



# Wauwatosa, WI

## Common Council

### Meeting Minutes

7725 W. North Avenue  
Wauwatosa, WI 53213

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Tuesday, July 16, 2024

7:30 PM

Council Chambers and Zoom:  
<https://servetosa.zoom.us/j/273225010>,  
Meeting ID: 273 225 010

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#### Regular Meeting

#### CALL TO ORDER

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

#### PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

#### ROLL CALL

**Present:** 16 Alderperson District 8 Council President Jason Wilke  
Alderperson District 2 Margaret Arney  
Alderperson District 3 Robin Brannin  
Alderperson District 6 Aletha Champine  
Alderperson District 4 David Lewis  
Alderperson District 2 Brad Foley  
Alderperson District 4 Ernst Franzen  
Alderperson District 3 Joseph Makhlof II  
Alderperson District 5 Rob Gustafson  
Alderperson District 5 Sean Lowe  
Alderperson District 1 Andrew Meindl  
Alderperson District 1 James Moldenhauer  
Alderperson District 6 Joe Phillips  
Alderperson District 7 Mike Morgan  
Alderperson District 7 Amanda Fuerst  
Alderperson District 8 Melissa Dolan

#### APPROVAL OF MINUTES

1. Approval of minutes of the July 2, 2024 regular meeting

[24-1043](#)

**RESULT:** APPROVED

**MOVER:** Ernst Franzen

**SECONDER:** Robin Brannin

**Aye:** 16 Wilke, Arney, Brannin, Champine, Lewis, Foley, Franzen, Makhlof II, Gustafson, Lowe, Meindl, Moldenhauer, Phillips, Morgan, Fuerst, and Dolan

**APPOINTMENTS BY THE MAYOR**

1. Appointment by Mayor McBride of Christine Lindstrom (District 5) as a member of the Wauwatosa Library Board, term ending June 30, 2027 [24-0975](#)  
**RESULT:** APPROVED  
**MOVER:** Jason Wilke  
**SECONDER:** Melissa Dolan  
**Aye:** 16 Wilke, Arney, Brannin, Champine, Lewis, Foley, Franzen, Makhlouf II, Gustafson, Lowe, Meindl, Moldenhauer, Phillips, Morgan, Fuerst, and Dolan
2. Reappointment by Mayor McBride of Julia Murphy (District 4) of the Wauwatosa Senior Commission, term ending April 30, 2027 [24-0977](#)  
**RESULT:** APPROVED  
**MOVER:** Jason Wilke  
**SECONDER:** Melissa Dolan  
**Aye:** 16 Wilke, Arney, Brannin, Champine, Lewis, Foley, Franzen, Makhlouf II, Gustafson, Lowe, Meindl, Moldenhauer, Phillips, Morgan, Fuerst, and Dolan
3. Appointment by Mayor McBride of Julia Murphy (District 4) as a member of the Wauwatosa Commission for Persons with Disabilities, term ending March 31, 2027 [24-0978](#)  
**RESULT:** APPROVED  
**MOVER:** Jason Wilke  
**SECONDER:** Melissa Dolan  
**Aye:** 16 Wilke, Arney, Brannin, Champine, Lewis, Foley, Franzen, Makhlouf II, Gustafson, Lowe, Meindl, Moldenhauer, Phillips, Morgan, Fuerst, and Dolan
4. Appointment by Mayor McBride of Linda Gulrajani (District 7) as a member of the Wauwatosa Tourism Commission, term ending July 31, 2025 [24-0979](#)  
**RESULT:** APPROVED  
**MOVER:** Jason Wilke  
**SECONDER:** Melissa Dolan  
**Aye:** 16 Wilke, Arney, Brannin, Champine, Lewis, Foley, Franzen, Makhlouf II, Gustafson, Lowe, Meindl, Moldenhauer, Phillips, Morgan, Fuerst, and Dolan
5. Reappointments by Mayor McBride of Dave Amoroso (District 8), Megan Tanel (District 1), Daniel Underberg (District 5), and Chantal Bazzoni-Boncher (District 6) as members of the Wauwatosa Tourism Commission, terms ending July 31, 2025 [24-0980](#)  
**RESULT:** APPROVED

- MOVER:** Jason Wilke  
**SECONDER:** Melissa Dolan
- Aye:** 16 Wilke, Arney, Brannin, Champine, Lewis, Foley, Franzen, Makhlouf II, Gustafson, Lowe, Meindl, Moldenhauer, Phillips, Morgan, Fuerst, and Dolan
6. Appointment by Mayor McBride of Joel Tilleson (District 5) as a member of the Wauwatosa Community Development Authority, term ending April 30, 2025 [24-1056](#)
- RESULT:** APPROVED  
**MOVER:** Jason Wilke  
**SECONDER:** Melissa Dolan
- Aye:** 14 Wilke, Arney, Brannin, Champine, Lewis, Foley, Franzen, Gustafson, Lowe, Moldenhauer, Phillips, Morgan, Fuerst, and Dolan
- Nay:** 2 Makhlouf II, and Meindl
7. Reappointment by Mayor McBride of Allen Wick (District 1) as a member of the Wauwatosa Community Development Authority, term ending April 30, 2028 [24-1058](#)
- RESULT:** APPROVED  
**MOVER:** Jason Wilke  
**SECONDER:** Melissa Dolan
- Aye:** 16 Wilke, Arney, Brannin, Champine, Lewis, Foley, Franzen, Makhlouf II, Gustafson, Lowe, Meindl, Moldenhauer, Phillips, Morgan, Fuerst, and Dolan

