



Wauwatosa, WI

Common Council

Meeting Minutes

7725 W. North Avenue
Wauwatosa, WI 53213

Tuesday, July 18, 2023

7:30 PM

Council Chambers and Zoom:
<https://servetosa.zoom.us/j/8292318868>
5, Meeting ID: 829 2318 8685

Regular Meeting

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

Present: 13 Alderperson District 1 Andrew Meindl
Alderperson District 1 James Moldenhauer
Alderperson District 2 Margaret Arney
Alderperson District 2 John Dubinski
Alderperson District 3 Joseph Makhoul II
Alderperson District 4 David Lewis
Alderperson District 4 Ernst Franzen
Alderperson District 5 Sean Lowe
Alderperson District 6 Council President Meagan O'Reilly
Alderperson District 6 Joe Phillips
Alderperson District 7 Mike Morgan
Alderperson District 8 Jason Wilke
Alderperson District 8 Melissa Dolan
Excused: 3 Alderperson District 3 Robin Brannin
Alderperson District 5 Joel Tilleson
Alderperson District 7 Amanda Fuerst

APPROVAL OF MINUTES

1. Approval of minutes of the June 20, 2023 regular meeting

[23-527](#)

RESULT: APPROVED
MOVER: Ernst Franzen
SECONDER: David Lewis

Aye: 13 Ald Meindl, Ald Moldenhauer, Ald Arney, Ald Dubinski, Ald Makhoul II, Ald Lewis, Ald Franzen, Ald Lowe, Ald O'Reilly, Ald Phillips, Ald Morgan, Ald Wilke, and Ald Dolan

Excused: 3 Ald Brannin, Ald Tilleson, and Ald Fuerst

PUBLIC HEARING

1. Public Hearing regarding proposed zoning text amendment to Chapter 24 of the Wauwatosa Municipal Code (Zoning Code) to modify appeal procedures and update certain sign regulations [23-528](#)

Paulette Enders, Development Director, presented.

Public hearing opened at 7:34 PM.

No one spoke for or against.

Public hearing closed at 7:36 PM.

RESULT: INFORMATIONAL ONLY

APPOINTMENTS BY THE MAYOR

1. 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 [23-459](#)

Recommendation: First Reading

RESULT: APPROVED

MOVER: Meagan O'Reilly

SECONDER: Ernst Franzen

Aye: 13 Ald Meindl, Ald Moldenhauer, Ald Arney, Ald Dubinski, Ald Makhoulf II, Ald Lewis, Ald Franzen, Ald Lowe, Ald O'Reilly, Ald Phillips, Ald Morgan, Ald Wilke, and Ald Dolan

Excused: 3 Ald Brannin, Ald Tilleson, and Ald Fuerst

2. Appointment by Mayor McBride of Brian Konyn (District 5) as a member of the Wauwatosa Plan Commission, for the term ending April 30, 2024 [23-226](#)

Recommendation: First Reading

RESULT: APPROVED

MOVER: Meagan O'Reilly

SECONDER: Ernst Franzen

Aye: 13 Ald Meindl, Ald Moldenhauer, Ald Arney, Ald Dubinski, Ald Makhoulf II, Ald Lewis, Ald Franzen, Ald Lowe, Ald O'Reilly, Ald Phillips, Ald Morgan, Ald Wilke, and Ald Dolan

Excused: 3 Ald Brannin, Ald Tilleson, and Ald Fuerst

3. Appointment by Mayor McBride of Daniel Underberg (District 5) as a member of the Wauwatosa Tourism Commission, term ending July 31, 2024 [23-525](#)

Recommendation: Second Reading

RESULT: HELD

4. Reappointment by Mayor McBride of Gregory Walz-Chojnacki as a member of the Wauwatosa Bicycle and Pedestrian Facilities Committee, term ending May 31, 2025 [23-195](#)

Recommendation: Second Reading

RESULT: HELD

5. Reappointment by Mayor McBride of Christopher Ligatti as a member of the Wauwatosa Civil Service Commission, term ending September 30, 2026 [23-196](#)

Recommendation: Second Reading

RESULT: HELD

APPLICATIONS, COMMUNICATIONS, ETC.

1. Claim - The Medical College of Wisconsin, Inc. [23-529](#)

Recommendation: Refer to City Attorney

RESULT: REFERRED TO CITY ATTORNEY

2. Claim - Amy Entzminger [23-530](#)

Recommendation: Refer to City Attorney

RESULT: REFERRED TO CITY ATTORNEY

3. 2022 Comprehensive Annual Financial Report from the Milwaukee Metropolitan Sewerage District [23-524](#)

Recommendation: Place on file

RESULT: RECEIVED AND PLACED ON FILE

ORDINANCES FOR INTRODUCTION

1. Ordinance amending various portions of Chapter 24 of the Wauwatosa Municipal Code (Zoning Code) to modify procedures and update certain sign regulations [23-557](#)

The common council of the City of Wauwatosa do ordain as follows:

Part I. Subsection 24.05.040 A. 2. k. of the Wauwatosa Municipal Code of Ordinances is hereby amended to read in its entirety as follows:

k. attractive, high-quality landscaping, lighting, and architecture, including the use of native landscaping, that reflects the unique character of the development.

Part II. Subsection 24.12.010 D. of the Wauwatosa Municipal Code of Ordinances is hereby created to read in its entirety as follows:

D. Exceptions. The board of public works is authorized to grant exceptions to the landscaping and screening regulations of this chapter.

Part III. Section 24.14.050 of the Wauwatosa Municipal Code of Ordinances is hereby created to read in its entirety as follows:

24.14.005. Exceptions.

The board of public works is authorized to grant exceptions to the regulations of this chapter unless otherwise stated.

Part IV. Subsection 24.16.010 C. 4. b. of the Wauwatosa Municipal Code of Ordinances is hereby amended to read in its entirety as follows:

- b. The zoning administrator must make a determination of application completeness within seven business days of application deadline.

