



CITY OF WAUWATOSA
7725 WEST NORTH AVENUE
WAUWATOSA, WI 53213
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COMMON COUNCIL
Regular Meeting, Tuesday, July 3, 2012

PRESENT: Alds. Berdan, Birschel, Donegan, Dubinski, Hanson, McBride, Moldenhauer, Organ, Pantuso, Roznowski, Tilleson -11

EXCUSED: Alds. Wilson, Causier, Ewerdt, Walz-Chojnacki, Wilke

ALSO PRESENT: Mr. Archambo, City Administrator; Mr. Kesner, City Attorney; Mr. Ruggini, Finance Director; Police Chief Weber; Ms. Enders, Development Director; Ms. Ledesma, City Clerk

Mayor Ehley in the Chair

The Mayor called the meeting to order at 6:41 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. -11

PUBLIC HEARING

The first order of business was a public hearing to consider a proposed ordinance amending Section 24.36.020 of the by adding animal day care and boarding services as a Conditional Use in the AA Industrial District

Proof of publication is in the file.

In a meeting held on May 7, 2012, the City Plan Commission recommended approval of the request.

Applicant Scott Hooper, W140 N8146 Lily Road, Menomonee Falls, spoke in favor of the proposed ordinance. He has been in this business since 2008 and wishes to relocate his business, currently in Brookfield, to Wauwatosa.

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 10, 2012.

APPLICATIONS, COMMUNICATIONS, ETC.

1. **Notice of Claims:** Antoine Gee, Jr., 7019 W. Lancaster Avenue, Milwaukee; Amber Lake, 10624 W. Grantosa, Drive, Wauwatosa; Sybil Rockwell, 1330 N. St. James Court, Wauwatosa
City Attorney
2. Letter from Petar Duvniak, MD and Ledia Duvnjak, PharmD, 11056 W. Derby Avenue, Wauwatosa opposing the Change of Zoning and Conditional Use applications to locate a Church and Chapel funeral home at 4750 N. Mayfair Road
Place in existing file
3. Notice of entry into the National Register and State Register of Historic Places by the Wisconsin Historical Society for the Wauwatosa Avenue Residential Historic District
Historic Preservation Commission

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-12-110

WHEREAS, Bartolotta Fireworks Co., Inc. has applied for a fireworks user's permit for the purposes of conducting a fireworks display for a wedding at Blue Mound Country Club on August 25, 2012; and

WHEREAS, the Committee on Legislation, Licensing and Communications has reviewed their request;

NOW, THEREFORE, BE IT RESOLVED THAT the Clerk be authorized to issue a firework user's permit to Bartolotta Fireworks Co., Inc. for the purpose of conducting a fireworks display for a wedding on August 25, 2012, at Blue Mound Country Club at a specific location to be designated by the Wauwatosa Fire Chief, subject to all applicable laws and permit conditions, and subject further to all of the following:

- Receipt by the City Clerk of a signed application and appropriate permit fee;
- Receipt by the City Attorney of a Hold Harmless Agreement executed by Blue Mound Country Club in favor of the City of Wauwatosa;
- Receipt by the City Attorney of a Certificate of General Liability Insurance evidencing liability coverage for the fireworks contractor naming the City of Wauwatosa as an additional insured.

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-12-111

WHEREAS, Zachary T. Conard, 1159 N. 45th Street, Milwaukee, WI, applied for an operator's license in conjunction with his employment at Il Mito, Wauwatosa, WI; and

WHEREAS, the Committee on Legislation, Licensing & Communications requested that Mr. Conard appear before the Committee on two occasions to discuss his record but applicant did not appear;

NOW, THEREFORE, BE IT RESOLVED THAT the operator's license application of Zachary Conard is hereby denied;

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

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-12-112

WHEREAS, Jared S. Flannick, 3601A S. 91st Street, Milwaukee, WI, has applied for an operator's license in conjunction with his employment at Applebee's, 6750 W. State Street, Wauwatosa, WI;

NOW, THEREFORE, BE IT RESOLVED THAT Jared S. Flannick is hereby issued an operator's license for the period ending June 30, 2012.

It was moved by Ald. Donegan, seconded by Ald. Birschel to approve the three foregoing resolutions. -11

FROM THE COMMITTEE ON TRAFFIC AND SAFETY

ORDINANCE O-12-13

AN ORDINANCE AMENDING SECTION 11.32.080 OF THE CODE OF THE CITY OF WAUWATOSA PROHIBITING PARKING ON ELM LAWN

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

Part I. The "Elm Lawn Street – east side" and "Elm Lawn Street – west side" portions of the Schedule of Streets, and Portions, subsection of Section 11.32.080 of the Wauwatosa Municipal Code are each hereby amended by adding the following:

- (a) From the first 30 feet south of Watertown Plank Road to the corner of Watertown Plank Road

Part II. The "Watertown Plank Road – north side" portion of the Schedule of Streets, and Portions, subsection of Section 11.32.080 of the Wauwatosa Municipal Code is hereby amended by adding the following:

- (gg) between Robertson Street and Elm Lawn

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

FROM THE COMMITTEE ON TRAFFIC AND SAFETY

ORDINANCE O-12-14

AN ORDINANCE AMENDING SECTION 11.32.080 OF THE CODE OF THE CITY OF WAUWATOSA ADDING A 15 MINUTE PARKING ZONE ON THE NORTH SIDE OF WARREN AVENUE

