



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, April 6, 2010**

PRESENT: Alds. Walsh, Wilke, Berdan, Birschel, Dennik, Donegan, Ewerdt, Herzog, Krol, McBride, Meaux, Nikcevich, Stepaniak -13

EXCUSED: Alds. Hanson, Jay, Organ

ALSO PRESENT: Mr. Archambo, City Administrator; Mr. Kesner, City Attorney; Ms. Plass, Acctg. Manager; Mr. Kappel, Public Works Director; Ms. Szudy, Planner II; 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 7:34 p.m.

Plaques were presented by Mayor Didier and by State Senator Sullivan to outgoing Alds. Krol and Stepaniak for their years of service to the city (20 years and 10 years, respectively). Mayor Didier also thanked outgoing Ald. Dennik for his year of service to the city.

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

**APPLICATIONS, COMMUNICATIONS, ETC.**

1. Notice of Claim: Dolores Trautwein, 4546 S. Greenridge Circle, Greenfield  
**City Attorney**
2. Request by Peter Russo, Wauwatosa Village Task Force, 1421 N. 70<sup>th</sup> Street, for a street festival permit for Tosafest 2010 for Friday, September 10 from 2:00 p.m. to 11:30 p.m. and Saturday, September 11 from 11:00 a.m. to 11:30 p.m.  
**Community Development Committee**
3. Letter from Sernorma L. Mitchell, Director, Office of Community Planning and Development, U.S. Department of Housing and Urban Development, 310 W. Wisconsin Avenue, Milwaukee, commending the city and the Community Development staff on their success in providing Public Facilities and Public Services Programs and their continued effective reporting of data through the Integrated Disbursement and Information System (IDIS) on their CDBG program  
**Mayor, City Administrator**

4. E-mail from Robert Patterson, 2838 S. Lenox Street, Milwaukee, appealing the denial of a direct seller's permit by the police department  
**Legislation, Licensing and Communications Committee**
5. Conditional Use request in the BB 2-Family Residence District to install antennas and ground equipment on the smokestack of Wilson School, 1060 N. Glenview Avenue, Rosemarie Barrette, agent, Clear Wireless LLC, applicant  
**Plan Commission, Community Development Committee**
6. Conditional Use request in the AA Single Family Residence District to install antennas and ground equipment on the rooftop of Washington School, 2166 N. 68<sup>th</sup> Street, Rosemarie Barrette, agent, Clear Wireless LLC, applicant  
**Plan Commission, Community Development Committee**
7. Conditional Use request in the AA Commercial District to install antennas and ground equipment on the roof top of the building located at 2303 N. Mayfair Road, Rosemarie Barrette, agent, Clear Wireless LLC, applicant  
**Plan Commission, Community Development Committee**
8. Conditional Use request in the AA Single Family Resident District to install antennas and ground equipment on the rooftop of McKinley School, 2435 N. 89<sup>th</sup> Street, Rosemarie Barrette, agent, Clear Wireless LLC, applicant  
**Plan Commission, Community Development Committee**
9. Conditional Use request in the Trade District for a food store and deli located at 7215 W. North Avenue, David Lau and Guy Roeseler, applicants  
**Plan Commission, Community Development Committee**
10. Conditional Use request in the BB 2-Family Residence District to install antennas and ground equipment on the rooftop of East High School, 7500 Milwaukee Avenue, Rosemarie Barrette, agent, Clear Wireless LLC, applicant  
**Plan Commission, Community Development Committee**
11. Conditional Use request in the AA Institutions District to install antennas and ground equipment on the rooftop of The Lutheran Home, 7500 W. North Avenue, Rosemarie Barrette, agent, Clear Wireless LLC, applicant  
**Plan Commission, Community Development Committee**
12. Letter from Richard Bachman, 2229 N. 115<sup>th</sup> Street, regarding a proposal by the City of Waukesha to divert or start dumping water into Underwood Creek in order to return to Lake Michigan  
**Public Works Director, City Engineer**
13. Letter from Brett W. Haney, HSI Properties, regarding review of the quality of building materials in connection with approval of the Stone Pointe residential development at 1215 N. 62<sup>nd</sup> Street  
**Add to existing file**
14. Letter from North Avenue Neighborhood Alliance requesting a Street Festival permit for a Chili'n on the Avenue event on North Avenue between N. 68<sup>th</sup> and N. 71<sup>st</sup> Streets on Saturday, July 24, 2010  
**Community Development Committee**
15. Letter from Wisconsin Department of Natural Resources responding to inquiry from Ald. Nikceovich regarding air quality in the area of the Grede Liberty Foundry  
**Add to existing file**
16. Wisconsin Department of Natural Resources Full Air Compliance Evaluation Summary of Grede Foundries, Inc., Liberty Foundry, dated August 12, 2009  
**Add to existing file**

17. Letter from J. Christopher Gallagher, Eppstein Uhen Architects, regarding quality of design, construction materials, and landscaping at proposed Stone Pointe development  
**Add to existing file**

