



CITY OF WAUWATOSA
MEMORIAL CIVIC CENTER
7725 WEST NORTH AVENUE
WAUWATOSA, WI 53213
Telephone: (414) 479-8917
Fax: (414) 479-8989

COMMON COUNCIL
Regular Meeting, Tuesday, June 15, 2004

PRESENT: Alds. Grimm, Heins, Herzog, Jenkins, Kopischke, Krol, Maher, McCarthy (7:31 p.m.), Stepaniak, Subotich, Sullivan, Treis, Bruderle-Baran, Becker -14

EXCUSED: Alds. Casey and Ecks

ALSO PRESENT: Mr. Wontorek, City Administrator; Mr. Kesner; City Attorney; Mr. Kappel, Dir. of Public Works; Ms. Welch, Community Development Director; Fire Chief Redman; Police Lt. Witkowski; Mr. Cameron, Admin. Intern; 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.

The Mayor recognized Jim Patten, PEG Access Coordinator, who is retiring after having televised Common Council and Council Committee meetings for over 12 years.

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. -14

APPOINTMENTS BY THE MAYOR

Library Board

Tom Miller, 12130 Meadow Court (reappointment)
(Term ends 6/30/07)

Foregoing appointment ordered held as this was the first reading.

APPLICATIONS, COMMUNICATIONS, ETC.

1. **Notice of Appeal of Claim:** Donna M. Hayes, 5522 S. 23rd Street, Milwaukee
City Attorney
2. Letter from Kevan Oberdorf, Sendik's Foods, 8616 W. North Avenue, requesting parking changes on the south side of W. North Avenue between 8529 and 8651 W. North, and on the north side of W. North Avenue in front of Sendik's
Director of Public Works

3. Wauwatosa Water Utility Statement of Receipts and Disbursements for month ended May 31, 2004
Place on file
4. Petitions with 604 signatures opposing any rezoning of the Fisher site and adjacent recreational fields, at approximately N. 121st St. and W. North Avenue
Dir. of Community Development
5. Letter from Scot Fridrick, vice president of Local 1923, Wauwatosa Professional Firefighter's Assn., notifying the city that the bargaining agreement between the City and Local 1923 will be reopened to negotiate a successor agreement
Personnel Director
6. Application for a change of zoning at 12132 W. Capitol Drive from AA Light Manufacturing District to AA Business District
Plan Commission, Committee on Community Development
7. Special Use application to construct a garage with an overall height of 18 ft. at 614 N. 115th Street
Plan Commission, Board of Zoning Appeals
8. City of Wauwatosa Statement of Financial Condition as of 5/31/04
Place on file
9. Notice of Public Meeting on the Comprehensive Plan
Place on file

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT FOR INTRODUCTION

1. Ordinance amending Section 15.32.030 of the Property Maintenance Code regarding lawn maintenance
Re-refer to originating committee

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-04-128

WHEREAS, A-List, Inc., d/b/a Colonel Hart's, 7342 W. State Street, Wauwatosa, WI, has applied for a Class B beer and liquor license;

NOW, THEREFORE, BE IT RESOLVED THAT a Class B beer and liquor license be awarded to A-List, Inc., d/b/a Colonel Hart's, 7342 W. State Street, Wauwatosa, WI, for the period ending June 30, 2005, contingent upon sale of the property.

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-04-129

WHEREAS, Airport Pizza Roc, Inc., d/b/a, Rocky Rococo Pan Style Pizza, 11319 W. Blue Mound Road, Wauwatosa, WI, has applied for a Class A beer license;

NOW, THEREFORE, BE IT RESOLVED THAT a Class A beer license be awarded to Airport Pizza Roc, Inc., d/b/a Rocky Rococo Pan Style Pizza, Wauwatosa, WI, for the period ending June 30, 2005.

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-04-130

WHEREAS, Shai Rubin, 2739 N. Oakland Avenue, Milwaukee, WI applied for an operator’s license in conjunction with his employment at Noodles & Company; and

WHEREAS, a background investigation revealed a felony conviction in the year 2002; and

WHEREAS, applicant’s prior conviction substantially relates to his ability to perform required duties as an operator in the City of Wauwatosa;

NOW, THEREFORE, BE IT RESOLVED THAT Shai Rubin is hereby denied an operator’s license for the period ending June 30, 2005.

It was moved by Ald. Treis, seconded by Ald. Krol to approve the three foregoing resolutions. -14

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-04-131

BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin THAT permission be and the same is hereby granted to John Casucci, National Survey and Engineering, to combine the parcels located in the Research Park Planned Development District at 9900 Innovation Drive in Wauwatosa more particularly described as follows:

Lot 17, Certified Survey Map No. 6761 and part of Parcel 16, Certified Survey Map No. 6616, being a part of the Southwest ¼ of the Northeast ¼ and the Southeast ¼ of the Northwest ¼ of Section 29, Town 7, Range 21 East, in the City of Wauwatosa, Milwaukee County, Wisconsin.

