



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, July 18, 2006

PRESENT: Alds. Herzog, Krill, Krol, Maher, Meaux, Purins, Stepaniak, Sullivan (7:32 p.m.),
Treis, Birschel, Didier, Donegan, Ewerdt, Grimm, Hanson -15

EXCUSED: Ald. Becker

ALSO PRESENT: Mr. Kesner, Interim City Administrator/City Attorney; Ms. Plass, Accounting Mgr.;
Mr. Kappel, Dir. of Public Works; Ms. Welch, Community Development Director;
Police Chief Weber; 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. -14

(Ald. Sullivan present 7:32 p.m.) -15

APPOINTMENTS BY THE MAYOR

Committee on Citizens with Disabilities
Thomas Mongan, 8425 W. Clarke Street
(Term ends 1/1/09)

Foregoing appointments ordered held as this was the first reading.

Board of Parks and Forestry Commissioners
George Hass, 7425 W. Garfield Avenue
(Term ends 4/30/07)

It was moved by Ald. Birschel, seconded by Ald Krill
to concur with the foregoing appointment. -15

APPLICATIONS, COMMUNICATIONS, ETC.

1. City of Wauwautosa Investment Summary as of June 30, 2006
Place on file

2. Notices of Claim: Hattie Handzlik, 2355 N. 90th Street
Meri Wollich, 2564 Pasadena Boulevard
City Attorney
3. Letter from Samuel D. Dickman, The Dickman Company, Inc., expressing interest in development the property located at N. 113th Street and Walnut Road
Director of Community Development
4. Letter from Murtis Grant-Acquah, Nana's Imported Arts & Textiles, LLC, 6440 W. North Avenue, requesting an extension of a Class A Liquor license to include the rear yard on August 11, 2006 from 4-7 p.m. for a wine tasting
Committee on Legislation, Licensing & Communications

FROM THE COMMITTEE ON BUDGET & FINANCE FOR INTRODUCTION

1. Ordinance establishing a policy for refund of street occupancy permit fees
Re-refer to originating committee

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-06-158

WHEREAS, Kelly A. Theoharis, 2435 N. Calhoun Road, Brookfield, WI, has applied for an operator's license in conjunction with her employment at Open Hearth, 2930 N. 117th Street, Wauwatosa, WI;

NOW, THEREFORE, BE IT RESOLVED THAT Kelly A. Theoharis is hereby issued an operator's license for the period ending June 30, 2007, contingent upon a review of her record in six months;

BE IT FURTHER RESOLVED THAT the Wauwatosa Police Department is directed to review Ms. Theoharis' 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-06-159

WHEREAS, Margaret E. Burns, 102 E. White Oak Way, Mequon, WI, has applied for an operator's license in conjunction with her employment at Heinemann's, 2717 N. Mayfair Road, Wauwatosa, WI;

NOW, THEREFORE, BE IT RESOLVED THAT Margaret E. Burns is hereby issued an operator's license for the period ending June 30, 2007, contingent upon a review of her record in six months;

BE IT FURTHER RESOLVED THAT the Wauwatosa Police Department is directed to review Ms. Burns' 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-06-160

WHEREAS, Shontae D. Love, 5309 N. 29th Street, Milwaukee, WI, applied for an operator's license in conjunction with her employment at Noodles & Company, 124th & Capitol, Wauwatosa; and

WHEREAS, on the police form accompanying her application for an operator's license she failed to disclose all of her previous convictions and did not appear before the Committee; and

WHEREAS, a background investigation revealed a previous conviction; and

WHEREAS, the lack of integrity and honesty reflected in this omission of information regarding previous convictions is substantially related to the responsibilities of an operator's license holder in the City of Wauwatosa;

NOW, THEREFORE BE IT RESOLVED THAT the operator's license application of Shontae D. Love is hereby denied;

BE IT FURTHER RESOLVED THAT the Clerk shall notify Ms. Love in writing of this decision and the reasons for the denial.