### APPLICATIONS, COMMUNICATIONS, ETC.

1. 2023 Annual Comprehensive Financial Report from the Milwaukee Metropolitan Sewerage District [24-1057](#)
- Recommendation:* Place on file
- RESULT:** RECEIVED AND PLACED ON FILE
2. Summons & Complaint - Corey James Kirkwood v. City of Wauwatosa, 24SC019747 [24-1067](#)
- Recommendation:* Refer to City Attorney
- RESULT:** REFERRED TO CITY ATTORNEY

### ORDINANCES FOR INTRODUCTION

1. Ordinance amending Sec. 11.32.080 of the Wauwatosa Municipal Code removing parking restrictions on Jackson Park Boulevard east of Swan Boulevard [24-1046](#)

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

Part I. The "Jackson Park Boulevard -south side" portion of the "Schedule of Streets, and

portions" subsection of section 11.32.080 of the Wauwatosa Municipal Code is hereby amended by deleting the following subsection:

“(c) from the west property line of 9043 Jackson Park Boulevard to the west property line of 9123 Jackson Park Boulevard”

Part II. The "Jackson Park Boulevard -north side" portion of the "Schedule of Streets, and portions" subsection of section 11.32.080 of the Wauwatosa Municipal Code is hereby amended by deleting the following subsection:

“(c) from the west property line of 9040 Jackson Park Boulevard to the east property line of 9125 West North Avenue”

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

By: Transportation Affairs Committee

*Recommendation:* Introduced on July 16, 2024, for adoption consideration

**RESULT:** REFERRED TO ORIGINATING COMMITTEE

2. Ordinance amending Sec. 11.32.080 of the Wauwatosa Municipal Code [24-1047](#)  
 modifying parking restrictions on the south side of Center Street from 67th Street to 68th Street and on the east side of 68th Street south of Center Street

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

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

“(sss) on school days: from 7:30 a.m. to 9:00 a.m. and 2:00 p.m. to 4:30 p.m., nor for more than one hour between 9:00 a.m. and 2:00 p.m.”

Part II. The "Center Street - south side" portion of the "Schedule of Streets, and Portions" subsection of section 11.32.080 of the Wauwatosa Municipal Code is hereby amended by deleting the following subsection:

“(pp) from North 67th Street to North 68th Street”

And replacing it to read as follows:

“(sss) from North 67th Street to North 68th Street”

Part III. The "North 68th Street -east side" portion of the "Schedule of Streets, and Portions" subsection of section 11.32.080 of the Wauwatosa Municipal Code is hereby amended by

adding the following subsection:

“(sss) from Center Street to a point 140-feet South of Center Street”

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

By: Transportation Affairs Committee

*Recommendation:* Introduced on July 16, 2024, for adoption consideration

**RESULT:** REFERRED TO ORIGINATING COMMITTEE

3. Ordinance amending Sec. 11.32.080 of the Wauwatosa Municipal Code eliminating parking restrictions along the south side of North Avenue west of 122nd Street [24-1048](#)

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

Part I. That portion of the “Schedule of Streets, and Portions” subsection of Section 11.32.080 of the Wauwatosa Municipal Code of Ordinances applying to “North Avenue - south side” which states as follows, is hereby deleted:

“(a) from N. 122nd Street to 50 feet west thereof”

Part II. That portion of the “Schedule of Streets, and Portions” within Section 11.32.080 of the Wauwatosa Municipal Code of Ordinances applying to “North Avenue - south side” which states:

“(b) from 90 feet west of N. 122nd Street to N. 124th Street”

is hereby amended to read as follows:

“(b) from 165 feet west of N. 122nd Street to N. 124th Street”

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

By: Transportation Affairs Committee

*Recommendation:* Introduced on July 16, 2024, for adoption consideration

**RESULT:** REFERRED TO ORIGINATING COMMITTEE

4. Ordinance amending Sec. 11.32.080 of the Wauwatosa Municipal Code creating parking restrictions on the south side of Wisconsin Avenue from east of Glenview Avenue to 68th Street [24-1049](#)

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

Part I. The "Wisconsin Avenue - south side" portion of the "Schedule of Streets, and portions" subsection of section 11.32.080 of the Wauwatosa Municipal Code is hereby amended by adding the following subsection:

“(a)from 68th Street to Glenview Avenue”

Part II. This ordinance shall become effective upon its passage and publication, and the effective date is also contingent upon completion of planned bridge, utility and pavement projects on the affected portion of Wisconsin Avenue in the year 2025.

