



CITY OF WAUWATOSA
MEMORIAL CIVIC CENTER
7725 WEST NORTH AVENUE
WAUWATOSA, WI 53213
Telephone: (414) 479-8917
Fax: (414) 479-8989

COMMON COUNCIL
Regular Meeting, Tuesday, March 20, 2007

PRESENT: Alds. Hanson, Herzog, Krol, Maher, meaux, Minear, Purins, Stepaniak, Treis, Becker, Birschel, Didier, Donegan, Ewerdt, Grimm -15

EXCUSED: Ald. Krill

ALSO PRESENT: Mr. Archambo, City Administrator; Mr. Kesner, City Attorney; Mr. Braier, Finance Director; Mr. Wehrley, City Engineer; Ms. Welch, Community Development Director; Police Chief Weber; Mr. Wojcehowicz, Water Utility Supt.; 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. Grimm, seconded by Ald. Didier 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

Plan Commission

Jody Lowe, 6274 Upper Parkway North
(Term ends 4/30/10)

Design Review Board A

Jim Ruzicka, 2127 N. 74th Street (reappointment)
(Term ends 12/31/08)

Foregoing appointments ordered held as this was the first reading.

APPLICATIONS, COMMUNICATIONS, ETC.

1. **Notices of Claim:** Lawrence Schneiderman, 5253 N. Lovers Lane Road; Robert Messinger, Hectors -A Mexican Restaurant, 7118 W. State Street; Shirley Sobczak, 2521 Wauwatosa Avenue; **Notice of Complaint:** Atty. Charles W. Kramer for State Farm Insurance Company
City Attorney
2. Wauwatosa Water Utility Statement of Receipts & Disbursements ending February 28, 2007
Place on file

3. Letter from Jim & Cindy Peckenpaugh, Salon Professionals, 10909 W. Blue Mound Road, describing parking problems for their business near Mo's Irish Pub
Director of Public Works; Director of Community Development
4. Letter from Rev. Gary Erickson, Senior Pastor and Robin Cox, Church Council President, St. Matthew's Evangelical Lutheran Church, 1615 Wauwatosa Avenue, opposing the use of their west parking lot for the fire station redevelopment
Add to existing file
5. City of Wauwatosa Statement of Financial Condition as of February 28, 2007
Place on file
6. Board of Public Debt Commissioners 2006 year-end Amortization Statement
Place on file
7. Letter from Chuck Meinen, Chuck Meinen Agency, 10909 W. Blue Mound Road, describing parking problems for his business near Mo's Irish Pub
Director of Public Works; Director of Community Development
8. Letter from Julie Kobar, office managers of Pediatric Consultants of Wisconsin, 10909 W. Blue Mound Road, describing parking problems for her pediatric office near Mo's Irish Pub
Director of Public Works, Director of Community Development
9. Letter from the City Assessor announcing her retirement effective March 31, 2007
City Administrator; Personnel Department

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT FOR INTRODUCTION

1. Ordinance amending Chapter 24.55 of the City Code to reduce the membership of the Historic Preservation Commission from eleven to nine
Re-refer to originating committee

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-07-63

WHEREAS, Dinesh Sanghavi has applied for a Conditional Use in the AA Business District at 10633 W. North Avenue for an addition to an existing grocery store 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 THAT the Common Council of the City of Wauwatosa, Wisconsin hereby grants a Conditional Use to Dinesh Sanghavi for an addition to an existing grocery store in the AA Business District at 10633 W. North Avenue subject to the following conditions:

- 1) hours of operation from 10:00 a.m. to 7:30 p.m. Monday through Saturday and 11:00 a.m. to 5:00 p.m. on Sunday, and
- 2) contacting fire prevention bureau regarding required fire suppression measures, and
- 3) obtaining all necessary licenses and permits.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-07-64

WHEREAS, AT&T and Mark Ralfs have applied for a Conditional Use in the BB-Two Family Residential District at 10000 W. North Avenue for a telephone fiber conversion cabinet, 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 AT&T and Mark Ralfs for a telephone fiber conversion cabinet in the BB-Two Family Residential District at 10000 W. North Avenue subject to the following conditions:

- 1) contingent upon AT&T obtaining all permits, licenses, franchises and permissions required under federal, state or local law prior to AT&T's commencement of the use of the facilities to provide any video programming or other programming services, as those terms are defined in 41 U.S.C. Section 522, as amended, to subscribers in the City, and
- 2) AT&T agrees it will not use the facilities described in this Conditional Use Permit as part of a network for the provision to subscribers in the City of video programming or other programming service, as those terms are defined in 47 U.S.C. Section 522, as amended, unless AT&T provides the City Clerk 30 days' prior written notice, with a copy to the City Attorney.
- 3) except for the grant of this Conditional Use Permit by the City of Wauwatosa, this action by the city shall not constitute nor be construed as a grant of any other permit, license, franchise or permission otherwise required under federal, state or local law, and
- 4) screening to the highest degree possible with a mix of fencing and shrubbery; and
- 5) addressing safety of fiber conversion cabinets, and
- 6) resolution of the noise and transformer concerns, and
- 7) obtaining all other necessary licenses and permits.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-07-65

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 17, 2007, 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 amending Section 24.555.030 of the Code relating to the membership of the Historic Preservation Commission.

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. Treis, seconded by Ald. Herzog
to approve the three foregoing resolutions. -3

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-07-66

WHEREAS, the City of Wauwatosa Water Utility has reached an agreement with Milwaukee County to provide water to a proposed water park/hotel at the west end of the Milwaukee County Zoo in the City of Milwaukee on the former site of Bliffert Lumber; and

WHEREAS, although this location is outside of the corporate limits of the City of Wauwatosa, such that sale of water to this location would require an amendment to the "Purchase of Water at Wholesale" Agreement with the Milwaukee Water Works;

NOW, THEREFORE, BE IT RESOLVED THAT the appropriate City officials are hereby authorized to enter into an Agreement with the Milwaukee Water Works to expand the City of Wauwatosa's service area to include the former Bliffert Lumber site at the western end of the Milwaukee County Zoo in the City of Milwaukee.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-07-67

WHEREAS, Milwaukee County has requested that the City of Wauwatosa Water Utility provide water to a proposed development in the City limits of Milwaukee at the former Bliffert Lumber property on the west end of the Milwaukee County Zoo, on which Milwaukee County proposes to develop a water park/hotel; and

WHEREAS, the Milwaukee Water Works is unable to economically supply water to this location through its own water system; and

WHEREAS, a proposed Memorandum of Understanding between Milwaukee County and the City of Wauwatosa has been drafted which would provide that the developer of the water park hotel would construct and install the necessary water main to connect the new hotel to the Wauwatosa Water Utility facilities, and in turn would dedicate the facilities to the City of Wauwatosa Water Utility and grant an easement for future maintenance and improvements as necessary;

NOW, THEREFORE, BE IT RESOLVED THAT the appropriate City officials are hereby authorized to enter into a Memorandum of Understanding with Milwaukee County for a water main extension to the former Bliffert Lumber property in the City of Milwaukee at the west end of the Milwaukee County Zoo, a copy of which is attached hereto and incorporated herein.

It was moved by Ald. Stepaniak, seconded by Ald. Krol
to approve the two foregoing resolutions. -15

FROM THE COMMITTEE ON BUDGET AND FINANCE

BILLS AND CLAIMS FOR THE PERIOD 3/7/07 – 3/20/07 --

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 3/7/07 – 3/20/07: \$1,190,226.19

It was moved by Ald. Meaux, seconded by Ald. Purins that each and every one of the accounts of bills and claims be allowed and ordered paid. Roll call vote, Ayes 15.

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-07-68

WHEREAS, the Board of Public Works has recommended entering into an Intergovernmental Cooperation Agreement with Milwaukee Metropolitan Sewerage District concerning construction, operations and maintenance of the Underwood Creek Relief Sewer System; and

WHEREAS, the Agreement proposes that MMSD would construct, inspect and provide a one-year warranty for a new City of Wauwatosa sanitary sewer in Fisher Parkway;

NOW, THEREFORE, BE IT RESOLVED THAT appropriate City officials are hereby authorized to enter into the proposed Intergovernmental Cooperation Agreement with the Milwaukee Metropolitan Sewerage District regarding the Underwood Creek Relief Sewer System, a copy of which is attached hereto and incorporated herein.

It was moved by Ald. Herzog, seconded by Ald. Birschel to approve the foregoing resolution. -15

There being no further business, the meeting adjourned at 7:35 p.m.

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Carla A. Ledesma, CMC, City Clerk