



CITY OF WAUWATOSA
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COMMON COUNCIL
Regular Meeting, Tuesday, July 21, 2009

PRESENT: Alds. Walsh, Berdan, Birschel, Dennik, Donegan (7:35 p.m.), Ewerdt, Hanson, Herzog, Jay, Krol, McBride, Meaux (7:38 p.m.), Nikcevich, Stepaniak -14

EXCUSED: Alds. Wilke and Organ

ALSO PRESENT: Mr. Archambo, City Administrator; Mr. Kesner, City Attorney; Mr. Kappel, Public Works Director; Ms. Welch, Community Development Director; Police Chief Weber; Ms. Ledesma, City Clerk; Ms. Van Hoven, Deputy City Clerk

Mayor Didier in the Chair

The Mayor called the meeting to order at 7:33 p.m.

It was moved by Ald. McBride, seconded by Ald. Hanson that the reading of the minutes of the last regular meeting be dispensed with and they be approved as printed. -12

PUBLIC HEARING

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

ORDINANCE

ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF WAUWATOSA BY REZONING A PORTION OF THE PROPERTY LOCATED AT 1530 CHURCH STREET FROM BB TWO-FAMILY RESIDENCE DISTRICT TO VILLAGE TRADE DISTRICT

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

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

The easternmost 28.5 feet of Lot 9 in Greenwood's Subdivision all being in the Northeast ¼ of the Southeast ¼ of Section 21, in Township 7 North, Range 21 East, in the City of Wauwatosa, County of Milwaukee, State of Wisconsin, is rezoned from BB Two-Family Residence District to Village Trade 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 Ordinances and said map is declared amended accordingly.

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

Proof of publication is in the file. In a meeting held on June 8, 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 July 28, 2009

APPOINTMENTS BY THE MAYOR

Citizen's Advisory Capital Improvements Committee
Craig Wilson, 4172 Menomonee River Parkway
(term ends 6/30/2012)

It was moved by Ald. Krol, seconded by Ald. Dennik
to concur with the foregoing appointment. -12

APPLICATIONS, COMMUNICATIONS, ETC.

1. **Notice of Claim:** Allison and Dan Byrne, 2463 N. 83rd Street, Wauwatosa; Joe and Denise Karius, 10911 W. Potter Road, Wauwatosa
City Attorney
2. Milwaukee Metropolitan Sewerage District, 2008 Comprehensive Annual Financial Report and Proceedings of 2008 Commission meetings
Public Works Dir., City Engineer
3. Letter from Juan Miguel Ramirez, 1610 S. 92nd Street, West Allis, appealing Common Council denial of his operator license
Legislation, Licensing & Communications Committee
4. Memo from Sgt. Farina regarding Community Support donation of \$45.25 from Russell Kozlowicz to be used for Wauwatosa Police Department future expenditures
Place on file
5. Letter from Village of Wauwatosa Business Improvement District requesting consideration of opening Harwood Avenue at Wauwatosa Avenue to through traffic
Public Works Dir., City Engineer

6. Letter from Hector's—A Mexican Restaurant, 7118 W. State St., requesting liquor license extension for outdoor event on September 17, 2009
Legislation, Licensing & Communications Committee
7. Wauwatosa Water Utility Statement of Receipts and Disbursements for month end June 30, 2009
Place on file
8. Letter from Edward Buth, 20179 W. Good Hope Road, Lannon, appealing Common Council denial of his operator license
Legislation, Licensing & Communications Committee
9. City of Wauwatosa Bank Reconciliation of Depository Accounts for the period ending June 30, 2009
Place on file
10. E-mail from Jose Vasquez, 2657 Lefeber Avenue, opposing passage of the resolution authorizing a non-binding referendum supporting proof of citizenship at the polls
Add to existing file

FROM THE COMM. ON LEGISLATION, LICENSING & COMMUNICATIONS FOR INTRODUCTION

1. Proposed charter ordinance amending Section 20.07 of the Code temporarily changing the terms of certain council members in anticipation of reduction in the size of the Common Council
Re-referred to originating committee