By: Transportation Affairs Committee

*Recommendation:* Introduced on July 16, 2024, for adoption consideration

**RESULT:** REFERRED TO ORIGINATING COMMITTEE

5. Ordinance amending portions of Section 24.16 of the Wauwatosa Municipal Code providing that zoning-related public hearings shall be held by the Common Council in advance of introduction at Plan Commission [24-1053](#)

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

Part I. The text of subsection 24.16.020 of the Wauwatosa Municipal Code of Ordinances is hereby amended to read in its entirety as follows:

- A. Authority to Initiate. Amendments to the text of this zoning ordinance may be initiated by the common council or the plan commission, or following the filing of an application with the zoning administrator.
- B. Public Hearing and Notice of Hearing. Upon receiving a completed application for a Zoning Ordinance Text Amendment, planning staff shall schedule a public hearing before the common council and prepare appropriate notice and publications. Class 2 notice of the common council's required public hearing on a zoning ordinance text amendment must be published in accordance with chapter 985 of the Wisconsin Statutes.
- C. Plan Commission Recommendation. Following the required public hearing before the common council, proposed zoning ordinance text amendments must be referred to the plan commission. Following their review of the proposed text amendment, the plan commission must act by simple majority vote of those members present and voting to recommend that the proposed text amendment be approved, approved with modifications, or denied. The plan commission's recommendation must be transmitted to the common council.
- D. Common Council Consideration and Decision.
  1. Upon receipt of recommendations from the plan commission, the common council may act to approve, approve with modifications or deny the proposed text amendment. If the plan commission's recommendation has not been forwarded to the common council within 60 days of referral of the proposed text amendment to the plan commission, the common council may take action without receipt of the recommendation.

2. Final action on a zoning ordinance text amendment by the common council requires a simple majority vote of those members present and voting.
- E. Review Criteria and Standards. Zoning ordinance text amendments are legislative decisions of the common council based on their consideration of the public, health, safety and general welfare.

Part II. The text of subsections 24.16.030.C. through 24.16.030.E. of the Wauwatosa Municipal Code of Ordinances is hereby amended to read in its entirety as follows:

C. Public Hearing and Notice of Hearing.

1. Upon receipt of a completed application for a Zoning Map Amendment, planning staff shall schedule a public hearing before the common council and prepare appropriate notices and publications. Class 2 notice of the common council's required public hearing on a zoning map amendment must be published in accordance with chapter 985 of the Wisconsin Statutes.
2. Notice must be mailed to all of the following at least 7 days before the common council's required public hearing:
  - a. the subject property owner;
  - b. all owners and occupants (when data available) of property within 300 feet of the subject property; and
  - c. the clerk of any municipality with corporate limits that abut the subject property.
3. The applicant must post signage in a format provided by the city in a prominent location on the development site for the duration of the approval process.

D. Plan Commission Recommendation. Following the required public hearing before the common council, proposed zoning map amendments must be referred to the plan commission. Following review of the proposed zoning map amendment, the plan commission must act by simple majority vote of those members present and voting to recommend that the proposed zoning map amendment be approved, approved with modifications, or denied. The plan commission's recommendation must be transmitted to the common council.

E. Common Council Hearing and Decision.

- a. Upon receipt of recommendations from the plan commission, the common council may act to approve, approve with modifications (e.g., reducing the land area involved in the rezoning or recommending another less intensive zoning classification) or deny the proposed zoning map amendment. If plan commission recommendation has not been forwarded to the common council within 60 days of referral of the proposed zoning map amendment to the plan commission, the common council may ~~and~~ take action without receipt of the recommendation.
- b. Final action on a zoning map amendment by the common council requires a simple majority vote of those members present and voting, except when a valid protest petition is filed with the city clerk before the date of the meeting that the common council takes final action on the amendment, approval of the zoning map amendment requires at least a 60% majority vote of those common council members present and voting.

Part III. The text of subsections 24.16.040.C. through 24.16.040.E. of the Wauwatosa Municipal Code of Ordinances is hereby amended to read in its entirety as follows:

- C. Application Filing. Conditional use permit applications must be filed with the zoning

administrator. Upon receipt of the application and a completeness determination, the zoning administrator shall schedule the public hearing before the common council and coordinate the required notices.

- D. Notice of Hearing. The common council must hold a hearing on all conditional use permits.
1. Notice of the common council's required hearing must be mailed to all owners and occupants (when data available) of property within 200 feet of the subject property at least 7 days before the hearing.
  2. Class 2 notice of the common council's required public hearing on a conditional use permit must be published in accordance with chapter 62.23 (dm) of the Wisconsin Statutes.
  3. The applicant must post signage in a format provided by the city in a prominent location on the development site for the duration of the approval process.
- E. Plan Commission Recommendation. Following the close of the public hearing before the common council, proposed conditional use permits must be referred to the plan commission. The plan commission must act by simple majority vote of those members present and voting to recommend that the conditional use permit be approved, approved with modifications, or denied. The plan commission's recommendation must be transmitted to the common council.