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

1. Ordinance rezoning a portion of the northeast quadrant of the Milwaukee County Grounds located at the northeast corner of Hwy 45 and Watertown Plank Road from Medical Center and Institutions District and Research Park Planned Development District to Business Planned Development District  
**Re-referred to originating committee**
2. Ordinance rezoning a portion of the northeast quadrant of the Milwaukee County Grounds from Medical Center and Institutions District to Conservancy District  
**Re-referred to originating committee**
3. Ordinance amending the fence code to adjust setbacks for fences near buildings on adjacent parcels  
**Re-referred to originating committee**

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

**RESOLUTION R-10-49**

WHEREAS, Theofilos Tselentis, agent for Cosmos Café, 7203 W. North Avenue, Wauwatosa, WI, has applied for a Class B Beer and Class C wine license;

NOW, THEREFORE, BE IT RESOLVED THAT a Class B Beer and Class C wine license be awarded to Theofilos Tselentis, agent for Cosmos Café, 7203 W. North Avenue, Wauwatosa, WI, for the period ending June 30, 2010.

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

**RESOLUTION R-10-50**

WHEREAS, Julia M. Figlesthaller, 10310 W. Rogers Street, West Allis, WI, has applied for an operator's permit in conjunction with her employment at Dave & Buster's, 2201 N. Mayfair Road, Wauwatosa, WI; and

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

WHEREAS, the circumstances surrounding these previous convictions and her 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 Julia M. Figlesthaller is hereby denied;

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

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

**RESOLUTION R-10-51**

WHEREAS, Ariel A. McDonald, 8128 W. Casper Street, Milwaukee, WI, has applied for an operator's license in conjunction with her employment at Dave & Buster's, 2201 N. Mayfair Road, Wauwatosa, WI,

NOW, THEREFORE, BE IT RESOLVED THAT Ariel A. McDonald, 8128 W. Casper Street, Milwaukee, 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-10-52**

WHEREAS, Amanda J. Schaefer, 3272 S. Quincy Avenue, Milwaukee, WI, has applied for an operator's license in conjunction with her employment at Dave & Buster's, 2201 N. Mayfair Road, Wauwatosa, WI;

NOW, THEREFORE, BE IT RESOLVED THAT Amanda J. Schaefer, 3272 S. Quincy Avenue, Milwaukee, 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-10-53**

WHEREAS, Monica M. Rickey, 8506 S. Melrose Drive, Oak Creek, WI, has applied for an operator's license in conjunction with her employment at Dave & Buster's, 2201 N. Mayfair Road, Wauwatosa, WI,

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

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

**RESOLUTION R-10-54**

WHEREAS, Aariela M. Steele, 3312 S. 15<sup>th</sup> Street, Milwaukee, WI, has applied for an operator's license in conjunction with her employment at Dave & Buster's, 2201 N. Mayfair Road, Wauwatosa, WI;

NOW, THEREFORE, BE IT RESOLVED THAT Aariela M. Steele 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 six foregoing resolutions. -13

**FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT**

**RESOLUTION R-10-55**

WHEREAS, Robert Hill, Clear Wireless, LLC, has applied for a Conditional Use in the AA Light Manufacturing District at 1400 N. 113<sup>th</sup> Street to install wireless antennas and associated equipment at an existing cellular tower site, 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 Robert Hill, Clear Wireless, LLC, to install wireless antennas and associated equipment at an existing cellular tower site at 1400 N. 113<sup>th</sup> Street subject to obtaining all necessary licenses and permits.

**FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT**

**RESOLUTION R-10-56**

WHEREAS, Rosemarie Barrette, Clear Wireless, LLC, has applied for a Conditional Use in the Medical Center and Institutions District at 9050 Watertown Plank Road to install wireless antennas and associated equipment at an existing cellular tower site, 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 Rosemarie Barrette, Clear Wireless, LLC, to install wireless antennas and associated equipment at an existing cellular tower site at 9050 Watertown Plank Road subject to obtaining all necessary licenses and permits.

It was moved by Ald. Herzog, seconded by Ald. Nikcevich to approve the two foregoing resolutions. -13

**FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT**

**RESOLUTION R-10-57**

WHEREAS, David Israel, Lears & Company, has submitted a request for an amendment to the project plan for a Business Planned Development at 1215 N. 62<sup>nd</sup> Street to construct a portion of a multi-family residential development as senior rental housing units; and

WHEREAS, the amendment has been reviewed and recommended by the City Plan Commission and the Committee on Community Development; and

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin hereby approves the amendment to the project plan for a Business Planned Development at 1215 N. 62<sup>nd</sup> Street submitted by David Israel, Lears & Company, to allow for the construction of 82 units of senior rental housing units and subject to the following conditions:

- 1) plans showing adequate sewer capacity, environmental remediation, and storm water management subject to approval by the city engineer;
- 2) parking lot and traffic circulation plans showing adequate access for adjacent businesses subject to approval by the city engineer;
- 3) plans for water supply to site subject to approval by the city water superintendent;
- 4) building plans designating design and materials recommended the city Design Review Board;
- 5) emergency vehicle access plan subject to approval by the city police and fire departments;
- 6) granting of a conservation easement to preserve and protect the portion of the Schoonmacher Reef owned by the developer or any portion acquired in the future; granting an access easement for the public to view, according to city specifications, the portion of the Schoonmacher Reef owned by the developer or any portion acquired in the future;
- 7) amended developer's agreement approved by the Common Council;
- 8) an appropriate interim landscaping plan subject to approval by city staff; and
- 9) obtaining all necessary licenses and permits.