Part V. Subsection 24.16.010 F. 5. of the Wauwatosa Municipal Code of Ordinances is hereby created to read in its entirety as follows:

- 5. An applicant may postpone review of an application at any time prior to the scheduled time of a meeting by written or electronic communication to the city clerk. Such item shall be immediately removed from any upcoming agenda and no further action shall be taken until requested by the applicant. Applications with no activity for six months will be considered withdrawn and further consideration of said item must follow the process described within this code for a new application.

Part VI. Subsection 24.16.040 D. 2. of the Wauwatosa Municipal Code of Ordinances is hereby amended to read in its entirety as follows:

- 2. Class 2 notice of the plan commission's required public hearing on a zoning map amendment must be published in accordance with chapter 62.23 (dm) of the Wisconsin Statutes.

Part VII. Subsection 24.16.010 J. of the Wauwatosa Municipal Code of Ordinances is hereby created to read in its entirety as follows:

- J. Amendments. No modification or alteration of any conditional use permit approved pursuant to this section will be permitted unless approved by the Common Council.
 - 1. Any application for an alteration, extension or other modification will be filed and processed as an original application under this section.
 - 2. Alterations and modifications shall be subject to the same standards and criteria as original applications and shall be in conformance with all the provisions of this section.
 - 3. Minor Deviations. Minor deviations to conditional uses including maintenance, repair, or renovation of existing buildings, structures or improvements and alterations, extensions, or other modifications of such uses that do not increase, intensify, expand, substantially change the character of the conditional use, or adversely affect adjacent property or property owners may be authorized by the zoning administrator and do not require approval by the common council.

Part VIII. The definition of "Lot" within subsection 24.18.010 D. of the Wauwatosa Municipal

Code of Ordinances is hereby amended to read in its entirety as follows:

Lot. A parcel of land under a single tax key number having frontage on a public street or permanent deeded access to a street when zoned /PUD overlay or /SP-MED District, or part of a regional shopping mall, occupied or intended to be occupied by a principal structure together with accessory buildings and uses, sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area, and other open space provisions of this ordinance.

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

Recommendation: Adopt 7-0

RESULT: REFERRED TO ORIGINATING COMMITTEE
Enactment No: O-23-18

FROM THE PLAN COMMISSION

1. Resolution approving a Conditional Use Permit in the C1/NOR District at 6330 W. North Avenue for an eating and drinking establishment, Dave Tamburinno, Idyll Coffee, applicant [23-519](#)

WHEREAS Dave Tamburinno, Idyll Coffee, applied for a Conditional Use Permit in the C1/North Avenue Overlay District at 6330 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 Dave Tamburinno, Idyll Coffee, subject to:

1. Hours of operation are Monday through Sunday, from 6:00 am to 6:00 pm. On an occasional basis, the facility may operate from 6:00 am to 12:00 am for special events. During special events, the outdoor seating area must close at 11:00 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. Site civil plans, landscape plans, and fire flow calculations addressing Engineering Division Plan Commission staff report comments must be submitted to and reviewed by the Engineering Division prior to issuing building permits.
4. 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.
5. Obtaining other required licenses, permits, and approvals.

Recommendation: Approve 7-0

RESULT: APPROVED
MOVER: Ernst Franzen
SECONDER: Andrew Meindl

Aye: 13 Ald Meindl, Ald Moldenhauer, Ald Arney, Ald Dubinski, Ald Makhlouf II, Ald Lewis, Ald Franzen, Ald Lowe, Ald O'Reilly, Ald Phillips, Ald Morgan, Ald Wilke, and Ald Dolan

Excused: 3 Ald Brannin, Ald Tilleson, and Ald Fuerst
Enactment No: R-23-120

2. Resolution approving a Conditional Use Permit in the R1-6 District at 1025 N. 70th Street for a church expansion, Emily Girdauskas, Plunkett Raysich Architecture, applicant [23-520](#)

WHEREAS Emily Girdauskas, Plunkett Raysich Architecture, applied for a Conditional Use Permit in the R1-6 District at 1025 N. 70th Street for a church expansion, 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 Emily Girdauskas, Plunkett Raysich Architecture, subject to:

1. Owner to provide detailed cost of any changes to the site to the Assessor's office and filing the state prescribed form with the Assessor's office as described in the staff comments.
2. Design Review Board approval required; plan review, applicable building permits. Final Occupancy inspection and approval required prior to occupancy.
3. Compliance with Engineering Division comments prior to issuing building permits.
4. 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.
5. Obtaining other required licenses, permits, and approvals.

Recommendation: Approve 7-0

RESULT: APPROVED

MOVER: Ernst Franzen

SECONDER: Andrew Meindl

Aye: 13 Ald Meindl, Ald Moldenhauer, Ald Arney, Ald Dubinski, Ald Makhlouf II, Ald Lewis, Ald Franzen, Ald Lowe, Ald O'Reilly, Ald Phillips, Ald Morgan, Ald Wilke, and Ald Dolan

Excused: 3 Ald Brannin, Ald Tilleson, and Ald Fuerst
Enactment No: R-23-121

3. Resolution approving a Land Combination via Certified Survey Map at 7809 Harwood Avenue, Debbie Hill, MSI General, applicant [23-521](#)

BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin that permission be and the same is hereby granted to Debbie Hill, MSI General, for a Certified

Survey Map to combine two adjacent parcels, 7809 Harwood Avenue and 7827 Harwood Avenue. The location of the parcels are more particularly described as follows:

Being a redivision of Lot 1 of Douglas Heights, Lot 9 of assessor's Plat No. 26, and Lots 1 and 2 of Charles Fingado's Subdivision, being part of the Southeast 1/4 of the Southeast 1/4 of Section 21, Township 7 North, Range 21 East in the City of Wauwatosa, County of Milwaukee, State of 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. Per State Statute 236.34 (2), the CSM is to be recorded within 12 months of the Common Council approval.