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-06-161

WHEREAS, Michael M. Feker, agent for Il Mito, Inc., d/b/a Il Mito Enoteca, 6913 W. North Avenue, Wauwatosa, WI, has applied for a Class B beer and Reserve Class B liquor license; and

WHEREAS, the applicant has submitted an application for a grant pursuant to Section 6.08.475 of the Wauwatosa Municipal Code; and

WHEREAS, the Common Council hereby finds that the new business establishment will serve the important public purpose of increasing the City's property tax base, providing employment and promoting tourism;

NOW, THEREFORE, BE IT RESOLVED THAT a Class B beer and Reserve Class B liquor license be awarded to Michael M. Feker, agent for Il Mito, Inc., d/b/a Il Mito Enoteca, 6913 W. North Avenue, Wauwatosa, WI, for the period ending June 30, 2007;

BE IT FURTHER RESOLVED THAT subsequent to issuance of the Reserve Class B liquor license, the applicant shall be awarded a grant of \$10,000.00 for economic development purposes as provided by Section 6.08.475B of the Wauwatosa Municipal Code.

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

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-06-162

WHEREAS, Joseph P. Steigerwald has applied for a Conditional Use in the AA Institutions District at 1214 Kavanaugh Place to construct a 200 sq. ft. vestibule addition to an existing gymnasium at the Carmelite Home 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 Joseph P. Steigerwald to construct a 200 sq. ft. vestibule addition to an existing gymnasium at the Carmelite Home in the AA Institutions District at 1214 Kavanaugh Place.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-06-163

BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin THAT permission be and the same is hereby granted to Emilou Barnes, Continental 164 Fund, LLC., to divide the parcels located at 12000 W. Burleigh Street, Wauwatosa. These parcels are more particularly described as follows:

A division of Lot 3 of that Certified Survey Map 7658 being part of the Southwest ¼ and the Southeast ¼ of Section 7, in Township 7 North, Range 21 East, in the City of Wauwatosa, County of Milwaukee, State of Wisconsin.

All in accordance with the application attached hereto and made a part of this resolution, and in compliance with Section 24.56.010 of the Code of the City of Wauwatosa and subject to:

- 1) final easement language and engineering corrections subject to approval by the City Attorney, the Community Development Director and the City Engineer, and;
- 2) final recording of the documents creating the Certified Survey Map approved on July 18, 2006, by the Wauwatosa Common Council.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

TO THE COMMON COUNCIL, CITY OF WAUWATOSA –

The Committee on Community Development, to whom was referred a request by MMSD for review of the Milwaukee County Grounds flood water management project erosion control plan, recommends to the Common Council that the matter be placed on file.

Dated this 11th day of July 2006.

Committee on Community Development

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

FROM THE COMMITTEE ON BUDGET AND FINANCE

ORDINANCE O-06-14

AN ORDINANCE AMENDING SECTION 2.02.120 OF THE WAUWATOSA MUNICIPAL CODE TO ALLOW BUDGET MEETINGS AT NIGHTS OTHER THAN THURSDAY DURING THE BUDGETARY PROCESS

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

Part I. Section 2.02.120 of the Wauwatosa Municipal Code is hereby amended, in its entirety, as follows:

The standing Committees of the Common Council shall meet when business is pending in the City Hall on the second and last Tuesday of each month, not earlier than 6:00 PM, except during the month of August when no Committee meetings shall be held, except for the Budget & Finance Committee which may meet as necessary during the budgetary process, except for a Committee meeting immediately prior to a meeting of the Common Council, and except as otherwise declared by the Common Council. In the event that regular Committee meetings fall on a legal holiday or the evening prior thereto, the Common Council may designate another date for the Committee meetings. In the event that the Common Council deems it necessary, it may designate another place for Committee meetings in lieu of City Hall.

