

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, May 20, 2003**

PRESENT: Alds. Jenkins, Kopischke, Krol, Matthews, McCarthy, Stepaniak, Subotich, Sullivan, Treis, Bruderle-Baran, Becker, Casey, Ecks, Grimm, Heins, Herzog -16

ALSO PRESENT: Mr. Wontorek, City Administrator; Ms. Plass, Accounting Manager; Mr. Kesner; City Attorney; Mr. Kappel, Dir. of Public Works; Ms. Welch, Community Development Director; Police Capt. Reit; Mr. Wojcehowicz, Water Utility Supt.; Mr. Wehrley, City Engineer; Fire Chief Redman; Mr. Brown, Personnel Director; Ms. Ledesma, City Clerk; Ms. Williams, Deputy City Clerk

Mayor Estness in the Chair

The Mayor called the meeting to order at 7:30 p.m.

It was moved by Ald. Grimm, seconded by Ald. Kopischke that the reading of the minutes of the last regular meeting be dispensed with and they be approved as printed. -16

**APPLICATIONS, COMMUNICATIONS, ETC.**

1. Special Use application to construct a garage with a height over 16 ft. at 2353 N. Lefebber Avenue  
**Plan Commission, Board of Zoning Appeals**
2. City of Wauwatosa Investment Summary and Statement of Financial Condition as of 4/30/03  
**Place on file**
3. Wauwatosa Water Utility Statement of Receipts and Disbursements for month ended April 30, 2003  
**Place on file**
4. Letter from Terres Van Bibber, 2460 N. Pasadena Boulevard, requesting various traffic and economic development improvements on North Avenue from Wauwatosa Avenue to 92nd Street  
**Director of Public Works, Community Development Director**
5. Letter from Richard E. Steffes, real estate director for WI Dept. of Natural Resources, informing the city of the proposed state purchase of 66.05 acres of land on the county grounds for the Havenwood Forest Preserve  
**Director of Community Development**
6. Special Use application to operate a martial arts studio at 10045 W. Lisbon Avenue  
**Plan Commission, Board of Zoning Appeals**
7. Special Use application for seasonal outdoor seating at George Webb Restaurant, 12201 W. North Avenue  
**Plan Commission, Board of Zoning Appeals**

8. Special Use application for seasonal outdoor seating at George Webb Restaurant, 7410 W. State Street  
**Plan Commission, Board of Zoning Appeals**
9. Donation: \$650 from the Milwaukee County DARE Officers, Inc. to the Police Community Support (DARE) Account  
**Place on file**
10. E-mail from David Dewhurst, 2551 N. 67th Street, opposing changes to the overnight parking restrictions  
**Police, Dir. of Public Works, existing file**

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

1. Ordinance amending the Zoning Code by rezoning property at 6600 River Parkway from AA Light Manufacturing District to Business Planned Development  
**Re-refer to originating committee**

**FROM THE COMMITTEE ON TRAFFIC AND SAFETY**

**ORDINANCE O-03-15**

**AN ORDINANCE TO PROHIBIT PARKING IN DESIGNATED LOCATIONS ON HARLEY DAVIDSON AVENUE IN THE CITY OF WAUWATOSA**

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

Part I. The “north side of Harley Davidson Avenue” portion of the “Schedule of Streets, and portions” subsection of Wauwatosa Code Section 11.32.080 is hereby amended by adding the following restriction:

(a) from the Capitol Drive frontage road entrance to Harley Davidson Avenue to a point 630 feet west thereof.

Part II. The new subsection entitled “south side of Harley Davidson Avenue” shall be added to the “Schedule of Streets, and portions” subsection of Wauwatosa Code Section 11.32.080 with the following restriction:

(a) from the Capitol Drive frontage road to Harley Davidson Avenue to a point 220 feet west thereof.

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

It was moved by Ald. Krol, seconded by Ald. Becker  
to adopt the foregoing ordinance. -16

**FROM THE COMMITTEE ON LEGISLATION, LICENSING AND COMMUNICATIONS**

**RESOLUTION R-03-126**

WHEREAS, Maggiano's Corner Bakery Holding Corporation, d/b/a Maggiano's Little Italy, 2500 N. Mayfair Road, Wauwatosa, WI, has applied for a Class B beer and liquor license for its new location at Mayfair Mall.

NOW, THEREFORE, BE IT RESOLVED THAT a Class B beer and liquor license be awarded to Maggiano's Corner Bakery Holding Corporation, d/b/a Maggiano's Little Italy, 2500 N. Mayfair Road, Wauwatosa, WI, for the period ending June 30, 2003.