Recommendation: Approve 6-0

RESULT: APPROVED

MOVER: Ernst Franzen

SECONDER: Andrew Meindl

Aye: 13 Ald Meindl, Ald Moldenhauer, Ald Arney, Ald Dubinski, Ald Makhoulf II, Ald Lewis, Ald Franzen, Ald Lowe, Ald O'Reilly, Ald Phillips, Ald Morgan, Ald Wilke, and Ald Dolan

Excused: 3 Ald Brannin, Ald Tilleson, and Ald Fuerst
Enactment No: R-23-122

4. Resolution approving a Conditional Use Permit in the R2 District at 1278 Dewey Avenue for a school expansion, Debbie Hill, MSI General, applicant

[23-522](#)

WHEREAS Debbie Hill, MSI General, applied for a Conditional Use Permit in the R2 District at 1278 Dewey Avenue for a school expansion, 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 Debbie Hill, MSI General, subject to:

1. Design Review Board approval required; plan review, applicable building permits. Final Occupancy inspection and approval required prior to occupancy.
2. Owner to provide detailed cost of any changes to the site to the Assessor's office and filing the state prescribed form with the Assessor's office as described in the staff comments.
3. Compliance with Engineering Division Plan Commission staff report comments prior to issuing building permits.
4. 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.

5. Obtaining other required licenses, permits, and approvals.
6. The applicant shall proactively work with adjacent property owners and, if requested by said property owner(s), perform a structural pre-assessment of homes adjacent to the project site. Documentation indicating that such pre-assessments were performed must be submitted and approved by the City prior to issuance of any permits.
7. The temporary outdoor construction storage area shall be screened and secured. Screening and security for the storage area shall be reviewed and approved by the City's Planning Division.

Recommendation: Approve 7-0

RESULT: APPROVED

MOVER: Ernst Franzen

SECONDER: Andrew Meindl

Aye: 13 Ald Meindl, Ald Moldenhauer, Ald Arney, Ald Dubinski, Ald Makhoulf II, Ald Lewis, Ald Franzen, Ald Lowe, Ald O'Reilly, Ald Phillips, Ald Morgan, Ald Wilke, and Ald Dolan

Excused: 3 Ald Brannin, Ald Tilleson, and Ald Fuerst
Enactment No: R-23-123

5. Resolution approving a Conditional Use Permit in the C2 District at [23-523](#)
7809 Harwood Avenue for a church expansion, Debbie Hill, MSI
General, applicant

WHEREAS Debbie Hill, MSI General, applied for a Conditional Use Permit in the C2 District at 7809 Harwood Avenue for a church expansion, 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 Debbie Hill, MSI General, subject to:

1. Design Review Board approval required; plan review, applicable building permits. Final Occupancy inspection and approval required prior to occupancy.
2. Owner to provide detailed cost of any changes to the site to the Assessor's office and filing the state prescribed form with the Assessor's office as described in the staff comments.
3. Compliance with Engineering Division comments prior to issuing building permits.
4. 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.
5. Obtaining other required licenses, permits, and approvals.
6. The applicant shall proactively work with adjacent property owners and, if requested by said property owner(s), perform a structural pre-assessment of homes adjacent to the project site. Documentation indicating that such pre-assessments were performed must be submitted and approved by the City prior to issuance of any permits.

7. The temporary outdoor construction storage area shall be screened and secured. Screening and security for the storage area shall be reviewed and approved by the City's Planning Division.

Recommendation: Approve 6-0

RESULT: APPROVED

MOVER: Ernst Franzen

SECONDER: Andrew Meindl

Aye: 13 Ald Meindl, Ald Moldenhauer, Ald Arney, Ald Dubinski, Ald Makhoulf II, Ald Lewis, Ald Franzen, Ald Lowe, Ald O'Reilly, Ald Phillips, Ald Morgan, Ald Wilke, and Ald Dolan

Excused: 3 Ald Brannin, Ald Tilleson, and Ald Fuerst
Enactment No: R-23-124

FROM THE GOVERNMENT AFFAIRS COMMITTEE

1. Resolution approving a new Retail Class "B" beer and Reserve "Class B" liquor license for 67 North LLC, Jason Growel - agent, d/b/a Growlers East Tosa, 6715 W. North Avenue, for the period ending June 30, 2024, and conversion of license for Il Mito Enoteca, 6913 W. North Avenue, from Reserve "Class B" license to regular "Class B" license [23-539](#)

WHEREAS, 67 North LLC, d/b/a Growler's East Tosa, 6715 W. North Avenue, Jason Growel, Agent, has applied for a retail Class "B" beer and Reserve "Class B" liquor license for the period ending June 30, 2024.

NOW, THEREFORE, BE IT RESOLVED THAT a Class "B" beer and Reserve "Class B" liquor license

be awarded to 67 North LLC, d/b/a Growler's East Tosa, 6715 W. North Avenue, Jason Growel, Agent, for the period ending June 30, 2024; and

BE IT FURTHER RESOLVED THAT the current Reserve "Class B" liquor license held by Hospitality Franchise Group, LLC, for operation of Il Mito Enoteca at 6913 West North Avenue, Michael Feker, Agent, is hereby converted to a "regular" "Class B" liquor license for the period ending June 30, 2024 and future renewal periods.

