



CITY OF WAUWATOSA
7725 WEST NORTH AVENUE
WAUWATOSA, WI 53213
Telephone: (414) 479-8917
Fax: (414) 479-8989
<http://www.wauwatosa.net>

COMMON COUNCIL
Regular Meeting, Tuesday, October 20, 2009

PRESENT: Alds. McBride, Nikcevich, Organ, Walsh, Wilke, Berdan, Birschel, Dennik, Donegan, Ewerdt, Hanson, Jay, Krol -13

EXCUSED: Alds. Meaux, Stepaniak, Herzog

ALSO PRESENT: Mr. Archambo, City Administrator; Ms. Aldana, Asst. City Attorney/HR Director; Mr. Kappel, Public Works Director; Ms. Welch, Community Development Director; Police Capt. Weiss; Ms. Ledesma, City Clerk; Ms. Van Hoven, Deputy City Clerk

Mayor Didier in the Chair

The Mayor called the meeting to order at 7:34 p.m.

It was moved by Ald. McBride, seconded by Ald. Organ that the reading of the minutes of the last regular meeting be dispensed with and they be approved as printed. -13

PUBLIC HEARING

The first item of business was a public hearing on the following proposed ordinance:

ORDINANCE

AN ORDINANCE AMENDING CHAPTER 24.02.090 TO REVISE THE DEFINITION OF BUILDING HEIGHT

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

Part 1. Chapter 24.02.090 is amended to read as follows:

24.02.090 Building Height.

"Building Height" means the vertical distance measured from the established grade at the middle of the front of the building to the highest point of the roof. When a building is located on a natural terrace or slope the height may be measured from the average ground level at the building wall.

Part 2. This ordinance shall take effect and be in force from and after its passage and publication.

Proof of publication is in the file.

In a meeting held on August 10, 2009, the City Plan Commission recommended approval of the request.

No one of the public present wished to be heard in favor of the proposed ordinance.

No one of the public present wished to be heard in opposition to the proposed ordinance.

No one of the public present wished to be heard either for or against the proposed ordinance or had any comments or questions.

The public hearing was declared closed. Ordered held to the next Community Development Committee meeting on October 27, 2009.

OLD BUSINESS

The following item was referred to the Committee on Community Development after a hearing on October 6, 2009 before the Common Council:

ORDINANCE O-09-25

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF WAUWATOSA BY REZONING A PROPERTY LOCATED AT 11711 W. BURLEIGH STREET FROM AA COMMERCIAL DISTRICT TO AA BUSINESS DISTRICT

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

Part 1. The Official Zoning Map of the City of Wauwatosa is hereby amended to reflect the following change:

Certified Survey Map No. 4215 being in the Northwest ¼ of Section 18, in Township 7 North, Range 21 East, in the City of Wauwatosa, County of Milwaukee, State of Wisconsin is rezoned from AA Commercial District to AA Business District.

Part II. The City Administrator is hereby directed to change the Official Zoning Map of the City of Wauwatosa to conform to the provisions of the Ordinance, and said Map is declared amended accordingly.

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

It was moved by Ald. Krol, seconded by Ald. Birschel to adopt the foregoing ordinance. -13

APPOINTMENTS BY THE MAYOR

Committee for Citizens with Disabilities

Julie Alexander, 7724 W. State Street
Paul Sokolowski, 7439 Harwood Avenue
Mary Callen, 7439 Harwood Avenue
Ann Fritsch, 10200 W. Blue Mound Road
Margaret Mirenda, 2616 N. 96th Street
(Terms end 12/31/11)

Foregoing appointments ordered held as this was the first reading.

Citizens' Advisory Capital Improvements Committee

Tom Stacey, 1269 N. 123rd Street
Frank DeFrain, 1355 N. 63rd Street
James Engelhardt, 2006 Sunset Court
Jason Kohout, 9995 W. North Avenue
(Terms end 6/30/12)

It was moved by Ald. Krol, seconded by Ald. Donegan
to concur with the foregoing appointments. -13

APPLICATIONS, COMMUNICATIONS, ETC.

1. City of Wauwatosa, Statement of Financial Condition and Investment Summary for the period ending September 30, 2009
Place on file
2. Summons and Complaint: Inger S. Carr, 2849 N. 76th Street, Milwaukee
City Attorney
3. Notice of claim: Karen Larson, 2545 N. 83rd Street
City Attorney
4. Wauwatosa Water Utility Statement of Receipts and Disbursements for the period ending September 30, 2009
Place on file
5. Request by Ald. Nikcevich for amendments to Title 11 of the City Code regulating inoperable vehicles
City Attorney

FROM THE COMMITTEE ON TRAFFIC & SAFETY FOR INTRODUCTION

1. Ordinance amending Section 2.02.180 of the Code relating to traffic control trial periods
Re-referred to originating committee

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-09-226

WHEREAS, Rachel L. Huberty, N8414 Pleasant Lake Road, East Troy, WI, has applied for an operator's license in conjunction with her employment at the Cheesecake Factory on Mayfair Road, Wauwatosa, WI;

NOW, THEREFORE, BE IT RESOLVED THAT Rachel L. Huberty is hereby issued an operator's license for the period ending June 30, 2010.

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-09-227

WHEREAS, Shalin M. Miller, 10942 W. Wildwood Lane, #D412, West Allis, WI, has applied for an operator's license in conjunction with her employment at P. F. Changs on Mayfair Road, Wauwatosa, WI;

NOW, THEREFORE, BE IT RESOLVED THAT Shalin M. Miller is hereby issued an operator's license for the period ending June 30, 2010.

