



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

Regular Meeting, Tuesday, September 6, 2005

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

EXCUSED: Ald. Subotich

ALSO PRESENT: Mr. Wontorek, City Administrator; Mr. Kesner; City Attorney; Mr. Kappel, Dir. of Public Works; Ms. Welch, Community Development Director; Police Lt. Weiss; Mr. Wojcehowicz, Water Utility Supt.; Mr. Mikolajewski, WEDC; Ms. Ledesma, City Clerk; Ms. Williams, Deputy City Clerk

Mayor Estness in the Chair

The Mayor called the meeting to order at 7:38 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. -15

OLD BUSINESS

The following was held after the August 2, 2005 public hearing:

ORDINANCE

AN ORDINANCE AMENDING CHAPTER 24.30 BY ADDING CONDITIONAL USES IN THE BUSINESS PLANNED DEVELOPMENT DISTRICT

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

Part 1. That Section 24.30.015 is amended to include the following as a conditional use:

Any light industrial or manufacturing use, building or structure which, in the opinion of the Planning Commission and Common Council, is of similar character to those enumerated in this section as well compatible with the surrounding area and is not more objectionable due to noise, odor, dust, smoke, vibration, danger to life and property or other similar causes which are injurious to the health or safety of the neighborhood. Provided, however, that such uses shall be conducted in such a manner that no dust or noxious fumes or odors will be emitted beyond the property line of the lot on which the use is located and no material or equipment shall be kept, stored or displayed outside the

confines of an enclosed building or operation conducted unless it is to be screened by ornamental fences, walls, or evergreen planting such that it cannot be seen from a public street.

Part II. This Ordinance shall take effect and be in force from and after its passage and publication.

It was moved by Ald. Kopischke, seconded by Ald. Krill to refer the matter back to the Community Development Committee for further discussion. -15

OLD BUSINESS

The following was held after the August 2, 2005 public hearing:

RESOLUTION

WHEREAS, Alderman Tom Treis has petitioned the City of Wauwatosa requesting that the City vacate the entirety of the north-south portion of the alley right-of-way north of W. Chambers Street between N. 122nd Street and N. 124th Street within the City limits of Wauwatosa; and

WHEREAS, the owners of the properties abutting this public way have been notified;

NOW, THEREFORE, BE IT RESOLVED THAT the City of Wauwatosa hereby abandons and vacates that public way identified as the north-south portion of the alley right-of-way north of W. Chambers Street between N. 122nd Street and N. 124th Street in the City of Wauwatosa in accordance with Sec. 66.1003 of the Wisconsin Statutes;

The request was withdrawn by the applicant.

It was moved by Ald. Kopischke, seconded by Ald. Becker to place the matter on file. -15

APPOINTMENTS BY THE MAYOR

Civic Celebration Commission

Jeff Greipp, 1606 Martha Washington Drive
(Term ends 12/31/09)

Youth Commission

Angela Pinta, 111 N. 86th Street
Kristin Schumacher, 2108 83rd Street
(Terms end 8/31/08)

Lynn Ferger, 224 N. 85th Street
Barbara Holtz, 2650 N. 89th Street
Laura Roberts, 8442 Kenyon Avenue
Tom Stepp, 2611 N. 86th Street
Martha Wolz, 1838 N. 74th Street
Zervas Kosta, 1357 N. 67th Street

Samuel Benedict, 831 N. 66th Street
Nick Hughes, 2260 N. 68th Street
Christine Machan, 7514 Kenwood Avenue
Tina Schultz, 638 Pleasant View
(Terms end 8/31/07)

Beth Fredrickson, 7927 Warren Avenue
Mary Jane Montquire, 10236 W. Vienna Avenue
Jeff Roznowski, 2609 N. 82nd Street
Diane Roznowski, 2609 N. 82nd Street
(Terms end 8/31/08)

Foregoing appointments ordered held as this was the first reading.