Recommendation: Approve 7-0

RESULT: APPROVED

MOVER: Margaret Arney

SECONDER: Meagan O'Reilly

Aye: 13 Ald Meindl, Ald Moldenhauer, Ald Arney, Ald Dubinski, Ald Makhoulf II, Ald Lewis, Ald Franzen, Ald Lowe, Ald O'Reilly, Ald Phillips, Ald Morgan, Ald Wilke, and Ald Dolan

Excused: 3 Ald Brannin, Ald Tilleson, and Ald Fuerst
Enactment No: R-23-125

2. Resolution denying the request of Christ King School to have extraordinary fees waived for the CK2K walk [23-540](#)

WHEREAS, Gretchen Dodgion on behalf of Christ King School submitted an application for a special event, the CK2K Walk, to be held on September 29, 2023 between 3:30 and 5:00 PM and verbally requested to have the extraordinary fees to be waived;

NOW, THEREFORE, BE IT RESOLVED that the request of Christ King School's fee waiver be denied pursuant to Wauwatosa Municipal Code Section 7.50.080.

Recommendation: Approve 7-0

RESULT: APPROVED

MOVER: Margaret Arney

SECONDER: Meagan O'Reilly

Aye: 13 Ald Meindl, Ald Moldenhauer, Ald Arney, Ald Dubinski, Ald Makhoulf II, Ald Lewis, Ald Franzen, Ald Lowe, Ald O'Reilly, Ald Phillips, Ald Morgan, Ald Wilke, and Ald Dolan

Excused: 3 Ald Brannin, Ald Tilleson, and Ald Fuerst
Enactment No: R-23-126

3. Resolution approving the application for Special Event Permit - [23-543](#)
Applicant: Wauwatosa Village BID, Event Name: Tosa Fest; Location: W. State Street, Underwood Avenue, Harwood Avenue, Root Common Park; Dates/Time: September 8, 2023 5:00 PM - 10:30 PM; September 9, 2023 11:00 AM - 10:30 PM

WHEREAS, the Wauwatosa Village BID has requested a Special Event Permit for the Tosa Fest event on September 8, 2023, from 5:00 PM until 10:30 PM, and September 9, 2023, from 11:00 AM until 10:30 PM, located at W. State Street, Underwood Avenue, Harwood Avenue, and Root Common Park;

NOW, THEREFORE, BE IT RESOLVED THAT the Special Event Permit is hereby approved for the

Tosa Fest event on September 8, 2023, from 5:00 PM until 10:30 PM, and September 9, 2023, from 11:00 AM until 10:30 PM.

Recommendation: Approve 7-0

RESULT: APPROVED

MOVER: Margaret Arney

SECONDER: Meagan O'Reilly

Aye: 13 Ald Meindl, Ald Moldenhauer, Ald Arney, Ald Dubinski, Ald Makhoulf II, Ald Lewis, Ald Franzen, Ald Lowe, Ald O'Reilly, Ald Phillips, Ald Morgan, Ald Wilke, and Ald Dolan

Excused: 3 Ald Brannin, Ald Tilleson, and Ald Fuerst
Enactment No: R-23-127

4. Resolution approving the temporary "Class B" Liquor license extension application by DRI 7 Tosa Village LLC, d/b/a Cafe Hollander, 7677 W. State Street, Eric Wagner, Agent, for the Tosa Fest event on September 8, 2023 from 5:00 PM - 10:30 PM, and September 9, 2023 from 11:00 AM - 10:30 PM, to include a beer tent in the area of the existing [23-570](#)

outdoor tables

WHEREAS, DRI 7 Tosa Village LLC, d/b/a Cafe Hollander, has requested a temporary extension of the licensed premises from 5:00 PM until 10:30 PM on September 8, 2023, and 11:00 AM until 10:30 PM on September 9, 2023 to include a beer tent in the area of the exiting outdoor tables;

NOW, THEREFORE, BE IT RESOLVED THAT the "Class B" Liquor licensed premises of DRI 7 Tosa Village, LLC, d/b/a Cafe Hollander be extended from 5:00 PM until 10:30 PM on September 8, 2023, and 11:00 AM until 10:30 PM on September 9, 2023, to include a beer tent in the area of the exiting outdoor tables.

Recommendation: Approve 7-0

RESULT: APPROVED

MOVER: Margaret Arney

SECONDER: Meagan O'Reilly

Aye: 13 Ald Meindl, Ald Moldenhauer, Ald Arney, Ald Dubinski, Ald Makhoulf II, Ald Lewis, Ald Franzen, Ald Lowe, Ald O'Reilly, Ald Phillips, Ald Morgan, Ald Wilke, and Ald Dolan

Excused: 3 Ald Brannin, Ald Tilleson, and Ald Fuerst
Enactment No: R-23-128

5. Resolution approving the temporary "Class B" Liquor license extension application by Lowlands 6, LLC, d/b/a Buckatabon Tavern & Supperclub, 7700 Harwood Avenue, Eric Wagner, Agent, for the Tosa Fest event on September 8, 2023 from 5:00 PM - 10:30 PM, and September 9, 2023 from 11:00 AM - 10:30 PM, to include a beer tent on State Street, slightly west of the building

[23-545](#)

WHEREAS, Lowlands 6, LLC, d/b/a Buckatabon Tavern & Supperclub, has requested a temporary extension of the licensed premises from 5:00 PM until 10:30 PM on September 8, 2023, and 11:00 AM until 10:30 PM on September 9, 2023 to include a beer tent on State Street, slightly west of the building;

NOW, THEREFORE, BE IT RESOLVED THAT the "Class B" Liquor licensed premises of Lowlands 6, LLC, d/b/a Buckatabon Tavern & Supperclub be extended from 5:00 PM until 10:30 PM on September 8, 2023, and 11:00 AM until 10:30 PM on September 9, 2023, to include a beer tent on State Street, slightly west of the building.