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT FOR INTRODUCTION

1. Proposed ordinance amending the zoning code by rezoning 431 N. 108th Place from AA Single Family Residence District to Off Street Parking District
Re-referred to originating committee
2. Proposed ordinance amending the zoning code by rezoning 443 N. 108th Place from AA Single Family Residence District to Off Street Parking District
Re-referred to originating committee
3. Proposed ordinance creating Section 2.30 of the Code to create an Economic Development Advisory Committee
Re-referred to originating committee

(Ald. Donegan present 7:35 p.m.) -13

FROM THE COMMITTEE ON TRAFFIC AND SAFETY

ORDINANCE O-09-13

AN ORDINANCE AMENDING SECTION 11.32.080 OF THE CODE OF THE CITY OF WAUWATOSA TO PROHIBIT PARKING ON A PORTION OF THE EAST SIDE OF KAVANAUGH PLACE

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

Part I. “Kavanaugh Place – east side” portion of the schedule of streets, and portions, subsection of Section 11.32.080 of the Wauwatosa Municipal Code is hereby amended by added the following:

“(a) from the driveway at 1252 Kavanaugh Place to a point 25 feet south thereof”

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

It was moved by Ald. Stepaniak, seconded by Ald. Ewerdt
to adopt the foregoing ordinance. -13

(Ald. Meaux present 7:38 p.m.) -14

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-09-167

WHEREAS, Edward H. Buth, 20179 W. Good Hope Road, Lot 503 H9, Lannon, WI, applied for an operator’s license in conjunction with his employment at the Cheesecake Factory, 2350 N. Mayfair Road, Wauwatosa, WI; and

WHEREAS, a background investigation revealed the applicant had more than one conviction which he failed to disclose; and

WHEREAS, the circumstances surrounding these previous convictions and his failure to disclose them are substantially related to the responsibilities required of persons holding operator’s licenses in the City of Wauwatosa;

NOW, THEREFORE, BE IT RESOLVED THAT the operator’s license application of Edward H. Buth is hereby denied;

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

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-09-168

WHEREAS, April L. Barber, 12195 W. Black Oak Drive, Greenfield, WI, has applied for an operator’s license in conjunction with her employment at Qdoba Mexican Grill, 418 N. Mayfair Road, Wauwatosa, WI ; and

NOW, THEREFORE, BE IT RESOLVED THAT April L. Barber, 12195 W. Black Oak Drive, Greenfield, WI, is hereby issued an operator’s license for the period ending June 30, 2010.

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-09-169

WHEREAS, Yvonne M. McCaffery, agent for Kwik Trip, Inc., d/b/a Tobacco Outlet Plus #523, 11712 W. North Avenue, Wauwatosa, WI, has applied for a Class A Beer license for its location;

NOW, THEREFORE, BE IT RESOLVED THAT a Class A Beer license be awarded to Yvonne M. McCaffery, agent for Kwik Trip, Inc., d/b/a Tobacco Outlet Plus #523, 11712 W. North Avenue, Wauwatosa, WI, for the period ending June 30, 2010.

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

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION

WHEREAS, Alderwoman Jacqueline Jay has requested that the City place a nonbinding advisory referendum question on the 2010 Spring election ballot concerning the City of Wauwatosa's desire that the State require persons wishing to vote to show proof of citizenship by official State identification; and

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

NOW, THEREFORE, BE IT RESOLVED THAT the following question shall hereby be submitted to the voters of the City of Wauwatosa at the time of the Spring 2010 election, April 6, 2010, with the question on the ballot requiring a yes or no answer to the following statement:

“Shall the City of Wauwatosa express its opinion to the State of Wisconsin that the State should require each elector (voter) to provide his or her valid State or Federal photographic identification card at the same time as voting a ballot in an election, provided that the State makes such photographic identification card readily obtainable at low or nominal cost?”

