



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, February 3, 2009 – 7:30 p.m.**

PRESENT: Alds. Walsh, Birschel, Ewerdt, Hanson, Herzog, Jay, Krol, McBride, Meaux, Nikcevich, Organ, Purins, Stepaniak -13

EXCUSED: Alds. Donegan and Maher

ALSO PRESENT: Mr. Archambo, City Administrator; Mr. Kesner, City Attorney; Mr. Braier, Finance Director; Mr. Kappel, Public Works Director; Ms. Welch, Community Development Director; Police Chief Weber; Mr. Wehrley, City Engineer; 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. Girl Scout Troops #1200 and #1763 led the pledge of allegiance.

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

### **APPOINTMENTS BY THE MAYOR**

#### **Board of Health**

Dr. John Dunn, 7200 Maple Terrace  
(term ends 12/31/13)

#### **Design Review Board A**

Mike Stanislaus, AIA, NCARB, 2629 N. 67<sup>th</sup> Street  
(term ends 12/31/10)

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

### **APPLICATIONS, COMMUNICATIONS, ETC.**

1. **Notices of Claim:** Wauwatosa Avenue United Methodist Church, 1529 Wauwatosa Avenue; Covenant Healthcare System, Inc., n/k/a Wheaton Franciscan Healthcare – Southeast Wisconsin, Inc. & St. Joseph, Inc.; Teamsters Local 200; Gregory A. Stano, 4430 N. 108<sup>th</sup> Street

**City Attorney**

2. Special Use application in the North Avenue Trade District for a new retail and resale clothing store with event nights and birthday parties located at 6905 W. North Avenue, Jessica Brittingham, applicant  
**Plan Commission**
3. Special Use application in the Village Trade District for the construction of a fire station located at 1463 Underwood Avenue, City of Wauwatosa, Fire Department, applicant  
**Plan Commission**
4. Conditional Use application in the AA Business District for an extension of Leff's Lucky Town onto the adjacent property including outdoor seating located at 7206 W. State Street, Christopher J. Leffler, applicant  
**Plan Commission, Community Development Committee**
5. Preliminary plan approval for a Business Planned Development in the AA Light Manufacturing District to construct 148 residential apartment units located at 1234 N. 62<sup>nd</sup> Street, Ryan D. Schultz, HSI Properties, Inc., applicant  
**Plan Commission, Community Development Committee**
6. Letter from John Balzer, Pres., Wauwatosa Economic Development Corporation and William Feagles, Chairman, West Suburban Chamber of Commerce in support of proposed ordinance prohibiting mandating employee benefits for private businesses  
**Add to existing file**
7. E-mail from Kathy Hunter, Minuteman Press, 7412 W. State Street, in support of proposed ordinance prohibiting mandating employee benefits for private businesses  
**Add to existing file**
8. Request for an amendment to the Business Planned Development to construct 115 units of elderly rental housing located at 1215 N. 62<sup>nd</sup> Street, Dan Seibel, Seibel & Falkner, LLP, applicant  
**Plan Commission, Community Development Committee**
9. Audited financial statements for the years ended December 31, 2007 and 2006 from the Wauwatosa Village Improvement District, 1414 Underwood Avenue  
**Place on file**
10. City of Wauwatosa, Bank Reconciliation of Depository Accounts for the period ending December 31, 2008  
**Place on file**

**FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT FOR INTRODUCTION**

1. Ordinance amending Chapter 15.14 of the city code relating to signage within the Medical Center and Institutions District  
**Re-refer to originating committee**
2. Ordinance creating Chapter 6.06 of the city code relating to mandating of employee benefits for private businesses  
**Re-refer to originating committee**

**FROM THE COMMITTEE ON BUDGET & FINANCE FOR INTRODUCTION**

1. Ordinance amending Section 3.20.090 of the city code to allow the Purchasing Department to determine the best disposal method for surplus equipment and vehicles in an amount up to \$25,000 without Council approval  
**Re-refer to originating committee**

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

**RESOLUTION** R-09-23

WHEREAS, Morghan L. Lonergan, 7456 Brunn Drive, Franklin, 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 Morghan L. Lonergan, 7456 Brunn Drive, Franklin, WI, is hereby issued an operator's license for the period ending June 30, 2009.

