



CITY OF WAUWATOSA  
MEMORIAL CIVIC CENTER  
7725 WEST NORTH AVENUE  
WAUWATOSA, WI 53213  
Telephone: (414) 479-8917  
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**COMMON COUNCIL**  
**Regular Meeting, Tuesday, March 1, 2005**

PRESENT: Alds. Maher, Purins, Stepaniak, Subotich, Sullivan, Treis, Bruderle-Baran, Becker, Birschel, Casey, Grimm, Herzog, Jenkins, Kopischke, Krill -15

EXCUSED: Ald. Krol

ALSO PRESENT: Mr. Wontorek, City Administrator; Mr. Braier, Finance Director; Mr. Kesner; City Attorney; Mr. Kappel, Dir. of Public Works; Ms. Welch, Community Dev. Director; Police Capt. Sutter; Ms. Aldana, Asst. City Atty. & Personnel Administrator; Ms. Ledesma, City Clerk; Ms. Williams, Deputy City Clerk

Mayor Estness in the Chair

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

It was moved by Ald. Birschel, seconded by Ald. Jenkins to appoint Atis Purins as 7th District Alderman to replace Ralph McCarthy. Roll call vote, -14

City Clerk Carla Ledesma administered the oath of office to Mr. Purins.

(Ald. Purins present) -15

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

**APPOINTMENTS BY THE MAYOR**

**Senior Commission**

Mary Van Derven, 2339 N. 62nd Street (Chair until 5/05)  
Bernard Grimm, 7325 Blanchard Street  
Pat Miller, 8844 Stickney Avenue  
(Terms expire 4/30/06)

James Kolbeck, 8202 Woodland Avenue  
Judith Miller, MD, 614 N. 77th Street  
Diane Euting, 2404 N. 66th Street  
(Terms expire 4/30/07)

Judy Parmeter, 8143 Richmond Court (Chair beginning 5/05)  
Eileen Hayes, The Lutheran Home, 7500 W. North Avenue  
Mary Cohan, MD, Froedtert Hospital Geriatrics Clinic, 9200 W. Wisconsin Avenue  
(Terms expire 4/30/08)

Board of Review

James Engelhardt, 6581 Washington Circle (alternate)  
(Term ends 6/30/06)

Foregoing appointments ordered held as this was the first reading.

**APPLICATIONS, COMMUNICATIONS, ETC.**

1. Letter from Alex Marlis, festival chair, Sts. Constantine & Helen Greek Orthodox Church, requesting a street festival permit for the church's annual Greek Festival, June 10-12, 2005  
**Committee on Community Development**
2. Donations: Dale & Joann Schueller: \$40; Frances Cosentino & Jeanne Polizzi: \$25; Paul & Barbara Purpi: \$30 to the fire department Diedrich Special Endowment Fund in memory of Clement Purpi; 2005 Suzuki ATV valued at approximately \$14,000 from the Wauwatosa Neighborhood Watch Steering Committee to the police department  
**Place on file**
3. Conditional Use application for a drive through espresso stand at 10944 W. Capitol Drive  
**Plan Commission, Committee on Community Development**
4. Conditional Use application to construct a control building to house equipment necessary for operation of the northwest side relief sewer at 1600 N. Swan Boulevard  
**Plan Commission, Committee on Community Development**
5. Conditional Use application to operate a doggy day care/boarding facility at 11801 W. Dearbourn Ave.  
**Plan Commission, Committee on Community Development**
6. Notice of Claim: Samantha Powell, 2916A W. Lincoln Ave., Milwaukee  
James D'Angelo, 256 N. 111th Street  
**City Attorney**
7. Letter from Sherry Carlin, Tosafest 2005 Chairperson, requesting a street festival permit for Tosafest, September 9-10, 2005  
**Committee on Community Development**
8. City of Wauwatosa Statements of Financial Condition as of 12/31/04 and 1/31/05  
**Place on file**
9. Notice of Claim: Melanie Aska Knox, 6510 Betsy Ross Place  
**City Attorney**

**FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT FOR INTRODUCTION**

1. Ordinance rezoning 8410 and 8420 Gridley Avenue from AA Single Family Residence District to Medical Center and Institutions District  
**Re-refer to originating committee**

**FROM THE COMMITTEE ON TRAFFIC & SAFETY**

TO THE COMMON COUNCIL, CITY OF WAUWATOSA, WI,

The Committee on Traffic and Safety, to whom was referred the request by Patrick Fitzpatrick for temporary on-street overnight parking for tenants of 8404 Watertown Plank Road, recommends to the Common Council that the matter be placed on file.

Dated this 22nd day of February 2005.

Committee on Traffic and Safety

It was moved by Ald. Becker, seconded by Ald Maher to approve the foregoing report. -14-0-1 (Herzog)

**FROM THE COMMITTEE ON TRAFFIC & SAFETY**

TO THE COMMON COUNCIL, CITY OF WAUWATOSA, WI,

The Committee on Traffic and Safety, to whom was referred the request by the City of Milwaukee for turn restrictions for the freeway on-ramp at W. Blue Mound Road and N. 95th Street, recommends to the Common Council that the matter be placed on file.

Dated this 22nd day of February 2005.

Committee on Traffic and Safety

It was moved by Ald. Becker, seconded by Ald Maher to approve the foregoing report. -15

**FROM THE COMMITTEE ON EMPLOYEE RELATIONS**

**RESOLUTION** R-05-46

BE IT RESOLVED, by the Common Council of the City of Wauwatosa, THAT the collective bargaining agreement for the years 2005 through 2007, which has been negotiated between the City of Wauwatosa and the Wauwatosa Peace Officers' Association, a summary of which is attached hereto, be and hereby is approved.

It was moved by Ald. Jenkins, seconded by Ald. Casey to approve the foregoing resolution. Roll call vote, Ayes 15

**FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS**

**RESOLUTION R-05-47**

WHEREAS, Sandra A. Haeger, agent for One-Way Café & Gallery, LLC, d/b/a One Way Café & Gallery, 1427 Underwood Avenue, Wauwatosa, WI, has applied for a Class C Wine license for the period ending June 30, 2005;

NOW, THEREFORE, BE IT RESOLVED THAT One-Way Café & Gallery, LLC, d/b/a One-Way Café & Gallery, 1427 Underwood Avenue, Sandra A. Haeger, agent, is issued a Class C wine license for the period ending June 30, 2005.

**FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS**

**RESOLUTION R-05-48**

WHEREAS, Emily M. Crowley, 710 E. Wright Street, Milwaukee, WI, has applied for an operator's license in conjunction with her employment at The Cheesecake Factory, 2350 N. Mayfair Road, Wauwatosa, WI;

NOW, THEREFORE, BE IT RESOLVED THAT Emily M. Crowley, 710 E. Wright Street, Milwaukee, WI, is hereby issued an operator's license for the period ending June 30, 2005.

**FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS**

**RESOLUTION R-05-49**

WHEREAS, John W. Kim, 3760 Lilly Road, Brookfield, WI, has applied for an operator's license in conjunction with his employment at P. F. Chang's, 2500 N. Mayfair Road, Wauwatosa, WI;

NOW, THEREFORE, BE IT RESOLVED THAT John W. Kim, 3760 Lilly Road, Brookfield, WI, is hereby issued an operator's license for the period ending June 30, 2005.

It was moved by Ald. Treis, seconded by Ald. Grimm  
to approve the three foregoing resolutions under  
suspension of the rules. -15

**FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT**

**RESOLUTION R-05-50**

BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin THAT a public hearing be held before the Common Council in the Council Chambers at 7:30 p.m. Local Time, on Tuesday, April 19, 2005 in the City Hall of the City of Wauwatosa, Wisconsin at which time all persons interested, or their agents or attorneys, will be heard concerning a proposed ordinance rezoning 8410 Gridley Avenue and 8420 Gridley Avenue from AA Single Family Residence District to Medical Center and Institutions District.