Part IV. The text of subsections 24.16.050.C.(intro) through 24.16.050.C.6. of the Wauwatosa Municipal Code of Ordinances is hereby amended to read in its entirety as follows:

- C. Preliminary Development Plans. At the option of the applicant, the preliminary development plan may serve also as the preliminary subdivision plat if such intention is declared before the public hearing and if the plans include all information required for preliminary plats and preliminary development plans.
1. Preapplication Meetings. Before submitting a PUD application, the applicant must schedule a meeting with the zoning administrator to discuss the proposed plan and the required process. The zoning administrator is responsible for coordinating the involvement of other relevant city departments in the preapplication meeting. The applicant must also hold a neighborhood meeting, with invitations mailed to all property owners within 200 feet of the subject property, alderpersons of the district, and the zoning administrator.
  2. Application Contents. An application for a preliminary development plan must contain all items of information specified in the pre-application meeting including proof of holding a neighborhood meeting prior to application submission.
  3. Application Filing. Complete applications for preliminary development plan approval must be filed with the zoning administrator at the same time that the /PUD zoning map amendment application is filed. Preliminary development plan applications may be filed only by the common council, the plan commission or by petition of an eligible applicant or an eligible applicant's authorized agent (See Section 24.16.010C.1). Upon receipt of the completed application, planning staff shall schedule a public hearing before the common council and prepare appropriate notice and publications.
  4. Notice of Hearing. The common council must hold a public hearing on the proposed preliminary development plan and/or /PUD zoning map amendment.



- a. Notice of the common council's public hearing must be mailed to all owners and occupants (when data available) of property within 300 feet of the subject property at least 7 days before the hearing.
  - b. Class 2 notice of the common council's required public hearing on a zoning map amendment must be published in accordance with chapter 985 of the Wisconsin Statutes.
  - c. Notice must be mailed to all of the following at least 7 days before the common council's required public hearing:
    - 1) the subject property owner;
    - 2) all owners and occupants (when data available) of property within 300 feet of the subject property; and
    - 3) the clerk of any municipality with corporate limits that abut the subject property.
  - d. The applicant must post signage in a format provided by the city in a prominent location on the development site for the duration of the approval process.
5. Following the required public hearing before the common council, PUD preliminary development plans must be referred to the plan commission with the PUD zoning map amendment, if such map amendment is required. Following review of the proposed zoning map amendment and/or preliminary development plan, the plan commission must act by simple majority vote of those members present and voting to recommend that the proposed zoning map amendment and/or preliminary development plan be approved, approved with modifications, or denied. The plan commission's recommendation must be transmitted to the common council.
6. Common Council Hearing and Decision.
- a. Upon receipt of recommendations from the plan commission the common council may act to approve, approve with modifications (e.g., reducing the land area involved in the rezoning or recommending another less intensive zoning classification) or deny the proposed preliminary development plan and/or PUD zoning map amendment, as required. If plan commission recommendation has not been forwarded to the common council within 60 days of referral of the proposed preliminary development plan and/or PUD zoning map amendment to the plan commission, the common council may take action without receipt of the recommendation.
  - b. Final action on a PUD zoning map amendment by the common council requires a simple majority vote of those members present and voting, except when a valid protest petition is filed with the city clerk before the date of the meeting that the common council takes final action on the amendment, approval of the zoning map amendment requires at least a 60% majority vote of those common council members present and voting.

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

By: Government Affairs Committee

*Recommendation:* Refer to Plan Commission

**RESULT:** REFERRED TO ORIGINATING COMMITTEE

**FROM THE PLAN COMMISSION**

1. Resolution approving a Conditional Use Permit in the General Commercial (C2) zone at 11109 W. Blue Mound Road to expand an existing day care facility, Erik Madisen, Madisen Maher Architects, applicant [24-1014](#)

WHEREAS Erik Madisen, Madisen Maher Architects, applied for a for a Conditional Use Permit in the General Commercial (C2) zone at 11109 W. Blue Mound Road to expand an existing day care facility, 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 Erik Madisen, Madisen Maher Architects, subject to:

1. Hours of operation 7:00 am to 5:45 pm, Monday through Friday.
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. For existing buildings, any building project in excess of \$100,000 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. A site plan permit application must be submitted to the Engineering Department to document the impervious sidewalk area that is proposed on the outside of the building.
6. 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.
7. Obtaining other required licenses, permits, and approvals, including State of Wisconsin group child care center licensing for the expansion.