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

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-06-164

WHEREAS, the City of Wauwatosa has provided drop off service for electronics recycling at the Wauwatosa Public Works yard at no cost to residents; and

WHEREAS, the City has contracted with Computer Solutions & Services, Inc. to pick up recycled electronics at a cost of \$60.00 per week; and

WHEREAS, pilfering and damage to electronics dropped off at the Public Works yard have made the pickup by Computer Solutions & Services uneconomical, such that it has expressed desire to end this service; and

WHEREAS, Computer Solutions & Services, Inc. has agreed to allow Wauwatosa residents to drop electronics at its business location on Dearbourn Avenue in the City of Wauwatosa at no charge;

NOW, THEREFORE, BE IT RESOLVED THAT the City of Wauwatosa shall discontinue electronics collection from residents at the Public Works yard;

BE IT FURTHER RESOLVED THAT the citizens wishing to dispose of used electronics shall be referred to Computer Solutions & Services, Inc. at its location on Dearbourn Avenue in the City of Wauwatosa, where they shall be allowed to drop off used electronics at no charge, or will be provided a list of other providers who may be willing to accept used electronic devices from residents;

BE IT FINALLY RESOLVED THAT personnel from the Department of Public Works shall review the condition of the Computer Solutions & Services, Inc. property within 90 days of this resolution, and shall refer this matter back to the Committee on Budget & Finance if conditions at the facility are deemed unacceptable.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-06-165

WHEREAS, the City of Milwaukee Department of Public Works has proposed providing street sweeping services for the City of Wauwatosa pursuant to an Intergovernmental Cooperation Agreement (ICA) drafted by the City Attorneys of the respective cities; and

WHEREAS, the proposal of the City of Milwaukee is the most advantageous and in the best interest of the City of Wauwatosa;

NOW, THEREFORE, BE IT RESOLVED THAT staff members of the City of Wauwatosa are hereby authorized to enter into an Intergovernmental Agreement with the City of Milwaukee for purposes of providing street sweeping throughout the streets of the City of Wauwatosa during the year 2006, pursuant to the terms of the submittal from the City of Milwaukee, dated February 25, 2005.

BE IT FURTHER RESOLVED THAT the Director of Public Works is authorized to continue to agree to one year extensions according to Article III of the ICA pending the availability of funding in the Stormwater Reserve and the mutual concurrence of both parties.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-06-166

WHEREAS, Ald. Didier has requested that an LED school crossing sign be installed on the north side of Wisconsin Avenue east of Honey Creek Parkway in the City of Wauwatosa; and

WHEREAS, the history of vehicle/pedestrian accidents at this intersection demonstrates the need for additional safety measures, which would also include a crossing guard stop sign with blinking LED lights to make it more noticeable;

WHEREAS, the cost of a sign at this location which would be solar powered and would include a speed monitor to show drivers their rate of speed as they approach the intersection would be approximately \$8,300.00; and

NOW, THEREFORE, BE IT RESOLVED THAT installation of a solar powered speed awareness LED traffic monitor display, along with an LED solar powered blinking light and a flashing LED stop paddle for the school crossing guard at the intersection of Wisconsin Avenue and Honey Creek Parkway is hereby approved;

BE IT FURTHER RESOLVED THAT the funds for these items shall be provided through a transfer from the Reserve for Contingencies in the amount of \$8,300.00 to the appropriate accounts.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-06-167

WHEREAS, the Common Council removed three streets from the 2006 paving program, although funds remain available for the paving portions of those contracts; and

WHEREAS, the City intends to utilize existing 2006 funds for those paving projects when they are conducted in the year 2007;

NOW, THEREFORE, BE IT RESOLVED THAT the available capital projects funds in the accounts associated with the work on the three streets removed from the 2006 paving program are hereby authorized for carryover into 2007 so that the anticipated work may be conducted without impact upon the 2007 paving program.