Citizens with Disabilities Committee
Mary Callen, 7439 Harwood Avenue
Paul Sokolowski, 7439 Harwood Avenue
(Terms end 1/1/08)

It was moved by Ald. Casey, seconded by Ald. Sullivan to concur with the foregoing appointments. -15

APPLICATIONS, COMMUNICATIONS, ETC.

1. Wauwatosa Water Utility Statement of Receipts and Disbursements for month ended July 31, 2005
Place on file
2. Notices of Claim: David M. Vogl, 2039 Pleasant Street
Russell Drover, 7530 W. State Street
City Attorney
3. Conditional Use application for an ambulance station at 11830 W. Ripley Avenue
Plan Commission, Committee on Community Development
4. Conditional Use application for a Chinese carryout restaurant at 1417 Wauwatosa Avenue
Plan Commission, Committee on Community Development
5. Application for a change of zoning of 6533 W. Center Street from AA Business District to DD Eight Family Residence District
Plan Commission, Committee on Community Development
6. Conditional Use application for community gardens on the Milwaukee County Grounds at 10602 Underwood Parkway
Plan Commission, Committee on Community Development
7. Special Use application to construct a garage with a roof height over 16 ft. at 6611 W. Wisconsin Avenue
Plan Commission
8. Special Use application to construct a garage with a roof height over 16 ft. at 2448 N. Harding Boulevard
Plan Commission
9. Land Division application to divide property at 407 Glenview Avenue
Plan Commission, Committee on Community Development

APPLICATIONS, COMMUNICATIONS, ETC.

10. Special Use application to construct a garage with a roof height over 16 ft. at 1182 Kavanaugh Place
Plan Commission
11. Conditional Use application to install a telephone cross-connect cabinet in the easement at approximately 1022 N. 68th Street
Plan Commission, Committee on Community Development
12. Conditional Use application to install a telephone cross-box on the southwest corner of N. 65th and W. Lloyd Streets
Plan Commission, Committee on Community Development
13. Request for preliminary plan approval for a residential planned development at 1215 N. 62nd Street
Plan Commission, Committee on Community Development
14. Conditional Use application to operate a restaurant at 10853 W. Blue Mound Road
Plan Commission, Committee on Community Development
15. Conditional Use application to operate a massage therapy establishment at 7332 W. State Street
Plan Commission, Committee on Community Development
16. City of Wauwatosa Bank Reconciliation of Depository Accounts as of July 31, 2005
Place on file

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT FOR INTRODUCTION

1. Ordinance rezoning property north of W. Burleigh Street, and east of U. S. Highway 45 (Burleigh Triangle) from AA Light Manufacturing District to Business Planned Development District
Re-refer to originating committee

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-05-219

WHEREAS, Stephanie Rockenbach of Hector's, 7118 W. State Street, Wauwatosa, WI has requested a temporary extension of the licensed premises for September 11, 2005 from 1:00 until 8:00 p.m.; and

WHEREAS, the extension would allow service and consumption in the parking lot of Hector's in conjunction with "Hectorfest;"

NOW, THEREFORE, BE IT RESOLVED THAT an extension to the licensed premises for Hector's, 7118 W. State Street into the parking lot for purposes of "Hectorfest" on September 11, 2005 between the hours of 1:00 noon and 8:00 p.m. is hereby granted;

BE IT FURTHER RESOLVED THAT the proprietors of Hector's shall perform garbage cleanup on neighboring properties resulting from the outdoor event and will cooperate with any requested noise abatement.

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-05-220

WHEREAS, William Poull of the Club Tap, 8828 W. North Avenue, has requested a temporary extension of the licensed premises to include the front patio of his business and in front of Steinkellner's Decorating on September 10 and 11, 2005 ;

NOW, THEREFORE, BE IT RESOLVED THAT the licensed premises of the Club Tap be extended to include the front patio and the front patio of Steinkellner's Decorating on September 10 and 11, 2005, between the hours of 12:00 and 6:00 pm on the condition that the patio not be used after 6:00 PM and this temporary extension will not affect the special use request for outdoor dining for Lalli's Pizza and The Club Tap.

