



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 5, 2006**

PRESENT: Alds. Krol, Maher, Meaux, Purins, Stepaniak, Sullivan, Treis, Becker, Birschel,  
Didier, Donegan, Ewerdt, Grimm, Hanson, Herzog, Krill - 16

ALSO PRESENT: Mr. Kesner, Interim City Administrator/City Attorney; Mr. Braier, Finance Director;  
Mr. Kappel, Dir. of Public Works; Ms. Welch, Community Development Director;  
Fire Chief Redman; Ms. Ledesma, City Clerk; Ms. Williams, Deputy City Clerk

Mayor Estness in the Chair

The Mayor called the meeting to order at 7:45 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. - 16

**APPOINTMENTS BY THE MAYOR**

Youth Commission

Nikki Beckwith, 2446 N. 66th Street  
Lynda Snodgrass, 1730 N. 72nd Street  
Karen Waldkirch, 1709 Day Court  
Jason Zurawik, 11600 W. Center Street  
(Terms end 8/31/09)

Board of Examiners and Appeals

Robert Lex, 7420 W. State Street, #2  
(Term ends 5/30/08)

Foregoing appointments ordered held as this was the first  
reading.

Board of Review

Terrence Rice, 7131 Grand Parkway  
(Term ends 4/30/11)

Wauwatosa Housing Authority

Terrence Rice, 7131 Grand Parkway  
(Term ends 4/30/11)

It was moved by Ald. Treis, seconded by Ald. Birschel to concur with both appointments under suspension of the rules. -16

**APPLICATIONS, COMMUNICATIONS, ETC.**

1. Southeastern Wisconsin Regional Planning Commission (SEWRPC) Planning Report No. 48, A Regional Land Use Plan for Southeastern Wisconsin: 2035  
**Place on file**
2. Wauwatosa Water Utility Statement of Receipts and Disbursements as of July 31, 2006  
**Place on file**
3. Notice of Claim: John Klever, 2444 N. 100th Street; Lloyd & Catherine Jenk, 3580 N. 100th Street; Fairade´ Dorsey, 1243 N. Glenview, #4  
**City Attorney**
4. Milwaukee Metropolitan Sewerage District 2005 Comprehensive Annual Financial Report and Proceedings of the 2005 Commission meetings  
**Place on file**
5. Letter from Delbert Reynolds, U. S. Dept. of Housing & Urban Development, approving the city’s 2006 Action Plan and Community Development Block Grant funds of \$1,229,313  
**Director of Community Development, Finance Director**
6. City of Wauwatosa Statement of Financial Condition as of 7/31/06  
**Place on file**
7. Conditional Use application to operate an hourly drop-in child care center at 11702 W. North Avenue  
**Plan Commission, Committee on Community Development**
8. Land Combination application to divide property at 9529 W. Ruby Avenue  
**Plan Commission, Committee on Community Development**
9. Conditional Use application to operate a jewelry store dealing in precious metals and gems at 8316-B W. Blue Mound Road  
**Plan Commission, Committee on Community Development**
10. Conditional Use application to operate a business to install audio/video automotive accessories at 255 N. 121st Street  
**Plan Commission, Committee on Community Development**
11. Application to amend Chapter 24.46.070 of the Code to include school district property in “Cellular Telephone, Microwave and Related Communication Towers and Accessory Ground Structures”  
**Plan Commission, Committee on Community Development**
12. Conditional Use application to install remote telemetry units and antennas at 7801 Portland Avenue and 6765 Honey Creek Parkway  
**Plan Commission, Comm. on Community Development, Board of Public Works**
13. Letter from Lorraine Miller, 2376 Pasadena Blvd., requesting the issue of 2-hour parking on Meinecke Ave. be discussed at the September 12th Traffic & Safety Committee meeting  
**Director of Public Works**
14. Letter from Mayor Kevin Crawford, City of Manitowoc, requesting the city authorize a referendum question requesting state legislative action on healthcare be placed on the November ballot  
**Committee on Legislation, Licensing & Communications**

15. Request by Ald. Maher to invite the National League of Cities and The Urban Institute to conduct 'Legislating for Results' training seminar at Wauwatosa Civic Center  
**Mayor, Acting City Administrator**
16. Letter from Robert Messinger, Hector's A Mexican Restaurant, 7118 W. State Street, requesting exemption from the restaurant smoking ban  
**City Clerk; Health Officer**

**FROM THE COMMITTEE ON TRAFFIC AND SAFETY**

**ORDINANCE O-06-16**

AN ORDINANCE AMENDING WAUWATOSA CODE SECTION 11.32.080 TO CREATE PARKING RESTRICTIONS ON PORTIONS OF NORTH 118<sup>TH</sup> STREET IN THE CITY OF WAUWATOSA

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

Part I. A new section entitled, "118<sup>th</sup> Street – West Side" shall be created in the "Schedule of Streets, and Portions" in Wauwatosa Code Section 11.32.080, which shall contain the following restriction:

(c) from the north end of the property at 2243 N. 118<sup>th</sup> Street to the south end of the driveway at 2229 N. 118<sup>th</sup> Street

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

It was moved by Ald. Sullivan, seconded by Ald. Birschel to adopt the foregoing ordinance. -16

**FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS**

**RESOLUTION R-06-182**

WHEREAS, Shannon Uribe, general manager of Hector's-A Mexican Restaurant, 7118 W. State Street, Wauwatosa, WI, has requested a temporary extension of the licensed premises to include the parking lot on September 10, 2006, for Hectorfest;

NOW, THEREFORE, BE IT RESOLVED THAT the licensed premises of Hector's-A Mexican Restaurant be extended to include the parking lot of the building on September 10, 2006, between the hours of 12:00 and 10:00 PM, with music ending at 9:00 PM;

BE IT FURTHER RESOLVED THAT telephone contact numbers will be provided to district alderpersons;

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-06-183**

WHEREAS, Justin R. Klein, 1632A N. 58th Street, Milwaukee, WI, has applied for an operator's license in conjunction with his employment at Habanero's Mexican Kitchen, 869 N. Mayfair Road, Wauwatosa; and

WHEREAS, a background investigation revealed prior law violations which create concern for the Committee on Legislation, Licensing & Communications; and these prior convictions are substantially related to the responsibilities of an operator's license holder in the City of Wauwatosa;

WHEREAS, Mr. Klein did not appear before the Committee;

NOW, THEREFORE, BE IT RESOLVED THAT the operator's license application of Justin R. Klein, 1632A N. 58th Street, Milwaukee, WI, is hereby denied;

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

It was moved by Ald. Krol, seconded by Ald. Meaux  
to approve the two foregoing resolutions. -16

**FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT**

**RESOLUTION R-06-184**

BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin THAT permission be and the same is hereby granted to William Drew, Milwaukee County Research Park Corporation, for a Land Division by Certified Survey Map in the Research Park Planned Development District at the southeast corner of Mayfair Road and Watertown Plank Road. These parcels are more particularly described as follows:

A Certified Survey Map to be filed with Milwaukee County Register of Deeds, being a division of Parcel A and Outlot 1 of Certified Survey Map No. 6485, being a part of the Northwest ¼ of the Northwest ¼ of Section 29, 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 the payment of all outstanding special assessments on the aforescribed property which is being subdivided.

**FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT**

**RESOLUTION R-06-185**

BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin THAT permission be and the same is hereby granted to AP Properties, LLC and VJS Development Group for a Land Division by Certified Survey Map in the AA Commercial District at 2979 North Mayfair Road. These parcels are more particularly described as follows:

A Certified Survey Map to be filed with Milwaukee County Register of Deeds, being a part of the Northeast ¼ of the Northeast ¼ of Section 18, 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 the payment of all outstanding special assessments on the aforescribed property which is being subdivided.

**FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT**

**RESOLUTION R-06-186**

WHEREAS, Edward Polito has applied for a Conditional Use in the Parks and Open Space District at approximately 6501 West Lloyd Street 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 Edward Polito for a telephone fiber conversion cabinet in the Parks and Open Space District at 6501 West Lloyd Street 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) Obtaining all other necessary licenses and permits, and
- 5) Installation of approved landscaping.

**FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT**

**RESOLUTION R-06-187**

WHEREAS, Wisconsin Statute Section 9.20 provides a method for citizens to petition the Common Council for direct legislation, provided that the appropriate number of valid electors' signatures are produced on a petition; and

WHEREAS, the requisite number of signatures on a direct legislation petition were submitted by Mr. Michael Duffy on August 1, 2006, which petition was certified for sufficiency and form by the Wauwatosa City Clerk on August 16, 2006; and

WHEREAS, the question on the direct legislation petition reads as follows:

“The United States should now begin withdrawing troops from Iraq, and continue steady withdrawals until all our troops are home.”

WHEREAS, upon receipt of a petition for direct legislation containing the requisite number of electors' signatures and having been certified by the City Clerk, the Common Council is required either to pass the resolution without alteration or submit to the electors at the next general election; and

WHEREAS, the Common Council of the City of Wauwatosa believes that a question such as the one submitted would be most appropriately addressed by a referendum placed before the voters of the City of Wauwatosa;

NOW, THEREFORE, BE IT RESOLVED THAT the question which is the topic of the direct legislation petition submitted by Michael Duffy on August 1, 2006, shall hereby be submitted to the voters of the City of Wauwatosa at the time of the next general election, November 7, 2006, with the question on the ballot requiring a yes or no answer for the following statement:

“The United States should now begin withdrawing troops from Iraq, and continue steady withdrawals until all our troops are home.”