It was moved by Ald. Birschel, seconded by Ald. Hanson to approve the foregoing resolution. –

It was moved by Ald. Donegan, seconded by Ald. Walsh to place the matter on file, thereby leaving open the possibility of submission of a petition by electors. Roll call vote, Ayes 7 (Walsh, Donegan, Krol, McBride, Meaux, Nikcevich, Stepaniak), Noes 7. Mayor Didier cast a tie-breaking vote of “aye.” Final vote, Ayes 8, Noes 7.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-09-171

WHEREAS, Erica Vinson and Larry Ruka have applied for a Conditional Use in the AA Business District at 10514 W. Blue Mound Road for a massage therapy establishment, 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 Erica Vinson and Larry Ruka for a massage therapy establishment in the AA Business District at 10514 W. Blue Mound Road subject to the following conditions:

- 1) hours of operation 9:00 a.m. to 8:00 p.m. Monday through Saturday, and
- 2) obtaining all necessary licenses and permits.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-09-174

WHEREAS, Deanna Hafner, Kwik Trip, and Dr. Stuart Hoffman have applied for a Conditional Use in the AA Business District at 11712 W. North Avenue for the addition of beer sales at the existing Tobacco Outlet, 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 Deanna Hafner, Kwik Trip, and Dr. Stuart Hoffman for the addition of beer sales at the existing Tobacco Outlet in the AA Business District at 11712 W. North Avenue subject to the following conditions:

- 1) hours of operation 8:00 a.m. to 9:00 p.m. daily, and
- 2) obtaining all necessary licenses and permits.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-09-172

WHEREAS, Valerie Kufirin and Yue Kwong Hui have applied for a Conditional Use in the AA Business District at 8816 W. North Avenue for a dance and fitness studio, 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 Valerie Kufirin and Yue Kwong Hui for a dance and fitness studio in the AA Business District at 8816 W. North Avenue subject to the following conditions:

- 1) hours of operation 9:00 a.m. to 9:00 p.m. daily, and
- 2) obtaining all necessary licenses and permits.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-09-173

WHEREAS, Edwin Reitan, Reitan Architects, LLC, have applied for a Conditional Use in the AA Industrial District at 4480 N. 124th Street for a self-storage facility, 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 Reitan, Reitan Architects for a self-storage facility in the AA Industrial District at 4480 N. 124th Street subject to the following conditions:

- 1) hours of operation 6:00 a.m. to 11:00 p.m. daily, and
- 2) obtaining all necessary licenses and permits.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-09-175

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, September 15, 2009 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 rezoning the property located at 431 N. 108th Street from AA Single Family Residence District to Off Street Parking District.

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.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-09-176

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, September 15, 2009 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 rezoning the property located at 443 N. 108th Street from AA Single Family Residence District to Off Street Parking District.

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. Herzog, seconded by Ald. Meaux to approve the six foregoing resolutions. -14

FROM THE COMMITTEE ON BUDGET AND FINANCE

BILLS AND CLAIMS FOR THE PERIOD 7/8/09 – 7/21/09

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 7/8/09 – 7/21/09: \$2,542,610.33

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

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-09-177

WHEREAS, WE Energies has been required to relocate its facilities in Hart Park due to the construction of the Hart Park athletic fields and bleachers; and

WHEREAS, the proposed route of the new location for WE Energies facilities was presented to the Board of Public Works at its meeting of July 20, 2009; and

WHEREAS, WE Energies has requested an easement as described in the exhibit presented to the Board of Public Works along this route in order to place and maintain its facilities;

NOW, THEREFORE, BE IT RESOLVED THAT appropriate city staff are hereby authorized to execute an Easement Agreement with WE Energies for the relocation of its facilities within the area of the Hart Park athletic field consistent with the new locations provided to the Board of Public

Works on July 20, 2009, subject to final approval by engineering staff and the Wauwatosa City Attorney.

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

There being no further business, the meeting adjourned at 8:08 p.m.

cal

Carla A. Ledesma, CMC, City Clerk