Recommendation: Approve 7-0

RESULT: APPROVED

MOVER: Margaret Arney

SECONDER: Meagan O'Reilly

Aye: 13 Ald Meindl, Ald Moldenhauer, Ald Arney, Ald Dubinski, Ald Makhoulf II, Ald Lewis, Ald Franzen, Ald Lowe, Ald O'Reilly, Ald Phillips, Ald Morgan, Ald Wilke, and Ald Dolan

Excused: 3 Ald Brannin, Ald Tilleson, and Ald Fuerst

Enactment No: R-23-129

6. Resolution approving the appointment of successor agent, Thomas Tousignant, for Walgreen Company, d/b/a Walgreens #04095, 10800 W. Capitol Drive [23-548](#)

WHEREAS, Walgreen Company, d/b/a Walgreens #04095, 10800 W. Capitol Drive, has appointed Thomas Tousignant as successor agent for the “Class A” beer and liquor license for the period ending June 30, 2024;

WHEREAS, Thomas Tousignant meets the qualifications pursuant to Wis. Stat. 125.04(5);

WHEREAS, the Government Affairs Committee reviewed the request and recommends approval;

NOW, THEREFORE, BE IT RESOLVED THAT the Common Council of the City of Wauwatosa hereby approves the appointment of successor agent submitted by Walgreen Company, d/b/a Walgreens #04095, 10800 W. Capitol Drive, appointing Thomas Tousignant as the Agent for the “Class A” beer and liquor license for the period ending June 30, 2024.

Recommendation: Approve 7-0

RESULT: APPROVED

MOVER: Margaret Arney

SECONDER: Meagan O'Reilly

Aye: 13 Ald Meindl, Ald Moldenhauer, Ald Arney, Ald Dubinski, Ald Makhoulf II, Ald Lewis, Ald Franzen, Ald Lowe, Ald O'Reilly, Ald Phillips, Ald Morgan, Ald Wilke, and Ald Dolan

Excused: 3 Ald Brannin, Ald Tilleson, and Ald Fuerst
Enactment No: R-23-130

7. Resolution approving the appointment of successor agent, Veronica Jenquine, for Nordstrom Restaurants, Inc., d/b/a Nordstrom Ruscello, 2424 N. Mayfair Road [23-550](#)

WHEREAS, Nordstrom Restaurants, Inc., d/b/a Nordstrom Ruscello, 2424 N. Mayfair Road, has appointed Veronica Jenquine as successor agent for the reserve “Class B” beer and liquor license for the period ending June 30, 2024;

WHEREAS, Veronica Jenquine meets the qualifications pursuant to Wis. Stat. 125.04(5);

WHEREAS, the Government Affairs Committee reviewed the request and recommends approval;

NOW, THEREFORE, BE IT RESOLVED THAT the Common Council of the City of Wauwatosa hereby approves the appointment of successor agent submitted by Nordstrom Restaurants, Inc., d/b/a Nordstrom Ruscello, 2424 N. Mayfair Road, appointing Veronica Jenquine as the Agent for the reserve “Class B” beer and liquor license for the period ending June 30, 2024.

Recommendation: Approve 7-0

RESULT: APPROVED
MOVER: Margaret Arney
SECONDER: Meagan O'Reilly

Aye: 13 Ald Meindl, Ald Moldenhauer, Ald Arney, Ald Dubinski, Ald Makhoulf II, Ald Lewis, Ald Franzen, Ald Lowe, Ald O'Reilly, Ald Phillips, Ald Morgan, Ald Wilke, and Ald Dolan

Excused: 3 Ald Brannin, Ald Tilleson, and Ald Fuerst
Enactment No: R-23-131

FROM THE FINANCIAL AFFAIRS COMMITTEE

1. Resolution Approving the Financial Resiliency Policy [23-541](#)

WHEREAS, in 2016, the Common Council adopted a "Financial Resiliency Policy" and over the past several months, City staff has updated the policy and reviewed such updates with the Financial Affairs Committee;

NOW THEREFORE BE IT RESOLVED by the Common Council of the City of Wauwatosa that the updated version of the Financial Resiliency Policy presented by the Finance Director at the meeting of the Committee on Financial Affairs at its June 13, 2023, meeting be and the same is hereby approved.

Recommendation: Approve 8-0

RESULT: APPROVED
MOVER: James Moldenhauer
SECONDER: Joe Phillips

Aye: 13 Ald Meindl, Ald Moldenhauer, Ald Arney, Ald Dubinski, Ald Makhoulf II, Ald Lewis, Ald Franzen, Ald Lowe, Ald O'Reilly, Ald Phillips, Ald Morgan, Ald Wilke, and Ald Dolan

Excused: 3 Ald Brannin, Ald Tilleson, and Ald Fuerst
Enactment No: R-23-132

2. Resolution authorizing the waiver of competitive bid process and approval of a 3-year contract with Westrum Leak Detection in the amount of \$15,300 per year for conducting leak detection survey of all City owned fire hydrants [23-546](#)

WHEREAS, the Water Department is requesting approval to waive the competitive bid process and approval of a 3-year contract with Westrum Leak Detection in the amount of \$15,300 per year in order to complete the leak detection project;

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Wauwatosa THAT, for the reasons provided at the meeting of the Financial Affairs Committee on July 12, 2023, permission be and the same is hereby granted to waive the competitive bidding process and to authorize the purchase of a 3-year contract with Westrum Leak Detection in the amount of \$15,300 per year for a 3-year contract.

Recommendation: Approve 8-0

RESULT: APPROVED
MOVER: James Moldenhauer
SECONDER: Joe Phillips

Aye: 13 Ald Meindl, Ald Moldenhauer, Ald Arney, Ald Dubinski, Ald Makhoulf II, Ald Lewis, Ald Franzen, Ald Lowe, Ald O'Reilly, Ald Phillips, Ald Morgan, Ald Wilke, and Ald Dolan

Excused: 3 Ald Brannin, Ald Tilleson, and Ald Fuerst
Enactment No: R-23-133

3. Resolution authorizing the waiver of competitive bid process and the purchase of a replacement ladder truck in the 2027 capital budget from Pierce Manufacturing at a total cost of \$1,966,707

[23-547](#)

WHEREAS, the Fire Department is requesting approval to waive the competitive bid process for a purchase of a replacement ladder truck as an early purchase and expenditure of 2027 capital budget funds;

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Wauwatosa THAT, for the reasons provided at the meeting of the Financial Affairs Committee on July 11, 2023, permission be and the same is hereby granted to waive the competitive bidding process and to authorize the purchase a replacement ladder truck through Pierce Manufacturing, for a total cost of \$1,966,707, would require an early purchase in 2023 resulting in the expenditure of 2027 capital budget funds.

