



CITY OF WAUWATOSA  
7725 WEST NORTH AVENUE  
WAUWATOSA, WI 53213  
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**COMMON COUNCIL**  
**Regular Meeting, Tuesday, June 7, 2011**

PRESENT: Alds. Berdan, Birschel, Causier, Donegan, Ewerdt, Hanson, Jay, McBride, Meaux, Nikcevich, Organ, Pantuso, Roznowski, Walsh, Wilke, Wilson -16

ALSO PRESENT: Mr. Archambo, City Administrator; Mr. Kesner, City Attorney; Mr. Porter, Public Works Director; Mr. Ruggini, Finance Director; Fire Chief Ugaste; Police Chief Weber; Ms. Welch, Community Development Director; Ms. Ledesma, 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. -16

**APPOINTMENTS BY THE MAYOR**

Redistricting Committee for 2011 (approval)

Brian Faltinson, 2209 N. 62<sup>nd</sup> Street  
Jim Krol, 7828 Milwaukee Avenue  
Jill Organ, 7722 Geralayne Circle\_  
Ellyn Steinke, 2737 N. 117<sup>th</sup> Street

City Plan Commission (approval)

John Albert, 1922 N. 122<sup>nd</sup> Street

Board of Zoning Appeals (approval)

Kerry Harris, 1121 Elm Lawn

Historic Preservation Commission (approval)

Betsy Caron, 1761 Church Street  
Annette Mertens, 2448 N. 73<sup>rd</sup> Street

Police and Fire Commission (approval)

Peter Subotich, 2557 N. 82<sup>nd</sup> Street

Board of Review (approval)

Peter Stefaniak, 8042 W. Wisconsin Avenue  
Joseph Duffey, 726 Windsor Court

It was moved by Ald. Birschel, seconded by Ald. Roznowski to concur with the foregoing appointments. -16

Board of Zoning Appeals (first reading)

James Bittner, 3260 N. Knoll Terrace

Civil Service Commission (first reading)

Scott Nelson, 6191 Washington Circle  
Jennifer Rentmeester, 945 N. Robertson

Civic Celebration Committee (first reading)

Mike Anich, 6324 Upper Parkway  
Wendy Venske, 2517 N. 86<sup>th</sup> Street  
Brit Swisher, 1827 N. 73<sup>rd</sup> Street  
Jamie Swisher, 1827 N. 73<sup>rd</sup> Street

Foregoing appointments ordered held as this was the first reading.

**APPLICATIONS, COMMUNICATIONS, ETC.**

1. Letter from Deacon Dean J. Collins, Chaplain, Sons of Union Veterans of the Civil War, regarding donation of a flag pole for Oak Hill Cemetery, N. 114<sup>th</sup> Street and W. Capitol Drive  
**Public Works Director**
2. Wauwatosa Water Utility, Statement of Receipts and Disbursements for the period ending April 30, 2011  
**Place on file**
3. Conditional Use request in the AA Single Family Residence District, to build a garage at 4373 N. 92<sup>nd</sup> Street, Tony Ostry, Northwest Baptist Church, applicant  
**Plan Commission, Community Development Committee**
4. Business Planned Development amendment for 67 units designated for assisted living/memory care at 1621 Rivers Bend in the Mt. Tosa Neighborhood, Scott Frank, Alternative Continuum Care, LLC, and Helmut Toldt, Mt. Tosa, LLC, applicants  
**Plan Commission, Community Development Committee**
5. Five Conditional Use requests to upgrade existing cellular equipment at 1529 Wauwatosa Avenue, 108 N. Glenview Avenue, 2323 N. Mayfair Road, 1400 N. 113<sup>th</sup> Street, and 2445 Wauwatosa Avenue, Scott Littell, Faulk & Foster, applicant  
**Plan Commission, Community Development Committee**
6. Conditional Use request in the AA Commercial District for grocery sales at 10701 W. North Avenue, Dinesh N. Sanghavi, applicant  
**Plan Commission, Community Development Committee**
7. Conditional Use request in the Trade District for a childcare center at 7208 W. North Avenue, Darnesheia Jackson and Eric Anderson, applicants  
**Plan Commission, Community Development Committee**
8. Conditional Use request in the AA Business District for a fitness boxing gym at 10848 W. Wisconsin Avenue, Oscar Medina, Medina Fitness Boxing Gym, and Jeff Maroni, Marohl Construction Inc., applicants  
**Plan Commission, Community Development Committee**
9. Conditional Use request in the AA Business District to expand the Highland Café at 1413 N. 60<sup>th</sup> Street, Sandy Murphy, Highlands Café, and David Keren, Keren Properties, applicants  
**Plan Commission, Community Development Committee**
10. Special Use request in the BB Single Family Residence District for a garage with a roof height over 16 feet at 8028 Red Arrow Court, June Carlson and Ryan Rogge, applicants  
**Plan Commission**
11. Memo from the Police Captain regarding a donation of \$102.50 from Russell Kozlowicz for future expenditures in the Community Support Division  
**Place on file**
12. Notice of Claim: American Family Insurance Group, W236 N1402 Busse Road, Waukesha  
**City Attorney**