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

Part I. The “Warren Avenue – north side” portion of the Schedule of Streets, and Portions, subsection of Section 11.32.080 of the Wauwatosa Municipal Code is hereby amended by adding the following:

(rr) between Wauwatosa and Underwood Avenues

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

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

FROM THE COMMITTEE ON TRAFFIC AND SAFETY

ORDINANCE O-12-15

AN ORDINANCE AMENDING SECTION 11.32.080 OF THE CODE OF THE CITY OF WAUWATOSA ADDING TWO HOUR PARKING RESTRICTIONS FOR 11127 W. BLUE MOUND ROAD

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

Part I. The “Blue Mound Road – south side” portion of the Schedule of Streets, and Portions, subsection of Section 11.32.080 of the Wauwatosa Municipal Code is hereby amended by adding the following:

(c) adjacent to the property located at 11127 W. Blue Mound Road

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

It was moved by Ald. McBride, seconded by Ald. Moldenhauer to adopt the three foregoing ordinance. -11

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-12-113

WHEREAS, Bhavesh Patel has applied for a Conditional Use in the AA Business District at 11104 West Blue Mound Road to operate a Subway restaurant, 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 Bhavesh Patel to operate a Subway restaurant in the AA Business District at 11104 West Blue Mound Road, subject to the following:

1. Hours of operation Monday through Friday 7 a.m. to 9 p.m. and Saturday and Sunday 8 a.m. to 9 p.m.
2. obtaining all necessary licenses and permits

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-12-114

WHEREAS, Tedd Meredith, Bridgeman Foods, has applied for a Conditional Use in the AA Business District at 3140 North 124th Street for outdoor dining at Wendy's, 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 Tedd Meredith, Bridgeman Foods, to add outdoor dining at Wendy's in the AA Business District at 3140 North 124th Street, subject to the following:

1. Hours of operation Sunday through Thursday 5 a.m. to midnight and Friday and Saturday 5 a.m. to 1 a.m.
2. obtaining all necessary licenses and permits

It was moved by Ald. Pantuso, seconded by Ald. Moldenhauer to approve the two foregoing resolutions. -11

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION

WHEREAS, Scott Gittrich, Topper's Pizza, and Mark Brickman, Metropolitan Wauwatosa Venture, have applied for a Conditional Use in the AA Business District at 6810 West State Street for to operate a Topper's Pizza including outdoor dining, 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 Scott Gittrich, Topper's Pizza, and Mark Brickman, Metropolitan Wauwatosa Venture to operate a Topper's Pizza including outdoor dining in the AA Business District at 6810 West State Street, subject to the following:

1. Daily hours of operation are 10:30 a.m. to midnight for dine in and carryout; 11 p.m. closing time for outdoor dining; and 3:30 a.m. closing time for delivery
2. obtaining all necessary licenses and permits

It was moved by Ald. Pantuso, seconded by Ald. Moldenhauer to approve the foregoing resolution. –

It was moved by Ald. Berdan, seconded by Ald. Pantuso to amend the motion by allowing the facility to be open for indoor dining and for delivery until 3:30 a.m., and to close the outdoor dining at 11:00 p.m. Roll call vote, Ayes 9, Noes 2 (Hanson, McBride)

Vote on motion, as amended, Ayes 9, Noes 2 (Hanson, McBride)

The amended resolution is as follows:

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

AMENDED RESOLUTION R-12-115

WHEREAS, Scott Gittrich, Topper's Pizza, and Mark Brickman, Metropolitan Wauwatosa Venture, have applied for a Conditional Use in the AA Business District at 6810 West State Street for to operate a Topper's Pizza including outdoor dining, 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 Scott Gittrich, Topper's Pizza, and Mark Brickman, Metropolitan Wauwatosa Venture to operate a Topper's Pizza including outdoor dining in the AA Business District at 6810 West State Street, subject to the following:

3. Daily hours of operation are 10:30 a.m. to 3:30 a.m. for dine in and carryout; 11 p.m. closing time for outdoor dining
4. obtaining all necessary licenses and permits

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-12-116

BE IT RESOLVED, by the Common Council of the City of Wauwatosa THAT the claim filed by Kastenson Farms 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. Donegan, seconded by Ald. Hanson to approve the foregoing resolution. -11

FROM THE COMMITTEE ON BUDGET AND FINANCE

BILLS AND CLAIMS FOR THE PERIOD 6/20/12 – 7/3/12

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 6/20/12 – 7/3/12: \$11,477,758.42

It was moved by Ald. Berdan, seconded by Ald. Hanson that each and every account of bills and claims be allowed and ordered paid. Roll call vote, Ayes 10, Present 1 (Donegan)

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-12-117

BE IT RESOLVED, by the Common Council of the City of Wauwatosa, THAT permission be and the same is hereby granted to Dain Maddox, 105 N. 88th Street, Wauwatosa, WI, to encroach onto City right-of-way for maintenance of three neighborhood signs in Ravenswood, subject to the applicant 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.

It was moved by Ald. Hanson, seconded by Ald. Birschel to approve the foregoing resolution. -11

There being no further business, the meeting adjourned at 7:13 p.m.

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Carla A. Ledesma
Carla A. Ledesma, CMC, City Clerk