All in accordance with the application attached hereto and made a part of this resolution, and in compliance with Section 24.56.010 of the Code of the city of Wauwatosa; and subject to the payment of all outstanding special assessments on the aforescribed property which is being subdivided and to the filing of a certified survey map.

It was moved by Ald. Heins, seconded by Ald. Kopischke to approve the foregoing resolution. -14

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-04-132

WHEREAS, Cynthia and J. Pat Linnan have applied for a Conditional Use for an accredited technical, trade or career college in the AA Light Manufacturing District at 10950 West Potter Road 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 THAT the Common Council of the City of Wauwatosa, Wisconsin hereby grants a Conditional Use to Cynthia and J. Pat Linnan for an accredited technical, trade or career college in the AA Light Manufacturing District at 10950 West Potter Road subject to the following conditions:

1) obtaining the proper city licensing and permits; 2) an enrollment cap of 400 students with the understanding that the college may return with a request for an additional amount in the future; 3) no classes shall start prior to 8:30 a.m. and no classes may start or end between 2 and 3:30 p.m.; 4) parking lot plan approval; 5) the requirement for immediate installation of new parking spaces as shown on the site plan shall be waived, with the understanding that if a review of actual use shows the new parking spaces to be necessary, applicants may return to the council for installation of any necessary additional spaces; and 6) no right turn upon exiting the property.

It was moved by Ald. Heins, seconded by Ald. Kopischke to approve the foregoing resolution. Upon roll call vote, Ayes 13, Noes 1 (McCarthy)

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-04-133

WHEREAS, the Wauwatosa Fire Chief has requested an amendment for the approved expenditures under the 2003 Assistance to Firefighters grant from the Federal Emergency Management Agency (FEMA); and

WHEREAS, unexpended grant funds currently total \$8,274.50; and

WHEREAS, proposed changes in expenditure levels described in the memorandum of the Fire Chief dated June 8, 2004 would allow completion of installation and mounting of radios purchased with the grant funds in an amount not to exceed \$5,300.00;

NOW, THEREFORE, BE IT RESOLVED THAT the request for change of purpose and expenditure of the FEMA AFG grant as described in the Fire Chief's memoranda of June 3, 2004 and June 8, 2004, in an amount not to exceed \$5,300.00, are hereby approved.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-04-134

BE IT RESOLVED, by the Common Council of the City of Wauwatosa THAT the worker's compensation claim of Lou Burcaw be paid in the total amount of \$14,500.00 and that payment be made from the appropriate accounts.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-04-135

BE IT RESOLVED, by the Common Council of the City of Wauwatosa THAT the worker's compensation claim of Linda Burmeister be paid in the total amount of \$10,000.00 and that payment be made from the appropriate accounts.

It was moved by Ald. Bruderle-Baran, seconded by Ald. Stepaniak to approve the three foregoing resolutions. -14

FROM THE COMMITTEE ON BUDGET AND FINANCE

BILLS AND CLAIMS FOR THE PERIOD 6/2/04 – 6/15/04 --

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 6/2/04 – 6/15/04: \$1,417,913.64

It was moved by Ald. Bruderle-Baran, seconded by Ald. Maher that each and every one of the accounts of bills and claims be allowed and ordered paid. Upon roll call vote, Ayes 14.

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-04-136

BE IT RESOLVED by the Common Council of the City of Wauwatosa THAT the quote of Bruce Municipal Equipment, Inc. to furnish one complete cab and chassis and 20 yard garbage packer cab at a cost of \$122,471 without trade-in is hereby accepted and the Purchasing Manager is authorized to issue a purchase order for said equipment.

BE IT FURTHER RESOLVED THAT Fleet equipment numbers M-44, M-50, M-81, P-123, P-124 and T-74 are hereby declared surplus and that the Purchasing Manager is authorized to dispose of these units in a manner most advantageous to the City.

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-04-137

BE IT RESOLVED by the Common Council of the City of Wauwatosa THAT the quote of Casper Truck Equipment, Inc. to furnish one all-purpose body with plows at a cost of \$44,073; and one dump body with plow at a cost of \$8,860, both without trade-in are hereby accepted.

BE IT FURTHER RESOLVED THAT the Purchasing Manager is hereby authorized and directed to issue a purchase order for the above equipment.

It was moved by Ald. Krol, seconded by Ald. Herzog
to approve the two foregoing resolutions. -14

There being no further business, the meeting adjourned at 7:44 p.m.

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Carla A. Ledesma, CMC, City Clerk