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

1. Proposed ordinance repealing Chapters 6.55 and 6.57 of the city Code and creating a new ordinance Chapter 6.55 regulating Second Hand Dealers  
**Re-referred to originating committee**
2. Proposed ordinance repealing Chapter 2.74 of the city code pertaining to the Landmark Commission  
**Re-referred to originating committee**

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

**RESOLUTION** R-11-77

WHEREAS, Frederick C. Suderland of Milwaukee's Best Massage, 611 N. Mayfair Road, Wauwatosa, WI, has applied for a Massage Technician license;

NOW, THEREFORE, BE IT RESOLVED THAT a Massage Technician license be awarded to Frederick C. Suderland of Milwaukee's Best Massage, 611 N. Mayfair Road, Wauwatosa, WI, for the period ending June 30, 2012.

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

**RESOLUTION** R-11-70

WHEREAS, Donald J. Klain, agent for Wauwatosa Hotel Group, LLC, d/b/a Bluemound Gardens Restaurant, 11703 W. Blue Mound Road, Wauwatosa, WI, has applied for the Class B Beer and Class B liquor license currently held by Cosmo's, Inc. to be transferred to his company;

NOW, THEREFORE, BE IT RESOLVED THAT the Class B Beer and Class B liquor license currently held by Cosmo's, Inc. be transferred to Wauwatosa Hotel Group, LLC, d/b/a Bluemound Gardens Restaurant, 11703 W. Blue Mound Road, Wauwatosa, WI, and Donald J. Klain, agent, for the period ending June 30, 2012.

It was moved by Ald. Birschel, seconded by Ald. Causier to approve the two foregoing resolutions. -16

**FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT**

**RESOLUTION** R-11-71

WHEREAS Michael Isherwood, M&M Hot Dogs, LLC, and Jake R. Wood have applied for a Conditional Use in the AA Business District at 10506 W. Blue Mound Road to operate a hot dog cart, 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 Michael Isherwood, M&M Hot Dogs, LLC, and Jake R. Wood to operate a hot dog cart in the AA Business District at 10506 W. Blue Mound Road subject to the following:

- 1) Hours of operation 5:00 p.m. to 9:00 p.m. daily and on federally recognized holidays when the existing business is not open; and
- 2) Obtaining all necessary licenses and permits.

**FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT**

**RESOLUTION R-11-72**

WHEREAS Lay Phommasack, MBM Group LLC, and Peter Skanavis, 611 Group LLC, have applied for a Conditional Use in the AA Business District at 611 N. Mayfair Road to operate 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 Lay Phommasack, MBM Group, LLC, and Peter Skanavis, 611 Group, LLC, to operate a massage therapy establishment in the AA Business District at 611 N. Mayfair Road subject to the following:

- 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-11-73**

WHEREAS, Mary Pruitt Martinez and Robert Kuesel have applied for a Conditional Use in the Village Trade District at 7400 W. State Street for an indoor playground for children, 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 Mary Pruitt Martinez and Robert Kuesel for an indoor playground for children in the Village Trade District at 7400 W. State Street subject to the following:

- 1) Hours of operation from 9:00 a.m. to 8:00 p.m. Monday through Saturday; and
- 2) Obtaining all necessary licenses and permits.

It was moved by Ald. Organ, seconded by Ald. Wilke to approve the three foregoing resolutions. -16

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

**RESOLUTION R-11-74**

WHEREAS, the City Clerk's office requested proposals for Municipal Court software; and

WHEREAS, after receiving and evaluating numerous proposals, staff recommends that the City enter into a contract with Titan Public Safety Solutions for municipal court software in an amount not to exceed \$44,000.00;

NOW, THEREFORE, BE IT RESOLVED THAT appropriate City officials are hereby authorized to enter into a contract with Titan Public Safety Solutions for municipal court software in an amount not to exceed \$44,000;

BE IT FURTHER RESOLVED THAT a transfer of \$2,600.00 be made from account #01-121-5100 into account #01-121-5520 and \$7,400.00 from the Reserve for Contingencies be transferred into account #01-121-5520.

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

**RESOLUTION R-11-75**

WHEREAS, the City has contracted with Twin City Security for crossing guard services which expires on June 30, 2011; and

WHEREAS, the Administration Department recommends a one year extension with Twin City with pricing, terms and conditions remaining unchanged;

NOW, THEREFORE, BE IT RESOLVED THAT the proper City officials are hereby authorized to execute the one year contract extension, expiring June 30, 2012 with Twin Cities Security.

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

**RESOLUTION R-11-76**

BE IT RESOLVED, by the Common Council of the City of Wauwatosa, THAT the following claim filed by Christie Guertin 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. Walsh, seconded by Ald. Causier to approve the three foregoing resolutions. -16

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

BILLS AND CLAIMS FOR THE PERIOD 5/18/11 – 6/7/11 --

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 5/18/11 – 6/7/11: \$3,320,374.28

It was moved by Ald. Meaux, seconded by Ald. Hanson that each and every account of bills and claims be allowed and ordered paid. Roll call vote, Ayes 16

There being no further business, the meeting adjourned at 7:39 p.m.

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Carla A. Ledesma, CMC, City Clerk