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

**RESOLUTION** R-09-24

WHEREAS, Rick L. Hollister, 2215 N. 70<sup>th</sup> Street, Wauwatosa, WI, has applied for an operator's license in conjunction with his employment at Buffalo Wild Wings, 2635 N. Mayfair Road, Wauwatosa, WI;

NOW, THEREFORE, BE IT RESOLVED THAT Rick L. Hollister, 2215 N. 70<sup>th</sup> Street, Wauwatosa, WI, is hereby issued an operator's license for the period ending June 30, 2009.

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

**RESOLUTION** R-09-25

WHEREAS, Todd D. Gray, 225 15<sup>th</sup> Avenue, South Milwaukee, WI, has applied for an operator's license in conjunction with his employment at Buffalo Wild Wings, 2635 N. Mayfair Road, Wauwatosa, WI;

NOW, THEREFORE, BE IT RESOLVED THAT Todd D. Gray, 225 15<sup>th</sup> Avenue, South Milwaukee, WI, is hereby issued an operator's license for the period ending June 30, 2009.

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

**RESOLUTION** R-09-26

WHEREAS, Happy Valley Corporation d/b/a Flat Top Grill, 2751 N. Mayfair Road, Wauwatosa, WI, has applied for a Class B beer and Reserve Class B liquor license;

NOW, THEREFORE, BE IT RESOLVED THAT a Class B beer and Reserve Class B liquor license be awarded to Happy Valley Corporation, d/b/a Flat Top Grill, 2751 N. Mayfair Road, Wauwatosa, WI, for the period ending June 30, 2009;

BE IT FURTHER RESOLVED THAT an economic development grant in the sum of \$9,500.00 pursuant to Section 6.08.475 of the Wauwatosa Municipal Code be and hereby is granted.

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

**RESOLUTION** R-09-27

WHEREAS, William Poull of the Club Tap, 8828 W. North Avenue, has requested a temporary extension of the licensed premises to include the rear parking lot on February 15, 2009;

NOW, THEREFORE, BE IT RESOLVED THAT the licensed premises of the Club Tap be extended to include the rear parking lot on February 15, 2009, between the hours of 12:00 and 6:00 pm on the condition that refuse resulting from this event will be thoroughly cleaned by the premises owner and any outdoor music will be kept to a minimal volume.

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

**FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT**

**RESOLUTION** R-09-28

WHEREAS, Section 15.34.070 of the Wauwatosa Municipal Code provides certain time limits for completion of work under building permits which have been issued by the Building and Safety Division of the City of Wauwatosa; and

WHEREAS, a permit issued in January, 2007, for remodeling and alteration at 7415 Watson Avenue in the City of Wauwatosa has not been completed; and

WHEREAS, Section 15.34.070.B. requires the Chief Building Official to report to the Common Council any building or structure which has not been completed with the time limits, and subsection C provides that the Common Council, after considering the report of the Chief Inspector, may within its discretion permit the Chief Building Official to extend the time within which the building and structure is to be completed;

NOW, THEREFORE, BE IT RESOLVED THAT, after consideration of the report from the Chief Building Official regarding the project at 7415 Watson Avenue, the Chief Building official is hereby directed to issue a new building permit for completion of the garage and exterior portions of the house, which permit shall expire on November 1, 2009.