Recommendation: Approve 8-0

RESULT: APPROVED
MOVER: James Moldenhauer
SECONDER: Joe Phillips

Aye: 13 Ald Meindl, Ald Moldenhauer, Ald Arney, Ald Dubinski, Ald Makhoulf II, Ald Lewis, Ald Franzen, Ald Lowe, Ald O'Reilly, Ald Phillips, Ald Morgan, Ald Wilke, and Ald Dolan

Excused: 3 Ald Brannin, Ald Tilleson, and Ald Fuerst
Enactment No: R-23-134

4. Resolution authorizing approval of an emergency ladder truck repair and a level 3 fund transfer in the amount of \$54,091.87

[23-549](#)

WHEREAS, in June of 2023, the Pierce fire engine suffered a major engine failure which required the replacement of the engine itself and was repaired by Interstate Power Systems in the amount of \$54,091.87;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Wauwatosa that a level 3 fund transfer from the General Fund Reserve for Contingencies in the amount of \$54,091.87, and the emergency expenditure of said funds for the purpose described above, is hereby approved.

Recommendation: Approve 8-0

RESULT: APPROVED

MOVER: James Moldenhauer

SECONDER: Joe Phillips

Aye: 13 Ald Meindl, Ald Moldenhauer, Ald Arney, Ald Dubinski, Ald Makhoulf II, Ald Lewis, Ald Franzen, Ald Lowe, Ald O'Reilly, Ald Phillips, Ald Morgan, Ald Wilke, and Ald Dolan

Excused: 3 Ald Brannin, Ald Tilleson, and Ald Fuerst
Enactment No: R-23-135

5. Resolution authorizing a waiver from the competitive bid process for installation of emergency lighting for a Fire Department vehicle [23-555](#)

WHEREAS, the Fire Department is requesting a retroactive approval of a waiver to the competitive bid process for installation of emergency lighting on a Departmental vehicle, F-156, as the Fire Department completed the work, mistakenly, without seeking competitive bids;

NOW, THEREFORE, BE IT RESOLVED that a retroactive approval of a waiver to the competitive bid be approved to Git-Lit Emergency Lighting and Electronics in the amount of \$12,667.69.

Recommendation: Approve 8-0

RESULT: APPROVED

MOVER: James Moldenhauer

SECONDER: Joe Phillips

Aye: 13 Ald Meindl, Ald Moldenhauer, Ald Arney, Ald Dubinski, Ald Makhoulf II, Ald Lewis, Ald Franzen, Ald Lowe, Ald O'Reilly, Ald Phillips, Ald Morgan, Ald Wilke, and Ald Dolan

Excused: 3 Ald Brannin, Ald Tilleson, and Ald Fuerst
Enactment No: R-23-135

6. Resolution authorizing appropriate City Staff to execute a contract with Carlson Dettmann Consulting in the amount of \$64,100 for the assessment, design and implementation of a new compensation plan for non-represented employees [23-556](#)

WHEREAS, the City of Wauwatosa's current compensation plan for non-represented employees was designed and implement in 2013 and since then, the job market and employment demographics have shifted significantly;

WHEREAS, a Request for Proposals was issued and the top three consultants were interviewed and it was determined that Carlson Dettmann would be the best suited vendor for this project;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Wauwatosa that staff are authorized to enter into a consulting services contract with Carlson Dettmann for the assessment, design and implementation of a new compensation plan for non-represented employees in the amount of \$64,100.

Recommendation: Approve 8-0

RESULT: APPROVED
MOVER: James Moldenhauer
SECONDER: Joe Phillips

Aye: 13 Ald Meindl, Ald Moldenhauer, Ald Arney, Ald Dubinski, Ald Makhoulf II, Ald Lewis, Ald Franzen, Ald Lowe, Ald O'Reilly, Ald Phillips, Ald Morgan, Ald Wilke, and Ald Dolan

Excused: 3 Ald Brannin, Ald Tilleson, and Ald Fuerst
Enactment No: R-23-137

7. Ratification of Comptroller's Office bills and claims report, June 21 through July 18, 2023

[23-572](#)

RESULT: RATIFIED
MOVER: James Moldenhauer
SECONDER: Joe Phillips

Aye: 13 Ald Meindl, Ald Moldenhauer, Ald Arney, Ald Dubinski, Ald Makhoulf II, Ald Lewis, Ald Franzen, Ald Lowe, Ald O'Reilly, Ald Phillips, Ald Morgan, Ald Wilke, and Ald Dolan

Excused: 3 Ald Brannin, Ald Tilleson, and Ald Fuerst

FROM THE BOARD OF PUBLIC WORKS

1. Resolution authorizing the vacation of a highway easement at 7746 Menomonee River Parkway

[23-560](#)

WHEREAS, there is an existing seven foot highway easement along a portion of the Harmonie Avenue frontage of 7746 Menomonee River Parkway from a former property owner in 1980 relating to the construction of the bridge;

WHEREAS, the Wauwatosa Community Development Authority is the current landowner and is in the process of redeveloping the property and has requested that the easement be vacated ahead of closing on the sale of the property;

NOW THEREFORE BE IT RESOLVED by the Common Council of the City of Wauwatosa that the easement at 7746 Menomonee River Parkway be vacated to facilitate the redevelopment of the property.