By: Plan Commission

*Recommendation:* Approve 6-0

**RESULT:** APPROVED

**MOVER:** Joe Phillips

**SECONDER:** Robin Brannin

**Aye:** 16 Wilke, Arney, Brannin, Champine, Lewis, Foley, Franzen, Makhlof II, Gustafson, Lowe, Meindl, Moldenhauer, Phillips, Morgan, Fuerst, and Dolan

Enactment No: R-24-112

2. Resolution approving a Conditional Use Permit in the Heavy Industrial (M2) zone at 12100 Wirth Street for an indoor sports & recreation, participant facility, Anthony Donovan, Total Development Hockey LLC, applicant [24-1015](#)

WHEREAS, Anthony Donovan, Total Development Hockey LLC, applied for a for a Conditional Use Permit in the Heavy Industrial (M2) zone at 12100 Wirth Street for an indoor sports & recreation, participant facility, 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 Anthony Donovan, Total Development Hockey LLC, subject to:

1. Hours of operation 8:00 am - 10:00 pm Monday through Friday and 9:00 am to 5:00 pm Saturday and Sunday. During hockey season (September - May), the facility will operate by appointment only from 8:00 am - 2:00 pm Monday through Friday.
2. If the City receives complaints regarding parking, the applicant shall take corrective action to resolve all parking issues to the satisfaction of the Planning Manager and Public Works Director.
3. Providing detailed costs of any alterations and/or new construction, as well as income & expense as requested by the Assessor's office.
4. Short- and long-term bicycle parking must be provided in compliance with City Code prior to issuing Occupancy permit.
5. Any building project in excess of \$100,000 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.
6. 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.
7. Obtaining other required licenses, permits, and approvals.

By: Plan Commission

*Recommendation:* Approve 6-0

**RESULT:** APPROVED

**MOVER:** Joe Phillips

**SECONDER:** Robin Brannin

**Aye:** 16 Wilke, Arney, Brannin, Champine, Lewis, Foley, Franzen, Makhoulf II, Gustafson, Lowe, Meindl, Moldenhauer, Phillips, Morgan, Fuerst, and Dolan  
Enactment No: R-24-113

3. Resolution approving a Conditional Use Permit in the General Commercial (C2) zone at 7229 W. Center Street for a day care facility, [24-1016](#)  
Michael Peine, Michael Peine Architects, applicant

WHEREAS, Michael Peine, Michael Peine Architects, applied for a for a Conditional Use Permit in the General Commercial (C2) zone at 7229 W. Center Street for a day care facility, 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 Michael Peine, Michael Peine Architects, subject to:

1. Hours of operation Monday - Friday, from 6:00 am to 9:00 pm, and Saturday and Sunday from 6:00 am to 6:00 pm.
2. If the City receives complaints regarding parking, the applicant shall take corrective action to resolve all parking issues to the satisfaction of the Planning Manager and Public Works Director.
3. Providing detailed costs of any alterations and/or new construction, as well as income & expense as requested by the Assessor's office.
4. Short- and long-term bicycle parking must be provided in compliance with City Code prior to issuing Occupancy permit.
5. Submittal of a parking lot/site plan addressing all comments in the Engineering comments section of this report prior to issuing occupancy.
6. Any building project in excess of \$100,000 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.
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, including State of Wisconsin group child care center licensing.
9. Installing bollards around the outdoor play area.
10. Submitting a copy of the parking space lease agreement with the neighboring property (Tosa Block Party) to the Development Department prior to issuing

occupancy permit.

By: Plan Commission

*Recommendation:* Approve 5-1

*Motion by Ald Brannin, seconded by Ald Gustafson, to make the following amendments to the conditions:*

1. *Condition #1: change "11:59 pm" to "9:00 pm".*
2. *Add Condition #10: Submitting a copy of the parking space lease agreement with the neighboring property (Tosa Block Party) to the Development Department prior to issuing occupancy permit.*

*Motion carried.*

**RESULT:** APPROVED AS AMENDED

**MOVER:** Joe Phillips

**SECONDER:** Robin Brannin

**Aye:** 15 Wilke, Arney, Brannin, Champine, Lewis, Foley, Franzen, Gustafson, Lowe, Meindl, Moldenhauer, Phillips, Morgan, Fuerst, and Dolan

**Nay:** 1 Makhlouf II  
Enactment No: R-24-114

4. Resolution approving a Land Combination via Certified Survey Map at [24-0976](#)  
1330 Wauwatosa Avenue; 7463 Harwood Avenue; and 7460, 7462, and  
7470 Blanchard Street, Phillip Aiello, Mandel Group Inc., applicant

BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin that permission be and the same is hereby granted to Phillip Aiello, Mandel Group Inc., for a Certified Survey Map to combine parcels located at 1330 Wauwatosa Avenue; 7463 Harwood Avenue; and 7460, 7462, and 7470 Blanchard Street. The parcels location is described as follows:

BEING LOT 1, 2, 3, 4, 5 AND 6 OF SPORLEDER'S SUBIDVISION, PART OF LOT 1 AND 2 OF ASSESSOR'S PLAT NO. 14, AND PART OF LOTS 4, 5, 6, 7 AND 10 IN J.S. AND CHAS. STICKNEY'S SUBDIVISION OF 23.5168 ACRES OF LAND IN THE SOUTHWEST ONE-QUARTER (1/4), ALL IN THE SOUTHWEST 1/4 OF SECTION 22 IN TOWNSHIP 7 NORTH, RANGE 21 EAST, IN THE 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. Recording easements/agreements for public spaces including sidewalk and parking.
3. Approval of the related zoning map amendment and preliminary planned unit development applications.
4. Per State Statute 236.34 (2), the CSM is to be recorded within 12 months of the Common Council approval.