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-09-228

WHEREAS, Julie E. Dziekan, 911 S. 88th Street, West Allis, WI, has applied for an operator's license in conjunction with her employment at Your Open Pantry, 115th & North Avenue, Wauwatosa, WI;

NOW, THEREFORE, BE IT RESOLVED THAT Julie E. Dziekan is hereby issued an operator's license for the period ending June 30, 2010.

It was moved by Ald. Birschel, seconded by Ald. Dennik to approve the three foregoing resolutions. -13

FROM THE COMMITTEE ON TRAFFIC AND SAFETY

ORDINANCE O-09-23

AN ORDINANCE AMENDING WAUWATOSA CODE SECTION 11.32.080 TO REMOVE A PARKING RESTRICTION ON WEST LLOYD STREET

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

Part I. The "Lloyd Street – north side" portion of the "schedule of streets, and portions" subsection of Wauwatosa Municipal Code Section 11.32.080 is hereby amended by deleting the following line:

(a) From 10 feet east to 20 feet west of the drive approach to 6636 W. Lloyd Street

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

FROM THE COMMITTEE ON TRAFFIC AND SAFETY

ORDINANCE O-09-24

AN ORDINANCE AMENDING WAUWATOSA CODE SECTION 11.32.080 TO REMOVE PARKING RESTRICTIONS ON SOUTH SIDE OF BLANCHARD STREET

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

Part I. The “Blanchard Street – south side” portion of the “schedule of streets, and portions” subsection of Wauwatosa Code Section 11.32.080 is hereby amended by deleting the following line:

(c) from North 72nd Street to North 74th Street

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

It was moved by Ald. McBride, seconded by Ald. Jay to adopt the two foregoing ordinances. -13

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-09-229

WHEREAS, the Village of Wauwatosa Business Improvement District submitted to the Committee on Budget & Finance its 2010 budget and work plan; and

WHEREAS, Committee members and representatives of the BID Board agreed that the budget and work plan are accurate and do reflect the intentions of the entire BID Board;

NOW, THEREFORE, BE IT RESOLVED THAT the 2010 budget and work plan for the Village of Wauwatosa Business Improvement District as provided to the Committee on Budget & Finance on October 13, 2009, are hereby approved and, upon completion of the tax roll, assessments shall be included on the property tax bills of affected properties in a manner consistent with those documents.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-09-230

BE IT RESOLVED, by the Common Council of the City of Wauwatosa THAT the claim filed by Jodi Hirt and Tom Scardina 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 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-09-231

BE IT RESOLVED, by the Common Council of the City of Wauwatosa THAT the claim filed by John Griffin 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 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-09-232

BE IT RESOLVED, by the Common Council of the City of Wauwatosa THAT the claim filed by Joe Karius for damages be and the same is hereby denied and placed 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. Ewerdt, seconded by Ald. Donegan to approve the four foregoing resolutions. -13

FROM THE COMMITTEE ON BUDGET AND FINANCE

BILLS AND CLAIMS FOR THE PERIOD 10/7/09 – 10/20/09 --

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 10/7/09 – 10/20/09: \$1,641,311.65

It was moved by Ald. Jay, seconded by Ald. Hanson that each and every account of bills and claims be allowed and ordered paid. Roll call vote, Ayes 13

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-09-233

WHEREAS, National Retail Properties, LP, owner of property at 2201 North Mayfair Road requests that the City enter into an Easement Agreement;

WHEREAS, the Wisconsin Department of Transportation required the cross easement to properties to the north and south of the property as a condition to its permit to allow Dave & Buster's to relocate driveways to 2201 North Mayfair Road; and

WHEREAS, the City desires the proposed easement for the purpose of providing vehicular access for the benefit of owners, customers and employees of adjacent lands; and

WHEREAS, the proposed Easement Agreement granting an easement to the City was presented to the Board of Public Works at its October 19, 2009, meeting;

NOW, THEREFORE, BE IT RESOLVED THAT appropriate city staff are hereby authorized to execute the proposed Easement Agreement with National Retail Properties, LP, for the purpose of providing vehicular access to property north and south of the 2201 North Mayfair Road.

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-09-234

WHEREAS, the engineering department made an emergency purchase of labor and materials necessary to make an emergency spot repair of a collapsed storm sewer in the roadway at N. 70th Street just north of Blue Mound Road; and

WHEREAS, the purchases were made from Rawson Contractors, Inc., in the total amount of \$4,404,67; and

NOW, THEREFORE BE IT RESOLVED by the Common Council of the City of Wauwatosa that the emergency repair to the collapsed storm sewer constituted an emergency under the purchasing ordinances;

BE IT FURTHER RESOLVED THAT the purchase of labor and materials from the above vendor be and the same is hereby approved and that the competitive bidding procedure is hereby waived.

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-09-235

WHEREAS, AT&T has requested a utility easement to provide service to the new fire station #1;

WHEREAS, the proposed easement was presented to the Board of Public Works at its meeting of October 19, 2009;

NOW, THEREFORE, BE IT RESOLVED THAT appropriate city staff are hereby authorized to execute the proposed Easement Agreement with AT&T for the purpose of providing service to new fire station #1. (1601 Underwood Avenue)

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-09-236

BE IT RESOLVED, by the Common Council of the City of Wauwatosa, THAT permission be and the same is hereby granted to Steve Maria, 1659 N. 120th Street, Wauwatosa, WI, to encroach onto City right-of-way with a brick paver drive approach, subject to the applicant 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 applicant.

It was moved by Ald. Krol, seconded by Ald. Ewerdt
to approve the four foregoing resolutions. -13

There being no further business, the meeting adjourned at

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Carla A. Ledesma, CMC, City Clerk