**FROM THE COMMITTEE ON LEGISLATION, LICENSING AND COMMUNICATIONS**

**RESOLUTION R-03-127**

WHEREAS, Tim Capper of Colonel Hart's Tavern, 7342 W. State Street, Wauwatosa, WI has requested a temporary extension of the licensed premises for May 31, 2003 from 1:00 p.m. until 6:00 p.m.; and

WHEREAS, the extension would allow service and consumption in the parking lot of Colonel Hart's building in conjunction with a fund raiser for the Juvenile Diabetes Research Foundation;

NOW, THEREFORE, BE IT RESOLVED THAT an extension to the licensed premises for Colonel Hart's Tavern, 7342 W. State St. into the parking lot for purposes of a May 31, 2003 fund raiser between the hours of 1:00 p.m. and 6:00 p.m. is hereby granted;

BE IT FURTHER RESOLVED THAT the proprietors of Colonel Hart's Tavern shall perform garbage cleanup on neighboring properties resulting from the outdoor event and will cooperate with any requested noise abatement.

**FROM THE COMMITTEE ON LEGISLATION, LICENSING AND COMMUNICATIONS**

**RESOLUTION R-03-128**

WHEREAS, Leslie Hafner, 155 West Oak Leaf Drive, #22, Oak Creek, WI has applied for an operator's license in conjunction with her employment at Marshall Fields at Mayfair Mall;

NOW, THEREFORE, BE IT RESOLVED THAT Leslie Hafner, 155 W. Oak Leaf Drive, #22, Oak Creek, WI is hereby issued an operator's license for the period ending June 30, 2003.

**FROM THE COMMITTEE ON LEGISLATION, LICENSING AND COMMUNICATIONS**

**RESOLUTION R-03-129**

WHEREAS, Laurie Heinen, 1545 S. Coachlight Dr., #23, New Berlin, WI, has applied for an operator's license in conjunction with her employment at Eddie Martinis, 8612 Watertown Plank Road, Wauwatosa, WI;

NOW, THEREFORE, BE IT RESOLVED THAT Laurie Heinen is hereby issued an operator's license for the period ending June 30, 2003;

BE IT FURTHER RESOLVED THAT the Wauwatosa Police Department is directed to review Ms. Heinen's record six months after issuance of this initial license and report back to the Committee on Legislation, Licensing and Communications if any new significant issues or concerns are revealed at that time.

**FROM THE COMMITTEE ON LEGISLATION, LICENSING AND COMMUNICATIONS**

**RESOLUTION R-03-130**

WHEREAS, Maribeth Krieser, 1440 S. 116th Street, West Allis, WI, has applied for an operator's license in conjunction with her employment at Marshall Fields at Mayfair Mall;

NOW, THEREFORE, BE IT RESOLVED THAT Maribeth Krieser, 1440 S. 116th Street, West Allis, WI, is hereby issued an operator's license for the period ending June 30, 2003.

It was moved by Ald. Treis, seconded by Ald. Grimm  
to approve the five foregoing resolutions. -16

**FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT**

**RESOLUTION R-03-131**

WHEREAS, Carl Templer, manager of the Village of Wauwatosa Business Improvement District, has applied for a street festival permit to utilize Harwood Avenue between Wauwatosa Avenue and State Street as well as the pedestrian bridge and Village fountain area on August 16, 2003 for the purpose of the Hot Times/Cool Village Art Fair; and

WHEREAS, the Community Development Committee has reviewed the request and believes the issuance of the permit to be in the public interest; and

NOW, THEREFORE, BE IT RESOLVED THAT upon payment of the prescribed \$100.00 permit fee, a street festival permit shall be granted for the Hot Times/Cool Village Art Fair to utilize Harwood Avenue between Wauwatosa Avenue and State Street, the pedestrian bridge, and the fountain area in the Village on August 16, 2003, between the hours of 8:00 a.m. and 8:00 p.m. consistent with the terms and conditions reflected in the attached Street Festival Permit which is incorporated as though fully set forth herein.

It was moved by Ald. Heins, seconded by Ald. Kopischke to approve the foregoing resolution. -16

**FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT**

**RESOLUTION R-03-132**

BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin THAT a public hearing be held before the Common Council in the Council Chambers at 7:30 p.m. Local Time, on Tuesday, June 17, 2003, in the City Hall of the City of Wauwatosa, Wisconsin at which time all persons interested, or their agents or attorneys, will be heard concerning a proposed ordinance rezoning property at 6600 River Parkway from AA Light Manufacturing District to Business Planned Development District.

BE IT FURTHER RESOLVED THAT the City Clerk be and is hereby directed to publish the proper notices of said hearing as required by law.

