpster hauled

WHEREAS, the current refuse container hauling contract expires in 2024 and a request for proposal (RFP) was issued in May, which received three proposals from John's Disposal, Waste Management and GFL;

NOW THEREFORE BE IT RESOLVED that based on all factors, it is recommended that the city enter into a contract with John's Disposal for a three-year contract for \$165 per dumpster hauled effective January 1, 2024.

RESULT: APPROVED [UNANIMOUS]
MOVER: James Moldenhauer, Alderperson District 1
SECONDER: Amanda Fuerst, Alderperson District 7
AYES: Meindl, Moldenhauer, Arney, Dubinski, Makhlouf II, Brannin, Franzen, Lewis, Lowe, Tilleson, Phillips, O'Reilly, Fuerst, Morgan, Wilke, Dolan

- 4. Resolution approving the waiver of purchasing policy for Police SRT Van Upfits and award of a contract with LDV in the amount of \$19,995.00 for installation of interior improvements to the 2023 Ford Police SRT Transit van

Committee recommended approval 8-0

RESOLUTION R-23-115

Resolution approving the waiver of purchasing policy for Police SRT Van Upfits and award of a contract with LDV in the amount of \$19,995.00 for installation of interior improvements to the 2023 Ford Police SRT Transit van

WHEREAS, the Wauwatosa Police Department purchased a 2023 Ford Transit van for training and operations of the Wauwatosa Police department Special Response Team (SRT);

WHEREAS, the van requires special custom interior design that can best be completed by Lynch Diversified Vehicles; therefore, the Police Department is requesting for a waiver from the city's standard purchasing policy;

NOW THEREFORE BE IT RESOLVED by the Common Council of the City of Wauwatosa that a waiver of purchasing policy be approved and the City enter into a contract with LDV in the amount of \$19,995.00 for installation of interior improvements to the 2023 Ford Police SRT Transit van.

RESULT: APPROVED [UNANIMOUS]
MOVER: James Moldenhauer, Alderperson District 1
SECONDER: Amanda Fuerst, Alderperson District 7
AYES: Meindl, Moldenhauer, Arney, Dubinski, Makhlouf II, Brannin, Franzen, Lewis, Lowe, Tilleson, Phillips, O'Reilly, Fuerst, Morgan, Wilke, Dolan

- 5. Ratification of Comptroller's Office bills and claims report, June 7 through June 20, 2023

RESULT: APPROVE [UNANIMOUS]
MOVER: James Moldenhauer, Alderperson District 1
SECONDER: Amanda Fuerst, Alderperson District 7
AYES: Meindl, Moldenhauer, Arney, Dubinski, Makhlouf II, Brannin, Franzen, Lewis, Lowe, Tilleson, Phillips, O'Reilly, Fuerst, Morgan, Wilke, Dolan

FROM THE BOARD OF PUBLIC WORKS

- 1. Resolution authorizing an encroachment for a wood deck to be installed within the North 84 Street right-of-way

Board recommended approval 5-0

RESOLUTION R-23-116**Resolution authorizing an encroachment for a wood deck to be installed within the North 84 Street right-of-way**

WHEREAS, an application has been made to the Common Council of the City of Wauwatosa (hereinafter “City”) by Thomas Joy on behalf of Joy Ice Cream Social, 8334 W. North Avenue, Wauwatosa, WI, (hereinafter “the Applicant”) to encroach upon City property, to create a sideyard encroachment of wood deck between the public sidewalk and property line at 8334 W. North Avenue; and

WHEREAS, the Common Council of the City of Wauwatosa has granted to said Applicant a privilege for the aforesaid encroachment subject to the execution of an Indenture to the City of Wauwatosa;

NOW, THEREFORE, BE IT RESOLVED THAT in consideration of the granting of said privilege by the Common Council of the City of Wauwatosa to said Applicant and the Applicant's acceptance of said privilege, the Applicant does hereby covenant unto the City of Wauwatosa as follows:

Applicant shall execute a hold harmless/encroachment agreement (Indenture) in favor of the City.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	John Dubinski, Alderperson District 2
SECONDER:	Meagan O'Reilly, Council President, Alderperson District 6
AYES:	Meindl, Moldenhauer, Arney, Dubinski, Makhlof II, Brannin, Franzen, Lewis, Lowe, Tilleson, Phillips, O'Reilly, Fuerst, Morgan, Wilke, Dolan

2. Resolution approving an encroachment for the purpose of replacing an existing retaining wall at 7224 W. State Street

Board recommended approval 5-0

RESOLUTION R-23-117**Resolution approving an encroachment for the purpose of replacing an existing retaining wall at 7224 W. State Street**

WHEREAS, an application has been made to the Common Council of the City of Wauwatosa (hereinafter “City”) by Delaine Mick on behalf of Stateview Condominium Association, 7224 W. State Street, Wauwatosa, WI, (hereinafter “the Applicant”) to encroach upon City property, to replace an existing retaining in the public right-of-way at 7224 W. State Street; and

