



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, September 4, 2007

PRESENT: Alds. Becker, Birschel, Didier, Ewerdt, Grimm, Hanson, Herzog, Krol, Maher, Meaux, Minear, Purins, Stepaniak, Treis -14

EXCUSED: Alds. Donegan and Krill

ALSO PRESENT: Mr. Archambo, City Administrator; Mr. Kesner, City Attorney; Mr. Braier, Finance Director; Mr. Kappel, Public Works Director; 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 7:40 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. -14

APPOINTMENT BY THE MAYOR

Citizens' Advisory Capital Improvements Committee
Scott Kroeger, 7320 Garfield Avenue (13)
(Term ends 6/30/10)

Design Review Board B
Nick Burris, 2452 N. 93rd Street (26)
(Term ends 12/31/08)

It was moved by Ald. Birschel, seconded by Ald. Maher to concur with the foregoing appointments. -14

APPLICATIONS, COMMUNICATIONS, ETC.

1. Notices of Claim: James & Ann Noonan, 1328 N. 63rd Ct.
Barry S. Hudnal, Oshkosh Correctional Institution
Brian Wright, 7260 W. Center Street
Noel M. Green, 5930 W. Valley Forge Dr., Milwaukee
City Attorney

2. Wauwatosa Water Utility Statement of Receipts and Disbursements for month ended 7/31/07
Place on file
3. City of Wauwatosa Statement of Financial Condition as of 7/31/07
Place on file
4. Letter from Rick L. Johnson, President and CEO of St. Camillus, 10101 W. Wisconsin Avenue requesting the city keep the tax exempt status of St. Camillus' programs and services
City Assessor
5. Letters from Helen McGuire, Carolyn Majewski, Elaine Kennedy, Mrs. Daniel Slaske, Jean Mulligan, Elaine Bauer, Maxine Kolkmeier, Barbara Wilson, Robert and Nancy Testin, Gordon & Nancy Perry, Margaret Tomczak, Jack & Jean Watson, Carol Powell, Edward Kohl, Margaret Baylerian, Elizabeth Robertson, Barbara Meyers, Elsie Meinert, Nellie Gurrath, Dorothy Soens, Mr. & Mrs. Casimir Szrygiel, Charles Wetzal, Helen Ranum, June Peterson, Rita Burg, Nancy Salditt, Josef & Maria Auberger, Alois Volne, Ione Otto, Marcella Egges, Anton Faupl, Ruth Danby, Janet Lynch, Norman Jaques, Robert & Mary Vaughan, Dolores Dalum, Thelma Differt, Ruth Jaeger, Loretta Goodwin, Joseph Johnson, Gertrude Emmerich, Rosemary Fischer, Cecilia Jelinek, Arthur & Gayle Gaulke, Frank Mullen, John Doherty, Florence Raasch, John & Mary Paul, June Henevadl, Felicia Szabo, Marcelena Lemanski, Gloria Jaques, Aurelia Hofmann, Leonard & Marcella Zuba, Paul & Dorothy Gaus, Cordelia Weber, Marie Mages, Walter & Phyllis Landowski, John & Virginia Kestly, Irene Wintis, Chuck & Betty Gribble, Mary Thompson, Rosemarie Deisinger, Robert & Dorothy Tubesing, and Lois Williams, all of 10200 W. Blue Mound Road, requesting San Camillo apartments remain tax exempt
City Assessor
6. E-mails from Peg Schroeder, Mimi Kelley, and Kathy Kelley Ohlrich, Chris O'Donnell, David Orlando, Sr. Ann Kelley, Michael Pevey, and Tom Kelley requesting that San Camillo's tax exempt status remain
City Assessor
7. Application for a conditional use at 7203-05 W. North Avenue for a restaurant
Plan Commission, Committee on Community Development
8. Application for a conditional use to place a fiber conversion cabinet at 11401 Watertown Plank Road
Plan Commission, Committee on Community Development
9. Application for a land division to divide the city's public works site at 113th & Walnut Road
Plan Commission, Committee on Community Development
10. Application for a conditional use at 2306 N. 66th Street to operate a therapeutic massage establishment
Plan Commission, Committee on Community Development
11. Application for a conditional use to construct a Speedway gas station and convenience store at 6804-22 W. North Avenue
Plan Commission, Committee on Community Development
12. Application for a conditional use to place a fiber conversion cabinet at 2600 Nor mandy Lane
Plan Commission, Committee on Community Development
13. Application for a conditional use to operate a bed & breakfast establishment at 7127 Maple Terrace
Plan Commission, Committee on Community Development
14. Application for a conditional use to operate a fitness center at 7226 W. North Avenue
Plan Commission, Committee on Community Development