BE IF FURTHER RESOLVED THAT the City Clerk be and is hereby directed to publish the proper notices of said hearing as required by law.

**FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT**

**RESOLUTION R-05-55**

BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin THAT a public hearing be held before the Common Council in the Council Chambers at 7:30 p.m. Local Time, on Tuesday, April 19, 2005 in the City Hall of the City of Wauwatosa, Wisconsin at which time all persons interested, or their agents or attorneys, will be heard concerning a proposed Street Vacation of a portion of the 8400 Block of Gridley Avenue.

BE IF FURTHER RESOLVED THAT the City Clerk be and is hereby directed to publish the proper notices of said hearing as required by law.

**FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT**

**RESOLUTION R-05-52**

WHEREAS, Timothy W. Hale, Jacobus Mayfair Properties, and Ryan Stockton, Amcore Bank, N.A., have applied for a Conditional Use in the AA Commercial District at 2365 Mayfair Road for a bank with drive through facility and;

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

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin hereby grants a Conditional Use to Timothy W. Hale, Jacobus Mayfair Properties, and Ryan Stockton, Amcore Bank, N.A., for a bank with drive through facility in the AA Commercial District at 2365 Mayfair Road subject to the following conditions:

- 1) hours of operation for the bank would be Monday through Friday from 9:00 a.m. to 5:00 p.m. and Saturday from 9:00 a.m. to 12:30 p.m.,
- 2) hours of operation for the drive through would be 7:30 a.m. to 6:00 p.m. on Monday through Friday and on Saturday from 7:30 a.m. to 2:00 p.m., and
- 3) resolution of traffic concerns on the site, and
- 4) obtaining any additional licenses and permits.

**FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT**

**RESOLUTION R-05-53**

WHEREAS, Dennis and Barbara Wanless and Julie Hollingsworth have applied for a Conditional Use in the AA Business District at 8725 W. North Avenue for a restaurant with seasonal outdoor seating and;

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

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin hereby grants a Conditional Use to Dennis and Barbara Wanless and Julie Hollingsworth for a restaurant with seasonal outdoor seating in the AA Business District at 8725 W. North Avenue subject to the following conditions:

- 1) hours of operation from 6:00 a.m. to 9:00 p.m. daily,
- 2) modifications requested by the fire department, and
- 3) resolution of employee parking with the community development department.

**FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT**

**RESOLUTION R-05-54**

WHEREAS, Tracy Adams and Myeeshaw Shaw-Bland have applied for a Conditional Use in the AA Business District at 6905 W. North Avenue to operate a day care center and;

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

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin hereby grants a Conditional Use to Tracy Adams and Myeeshaw Shaw-Bland for the operation of a day care center in the AA Business District at 6905 W. North Avenue subject to the following conditions:

- 1) hours of operation shall be 8:00 a.m. to 5:00 p.m.,
- 2) establishing a safe and well-maintained rear entrance to be used for automobile pick-ups and drops-offs,
- 3) providing written notice with a map or drawing showing the use of a side street and rear entrance as the appropriate location for drop-offs and pick-ups shall be provided at new sign-ups and at least 4 times per year to members.
- 4) 4 movie nights per year from 6:00 to 9:00 p.m.,
- 5) one monthly book club meeting for adults from noon to 4:00 p.m. between October and March, and
- 6) subject to obtaining appropriate licensing and permits.

**FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT**

**RESOLUTION R-05-56**

WHEREAS, John Balzer, Froedert Hospital, has applied for a Conditional Use in the Medical Center and Institutions District at the northwest corner of 87<sup>th</sup> Street and Doyne Avenue for a multi-level parking structure and;

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

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin hereby grants a Conditional Use to John Balzer, Froedert Hospital, for a multi-level parking structure in the Medical Center and Institutions District at the northwest corner of 87<sup>th</sup> Street and Doyne Avenue subject to the following conditions:

- 1) no more than 3 or 4 levels for approximately 1000 cars as approved by Design Review Board, and
- 2) approval of storm water plans and schedule for completion of required modifications, and
- 3) final occupancy shall be conditioned upon completion of approved storm water modifications.

It was moved by Ald. Kopischke, seconded by Ald. Becker to approve the six foregoing resolutions. -15

**FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT**

**RESOLUTION R-05-51**

WHEREAS, Ronald and Joan Kuhs have applied for a Conditional Use in the AA Business District at 11050 W. Blue Mound Road for a tanning salon and;

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

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin hereby grants a Conditional Use to Ronald and Joan Kuhs for a tanning salon in the AA Business District at 11050 W. Blue Mound Road subject to the following conditions:

- 1) hours of operation on Monday through Thursday from 10:00 a.m. to 9:00 p.m., 10:00 a.m. to 6:00 p.m. on Friday, 10:00 a.m. to 3:00 p.m. on Sunday, and
- 2) any additional licenses and permits.

It was moved by Ald. Kopischke, seconded by Ald. Becker to approve the foregoing resolution. Ayes 14, Present 1 (Herzog)

**FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT**

**RESOLUTION**

WHEREAS, John Hudson, Wisconsin Portable Storage, LLC., and Bill Brodd, Brodd Property Management, have applied for a Conditional Use in the AA Light Manufacturing District at 3000 N. 114<sup>th</sup> Street for outdoor storage of ‘PODS’ storage containers and;

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

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin hereby grants a Conditional Use to John Hudson, Wisconsin Portable Storage, LLC., and Bill Brodd, Brodd Property Management, for outdoor storage of ‘PODS’ storage containers in the AA Light Manufacturing District at 3000 N. 114<sup>th</sup> Street.

It was moved by Ald. Kopischke, seconded by Ald. Becker to approve the foregoing resolution –

It was moved by Ald. Treis, seconded by Ald. Sullivan to hold this matter for two weeks for receipt of confirming information of an agreement to improve the exterior of the building. –

After discussion, and with the consent of the Second, Ald. Treis moved to refer the matter back to committee. Roll call vote, Ayes 12, Noes 2 (Baran, Herzog), Present 1 (Casey)

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

**BILLS AND CLAIMS FOR THE PERIOD 2/16/05 – 3/01/05 --**

The Committee on Budget and Finance hereby reports to the Common Council that it has examined the accounts of bills and claims and hereby certifies the same as correct and recommends that each of said accounts be allowed and paid.

Total bills and claims for 2/16/05 – 3/01/0: \$1,414,322.87

It was moved by Ald. Grimm, seconded by Ald. Birschel that each and every one of the accounts of bills and claims be allowed and ordered paid. Upon roll call vote, the vote was Ayes 15.

**FROM THE BOARD OF PUBLIC WORKS**

**RESOLUTION R-05-57**

WHEREAS, the Wauwatosa Purchasing Department has requested bids for emulsion and street patching materials for the Spring/Summer 2005 repair season; and

WHEREAS, each of the three bidders reflected in the memorandum of the Purchasing Manager dated February 16, 2005, provide different advantages based upon the price, convenience and availability;

NOW, THEREFORE, BE IT RESOLVED THAT each of the three vendors described in the memorandum of the Purchasing Manager are hereby qualified to provide emulsion and street patching materials for the Spring/Summer 2005 repair season on an as-needed basis, with individual purchases being made on the basis of price, convenience and availability.

**FROM THE BOARD OF PUBLIC WORKS**

**RESOLUTION R-05-58**

BE IT RESOLVED, By the Common Council of the City of Wauwatosa, Wisconsin, that the attached account of the expense of sidewalk repairs under Contract 04-19 Concrete Sidewalk Repairs be submitted to the City Comptroller in accordance with Section 66.615(3)(f) of the Wisconsin Statutes.

