



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, July 1, 2008 – 7:30 p.m.

PRESENT: Alds. Stepaniak, Walsh, Birschel, Herzog, Jay, Krol, Maher, McBride, Meaux, Nikceovich, Organ, Purins -12

EXCUSED: Alds. Donegan, Ewerdt, Hanson, Treis

ALSO PRESENT: Mr. Archambo, City Administrator; Mr. Kesner, City Attorney; Mr. Braier, Finance 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 7:30 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. -12

APPOINTMENTS BY THE MAYOR

Board of Examiners and Appeals:

Patrick Nook, 2515 N. 111th Street
Richard Bachman, 2229 N. 115th Street (reappointment)
Robert Lex, 7420 W. State Street #2 (reappointment)
Steve Jung, 844 N. 73rd Street
(terms end 5/30/10)

Citizen's Advisory Capitol Improvements Committee:

James H. Kasdorf, 2634 N. 84th Street (reappointment)
George Becker, 1626 N. 71st Street
(terms end 6/30/11)

Library Board:

Mary Newton, 6548 Washington Circle (reappointment)
Jane Carroll, 251 N. 116th Street
(terms end 6/30/11)

Historic Preservation Commission:

Brian Faltinson, 2209 N. 62nd Street
(term ends 11/30/11)

Charlie Mitchell, 7525 Oakhill
(term ends 11/30/10)

Forgoing appointments ordered held as this was the first reading.

APPLICATIONS, COMMUNICATIONS, ETC.

1. Notice of Claim: Nicole L. Werra, 7300 W. State Street; Milwaukee Deputy Sheriff's Assoc. and Scott Kutzt, 821 W. State Street, Milwaukee; Denise and Joe Karius, 10911 W. Potter Road; James R. Fonk, 1809 N. 72nd Street
City Attorney
2. Conditional Use application by Cameryne Roberts and Sarah Jonas for a restaurant with outdoor dining and extended operating hours at 6028-6030 W. North Avenue
Plan Commission, Committee on Community Development
3. Conditional Use application by Leo R. Lichter and AT&T for a fiber conversion cabinet at 11001 W. Meinecke Avenue
Plan Commission, Committee on Community Development
4. Conditional Use application by David S. Gulgowski, Milwaukee County, for a permanent monopole adjacent to the existing water tower at 10331 Watertown Plank Road
Plan Commission, Committee on Community Development
5. Conditional Use application by Brett D. West, West Development Partners LLC for a large retail site at 1701/1801 N. Mayfair Road
Plan Commission, Committee on Community Development
6. Conditional Use application by Mazin Hamdan for a hot dog cart at 2500 N. Mayfair Road (Mayfair Mall)
Plan Commission, Committee on Community Development
7. Change of Zoning application by Brett D. West, West Development Partners LLC from AA Light Manufacturing to AA Business District at 1701/1801 N. Mayfair Road
Plan Commission, Committee on Community Development
8. Land Combination application by Brett D. West, West Development Partners LLC for property at 1701/1801 N. Mayfair Road
Plan Commission, Committee on Community Development

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-08-128

WHEREAS, Kimberly A. Koval, W348 N5154 Elm Avenue, Okauchee, WI, applied for an operator's license in conjunction with her employment at the Cheesecake Factory on Mayfair Road, Wauwatosa; and

WHEREAS, the Committee on Legislation, Licensing & Communications reviewed the applicant's criminal history and inquired about past offenses during its meeting on June 24, 2008; and

WHEREAS, applicant's responses indicated a lack of understanding and appreciation of the important requirements of a licensed operator in the City of Wauwatosa;

NOW, THEREFORE BE IT RESOLVED THAT the operator's license application of Kimberly A. Koval is hereby denied;

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

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-08-129

WHEREAS, George Papachristou, agent for Annunciation Greek Orthodox Church, 9400 W. Congress Street, Wauwatosa, WI, has applied for a Class B beer/liquor license for its location;

NOW, THEREFORE, BE IT RESOLVED THAT a Class B beer/liquor license be awarded to Annunciation Greek Orthodox Church, 9400 W. Congress Street, George Papachristou, agent, Wauwatosa, WI, for the period ending June 30, 2009.

It was moved by Ald. Birschel, seconded by Ald. Herzog to approve the two foregoing resolutions. -12

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-08-130

WHEREAS, Edward Polito, agent for AT&T, has applied for a Conditional Use in the DD Eight Family Residence District at 1022 North 68th Street for a pad mounted 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 THAT the Common Council of the City of Wauwatosa, Wisconsin hereby grants a Conditional Use to Edward Polito, agent for AT&T for a pad mounted fiber conversion cabinet in the DD Eight Family Residence District at 1022 North 68th 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) screening to the highest degree possible with a mix of fencing and shrubbery; and
- 5) addressing safety of fiber conversion cabinets, and
- 6) resolution of the noise and transformer concerns, and
- 7) changing labels posted on cabinets from orange to a less obtrusive white, and
- 8) obtaining all other necessary licenses and permits.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-08-131

WHEREAS, Jaci Bell, Target Corporation, has applied for a Conditional Use in the AA Business District at the 3900 N. 124th Street for a large retail site with over 50,000 square feet of development 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 Jaci Bell, Target Corporation for a large retail site with over 50,000 square feet of development in the AA Business District at 3900 N. 124th Street subject to the following conditions:

- 1) approval of a developer's agreement outlining all stipulations and conditions related to the approved development plan, and
- 2) elevations subject to final approval by the Design Review Board including a review of changes more conducive of a two-story appearance on the west edge and north facade, and
- 3) approval by City staff of a site lighting plan meeting existing City ordinances, and
- 4) hours of operation Monday through Saturday from 8:00 a.m. to 10:00 p.m., Sunday from 8:00 a.m. to 9:00 p.m., Holiday hours starting the Sunday before Thanksgiving through December 23rd from 8:00 a.m. to 11:00 p.m. and the week between Christmas and New Year's Day from 7:00 a.m. to 11:00 p.m., and
- 5) obtaining any required licenses and permits, and
- 6) submission of a water utility plan subject to the approval of the Water Superintendent, and
- 7) building permit shall not be issued until all details regarding the site plan and storm water details have been submitted and approved by the City Engineer using the following guidelines:
 - a) peak flow leaving the Target site during a 2-year storm event at 0.15 CFS per acre maximum, and
 - b) peak flow leaving the Target site during a 100-year storm event 0.5 CFS per acre maximum.

It was moved by Ald. Herzog, seconded by Ald. Meaux to approve the two foregoing resolutions. - 12

FROM THE COMMITTEE ON BUDGET AND FINANCE

BILLS AND CLAIMS FOR THE PERIOD 6/18/08 – 7/01/08 --

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 6/18/08 – 7/01/08: \$9,601,840.58

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 12

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-08-132

BE IT RESOLVED, by the Common Council of the City of Wauwatosa, THAT permission be and the same is hereby granted to Kanchana Srinivasan, 4747 N. 108th St, Wauwatosa, WI, to encroach onto City right-of-way with shrubbery limited to 30 inches or less in height at the north and east property lines of his corner lot, subject to the applicant(s) 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(s).

It was moved by Ald. Krol, seconded by Ald. Birschel
to approve the foregoing resolution. -12

There being no further business, the meeting adjourned at 7:37 p.m.

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Carla A. Ledesma, CMC, City Clerk