It was moved by Ald. Herzog, seconded by Ald. Nikceovich to approve the foregoing resolution. Roll call vote, Ayes 9, Noes 4 (Walsh, Birschel, Donegan, Krol)

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

**RESOLUTION R-10-58**

WHEREAS, the prior Phase I limited sanitary sewer evaluation survey for the sanitary sewers in the area of the tributary to West Wisconsin Avenue and Honey Creek indicated high flows during large rainfalls but did not locate specific sources of clear water entering the sanitary sewer systems; and

WHEREAS, utilization of storm and sanitary sewer dye testing may result in locating potential sources of clear water in-flow to the sanitary source system; and

WHEREAS, a Request for Proposals was sent to ten engineering firms for such testing, and the response which was in the best interest of the City was presented by R. A. Smith National, Inc. in Brookfield, WI, at a cost of \$117,950.00;

NOW, THEREFORE, BE IT RESOLVED THAT the appropriate City officials are hereby authorized to enter into an agreement with R. A. Smith National, Inc. in an amount not to exceed \$117,950.00 for sanitary and storm sewer dye testing in the areas tributary to W. Wisconsin Avenue and Honey Creek Parkway in the City of Wauwatosa, consistent with the proposal received March 24, 2010, in response to the RFP issued.

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

**RESOLUTION R-10-59**

WHEREAS, the 2009 City of Wauwatosa annual budget included \$1 million dollars for sanitary sewer evaluations of which \$752,975.00 was spent during the calendar year 2009 with the balance going back to the Sanitary Sewer Reserve Account; and

WHEREAS, additional sanitary sewer evaluation activities to be conducted in 2010 would benefit from the availability of the previously lapsed funds in addition to the 2010 sanitary sewer evaluation budget;

NOW, THEREFORE, BE IT RESOLVED THAT \$247,025.00 of lapsed funding from the 2009 sanitary sewer evaluation budget be reauthorized for utilization in 2010 by increasing the 2010 Sanitary Sewer Evaluation budget to \$747,025.00.

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

(The third item on the agenda pertaining to design plans for the Ruby Avenue sewer repair project was withdrawn by staff.)

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

**BILLS AND CLAIMS FOR THE PERIOD 3/17/10 – 4/06/10 --**

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 3/17/10 – 4/06/10: \$3,827,277.19

It was moved by Ald. Meaux, seconded by Ald. Walsh  
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-10-60**

WHEREAS, the owners of the new Village popcorn wagon have requested permission to locate their wagon near the south end of the village pedestrian bridge adjacent to 7707 Harwood Avenue; and

WHEREAS, encroachment onto City property at this location would be in the public interest and is supported by the Village of Wauwatosa Business Improvement District; and

WHEREAS, the necessary electrical service for the Village popcorn wagon can be supplied directly from WE Energies;

NOW, THEREFORE, BE IT RESOLVED THAT the owners of the new Village popcorn wagon are granted permission to encroach upon City property near the south end of the village pedestrian bridge adjacent to 7707 Harwood Avenue with a monthly rental rate of \$43.00;

BE IT FURTHER RESOLVED THAT City staff are hereby authorized to enter into a lease and encroachment agreement reflecting the above terms, and confirming appropriate insurance and indemnification from the owners of the new Village popcorn wagon.

**FROM THE BOARD OF PUBLIC WORKS**

**RESOLUTION R-10-61**

BE IT RESOLVED by the Common Council of the City of Wauwatosa that the proper city officials be and they are hereby authorized and directed to enter into a contract with Willkomm Excavating & Grading, Inc., for the work of Hart's Mill Parking Lot improvements and work incidental thereto under Contract 10-08 at and for their bid price of \$237,595, this being the lowest and best bid.

BE IT FURTHER RESOLVED that the surety deposits, if any, be returned to the unsuccessful bidders.

**FROM THE BOARD OF PUBLIC WORKS**

**RESOLUTION R-10-62**

WHEREAS, the Purchasing Manager solicited prequalification statements and pricing for roofing contractors to perform minor and emergency roofing repairs estimated at \$25,000.00 or less over a 3-year period; and

WHEREAS, three contractors responded with acceptable rates, as outlined in the memorandum of the Purchasing Manager to the Board of Public Works dated April 1, 2010, a copy of which is attached hereto;

NOW, THEREFORE, BE IT RESOLVED THAT the three separate contractors described in the memorandum of the Purchasing Manager are hereby pre-qualified to perform work on an as-needed basis at \$25,000.00 or less, based on price, availability and convenience, pursuant to the proposals attached to the memorandum over a 3-year period.

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

There being no further business, the meeting adjourned at 8:54 p.m.

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Carla A. Ledesma, CMC, City Clerk