15. Letters from Diane Ullrich, Annalore Humbert, Don & Joan Dergin, Margaret Mary Luke, Shirley Gradisnik, Rev. Harvey Brahm, George Robertson, Esther Schoofs, and Virginia Schoen, 10200 W. Blue Mound Road, requesting San Camillo apartments remain tax exempt
City Assessor
16. E-mail from Kenneth & Barbara Carpentier, 2861 N. 73rd Street, requesting San Camillo apartments remain tax exempt
City Assessor
17. Letter from Wisconsin Department of Commerce, Environmental Regulatory Services Bureau of PECFA, giving a breakdown of PECFA costs and payment for petroleum cleanup of the site at 7720 Harwood Avenue
Comptroller, Director of Community Development
18. Letter from Josephine Murphy, 11210 W. Gilbert Avenue, asking for relief from the noise produced at the Wisconsin Lutheran College football stadium
Director of Community Development, Police Chief
19. E-mail from Victoria Ostry, 1409 N. 64th Street, requesting further discussion regarding Ald. Herzog's proposals to decrease the size of the Common Council, decrease the number of aldermanic districts, and eliminate the City's health department
City Attorney, City Administrator

FROM THE COMMITTEE ON TRAFFIC AND SAFETY

ORDINANCE R-07-16

AN ORDINANCE AMENDING WAUWATOSA CODE SECTIONS 11.32.080 TO PROHIBIT PARKING ON CUL DE SACS ON GRIDLEY, PORTLAND AND HARVEY AVENUES

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

Part I. A new Section entitled, "Harvey Avenue" shall be added to the "Schedule of Streets, and portions" Subsection of Wauwatosa Code Section 11.32.080 with the following restriction:

- (a) in the cul de sac west of North 69th Street;

Part II. A new subsection entitled "Gridley Avenue" shall be added to the "Schedule of Streets, and portions" subsection of Wauwatosa Code section 11.32.080 with the following restriction:

- (a) in the cul de sac at the western end of the block West of Robertson Avenue;

Part III. A new Section entitled, "Portland Avenue" shall be added to the "Schedule of Streets, and portions" Subsection of Wauwatosa Code section 11.32.080 with the following restriction:

- (a) in the cul de sac at the western end of the block West of Portland Avenue;

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

It was moved by Ald. Herzog, seconded by Ald. Grimm
to adopt the foregoing ordinance. -14

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-07-197

WHEREAS, John W. Schaal, Jr., of Vino 100, 1442 Underwood Avenue, Wauwatosa, WI, has requested a temporary extension of the licensed premises to include the parking lot on September 7th and 8th, 2007 for a customer appreciation party;

NOW, THEREFORE, BE IT RESOLVED that the licensed premises of Vino 100 be extended to include the parking lot of the building on September 7th and 8th, 2007, until 11:30 p.m. each night;

BE IT FURTHER RESOLVED that the proprietors of Vino 100 shall perform garbage cleanup on neighboring properties resulting from the outdoor event and will cooperate with any requested noise abatement.

It was moved by Ald. Krol, seconded by Ald. Meaux
to approve the foregoing resolution. -14

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-07-198

WHEREAS, the University of Wisconsin – Milwaukee (UWM) has expressed an interest in acquiring property on the northeast quadrant of the Milwaukee County Grounds in the City of Wauwatosa for purposes of developing a new engineering campus and innovation park; and

WHEREAS, the City of Wauwatosa has previously addressed future development of this area by drafting a master development plan with the assistance of the Kubala Washatko Architects following extensive public input, which plan included incorporation of the historic Eschweiler buildings into any new development of the parcel; and

WHEREAS, representatives of UWM have indicated that the Kubala Washatko plans parameters will be incorporated into the overall vision of UWM's engineering campus and innovation park as closely as possible; and

WHEREAS, development of the northeast quadrant of the Milwaukee County Grounds in a manner such as that proposed by UWM, if such development is conducted in conformance with the Kubala Washatko plan would compliment ongoing development in the City of Wauwatosa, including the Milwaukee Regional Medical Center and the Milwaukee County Research Park; and