Recommendation: Approve 6-0

RESULT: APPROVED
MOVER: John Dubinski
SECONDER: Joseph Makhoulf II

Aye: 13 Ald Meindl, Ald Moldenhauer, Ald Arney, Ald Dubinski, Ald Makhoulf II, Ald Lewis, Ald Franzen, Ald Lowe, Ald O'Reilly, Ald Phillips, Ald Morgan, Ald Wilke, and Ald Dolan

Excused: 3 Ald Brannin, Ald Tilleson, and Ald Fuerst

Enactment No: R-23-138

2. Resolution authorizing the flying the Disability Flag at City Hall from July 24 through July 28, 2023 [23-558](#)

WHEREAS, the Commission for Persons with Disabilities recently purchased a National Disability Flag and July 26, 2023 is the 33rd anniversary of the passage of Americans with Disabilities Act; and

WHEREAS, the Common Council supports the work of the Commission for Persons with Disabilities and encourages the continued success of the goals and objectives of the Americans with Disabilities Act;

NOW THEREFORE BE IT RESOLVED by the Common Council of the City of Wauwatosa that the City of Wauwatosa is authorized to fly a National Disability Flag on the city-owned flagpole at City Hall from July 24 through July 28, 2023.

Recommendation: Approve 6-0

RESULT: APPROVED

MOVER: John Dubinski

SECONDER: Joseph Makhoul II

Aye: 13 Ald Meindl, Ald Moldenhauer, Ald Arney, Ald Dubinski, Ald Makhoul II, Ald Lewis, Ald Franzen, Ald Lowe, Ald O'Reilly, Ald Phillips, Ald Morgan, Ald Wilke, and Ald Dolan

Excused: 3 Ald Brannin, Ald Tilleson, and Ald Fuerst
Enactment No: R-23-139

3. Resolution awarding the contract 23-24 for Pavement Repair and Spot Improvements to LaLonde Contractors Inc. [23-559](#)

WHEREAS, the Board of Public Works of the City of Wauwatosa reports that pursuant to the official notice, published as required by law, for proposals for Contract 23-24 / Project 1623 2023 Pavement Repair and Spot Improvements;

WHEREAS, bids and proposals were received at the City Hall until 11:01 o'clock in the fore noon Wednesday, July 12, 2023 and therefore publicly opened; and

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

LaLonde Contractors Inc. \$139,978.17
Zenith Tech \$176,462.43, and

WHEREAS, the lowest responsible bid received is from LaLonde Contractors Inc.;

WHEREAS the Board of Public Works recommends that the proper City Officials be authorized to enter into a contract for doing said work of improvement;

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Wauwatosa, that the proper City Officials be and they are hereby authorized and directed to enter into a contract with LaLonde Contractors Inc. for the work of Contract 23-24, 2023 Pavement Repair and Spot Improvements at and for their bid price of \$139,978.17 this being the lowest and best bid;

BE IT FURTHER RESOLVED that the surety deposits, if any, be returned to the unsuccessful bidders.

Recommendation: Approve 6-0

RESULT: APPROVED

MOVER: John Dubinski

SECONDER: Joseph Makhoul II

Aye: 13 Ald Meindl, Ald Moldenhauer, Ald Arney, Ald Dubinski, Ald Makhoul II, Ald Lewis, Ald Franzen, Ald Lowe, Ald O'Reilly, Ald Phillips, Ald Morgan, Ald Wilke, and Ald Dolan

Excused: 3 Ald Brannin, Ald Tilleson, and Ald Fuerst
Enactment No: R-23-140

4. Resolution approving a State-Municipal Agreement for a multi-use trail along portions of Wisconsin Avenue and Mayfair Road [23-561](#)

WHEREAS, the City of Wauwatosa applied for a Transportation Alternatives Program (TAP) grant to help fund the multi-use trail planned for the repaving of Wisconsin Avenue between 98th and 106th Streets and the grant covers up to 80% of the multi-use trail cost;

WHEREAS, to increase bike connectivity, the City is looking to extend the multi-use trail length to go beyond the section of Wisconsin Avenue planned for repaving in 2026;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Wauwatosa that the State-Municipal Agreement for funding of a multi-use trail along Wisconsin Avenue and Mayfair Road be approved with \$1,826,068 of the funds being funded federally and \$456,517 from the City of Wauwatosa.

Recommendation: Approve 6-0

RESULT: APPROVED

MOVER: John Dubinski

SECONDER: Joseph Makhoul II

Aye: 13 Ald Meindl, Ald Moldenhauer, Ald Arney, Ald Dubinski, Ald Makhoul II, Ald Lewis, Ald Franzen, Ald Lowe, Ald O'Reilly, Ald Phillips, Ald Morgan, Ald Wilke, and Ald Dolan

Excused: 3 Ald Brannin, Ald Tilleson, and Ald Fuerst
Enactment No: R-23-141

5. Resolution authorizing the Change Order #1 of Contract 22-08 to provide for installation of fiber optic communications lines under [23-562](#)

Interstate 41

WHEREAS, the Board of Public Works is requesting a change order to Contract 22-08 to add scope item and contract time to install fiber optic communications under Interstate 41;

WHEREAS, the estimated total cost of the scope changes within Change Order #01 is \$40,000;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Wauwatosa that a change order for additional work to install conduits under Interstate 41 be approved as part of Contract 22-08.

Recommendation: Approve 6-0

RESULT: APPROVED

MOVER: John Dubinski

SECONDER: Joseph Makhoul II

Aye: 13 Ald Meindl, Ald Moldenhauer, Ald Arney, Ald Dubinski, Ald Makhoul II, Ald Lewis, Ald Franzen, Ald Lowe, Ald O'Reilly, Ald Phillips, Ald Morgan, Ald Wilke, and Ald Dolan

Excused: 3 Ald Brannin, Ald Tilleson, and Ald Fuerst
Enactment No: R-23-142

6. Resolution authorizing the acceptance and execution of a Sidewalk Easement Agreement at 2929 N. Mayfair Road

[23-563](#)

WHEREAS, the Engineering Department is requesting acceptance of a Sidewalk Easement at 2929 N. Mayfair Road to increase the size of the terrace area and setback of the sidewalk from Mayfair Road;

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Wauwatosa that the Sidewalk Easement Agreement at 2929 N. Mayfair Road be accepted and appropriate City officials are authorized to execute the Sidewalk Easement Agreement.