It was moved by Ald. Heins, seconded by Ald. Kopischke to approve the foregoing resolution. Ayes 14, Noes 2 (Sullivan, Herzog)

**FROM THE COMMITTEES ON BUDGET AND FINANCE & EMPLOYEE RELATIONS**

**RESOLUTION R-03-133**

WHEREAS, the Department of Public Works has successfully negotiated with AFSCME District Council 48, Local 305 regarding terms of employment for a full-time drop off center attendant at the Wauwatosa Public Works yard; and

WHEREAS, a memorandum of understanding reflecting the beginning pay rate of \$13.50 per hour with annual increases as negotiated in future labor union agreements has been drafted;

NOW, THEREFORE, BE IT RESOLVED THAT the memorandum of understanding with AFSCME District Council 48, Local 305 regarding staffing the position of drop off attendant at the Wauwatosa Public Works yard is hereby approved.

It was moved by Ald. Jenkins, seconded by Ald. Casey to approve the foregoing resolution. -16

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

**RESOLUTION R-03-134**

WHEREAS, the City of Wauwatosa advertised for bids pursuant to state law for the contract as the official newspaper for the City's legal publications; and

WHEREAS, the sole bid received was from Community Newspapers, Inc., and

WHEREAS, the bid received from Community Newspapers, Inc., contained rates which are unchanged since 1997;

NOW, THEREFORE, BE IT RESOLVED THAT the bid of Community Newspapers, Inc., as the official newspaper of the City of Wauwatosa shall be accepted as submitted in its bid dated April 11, 2003.

It was moved by Ald. Stepaniak, seconded by Ald. Matthews to approve the foregoing resolution. -16

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

**RESOLUTION R-03-135**

WHEREAS, the Wauwatosa Fire Department has suggested replacement of the emergency generator at Fire Station #2; and

WHEREAS, savings from the recent below-budget purchase of the new quint apparatus for the fire department are sufficient to fund the purchase of the new emergency generator in an amount of \$70,000.00;

NOW, THEREFORE, BE IT RESOLVED THAT the reallocation of long term funds in an amount up to \$70,000.00 and the purchase of an emergency power generator at Fire Station #2 is hereby approved.

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

**RESOLUTION R-03-137**

WHEREAS, the budget reduction implementation plan for the year 2003 requires a hiring freeze for all vacant positions without specific approval of the Common Council; and

WHEREAS, there currently exists a vacancy in the water maintenance person position due to a promotion within the water department; and

WHEREAS, the Wauwatosa Water Utility desires to maintain current staffing level by filling the vacancy and filling the position will have no effect on the City's tax roll;

NOW, THEREFORE, BE IT RESOLVED THAT the request for an exception to the hiring freeze to fill the position of water maintenance person at the Wauwatosa Water Utility is hereby approved.

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

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

**RESOLUTION R-03-136**

WHEREAS, the Wauwatosa Water Utility has recommended installation of a new 16 inch water main on 119<sup>th</sup> Street north of West Capitol Drive in the City of Wauwatosa in order to improve fire flows and other water supply issues for properties along that street; and

WHEREAS, funds in the amount of \$475,000.00 are available for transfer from the water department's 2003 capital budget as a result of carryover from the 2002 budget;

NOW, THEREFORE, BE IT RESOLVED THAT a change of purpose for \$475,000.00 in the water department's 2003 capital budget for purposes of improvement of the water facilities within North 119<sup>th</sup> Street in the City of Wauwatosa as described in the May 6, 2003 memorandum of the Water Superintendent is hereby approved.

It was moved by Ald. Stepaniak, seconded by Ald. Matthews to approve the foregoing resolution. -15-0-1 (Casey)

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

**BILLS AND CLAIMS FOR THE PERIOD 5/7/03 – 5/20/03 --**

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 5/7/03 – 5/20/03: \$1,015,877.94

It was moved by Ald. Casey, seconded by Ald. Ecks that each and every one of the accounts of bills and claims be allowed and ordered paid. Upon roll call vote, the vote was Ayes 16.

**FROM THE BOARD OF PUBLIC WORKS**

**RESOLUTION R-03-139**

WHEREAS, construction of Covenant Healthcare's new facility at 201 N. Mayfair Road has required installation of a new water main within the existing easement across the parking lot of Edwardo's Pizza at 10845 W. Blue Mound Road and the use of a new easement parallel to Blue Mound Road on the north border of the same parcel; and

WHEREAS, the only entrance to this business from the public streets occurs from Blue Mound Road; and

WHEREAS, routine work which might interfere with the ability of the property owner to conduct regular business may require compensation for lost business from the City to the property owner;

NOW, THEREFORE, BE IT RESOLVED THAT the attached easement agreement, which requires that routine work within the easement on said parcel be conducted outside “normal business hours,” is hereby approved.

