



CITY OF WAUWATOSA
MEMORIAL CIVIC CENTER
7725 WEST NORTH AVENUE
WAUWATOSA, WI 53213
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COMMON COUNCIL

Regular Meeting, Tuesday, July 5, 2005

PRESENT: Alds. Krol, Maher, Purins, Stepaniak, Sullivan, Treis, Bruderle -Baran, Becker, Birschel, Grimm, Herzog, Kopischke, Krill -13

EXCUSED: Alds. Casey, Jenkins and Subotich

ALSO PRESENT: Mr. Wontorek, City Administrator; Ms. Aldana, Asst. City Attorney/Personnel Adm.; Mr. Wehrley, City Engineer; Ms. Szudy, Planner II; Police Capt. Sutter; Ms. Ledesma, City Clerk; Ms. Williams, Deputy City Clerk

Mayor Estness in the Chair

The Mayor called the meeting to order at 7:35 p.m.

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. -13

APPOINTMENTS BY THE MAYOR

Board of Examiners and Appeals

Robert Ornst, Jr., 6526 Hillcrest Drive (reappointment)
(Term ends 5/30/07)

It was moved by Ald. Krol, seconded by Ald. Krill to concur with the foregoing appointment. -13

APPLICATIONS, COMMUNICATIONS, ETC.

1. Conditional Use application to convert a residence to office space at 1236 Dewey Avenue
Plan Commission, Committee on Community Development
2. Conditional Use application to operate a restaurant at 12132 W. Capitol Drive
Plan Commission, Committee on Community Development
3. Conditional Use application to operate a coffee and sandwich shop at 6230 W. North Avenue
Plan Commission, Committee on Community Development
4. Conditional Use application to construct and operate a restaurant at 6700 W. State Street
Plan Commission, Committee on Community Development

APPLICATIONS, COMMUNICATIONS, ETC.

5. Conditional Use application to operate a child day care facility at 6119-26 W. North Avenue
Plan Commission, Committee on Community Development
6. Conditional Use application to construct an addition to an existing school at 1220 Dewey Avenue
Plan Commission, Committee on Community Development

FROM THE COMMITTEE ON EMPLOYEE RELATIONS FOR INTRODUCTION

1. Ordinance repealing and recreating certain sections of Sections Chapters 2.52.020, 2.52.090, 2.52.200, and 2.58.220(C) of the City Code
Re-refer to originating committee

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT FOR INTRODUCTION

1. Ordinance amending Chapter 24.30 of the Zoning Code by adding Conditional Uses in the Business Planned Development District
Re-refer to originating committee

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-05-165

WHEREAS, the 2005-2007 State of Wisconsin Biennial budget proposal would provide \$38 million in SEG funding for preliminary engineering design work at the I-94 Zoo interchange at U.S. Highway 45; and

WHEREAS, this highway intersection serves a critical need for residents in southeast Wisconsin and particularly the City of Wauwatosa;

NOW, THEREFORE, BE IT RESOLVED THAT the attached letter to the Governor of the State of Wisconsin supporting inclusion of the preliminary engineering funding in the final State of Wisconsin Biennial budget is hereby approved.

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

ORDINANCE O-05-23

AN ORDINANCE AMENDING WAUWATOSA CODE SECTIONS 6.08.390B REGARDING THE SALE OF WINE

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

Part I. Subsection B of Wauwatosa Code Section 6.08.390 is hereby amended by adding this sentence to the end:

“Wine, however, may be sold for consumption off the premises in the original package or otherwise in any quantity.”

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

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-05-166

WHEREAS, Renee Arter, N25 W24037 River Park Drive, #10, Pewaukee, WI, has applied for an operator’s license in conjunction with her employment at Shepherd’s, Wauwatosa, WI;

NOW, THEREFORE, BE IT RESOLVED THAT Renee Arter is hereby issued an operator’s license for the period ending June 30, 2006.

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-05-167

WHEREAS, Peter J. Armstrong, 2524 N. Lake Drive, Milwaukee, WI, has applied for an operator’s license in conjunction with his employment at Eddie Martinis, 8612 Watertown Plank Road, Wauwatosa, WI;

NOW, THEREFORE, BE IT RESOLVED THAT Peter J. Armstrong is hereby issued an operator’s license for the period ending June 30, 2006.

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-05-168

WHEREAS, Timothy D. Cole, 2858 N. 20th Street, Milwaukee, WI, has applied for an operator’s license in conjunction with his employment at the Cheesecake Factory, 2350 N. Mayfair Road, Wauwatosa, WI;

NOW, THEREFORE, BE IT RESOLVED THAT Timothy D. Cole is hereby issued an operator’s license for the period ending June 30, 2006;

BE IT FURTHER RESOLVED THAT the Wauwatosa Police Department is directed to review Mr. Cole’s record six months after issuance of this initial license and report back to the Committee on Legislation, Licensing and Communications if any new significant issues or concerns are revealed at that time.

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-05-169

WHEREAS, Stephanie A. Bennett, 2545 N. Frederick, Milwaukee, WI, has applied for an operator's license in conjunction with her employment at Applebee's, Wauwatosa, WI;

NOW, THEREFORE, BE IT RESOLVED THAT Stephanie Bennett is hereby issued an operator's license for the period ending June 30, 2006.