Recommendation: Approve 6-0

RESULT: APPROVED

MOVER: John Dubinski

SECONDER: Joseph Makhoul II

Aye: 13 Ald Meindl, Ald Moldenhauer, Ald Arney, Ald Dubinski, Ald Makhoul II, Ald Lewis, Ald Franzen, Ald Lowe, Ald O'Reilly, Ald Phillips, Ald Morgan, Ald Wilke, and Ald Dolan

Excused: 3 Ald Brannin, Ald Tilleson, and Ald Fuerst
Enactment No: R-23-143

7. Resolution authorizing the vacation of a Utility Easement at 1501 N. Mayfair Road

[23-564](#)

WHEREAS, the Engineering Department reviewed development plans for the Uptown Quick Lane Service Center and is requesting to vacate a portion of an existing public sewer

easement at 1501 N. Mayfair Road;

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Wauwatosa that a portion of the sewer easement at 1501 N. Mayfair Road be vacated at the location of the private sewer lateral servicing 1441 N. Mayfair Road.

Recommendation: Approve 6-0

RESULT: APPROVED

MOVER: John Dubinski

SECONDER: Joseph Makhoul II

Aye: 13 Ald Meindl, Ald Moldenhauer, Ald Arney, Ald Dubinski, Ald Makhoul II, Ald Lewis, Ald Franzen, Ald Lowe, Ald O'Reilly, Ald Phillips, Ald Morgan, Ald Wilke, and Ald Dolan

Excused: 3 Ald Brannin, Ald Tilleson, and Ald Fuerst
Enactment No: R-23-144

8. Resolution authorizing the acceptance of an Access Road Easement for N. 112th Street and Foundry Way at Mayfair Collection [23-567](#)

WHEREAS, the Mayfair Collection completed construction of the private roadways known as N. 112th Street and Foundry Way as part of the overall redevelopment of the Mayfair Collection;

WHEREAS, the proposed easement grants and conveys to the public a perpetual easement for the passage of passenger vehicles, trucks, installation of public utilities, communication facilities, and other public assets typically allowed by permit for roadways in the public-right-of-way;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Wauwatosa that the Easement for N. 112th Street and Foundry Way be accepted and appropriate City Officials are hereby authorized to execute the Easement Agreement.

Recommendation: Approve 6-0

RESULT: APPROVED

MOVER: John Dubinski

SECONDER: Joseph Makhoul II

Aye: 13 Ald Meindl, Ald Moldenhauer, Ald Arney, Ald Dubinski, Ald Makhoul II, Ald Lewis, Ald Franzen, Ald Lowe, Ald O'Reilly, Ald Phillips, Ald Morgan, Ald Wilke, and Ald Dolan

Excused: 3 Ald Brannin, Ald Tilleson, and Ald Fuerst
Enactment No: R-23-145

9. Resolution approving the amendment to the Official Street Map of the City of Wauwatosa to add a portion of N. 112th Street and Foundry Way [23-568](#)

WHEREAS, the Engineering Department is requesting to add to the Official Street Map of the City of Wauwatosa to include a new portion of N. 112th Street and Foundry Way at the Mayfair

Collection, both of which are private roadways allowing for public access;

BE IT RESOLVED, by the Common Council of the City of Wauwatosa, THAT the Official City of Wauwatosa street map, as described in Section 12.36.020 of the Wauwatosa Municipal Code, be amended to include N. 112th Street and Foundry Way.

Recommendation: Approve 6-0

RESULT: APPROVED

MOVER: John Dubinski

SECONDER: Joseph Makhlof II

Aye: 13 Ald Meindl, Ald Moldenhauer, Ald Arney, Ald Dubinski, Ald Makhlof II, Ald Lewis, Ald Franzen, Ald Lowe, Ald O'Reilly, Ald Phillips, Ald Morgan, Ald Wilke, and Ald Dolan

Excused: 3 Ald Brannin, Ald Tilleson, and Ald Fuerst
Enactment No: R-23-146

10. Resolution accepting a 20 foot wide water main easement and approving execution of an Easement Agreement at 931-937 N. 123rd Street

[23-571](#)

BE IT RESOLVED, by the Common Council of the City of Wauwatosa THAT an easement for a portion of the previously-approved water main into the Village of Elm Grove, through the property located at 931-937 N. 123rd Street in the City of Wauwatosa, as more particularly described in submissions to the Board of Public Works at its July 17, 2023 meeting, is hereby accepted; and

BE IT FURTHER RESOLVED THAT proper City officials are hereby authorized to enter into an Easement Agreement for the water main easement on behalf of the City of Wauwatosa; and

BE IT FINALLY RESOLVED THAT staff are hereby authorized to record the executed Easement Agreement with the Milwaukee County Register of Deeds.

Recommendation: Approve 6-0

RESULT: APPROVED

MOVER: John Dubinski

SECONDER: Joseph Makhlof II

Aye: 13 Ald Meindl, Ald Moldenhauer, Ald Arney, Ald Dubinski, Ald Makhlof II, Ald Lewis, Ald Franzen, Ald Lowe, Ald O'Reilly, Ald Phillips, Ald Morgan, Ald Wilke, and Ald Dolan

Excused: 3 Ald Brannin, Ald Tilleson, and Ald Fuerst
Enactment No: R-23-147

FUTURE COUNCIL COMMITTEE AGENDA ITEMS

1. Future Council committee agenda items

[23-531](#)

No new items.

RESULT: INFORMATIONAL ONLY

ADJOURNMENT

Meeting adjourned at 8:04 PM.