It was moved by Ald. Herzog, seconded by Ald. Hanson to approve the foregoing resolution. -13

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

**RESOLUTION** R-09-29

WHEREAS, the Purchasing Manager and the Wauwatosa City Assessor obtained proposals for the replacement of computer assisted mass appraisal (CAMA) software in February, 2008; and

WHEREAS, upon review, it was determined that the proposal submitted by Manatron Corporation is in the best interest of the City of Wauwatosa; and

WHEREAS, funds have been budgeted for the purchase of the software utilizing a combination of 2008 and 2009 funds from the Assessor and Community Development Departments;

NOW, THEREFORE, BE IT RESOLVED THAT the appropriate City officials are hereby authorized to enter into a contract with Manatron Corporation for the purchase of a computer assisted mass appraisal software system in an amount not to exceed \$150,000.00 consistent with the proposal submitted by Manatron in February, 2008.

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

**RESOLUTION R-09-30**

WHEREAS, the Common Council previously authorized City staff to issue Qualification-Based Requests for Proposals to conduct sanitary sewer investigations, analysis and design for initial prioritized areas within the City of Wauwatosa, which areas are as follows:

1. W. Congress Street/W. Ruby Avenue
2. W. Meinecke Avenue Area
3. Watertown Plank Road Area; and

WHEREAS, eight firms responded with proposals to conduct the required work in each of the three areas; and

WHEREAS, it is in the best interest of the City based upon the responses submitted, to utilize two separate firms to conduct the work in the three areas described above;

NOW, THEREFORE, BE IT RESOLVED THAT appropriate City officials are hereby authorized to enter into contractual professional services agreement to conduct sanitary sewer investigations, analysis and design with the firm of Mead and Hunt, Inc. for area #1 described above in the amount of \$209,040.00 and to AECOM Technical Services, Inc. for areas #2 and #3 in a total amount of \$542,382.13, both agreements being consistent with the proposals received on January 19, 2009.

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

**RESOLUTION R-09-31**

BE IT RESOLVED, by the Common Council of the City of Wauwatosa THAT the claim filed by David Urban and American Family Insurance 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.

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

**RESOLUTION** R-09-32

BE IT RESOLVED, by the Common Council of the City of Wauwatosa THAT the claim filed by Tom Winkel and General Casualty Insurance 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.

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

**RESOLUTION** R-09-33

BE IT RESOLVED, by the Common Council of the City of Wauwatosa THAT the claim filed by Sherry Buford 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. Ewerdt, seconded by Ald. Purins to approve the five foregoing resolutions. -13

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

**BILLS AND CLAIMS FOR THE PERIOD 1/21/09 – 2/3/09**

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 1/21/09 – 2/3/09: \$33,529,315.21

It was moved by Ald. Meaux, seconded by Ald. Walsh that each and every one of the accounts of bills and claims be allowed and ordered paid. Roll call vote, Ayes 13

**FROM THE BOARD OF PUBLIC WORKS**

**RESOLUTION**

WHEREAS, Diablos Rojos, Inc., has requested permission to utilize city-owned property adjacent to its proposed business location at 7707 Harwood Avenue for its business purposes, including the Harwood pedestrian bridge, with outdoor seating and various infrastructure improvements; and

WHEREAS, utilization of city property at this location would be in the public interest and has been supported by the Village of Wauwatosa Business Improvement District;

NOW, THEREFORE, BE IT RESOLVED THAT Diablos Rojos, Inc., is granted permission to utilize city property, including the Harwood pedestrian bridge, with a monthly rental rate of \$250.00 in season and \$10.00 per day off season per the attached lease which is attached hereto and incorporated herein.

It was moved by Ald. Meaux, seconded by Ald. Organ to approve the foregoing resolution. –

It was moved by Ald. Herzog, seconded by Ald. Hanson to amend the lease being executed after approval of the aforementioned resolution to provide that under *Termination*, the notice be changed from 90 days' notice to 30 days' notice. --

It was moved by Ald. Krol, seconded by Ald. Birschel to hold the matter for two weeks. –

Discussed ensued, whereupon Ald. Krol re-worded the above-mentioned motion:

It was moved by Ald. Krol, seconded by Ald. Birschel to refer the matter to the Community Development Committee. Ayes 11, Noes 2 (Meaux, Purins)

There being no further business, the meeting adjourned at 8:03 p.m.

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Carla A. Ledesma, CMC, City Clerk