By: Plan Commission

*Recommendation:* Approve 6-0

**RESULT:** APPROVED

**MOVER:** Joe Phillips

**SECONDER:** Robin Brannin

**Aye:** 11 Wilke, Brannin, Champine, Lewis, Gustafson, Lowe, Moldenhauer, Phillips, Morgan, Fuerst, and Dolan

**Nay:** 5 Arney, Foley, Franzen, Makhlouf II, and Meindl  
Enactment No: R-24-115

**FROM THE COMMUNITY AFFAIRS COMMITTEE**

- 1. Ordinance amending the Official Zoning Map of the City of Wauwatosa from Single Family Residential (R1-6) District to Neighborhood Village Trade/Planned Unit Development (C1/PUD) District at 7460 Blanchard Street [24-0864](#)

The Common Council of the City of Wauwatosa ordains as follows:

Part I. The Official Zoning Map of the City of Wauwatosa is hereby amended to reflect a Zoning Map Amendment from Single Family Residential (R1-6) District to Neighborhood Village Trade/Planned Unit Development (C1/PUD) District at 7460 Blanchard Street described as follows:

SPORLEDER'S SUBD SW 1/4 SEC 22-7-21 LOTS 4 5 & 6 BLK 1 & LOT 2 IN  
ASSESSOR'S PLAT NO 14 EXC COM NW COR SD LOT 2 NE 64.23 FT TO NE COR  
SD LOT 2 SW 9.95 FT SW 48.56 FT SE 10.11 FT THE NW 17.49 FT TO POB 1989

Part II. The City Administrator is hereby directed to change the Official Zoning Map of the City of Wauwatosa to conform to the provisions of the Ordinance, and said Map is declared amended accordingly.

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

By: Plan Commission

*Recommendation:* Ready for adoption, Adopt 4-3

**RESULT:** ADOPTED

**MOVER:** Sean Lowe

**SECONDER:** Melissa Dolan

**Aye:** 11 Wilke, Brannin, Champine, Lewis, Gustafson, Lowe, Moldenhauer, Phillips, Morgan, Fuerst, and Dolan

**Nay:** 5 Arney, Foley, Franzen, Makhlouf II, and Meindl  
Enactment No: O-24-22

- 2. Resolution approving Preliminary Plans for a Planned Unit Development at 1330 Wauwatosa Avenue, 7463 Harwood Avenue, and [24-1042](#)

7460/7462 and 7470 Blanchard Street for a multi-unit residential development (Harlow & Hem), Phillip Aiello, Mandel Group Inc., applicant

WHEREAS, Phillip Aiello, Mandel Group Inc., applied for preliminary plans for a Planned Unit Development at 1330 Wauwatosa Avenue, 7463 Harwood Avenue, and 7460/7462 and 7470 Blanchard Street for a multi-unit residential development (Harlow & Hem); and,

WHEREAS, this request was reviewed and recommended by the City Plan Commission and 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 Development preliminary plan approval to Phillip Aiello, Mandel Group Inc., for a multi-unit residential development at 1330 Wauwatosa Avenue, 7463 Harwood Avenue, and 7460/7462 and 7470 Blanchard Street subject to:

1. Approval of the CSM and zoning map amendment applications.
2. Compliance with all conditions in the Public Works and Engineering comment sections of the Community Affairs Committee July 9, 2024 staff report.
3. Approval from the Design Review Board is required prior to submitting for Final PUD approval.
4. Providing detailed costs of any alterations and/or new construction as well as income and expense information as requested by the Assessor's office.
5. Filing application for Final PUD approval within 12 months of the date of Preliminary PUD approval.
6. Obtaining all necessary approvals, licenses, and permits.
7. Compliance with City Code 24.12.030.B.2 - at least 10% of the interior of vehicular use areas must be landscaped. If necessary, the landscaping can be vertical.
8. Compliance with City Code 24.12.030.B.3.a - landscape islands and medians must be at least 10 feet in width.
9. Compliance with City Code 24.12.030.B.3.d - shade trees with silva cells must be provided in interior landscape islands at a minimum rate of one tree per 180 square feet of required interior landscape area.
10. Roof top / courtyard amenities to include furniture, shade structure(s), firepit(s), grill station(s), site lighting, and planters.
11. Connector walk from surface parking lot to be ADA ramp with no steps.