It was moved by Ald. Treis, seconded by Ald. Sullivan to approve the four foregoing resolutions. -16

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

**RESOLUTION R-06-188**

WHEREAS, the Wisconsin Office of Justice Assistance has informed the Wauwatosa Police Department that, along with Key Power International, the City is being awarded a grant of \$64,994.00 to fully fund hardware and software costs associated with a link to the Wisconsin Justice Information System (WIJIS); and

WHEREAS, the WIJIS project would allow for Wauwatosa and other surrounding police agencies to upload name and arrest data to a central server operated by the State and will also allow law

enforcement agencies to send queries to the database to obtain name and arrest information currently unavailable on most systems; and

WHEREAS, the Wisconsin Office of Justice Assistance has also awarded \$4,500.00 to the City to offset costs for the recent Wisconsin Supreme Court's mandate to create audio recordings of in custody interrogations; and

WHEREAS, no matching funds are necessary for either of these grants to be accepted and used;

NOW, THEREFORE BE IT RESOLVED THAT the City of Wauwatosa hereby accepts on behalf of the Wauwatosa Police Department the two grants from the Wisconsin Office of Justice Assistance, the first grant for \$64,994.00 to be used to implement WIJIS and the second in the amount of \$4,500.00 to offset costs required to comply with the mandate to record in-custody interrogation;

BE IT FURTHER RESOLVED THAT the Wauwatosa Police Department is hereby authorized to expend up to \$59,520.00 of the grant funds with Key Power International for purposes of allowing Key Power to develop the necessary software for the WIJIS project, and the remainder of the grant funds for hardware necessary to meet the goals of these grants.

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

**RESOLUTION R-06-189**

BE IT RESOLVED by the Common Council of the City of Wauwatosa that the claim filed by John Schuller 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. Stepaniak, seconded by Ald. Purins  
to approve the two foregoing resolutions. -16

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

**BILLS AND CLAIMS FOR THE PERIOD 8/2/06 – 9/5/06 --**

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 8/2/06 – 9/5/06: \$1,761,728.06

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 16

**FROM THE BOARD OF PUBLIC WORKS**

**RESOLUTION R-06-190**

WHEREAS, the City of Wauwatosa has recently begun the process of obtaining a new truck cab, chassis, and garbage packer; and

WHEREAS, the Common Council previously declared vehicle P-98 as surplus to be disposed of when the new packer was to arrive; and

WHEREAS, in the intervening period, it has become clear vehicle P-130 should be declared surplus in lieu of vehicle P-98 because vehicle P-130 has been experiencing repeated engine overheating problems, while vehicle P-98 can be used into the year 2007;

NOW, THEREFORE BE IT RESOLVED THAT vehicle P-130 is hereby declared surplus and City officials are authorized to dispose of said vehicle in the manner most advantageous to the City;

BE IT FURTHER RESOLVED THAT surplus declaration for vehicle P-98 previously approved by the Common Council is hereby rescinded and said vehicle shall be maintained and used until declared surplus.

**FROM THE BOARD OF PUBLIC WORKS**

**RESOLUTION R-06-191**

WHEREAS, WE Energies is installing new utility services in the area of N. 70<sup>th</sup> Street and W. State Street to provide electrical service for a City-owned street lighting distribution cabinet serving Hart Park; and

WHEREAS, the Board of Public Works has recommended approval of an easement in favor of WE Energies measuring approximately 20 feet by 30 feet along the southwest corner of N. 70<sup>th</sup> Street and W. State Street, as more particularly described in the easement documents attached hereto and incorporated herein;

NOW, THEREFORE, BE IT RESOLVED THAT the utility easement for WE Energies to provide an electrical service for a City-owned street lighting distribution cabinet serving Hart Park, which easement shall be approximately in the area of the southwest corner of N. 70<sup>th</sup> Street and W. State Street, as more particularly described by the attached documents, is hereby granted by the Common Council of the City of Wauwatosa and City officials are hereby authorized to execute the appropriate documents to grant and record this easement.

**FROM THE BOARD OF PUBLIC WORKS**

**RESOLUTION R-06-192**

BE IT RESOLVED, by the Common Council of the City of Wauwatosa, THAT permission be and the same is hereby granted to MBD Properties, LLC, 6027 W. Vliet Street, 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-06-193

BE IT RESOLVED by the Common Council of the City of Wauwatosa THAT permission be and the same is hereby granted to John Ramsey, 2403 N. 69th Street, Wauwatosa, WI, to encroach onto City right-of-way with an arbor over the service walk, 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-06-194

BE IT RESOLVED, by the Common Council of the City of Wauwatosa, THAT permission be and the same is hereby granted to David Keren of Keren Properties, LLC, 10909 W. Blue Mound Road, Wauwatosa, WI, to encroach onto City right-of-way with a sign to be placed between the sidewalk and parking lot, 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. Birschel to approve the five foregoing resolutions. -16

There being no further business, the meeting adjourned at 7:57 p.m.

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Carla A. Ledesma, CMC, City Clerk