WHEREAS, additional details of land use, zoning and other decisions will be brought before this Common Council for approval as necessary during the continued process of refining the plan and the ultimate development of the parcel;

NOW, THEREFORE, BE IT RESOLVED THAT the City of Wauwatosa Common Council does hereby express its support for the concept proposed by the University of Wisconsin Milwaukee for the development of a new engineering campus and innovation park on the northeast quadrant of the Milwaukee County Grounds in the City of Wauwatosa, provided that the development is conducted as closely as possible in conformance with the previously created Kubala Washatko plan, is

compatible with the long range plans of both the Milwaukee Regional Medical Center and the Milwaukee County Research Park, and that all the necessary approvals from government and private agencies, including various zoning and land use bodies of the City of Wauwatosa, are obtained in a timely and appropriate manner.

It was moved by Ald. Krol, seconded by Ald. Meaux to approve the foregoing resolution. -13-0-1 (Purins)

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-07-199

BE IT RESOLVED, by the Common Council of the City of Wauwatosa THAT the claim filed by Anila Bindal 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-07-200

WHEREAS, the 2007 Community Development Block Grant (CDBG) budget allocated funds to construct a water main project along 116th Street between Watertown Plank Road and Walnut Street; and

WHEREAS, the final cost associated for this construction project requires an additional \$70,000.00 from other CDBG balances to be utilized for this purpose; and

WHEREAS, such funds are available from the cancellation of a 2005 traffic impact analysis study and a surplus in the 2006 CDBG program administration fund;

NOW, THEREFORE, BE IT RESOLVED THAT \$70,000.00 of Community Block Grant funds are hereby reallocated to the 2007 water main project along 116th Street between Watertown Plank Road and Walnut Street, and the source of said funds shall be a transfer of \$40,000.00 from the previously approved 2005 traffic impact analysis study and \$30,000.00 from 2006 CDBG program administration funds.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-07-201

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 Burkhart Construction Corporation for the work of Retaining Wall Replacement - Blanchard Street Water Works facility and work incidental thereto under Contract 07-37, this being the lowest and best bid.

BE IT FURTHER RESOLVED that \$22,281 be allocated from the Water Department Capital reserve account.

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. Becker to approve the three foregoing resolutions. -14

FROM THE COMMITTEE ON BUDGET AND FINANCE

BILLS AND CLAIMS FOR THE PERIOD 8/8/07 – 9/4/07 --

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 8/8/07 – 9/4/07: \$8,737,193.65

It was moved by Ald. Meaux, seconded by Ald. Maher that each and every one of the accounts of bills and claims be allowed and ordered paid. Roll call vote, Ayes 14

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-07-203

BE IT RESOLVED, by the Common Council of the City of Wauwatosa, THAT permission be and the same is hereby granted to Mark Schraith of Milanco Properties, LLC, 1506 Underwood Avenue, Wauwatosa, WI, to encroach onto City right-of-way with an awning, 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-07-204

BE IT RESOLVED THAT the following used and obsolete equipment be declared surplus:

F-125	P-135	T-56	X-19
F-130	P-146	T-57	
F-606	R-12	T-63	
G-80	R-15/T-64	T-72	
Old P-70	R-27	T-80	
P-121	T-53	V-48	
P-133	T-54	X-01	

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-07-205

BE IT RESOLVED, by the Common Council of the City of Wauwatosa, THAT permission be and the same is hereby granted to Rita Hale, 6842 Kinsman Street, Wauwatosa, WI, to encroach onto City right-of-way to remove the sidewalk and landscape the area, 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-07-202

BE IT RESOLVED, by the Common Council of the City of Wauwatosa, THAT permission be and the same is hereby granted to Richard Clark of Lockers Pointe, LLC, 9125 W. North Avenue, Wauwatosa, WI, to encroach onto City right-of-way with a bike rack between the curb and sidewalk on the west side of the building, 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;

BE IT FURTHER RESOLVED THAT said indenture shall include the requirement that said bike rack shall be located only in the position indicated on the applicant's application, and shall be maintained in a condition acceptable to the City at all times.

It was moved by Ald. Herzog, seconded by Ald. Birschel
to approve the four foregoing resolutions. -14

There being no further business, the meeting adjourned at 7:46 p.m.

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Carla A. Ledesma, CMC