**FROM THE BOARD OF PUBLIC WORKS**

**RESOLUTION R-03-140**

WHEREAS, Ryan and Tanya Holtzman, 2623 N. 53<sup>rd</sup> Street, Milwaukee, WI, have requested permission to encroach onto City property at their property at 2376 Lefeber Avenue in the City of Wauwatosa to maintain a retaining wall within the City right-of-way along the sidewalk bordering the property at the above address; and

WHEREAS, the retaining wall was constructed prior to obtaining permission or an encroachment agreement for the City; and

WHEREAS, City engineers have inspected the constructed wall and agree that it is sufficiently well-constructed, that it need not be changed or replaced; and

WHEREAS, the owner has agreed that the City shall not be liable for any damage caused to the retaining wall or liability resulting from its location in the City right-of-way;

NOW, THEREFORE, BE IT RESOLVED THAT the request of Ryan and Tanya Holtzman for an encroachment agreement related to the parcel at 2376 Lefeber Avenue in the City of Wauwatosa allowing the maintenance of a retaining wall in the City right-of-way on the border of that parcel is hereby approved.

**FROM THE BOARD OF PUBLIC WORKS**

**RESOLUTION R-03-138**

BE IT RESOLVED, by the Common Council of the City of Wauwatosa, Wisconsin, THAT the following revised account of the special assessments in conjunction with 2002 repaving projects be submitted to the City Comptroller.

BE IT FURTHER RESOLVED THAT the City Clerk be and is hereby directed to send out the proper amended bills to the owner of the properties as listed below:

<u>Address</u>	<u>Tax Key No.</u>	<u>Category</u>	<u>Original Assessment Amount</u>	<u>Amended Assessment Amount</u>
12215 W. Blue Mound Road	412-0008	Pavement	\$1,096.88	\$877.50
12207 W. Blue Mound Road	412-0007	Pavement	\$1,096.88	\$877.50
8147 Jackson Park Boulevard	343-0116	Service Walk	\$ 162.18	\$ 0.00

**FROM THE BOARD OF PUBLIC WORKS**

**RESOLUTION R-03-141**

BE IT RESOLVED, by the Common Council of the City of Wauwatosa, Wisconsin, THAT the following revised account of the special assessments in conjunction with 2002 sidewalk repairs be submitted to the City Comptroller.

BE IT FURTHER RESOLVED THAT the City Clerk be and is hereby directed to send out the proper amended bills to the owner of the properties as listed below:

<u>Address</u>	<u>Tax Key No.</u>	<u>Category</u>	<u>Original Assessment Amount</u>	<u>Amended Assessment Amount</u>
2263 Ludington Avenue	342-0298-01	Sidewalk	\$ 277.50	\$222.00
2263 Ludington Avenue	342-0298-01	Driveway	\$1,179.60	\$779.67
Highway 45	336-9994-02	Sidewalk	\$ 102.25	\$ 0.00

**FROM THE BOARD OF PUBLIC WORKS**

**RESOLUTION R-03-142**

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 American Sewer Services of Hartford, Wisconsin for storm sewer spot improvements and work incidental thereto under Contract 03-04 at and for their bid price of \$115,365.00, plus Alternate Bids A and B, for a total of \$154,305.00, this being the lowest and best base 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-03-143**

WHEREAS, bids received for aggregate seal coating under Contract 03-18 exceed the budgeted amount; and

WHEREAS, the quantities of work must be reduced by 13.3% to bring the total bid price within the budgeted amount of \$110,000.00; and

WHEREAS, upon this reduction, Dodge Construction, Inc. of Ixonia, Wisconsin remains the lowest of two bids received.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Wauwatosa THAT the quantities of aggregate seal coating and sweeping contemplated under Contract 03-18 be and are hereby reduced by no less than 13.3%.

BE IT FURTHER RESOLVED THAT the proper city officials be and are hereby authorized and directed to enter into a contract with Dodge Construction, Inc. of Ixonia, Wisconsin for aggregate seal coating and work incidental thereto under Contract 03-18 at and for an adjusted bid price not to exceed \$110,000.00, this being the lowest and best bid.

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

It was moved by Ald. Bruderle-Baran, seconded by Ald. McCarthy to approve the six foregoing resolutions. -16

There being no further business, the meeting adjourned at 7:43 p.m.

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Carla A. Ledesma, CMC, City Clerk