WHEREAS, the Common Council of the City of Wauwatosa has granted to said Applicant a privilege for the aforesaid encroachment subject to the execution of an Indenture to the City of Wauwatosa;

NOW, THEREFORE, BE IT RESOLVED THAT in consideration of the granting of said privilege by the Common Council of the City of Wauwatosa to said Applicant and the Applicant's acceptance of said privilege, the Applicant does hereby covenant unto the City of Wauwatosa as follows:

Applicant shall execute a hold harmless/encroachment agreement (Indenture) in favor of the City.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	John Dubinski, Alderperson District 2
SECONDER:	Meagan O'Reilly, Council President, Alderperson District 6
AYES:	Meindl, Moldenhauer, Arney, Dubinski, Makhlouf II, Brannin, Franzen, Lewis, Lowe, Tilleson, Phillips, O'Reilly, Fuerst, Morgan, Wilke, Dolan

- 3. Resolution authorizing the 1st Amendment to the Intergovernmental Cooperative Agreement (ICA) between the City of Wauwatosa and the Milwaukee Metropolitan Sewerage District (MMSD) for Western Milwaukee Phase 2B and bill of sale to transfer the storm sewer ownership to the city

Board recommended approval 5-0

RESOLUTION R-23-118

Resolution authorizing the 1st Amendment to the Intergovernmental Cooperative Agreement (ICA) between the City of Wauwatosa and the Milwaukee Metropolitan Sewerage District (MMSD) for Western Milwaukee Phase 2B and bill of sale to transfer the storm sewer ownership to the city

WHEREAS, in April 2021, the Common Council authorized resolution R-21-065, which allowed staff to execute an ICA with MMSD and the final designs include additional storm sewers to be constructed and turned over to the city;

NOW THEREFORE BE IT RESOLVED by the Common Council of the City of Wauwatosa that the staff can execute Amendment Number one to the ICA with MMSD for Western Milwaukee Phase 2B and staff can execute the bill of sale to transfer the storm sewer ownership to the city from MMSD.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	John Dubinski, Alderperson District 2
SECONDER:	Meagan O'Reilly, Council President, Alderperson District 6
AYES:	Meindl, Moldenhauer, Arney, Dubinski, Makhlouf II, Brannin, Franzen, Lewis, Lowe, Tilleson, Phillips, O'Reilly, Fuerst, Morgan, Wilke, Dolan

- 4. Resolution approving the 2022 Compliance Maintenance Resolution

Board recommended approval 5-0

RESOLUTION R-23-119

Resolution approving the 2022 Compliance Maintenance Resolution

WHEREAS, the City of Wauwatosa is required under its Wisconsin Pollution Discharge Elimination System (WPDES) permit issued by the Wisconsin Department of Natural Resources to file a Compliance Maintenance Annual Report (CMAR) for its wastewater collection system under Wisconsin Administrative Code NR 208; and

WHEREAS, it is necessary to acknowledge that the governing body has reviewed the Compliance Maintenance Annual Report (CMAR); and

WHEREAS, it is necessary to provide recommendations or an action response plan for all individual CMAR section grades of “C” or less and/or an overall grade point average less than 3.00; and

WHEREAS, after receiving an “A” on the one credit financial management section and an “A” on the three credit collection system section, the City of Wauwatosa’s overall grade point average is 4.0;

NOW THEREFORE, BE IT RESOLVED by the Common Council of the City of Wauwatosa to accept the 2022 Compliance Maintenance Annual Report (CMAR) and that the following recommendations and actions be taken to address and correct problems and deficiencies of the collection system as identified in the Compliance Maintenance Annual Report (CMAR) in order to maintain compliance with effluent limitations and permit conditions and eliminate Sanitary Sewer Overflows (SSO):

- 1) Continue with the City’s accelerated Inflow and Infiltration elimination program.
- 2) Continue with its current sanitary sewer collection system operational procedures and make improvements where necessary.
- 3) Initiate additional engineering studies in areas where there may be inadequate capacity.
- 4) Perform orderly and timely repairs and maintenance.
- 5) Add newly identified troubled spots to a monthly maintenance schedule.

BE IT FURTHER RESOLVED THAT the Director of Public Works or his representative is hereby designated to act as the City of Wauwatosa’s authorized representative for administering and submitting the Compliance Maintenance Annual Report and that he is hereby directed to make that submittal.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	John Dubinski, Alderperson District 2
SECONDER:	Meagan O'Reilly, Council President, Alderperson District 6
AYES:	Meindl, Moldenhauer, Arney, Dubinski, Makhlof II, Brannin, Franzen, Lewis, Lowe, Tilleson, Phillips, O'Reilly, Fuerst, Morgan, Wilke, Dolan

FUTURE COUNCIL COMMITTEE AGENDA ITEMS

- 1. Future Council committee agenda items

Arney asked to have a discussion at Committee of the Whole on the City's response to a mass shooting event.

RESULT:	INFORMATION ONLY
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ADJOURNMENT

Meeting adjourned at 8:04 PM.

Steven Braatz, City Clerk