By: Community Affairs Committee

*Recommendation:* Approve 4-3

**RESULT:** APPROVED

**MOVER:** Sean Lowe

**SECONDER:** Melissa Dolan

**Aye:** 11 Wilke, Brannin, Champine, Lewis, Gustafson, Lowe, Moldenhauer, Phillips, Morgan, Fuerst, and Dolan

**Nay:** 5 Arney, Foley, Franzen, Makhlouf II, and Meindl  
Enactment No: R-24-116

**FROM THE GOVERNMENT AFFAIRS COMMITTEE**

- 1. Resolution approving application for Fireworks User Permit by Padi Kong, Wauwatosa School District, for the property address located at 11400 W. Center Street, Wauwatosa West High School football field, for Tosa West homecoming fireworks show on October 4, 2024 from 9:15 PM - 9:45 PM [24-1051](#)

WHEREAS, Padi Kong, Wauwatosa School District, has applied for a fireworks user's permit for the purposes of conducting fireworks displays at 11400 W. Center Street, Wauwatosa, WI, on October 4, 2024 from 9:15 PM - 9:45 PM; and

WHEREAS, the Government Affairs Committee has considered the request at its meeting of June 9, 2024 and recommends approval.

NOW, THEREFORE, BE IT RESOLVED THAT the City Clerk be authorized to issue a firework user's permit to Padi Kong, Wauwatosa School District, for the purpose of conducting fireworks displays on October 4, 2024 from 9:15 PM - 9:45 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 the applicant 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, except that each display shall be permitted to utilize "salutes" as part of the content of the display.

By: Government Affairs Committee

*Recommendation:* Approve 6-1

**RESULT:** APPROVED

**MOVER:** Ernst Franzen

**SECONDER:** Joseph Makhlouf II

**Aye:** 15 Wilke, Arney, Brannin, Champine, Lewis, Foley, Franzen, Makhlouf II, Gustafson, Lowe, Moldenhauer, Phillips, Morgan, Fuerst, and Dolan

**Nay:** 1 Meindl  
Enactment No: R-24-117

- 2. Resolution approving application for a new Class "A" Beer license by [24-1052](#)



Roettgers Company, Inc., d/b/a Tosa Mobil, 8806 W. North Avenue,  
Michael Miller - Agent, for the period ending June 30, 2025

WHEREAS, Roettgers Company, Inc., d/b/a Tosa Mobil, Michael Miller - Agent, has applied for a Retail Class "A" beer license for the premises located at 8806 W. North Avenue; and

WHEREAS, the Government Affairs Committee reviewed the application and recommends approval at its meeting on July 9, 2024;

NOW, THEREFORE, BE IT RESOLVED THAT a Retail Class "A" beer license is to be granted to Roettgers Company, Inc., d/b/a Tosa Mobil, Michael Miller - Agent, 8806 W. North Avenue, for the period ending June 30, 2025.

By: Government Affairs Committee

*Recommendation:* Approve 4-3

*Motion by Ald Morgan, seconded by Ald Phillips, to refer the matter back to Government Affairs Committee for further review. Motion failed 6-10 (Arney, Brannin, Dolan, Foley, Fuerst, Lewis, Lowe, Makhlouf, Moldenhauer, and Wilke voted no).*

**RESULT:** MOTION TO APPROVE FAILED

**MOVER:** Ernst Franzen

**SECONDER:** Joseph Makhlouf II

**Aye:** 4 Arney, Franzen, Makhlouf II, and Meindl

**Nay:** 11 Wilke, Brannin, Champine, Foley, Gustafson, Lowe, Moldenhauer, Phillips, Morgan, Fuerst, and Dolan

**Excused:** 1 Lewis

**FROM THE FINANCIAL AFFAIRS COMMITTEE**

- 1. Resolution approving allocation of \$2.0 million in capital project funds as a match for the Flexible Facilities Grant Program for a library expansion project [24-1050](#)

WHEREAS, the City of Wauwatosa and the Wauwatosa Public Library have been considering an upcoming capital project to expand the facilities of the Wauwatosa Public Library; and

WHEREAS, staff recently became aware of a Flexible Facilities Grant Program opportunity from the State of Wisconsin utilizing American Rescue Plan Funds for library expansions; and

WHEREAS, the maximum grant award for such project is \$4.25 million, which would require that the City provide an additional \$2.0 million of capital project funds in order to commit to a planned 9000-square-foot expansion project upon award of said grant;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Wauwatosa, that appropriate City and Library officials are hereby authorized to make application to the State of Wisconsin through the Flexible Facilities Grant Program in order to fund a planned library expansion as described above; and

BE IT FURTHER RESOLVED THAT, in the event that the City of Wauwatosa is awarded funding by the State of Wisconsin for said project, appropriate city officials are hereby authorized to accept the award and the common council hereby authorizes the allocation of \$2.0 million in matching funds to implement the grant-funded project, in a manner determined by staff, as part of the 2025-29 Capital Budget.