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-05-221

WHEREAS, Amanda's Deli, Inc., 11104 W. Blue Mound Road, Wauwatosa, WI, has applied for a Class A beer license;

NOW, THEREFORE, BE IT RESOLVED THAT a Class A beer license be awarded to Amanda's Deli, Inc., 11104 W. Blue Mound Road, Wauwatosa, WI, for the period ending June 30, 2006.

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-05-222

WHEREAS, Michael Curro, 2338 N. 60th Street, Milwaukee, 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 Michael Curro 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. Curro'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-05-223

WHEREAS, Marnie Renteria, 4590 S. 85th St., Greenfield, WI, 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 Marnie Renteria is hereby issued an operator's license for the period ending June 30, 2006

It was moved by Ald. Treis, seconded by Ald. Grimm to approve the five foregoing resolutions. -15

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-05-224

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, October 4, 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 the properties located on the north side of West Burleigh Street from 11100 to 11500 W. Burleigh Street from AA Light Manufacturing District to Business Planned Development 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.

It was moved by Ald. Kopischke, seconded by Ald. Maher to approve the foregoing resolution. - 15

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-05-225

WHEREAS, the City of Wauwatosa Water Utility desires to replace its obsolete telemetry system with a state-of-the-art nonproprietary supervisory control and data acquisition system (SCADA) to monitor and control metering pits, pumping stations, water storage facilities, and pressure zone valves; and

WHEREAS, the Wauwatosa Water Utility 2005 budget provides \$211,000.00 in the year 2005 for the replacement of the SCADA system; and

WHEREAS, the engineering firm of Short Elliot Hendrickson, Inc. (SEH) has provided the best overall proposal design to meet the needs of the Water Utility for designing specifications for the new SCADA system;

NOW, THEREFORE, BE IT RESOLVED THAT the Wauwatosa Water Utility is hereby authorized to enter into a professional services contract for SCADA design specifications with the engineering firm of Short Elliot Hendrickson, Inc. in an amount not to exceed \$20,900.00.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-05-227

WHEREAS, the Village of Elm Grove has requested that the Wauwatosa Water Utility extend its customer service area into the Village of Elm Grove to provide service in a manner similar to that in which it provides service to individual customers in the City of Wauwatosa; and

WHEREAS, the Milwaukee Water Works, which provides water to the City of Wauwatosa Water Utility, requires that the Common Council provide a Resolution in favor of such extension in order to study the allocation of costs for any infrastructure improvements;

NOW, THEREFORE, BE IT RESOLVED THAT the Common Council of the City of Wauwatosa hereby approves the study and provision of cost estimates for the purpose of exploring the feasibility of extension of Wauwatosa Water Utility service areas to include areas within the Village of Elm Grove;

BE IT FURTHER RESOLVED THAT the Wauwatosa Common Council hereby requests the Milwaukee Water Works, Milwaukee Commissioner of Public Works, and Milwaukee Common Council to approve a study regarding the request and to review and update any engineering study of the capacities of this system to meet this request;

BE IT FINALLY RESOLVED THAT if it is determined that it would be advantageous for the City of Wauwatosa Water Utility to provide this service to the Village of Elm Grove, the City of Wauwatosa will provide a separate resolution and amendment to the existing contract between the Wauwatosa Water Utility and the Milwaukee Water Works for this purpose.

It was moved by Ald. Bruderle-Baran, seconded by Ald. Maher to approve the two foregoing resolutions. -15

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-05-226

WHEREAS, future development requires an upgrade on the water main from the Blanchard Street pumping station east through State Street to 62nd Street; and

WHEREAS, construction activities associated with the Hart Park Flood Control Project require that an upgrade be designed and performed on an accelerated schedule; and

WHEREAS, the City of Wauwatosa Engineering staff, due to the existing workload, are unable to complete design and construction inspection of this water main on an appropriate schedule;

NOW, THEREFORE, BE IT RESOLVED THAT the appropriate City officials are hereby authorized to enter into an agreement with Graef, Anhalt, Schloemer and Associates, Inc. for professional services to provide design and construction inspection for a water main relay in the State Street area in an amount not to exceed \$83,000.00 for design services and \$70,000.00 for construction services;

BE IT FURTHER RESOLVED THAT this contract for design and construction inspection services is to be paid with the funds from Tax Increment District No. 3 from the City of Wauwatosa.