BE IT FURTHER RESOLVED, that the City Clerk be and she is hereby directed to send out the proper bills to the owners of the property, as listed in the accompanying assessment for sidewalk repairs under Contract 04-19 Concrete Sidewalk Repair.

**FROM THE BOARD OF PUBLIC WORKS**

**RESOLUTION R-05-60**

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 Badger Wrecking, Inc., for the work of Demolition of Building at 1222 N. 7125 Street, and work incidental thereto under Contract 05-26 at and for their bid price of \$24,228.00, this being the lowest and best bid.

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

**FROM THE BOARD OF PUBLIC WORKS**

**RESOLUTION R-05-61**

WHEREAS, the Engineering Services Section of the City of Wauwatosa has made final inspection of the work for the relay, repair and extension of sanitary sewers and storm sewers on Jackson Park Boulevard from Ludington Avenue to East of N. 81st Street under Contract 02-01A; and

WHEREAS, this contract is partially funded by the Federal Community Development Block Grant (CDBG) program and, therefore, are subject to that program's requirements and regulations; and

WHEREAS, this inspection showed that the Contractor has completed the work in an acceptable manner and in accordance with the terms of the contract; and

WHEREAS, the Director of Public Works has provided written certification as to said completion and that the same is ready for final payment.

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Wauwatosa, Wisconsin as follows:

Section 1. That the original contract work, the extra work performed within the projects limits and the emergency work performed outside the project limits under Contract 02-01A, Sanitary Sewer and Storm Sewer Relay, Repair and Extension is hereby accepted.

Section 2. That the proper city officers be and they are hereby authorized and directed to draw and sign a city order in the sum of Twenty-one Thousand Two Hundred Eighty-five Dollars and Seventy-eight Cents (\$21,285.78) in favor of American Sewer Services, Inc., as final payment under said contract. The proper city officials shall hold the payment until receipt of waivers of lien for labor and materials furnished under said contract, receipt of an affidavit stipulating compliance with wage rate requirements and certification of compliance with Federal Community Development Block Grant (CDBG) requirements.

**FROM THE BOARD OF PUBLIC WORKS**

**RESOLUTION R-05-62**

WHEREAS, the Wauwatosa Purchasing Department solicited bids for the supply of ready-mixed concrete products over a two year period from April 1, 2005 through March 31, 2007; and

WHEREAS, five vendors submitted bids for the products described, such that depending on the particular circumstances any one of the vendors could provide appropriate supplies in the best interest of the City based upon variations in price, convenience and availability;

NOW, THEREFORE, BE IT RESOLVED THAT the five separate vendors described in the memorandum of the Purchasing Manager dated February 25, 2005 are hereby authorized to supply ready-mixed concrete products to the City of Wauwatosa on an as-needed basis for a period of two years from April 1, 2005 through March 31, 2007, with individual purchases to be made based upon the particular advantages of price, convenience and availability.

**FROM THE BOARD OF PUBLIC WORKS**

The Board of Public Works, to whom was referred the Annual Report of the Board of Public Works for 2004, recommends to the Common Council that the Report be accepted and placed on file.

Dated this 28th day of February 2005.

Board of Public Works

It was moved by Ald. Casey, seconded by Ald. Herzog to approve the five foregoing resolutions and one foregoing report. -15

**FROM THE BOARD OF PUBLIC WORKS**

**RESOLUTION R-05-59**

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 Midwest Pipeline, Inc., for the work of Overflow Reconstruction, N. 64th Street Water Reservoir, and work incidental thereto under Contract 05-25 at and for their bid price of \$118,810.00, this being the lowest and best bid.

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

It was moved by Ald. Casey, seconded by Ald. Herzog to approve the foregoing resolutions. -15

There being no further business, the meeting adjourned at 8:00 p.m.

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Carla A. Ledesma, CMC, City Clerk