By: Financial Affairs Committee

*Recommendation:* Approve 7-0

**RESULT:** APPROVED

**MOVER:** James Moldenhauer

**SECONDER:** Joe Phillips

**Aye:** 14 Wilke, Arney, Brannin, Champine, Foley, Franzen, Makhlof II, Gustafson, Lowe, Moldenhauer, Phillips, Morgan, Fuerst, and Dolan

**Nay:** 1 Meindl

**Excused:** 1 Lewis  
Enactment No: R-24-118

2. Ratification of Comptroller's Office bills and claims report, July 3 through July 16, 2024 [24-1045](#)

**RESULT:** RATIFIED

**MOVER:** James Moldenhauer

**SECONDER:** Joe Phillips

**Aye:** 15 Wilke, Arney, Brannin, Champine, Foley, Franzen, Makhlof II, Gustafson, Lowe, Meindl, Moldenhauer, Phillips, Morgan, Fuerst, and Dolan

**Excused:** 1 Lewis

### **FROM THE BOARD OF PUBLIC WORKS**

1. Resolution approving request by Stephen Meer of The Sigma Group Inc. on behalf of Wangard Partners for an encroachment to install two groundwater monitoring wells within the 6200 and 6300 block of W. State Street [24-0991](#)

WHEREAS, an application has been made to the Common Council of the City of Wauwatosa (hereinafter "City") on behalf of Wangard Partners, 6200 and 6300 block of W. State Street, Wauwatosa, WI, (hereinafter "the Applicant") to encroach upon City property, for installation of two groundwater monitoring wells within the West State Street right-of-way to the south of the property located at 1215 N. 62nd Street;

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.

By: Board of Public Works

*Recommendation:* Approve 6-0

**RESULT:** APPROVED

**MOVER:** Melissa Dolan

**SECONDER:** Mike Morgan

**Aye:** 15 Wilke, Arney, Brannin, Champine, Foley, Franzen, Makhlof II, Gustafson, Lowe, Meindl, Moldenhauer, Phillips, Morgan, Fuerst, and Dolan

**Excused:** 1 Lewis  
Enactment No: R-24-119

2. Resolution awarding Contract 24-91, Projects 2403 and 2405, [24-1059](#)  
Wauwatosa Lighting Conversion to PGS Signal & Lighting in the amount of \$247,733.97

WHEREAS, the Board of Public Works of the City of Wauwatosa reports that pursuant to the official notice, published as required by law, for bids for C Wauwatosa Lighting Conversion under Contract 24- 91, WISDOT Project ID 2994-08-7024-08, Projects 2403 & 2405, bids and proposals were received until 11:01 o'clock in the morning, Thursday, July 11, 2024, and therefore publicly opened; and

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

- PGS Signal & Lighting \$247,733.97
- Pro Electric, Inc. \$277,865.33
- WIL-Surge Electric, Inc. \$322,258.00
- Van Ert Electric \$423,250.00
- Outdoor Lighting Const. Co., Inc \$471,458.00

WHEREAS, the lowest bid received is from PGS Signal & Lighting in the amount of \$247,733.97; and

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 PGS Signal & Lighting for the work of C Wauwatosa Lighting Conversion at and for their bid price of \$247,733.97, this being the lowest and best bid. The award of the contract is subject to WisDOT’s approval of the Request to Award - Local Let Project documentation.

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

By: Board of Public Works

*Recommendation:* Approve 6-0

**RESULT:** APPROVED

**MOVER:** Melissa Dolan

**SECONDER:** Mike Morgan

**Aye:** 15 Wilke, Arney, Brannin, Champine, Foley, Franzen, Makhlof II, Gustafson, Lowe, Meindl, Moldenhauer, Phillips, Morgan, Fuerst, and Dolan

**Excused:** 1 Lewis  
Enactment No: R-24-120

- 3. Resolution awarding Contract 24-56, West Zone Pumping Station to Mid-City Corporation in the amount of \$4,394,780.00 [24-1062](#)

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 renovations of the construction of the West Zone Pumping Station under Contract 24-56/Project 5113, bids and proposals were received until 11:01 o’clock in the morning, June 26th, 2024, and therefore publicly opened; and

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

Mid-City Corporation \$ 4,394,780.00  
Hunzinger Construction \$ 4,711,000.00

WHEREAS, the lowest bid received is from Mid-City Corporation in the amount of \$4,394,780.00; and

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 Mid-City Corporation, for the work of Contract 24-56, West Zone Pumping Station at and for their bid price of \$4,394,780.00, this being the lowest and best bid.

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

By: Board of Public Works

*Recommendation:* Approve 6-0

**RESULT:** APPROVED

**MOVER:** Melissa Dolan

**SECONDER:** Mike Morgan

**Aye:** 15 Wilke, Arney, Brannin, Champine, Foley, Franzen, Makhlouf II, Gustafson, Lowe, Meindl, Moldenhauer, Phillips, Morgan, Fuerst, and Dolan

**Excused:** 1 Lewis  
Enactment No: R-24-121

**ANNUAL REPORTS**

- 1. Department of Public Works Annual Report [24-1029](#)

**RESULT:** HELD

**FUTURE COUNCIL COMMITTEE AGENDA ITEMS**

- 1. Future Council committee agenda items [24-1044](#)

*Ald Morgan asked to review, update, or create alcohol licensing policies, and will work with staff on this. Ald Fuerst would like to create design standards for The Village area. Ald Wilke would like to propose an ordinance prohibiting alcohol licenses at gas stations.*

**RESULT:** INFORMATIONAL ONLY

**ADJOURNMENT**

*Meeting adjourned at 10:07 PM.*