FROM THE COMMITTEE ON BUDGET AND FINANCE

TO THE COMMON COUNCIL, CITY OF WAUWATOSA

The Committee on Budget and Finance, to whom was referred the matter of the 2006 Water Department Second Quarter report, recommends to the Common Council that the matter be accepted and placed on file.

Dated this 11th day of July 2006.

Committee on Budget and Finance

It was moved by Ald. Stepaniak, seconded by Ald. Purins to adopt the foregoing ordinance, and approve the four foregoing resolutions and one foregoing report. -15

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-06-168

WHEREAS, the Wisconsin Department of Natural Resources has agreed to provide a matching grant for restoration work along the banks of Schoonmaker Creek between W. Washington Blvd. and Milwaukee Avenue in the City of Wauwatosa; and

WHEREAS, Schoonmaker Creek at this location serves in part as a public storm sewer even though located on private property owned by the Washington Homes Association; and

WHEREAS, the Washington Homes Association has agreed to provide \$30,000.00 of its own funds as a portion of the matching funds required for the Department of Natural Resources grant; and

WHEREAS, the provision of an additional \$30,000.00 in City of Wauwatosa funds, along with the funds of the Association and the funds provided by the DNR grant would provide a total of \$120,000.00 for the stream bank restoration project; and

WHEREAS, stream bank restoration would allow improved efficiency of stream flow for purposes of storm water and flood management in the Washington Highlands as well as the areas north of Lloyd Street in the City of Wauwatosa which drain into the creek;

NOW, THEREFORE, BE IT RESOLVED THAT the DNR Urban Non-Point Source and Stormwater Construction grant in the amount of \$60,000.00 is hereby accepted by the City of Wauwatosa;

BE IT FURTHER RESOLVED THAT \$30,000.00 of the required matching funds for the DNR grant are to be provided by the City of Wauwatosa and \$30,000.00 of matching funds are to be provided by the Washington Homes Association contingent upon execution of a Cooperation Agreement between the City and the Washington Homes Association which addresses concerns regarding transfer of liability.

It was moved by Ald. Stepaniak, seconded by Ald. Purins to approve the foregoing resolution. Roll call vote, Ayes 12, Noes 3 (Ewerdt, Grimm, Hanson)

FROM THE COMMITTEE ON BUDGET AND FINANCE

BILLS AND CLAIMS FOR THE PERIOD 7/6/06 – 7/18/06 --

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 7/6/06 – 7/18/06: \$773,695.24

It was moved by Ald. Maher, seconded by Ald. Meaux 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-06-169

WHEREAS, the Wisconsin Department of Transportation intends to repave portions of W. Capitol Drive from State Highway 74 to N. 124th Street; and

WHEREAS, in conjunction with the planned upgrade of traffic signals along the repaving route, the Department of Transportation has agreed that it will install emergency vehicle preemption devices at the intersections of N. 124th Street and W. Capitol Drive and N. 124th Street and W. Lisbon Avenue, provided that the cities of Brookfield and Wauwatosa provide funds for the devices, at an estimated cost of approximately \$7,000.00 for the City of Wauwatosa;

NOW, THEREFORE, BE IT RESOLVED THAT the appropriate City officials are hereby authorized to execute an agreement with the Wisconsin Department of Transportation and the City of Brookfield for installation of emergency vehicle preemption devices at the intersections of W. Capitol Drive and N. 124th Street and W. Lisbon Avenue and N. 124th Street in conjunction with the anticipated repaving of Capitol Drive by the Wisconsin Department of Transportation in approximately the year 2009.

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-06-170

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 Insituform Technologies USA, Inc., for the work of sanitary sewer and storm sewer repair and relining portions of N. 116th Street and Mayfair frontage road, and work incidental thereto, under Contract 06-04 at and for their bid price of \$234,161.12, 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. Herzog, seconded by Ald. Meaux
to approve the two foregoing resolutions. - 15

There being no further business, the meeting adjourned at 7:55 p.m.

cal

Carla A. Ledesma, CMC, City Clerk