It was moved by Ald. Bruderle-Baran, seconded by Ald. Maher to approve the foregoing resolution. Ayes 14, Present 1 (Krill).

FROM THE COMMITTEE ON BUDGET AND FINANCE

BILLS AND CLAIMS FOR THE PERIOD 8/3/05 – 9/6/05 --

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 8/3/05 – 9/6/05: \$3,231,333.19

It was moved by Ald. Casey, seconded by Ald. Bruderle-Baran 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-05-228

WHEREAS, the Board of Public Works has accepted the work of Street Light Cable Replacement and work incidental thereto in the City of Wauwatosa under Contract 04-10 and the same is ready for final payment.

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

Section 1. That the work of Street Light Cable Replacement under Contract 04-10 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 \$17,091.00 in favor of Pieper Electric, Inc. as the final payment under said contract, upon receipt of waivers of lien and for labor and materials furnished under said contract, and upon receipt of an affidavit stipulating compliance with wage rate requirements.

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-05-229

WHEREAS, the Purchasing Department solicited proposals for LED traffic signal lamps in March of 2005; and

WHEREAS, responses were received from three companies, the lowest cost of which was from TAPCO, Inc., of Elm Grove, WI, in the amount of \$29,609.07;

NOW, THEREFORE, BE IT RESOLVED THAT the appropriate City officials are hereby authorized to purchase LED traffic signal lamps from TAPCO, Inc., of Elm Grove, WI, at a cost not to exceed \$29,609.07 pursuant to the specifications accompanying the proposal received by the City of Wauwatosa on March 8, 2005 for this purpose.

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-05-230

BE IT RESOLVED, by the Common Council of the City of Wauwatosa, THAT permission be and the same is hereby granted to Wauwatosa Savings Bank, 7500 W. State Street, Wauwatosa, WI, to encroach onto City right-of-way with an ATM sign overhanging the sidewalk, subject to the applicants executing unto the City of Wauwatosa an indenture setting forth the terms, provisions and conditions relating to the granting of the aforesaid permission by said City to said applicants.

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-05-231

BE IT RESOLVED, by the Common Council of the City of Wauwatosa, THAT permission be and the same is hereby granted to Catherine and Thomas Feroah, 6908 Hillcrest Drive, Wauwatosa, WI, to encroach onto City right-of-way with a stone retaining wall, subject to the applicants executing unto the City of Wauwatosa an indenture setting forth the terms, provisions and conditions relating to the granting of the aforesaid permission by said City to said applicants.

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-05-233

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 Snorek Construction, Inc., for the work of pavement repair and work incidental thereto under Contract 05-20 at and for their bid price of \$152,160.00, this being the lowest and best base 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-05-234

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 Outdoor Lighting Construction Co. for the work of construction of permanent traffic signals on Watertown Plank Road at Innovation Drive and work incidental thereto under Contract 05-28 at and for their bid price of \$87,233.10, 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-05-235

BE IT RESOLVED, by the Common Council of the City of Wauwatosa, THAT permission be and the same is hereby granted to Paul and Vicki Trautschold, 2603 N. 71st Street, Wauwatosa, WI, to encroach onto City right-of-way with a retaining wall, subject to the applicants executing unto the City of Wauwatosa an indenture setting forth the terms, provisions and conditions relating to the granting of the aforesaid permission by said City to said applicants.

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

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-05-232

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 Western Contractors, Inc., for the work of sod replacement at the Hart Park baseball field and work incidental thereto under Contract 05-30 at and for their bid price of \$26,675.00, 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. Stepaniak, seconded by Ald.
Kopischke to approve the foregoing resolution. Ayes 14,
Noes 1 (Herzog)

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