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-05-170

WHEREAS, Sara Smith, 2555 N. 75th Street, Milwaukee, WI, has applied for an operator's license in conjunction with her employment at Eddie Martinis, 8612 Watertown Plank Road, WI;

NOW, THEREFORE, BE IT RESOLVED THAT Sara Smith is hereby issued an operator's license for the period ending June 30, 2006.

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-05-171

WHEREAS, Kipp Lee Van Dorf, 122 Evergreen Street, Dousman, WI, has applied for an operator's license in conjunction with his employment at Applebee's, Wauwatosa, WI;

NOW, THEREFORE, BE IT RESOLVED THAT Kipp Lee Van Dorf is hereby issued an operator's license for the period ending June 30, 2006.

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-05-172

WHEREAS, Michael Williquette, 220 N. 50th Street, Milwaukee, WI, has applied for an operator's license in conjunction with his employment at The Open Hearth, Wauwatosa, WI;

NOW, THEREFORE, BE IT RESOLVED THAT Michael Williquette is hereby issued an operator's license for the period ending June 30, 2006.

It was moved by Ald. Treis, seconded by Ald. Krill
to approve the eight foregoing resolutions and to adopt
the foregoing ordinance. -13

FROM THE COMMITTEE ON TRAFFIC AND SAFETY

ORDINANCE O-05-24

AN ORDINANCE AMENDING WAUWATOSA CODE SECTIONS 11.32.080 ESTABLISHING PARKING RESTRICTIONS ON A PORTION OF NORTH 85TH STREET

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

Part I. The “North 85th Street – east side” portion of the “schedule of streets, and portions” of Section 11.32.080 of the Wauwatosa Municipal Code is hereby amended by adding the following lines:

- (t) from 15 feet north of the crosswalk at Watertown Plank Road north to the end of the block
- (a) from 15 feet north of the crosswalk at Watertown Plank Road to the intersection of Watertown Plank Road

Part II. The “North 85th Street – west side” portion of the “schedule of streets, and portions” of Section 11.32.080 of the Wauwatosa Municipal Code is hereby amended by adding the following line:

- (t) from Watertown Plank Road north to the north end of block.

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

FROM THE COMMITTEE ON TRAFFIC AND SAFETY

ORDINANCE O-05-25

AN ORDINANCE AMENDING WAUWATOSA CODE SECTIONS 11.32.320 CREATING A BUS LOADING ZONE AT THE CORNER OF WEST BLUE MOUND ROAD AND ROBERTSON STREET

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

Part I. Section 11.32.320 of the Wauwatosa Municipal Code is hereby amended by adding a new subsection E. as follows:

E. The bus loading zones for the Milwaukee County Transit System at the northeast corner of West Blue Mound Road and Robertson Street shall be limited in operation to school days only from 6:00 to 8:00 AM.

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

It was moved by Ald. Becker, seconded by Ald. Maher to adopt the two foregoing ordinances. -13

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-05-173

WHEREAS, Yan Hua Qiu and Ann Hunter have applied for a Conditional Use in the AA Business District at 2332 N. 124th Street for a take-out restaurant 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 Yan Hua Qiu and Ann Hunter for a take-out restaurant in the AA Business District at 2332 N. 124th Street subject to the following conditions:

- 1) hours of operation from 10:00 a.m. to midnight daily,
- 2) obtaining any required licenses and permits.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-05-174

WHEREAS, Effie Zacharias and Elaine Panagopoulos have applied for a Conditional Use in the AA Business District at 10849 West Blue Mound Road for a restaurant 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 Effie Zacharias and Elaine Panagopoulos for a restaurant in the AA Business District at 10849 West Blue Mound Road subject to the following conditions:

- 1) hours of operation from 10:00 a.m. to 10:00 p.m. daily,
- 2) obtaining any required licenses and permits.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-05-175

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, August 2, 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 changes to Chapter 24.30.015 Conditional Uses in Business Planned Development Districts.

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-05-176

WHEREAS, two Wauwatosa Rotary Clubs have worked together to conduct fundraising for a proposed performance pavilion to be built in the new Hart Park area following completion of construction by the Milwaukee Metropolitan Sewerage District; and

WHEREAS, the Rotary Clubs have proposed that significant donors to the project be rewarded with a Recognition Program more particularly described in the memorandum of the Director of Public Works dated June 22, 2005; and

WHEREAS, the Donor Recognition Program would include the listing of names of significant donors on various structures to be constructed on and about the area of the proposed performance pavilion;

NOW, THEREFORE, BE IT RESOLVED THAT the Donor Recognition Program for the proposed performance pavilion at Hart Park, as more particularly described in the June 22, 2005 memorandum of the Director of Public Works to the Community Development Committee, is hereby approved;

BE IT FURTHER RESOLVED THAT the Common Council of the City of Wauwatosa hereby expresses its gratitude to the Wauwatosa Rotary Club for their efforts in conducting the necessary fundraising to construct the proposed performance pavilion.

It was moved by Ald. Kopischke, seconded by Ald. Stepaniak
to approve the four foregoing resolutions. -13

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-05-177

WHEREAS, the Wauwatosa Civic Celebration Commission is responsible for conducting both the 4th of July parade and the Memorial Day celebrations for the City of Wauwatosa; and

WHEREAS, the Memorial Day Account contains insufficient funding for all expenses incurred in the year 2005, but the July 4th account of the Civic Celebration Commission contains sufficient excess funds to provide for the expenses of the Memorial Day Account;

NOW, THEREFORE, BE IT RESOLVED THAT the transfer of \$338.00 from the 4th of July Account to the Memorial Day Account of the Wauwatosa Civic Celebration Commission is hereby approved, consistent with the memorandum of the Administrative Intern dated June 23, 2005.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-05-178

BE IT RESOLVED, by the Common Council of the City of Wauwatosa THAT the claim filed by Elizabeth Erbes for damages be and the same is hereby denied and placed on file for the reason that no liability exists on the part of the City;

BE IT FURTHER RESOLVED THAT the City Clerk is hereby authorized and directed to notify said claimant of this action of the Common Council as provided by law.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-05-179

BE IT RESOLVED, by the Common Council of the City of Wauwatosa THAT the claim filed by Claud Stewart for damages be and the same is hereby denied and placed on file for the reason that no liability exists on the part of the City;

BE IT FURTHER RESOLVED THAT the City Clerk is hereby authorized and directed to notify said claimant of this action of the Common Council as provided by law.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-05-180

BE IT RESOLVED, by the Common Council of the City of Wauwatosa THAT the claim filed by Heartland Homebuyers for damages be and the same is hereby denied and placed on file for the reason that no liability exists on the part of the City;

BE IT FURTHER RESOLVED THAT the City Clerk is hereby authorized and directed to notify said claimant of this action of the Common Council as provided by law.

It was moved by Ald. Bruderle-Baran, seconded by Ald. Maher to approve the four foregoing resolutions. -13

FROM THE COMMITTEE ON BUDGET AND FINANCE

BILLS AND CLAIMS FOR THE PERIOD 6/22/05 – 7/05/05 --

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 6/22/05 – 7/05/05:

\$1,147,838.34

It was moved by Ald. Bruderle-Baran, seconded by Ald. Maher that each and every one of the accounts of bills and claims be approved and ordered paid. Roll call vote, Ayes 13

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-05-181

WHEREAS, development of the property at the corner of 124th Street and Burleigh Avenue in the City of Wauwatosa requires water to be supplied via a City-owned water main; and

WHEREAS, the required City-owned water mains will cross private property owned by Briggs & Stratton Corporation; and

WHEREAS, final design of the proposed water main may change the required easement area;

NOW, THEREFORE, BE IT RESOLVED THAT the attached draft Water Main Easement Agreement with Briggs & Stratton Corporation is hereby approved contingent upon finalizing details of the easement area.

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-05-182

WHEREAS, development of the property at the corner of 124th Street and Burleigh Avenue in the City of Wauwatosa requires water to be supplied via a City-owned water main; and

WHEREAS, the required City-owned water mains will cross private property to be owned by Continental 164 Fund, LLC; and

WHEREAS, final design of the proposed water main may change the required easement area;

NOW, THEREFORE, BE IT RESOLVED THAT the attached draft Water Main Easement Agreement with Continental 164 Fund, LLC is hereby approved contingent upon finalizing details of the easement area.

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-05-183

WHEREAS, the Engineering Services Section of the City of Wauwatosa has made final inspection of the work for the reconstruction of sanitary and storm sewers at various locations on N. 93rd Street,

N. 113th Street, N. 116th Street, N. 117th Street, N. 118th Street, N. 119th Street, N. 123rd Street, W. Glendale Avenue, W. Marion Street and W. Walnut Road using a structural cured-in-place-pipe (CIPP) relining process under Contract 04-02B; 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, Michels Pipeline Construction, A Division of Michels Corporation, 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 Board of Public Works of the City of Wauwatosa, Wisconsin as follows:

Section 1. That the original contract work and the additional work performed within the projects limits under Contract 04-02B for the reconstruction of sanitary sewers and storm sewers using a structural cured-in-place-pipe (CIPP) relining process is hereby accepted.

Section 2. That the final completion date be extended to from October 2, 2004 to October 30, 2004, due to the City delaying the start of the relining work until the open cut utility work and road repaving work were completed under a separate contracts.

Section 3. That the proper city officers be and they are hereby authorized and directed to draw and sign a city order in the sum of Eleven Thousand Nine Hundred Thirty-four Dollars and Ten Cents (\$11,934.10) in favor of Michels Pipeline Construction, A Division of Michels Corporation, 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-05-184

BE IT RESOLVED THAT the vehicles M-39 and P-120 are hereby declared surplus property and shall be disposed of in a manner most beneficial to the City.

It was moved by Ald. Herzog, seconded by Ald. Kopischke
to approve the four foregoing resolutions. -13

There being no further business, the meeting adjourned at 7:45 p.m.

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Carla A. Ledesma, CMC, City Clerk