



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, July 20, 2004

PRESENT: Alds. Jenkins, Kopischke, Krol, Maher, McCarthy, Stepaniak, Subotich, Sullivan, Treis, Bruderle-Baran, Becker, Casey, Grimm, Heins -14

EXCUSED: Ald. Herzog

ALSO PRESENT: Mr. Wontorek, City Administrator; Mr. Braier, Finance Director; Mr. Kesner; City Attorney; Mr. Kappel, Dir. of Public Works; Ms. Welch, Community Development Director; Police Lt. Sharpee; 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. -14

PUBLIC HEARING

The first item on the agenda was a public hearing to consider a resolution vacating the pedestrian right-of-way at approximately 4505 N. 109th Street.

RESOLUTION

WHEREAS, Glen and Valerie Palkowski has petitioned the City of Wauwatosa requesting that the City vacate the entirety of that pedestrian right-of-way in the 4500 block of N. 109th Street and N. 108th Street within the City limits of Wauwatosa; and

WHEREAS, the owners of the properties abutting this public way have been notified;

NOW, THEREFORE, BE IT RESOLVED THAT the City of Wauwatosa hereby abandons and vacates that public way identified as pedestrian right of way connection in the 4500 block of N. 109th Street and N. 108th Street in the City of Wauwatosa in accordance with Sec. 66.1003 of the Wisconsin Statutes.

Proof of publication is in the file.

TO THE COMMON COUNCIL, CITY OF WAUWATOSA, WI,

The City Plan Commission, to whom was referred the request by Glen and Valerie Palkowski for a right-of-way vacation in the AAA Single Family Residence District at approximately 4504 N. 109th Street, recommends to the Committee on Community Development that the right-of-way vacation be approved.

Dated this 10th day of May 2004.

Nancy L. Welch, Secretary
City Plan Commission

No one of the public present wished to be heard in favor of the proposed resolution.

No one of the public present wished to be heard in opposition to the proposed resolution.

No one of the public present wished to be heard either for or against the proposed resolution or had any comments or questions.

The public hearing was declared closed.

Ordered held to the next Common Council meeting, August 3, 2004.

APPOINTMENTS BY THE MAYOR

Committee for Citizens with Disabilities

Deanna Papio, 315 N. 71st Street
(Term ends 1/31/07)

Citizens' Advisory Capital Improvements Committee

Charles Graupner, 2537 Pasadena Blvd. (reappointment)
John Albert, 1922 N. 122nd Street (reappointment)
Michael Moylan, 613 N. 70th Street (reappointment)
(Terms end 6/30/07)

Board of Review

James Benz, 2504 N. 83rd Street (alternate)
(Term ends 6/30/09)

Foregoing appointments ordered held as this was the first reading.

APPLICATIONS, COMMUNICATIONS, ETC.

1. City of Wauwatosa Bank Reconciliation of Depository Accounts as of May 31, 2004; and Investment Summary as of June 30, 2004

Place on file

2. Notice of Claim/Lawsuit: Milwaukee Regional Medical Center, Inc., 9000 W. Wisconsin Ave.
Thomas N. Devich, 3109 Menomonee River Parkway
City Attorney
3. Wauwatosa Water Utility Statement of Receipts & Disbursements for month ended June 30, 2004
Place on file
4. City of Wauwatosa Statement of Financial Condition as of 6/30/04
Place on file
5. Letter from Thomas Barrie, Chair, Wauwatosa Cemetery Board of Trustees, requesting financial assistance to establish a separate nonprofit organization "Friends of Wauwatosa Cemetery"
Finance Director
6. Special Use application to allow outdoor dining at The Cheesecake Factory Restaurant, 2350 N. Mayfair Road
Plan Commission, Board of Zoning Appeals
7. Special Use application to operate an internet access center at 7226 W. North Avenue
Plan Commission, Board of Zoning Appeals

FROM THE COMMITTEE ON LEGISLATION, LICENSING & COMMUNICATIONS FOR INTRODUCTION

1. Ordinance to renumber certain portions of the City Code to comply with statutory renumbering relating to drug enforcement
Re-refer to originating committee

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-04-158

WHEREAS, James R. Livesey, 4559 S. Lenox Street, Milwaukee, WI, applied for an operator's license in conjunction with his employment at Rocky Rococo's, 11319 W. Blue Mound Road, Wauwatosa, WI;

NOW, THEREFORE, BE IT RESOLVED THAT James R. Livesey is hereby issued an operator's license for the period ending June 30, 2005;

BE IT FURTHER RESOLVED THAT the Wauwatosa Police Department is hereby directed to conduct a further review of the criminal records concerning Mr. Livesey six months from the date of this license issuance and is directed to report back to the Legislation, Licensing and Communications Committee if any new concerns regarding Mr. Livesey's fitness for this operator's license are found.

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-04-159

WHEREAS, Angi L. Stark, S45 W22319 Quinn Road, Waukesha, WI, applied for an operator's license in conjunction with her employment at Rocky Rococo's, 11319 W. Blue Mound Road, Wauwatosa, WI;

NOW, THEREFORE, BE IT RESOLVED THAT Angi L. Stark is hereby issued an operator's license for the period ending June 30, 2005;

BE IT FURTHER RESOLVED THAT the Wauwatosa Police Department is hereby directed to conduct a further review of the criminal records concerning Ms. Stark six months from the date of this license issuance and is directed to report back to the Legislation, Licensing and Communications Committee if any new concerns regarding Ms. Stark's fitness for this operator's license are found.

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-04-160

WHEREAS, Rosalinda M. Wirth, 4021 N. 71st Street, Milwaukee, WI, applied for an operator's license in conjunction with her employment at Rocky Rococo's, 11319 W. Blue Mound Road, Wauwatosa, WI;

NOW, THEREFORE, BE IT RESOLVED THAT Rosalinda M. Wirth is hereby issued an operator's license for the period ending June 30, 2005;

BE IT FURTHER RESOLVED THAT the Wauwatosa Police Department is hereby directed to conduct a further review of the criminal records concerning Ms. Wirth six months from the date of this license issuance and is directed to report back to the Legislation, Licensing and Communications Committee if any new concerns regarding Ms. Wirth's fitness for this operator's license are found.

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-04-161

WHEREAS, Ed Aumann, The Bartolotta Restaurants applied for an extension to their liquor license for Pizzeria Piccola, 7606 W. State Street, Wauwatosa, WI, to include an outdoor patio and the serving of alcoholic beverages on the patio;

NOW, THEREFORE, BE IT RESOLVED THAT Pizzeria Piccola is hereby issued an extension to their liquor license contingent upon a special use approval and signed encroachment agreement

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-04-162

WHEREAS, the Wauwatosa Police Department has applied for a Fireworks User's Permit for National Night Out at Hart Park on August 3, 2004;

NOW, THEREFORE, BE IT RESOLVED THAT a permit be granted to the Wauwatosa Police Department for its National Night Out to be held in Hart Park on the above date.

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

FROM THE COMMITTEE ON TRAFFIC AND SAFETY

ORDINANCE O-04-16

AN ORDINANCE AMENDING WAUWATOSA CODE SECTION 11.32.080 TO PROVIDE PARKING EXCEPT ON SUNDAYS AND LEGAL HOLIDAYS, ON A PORTION OF NORTH 74TH STREET

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

Part I. The "74th Street – west side" portion of the "schedule of streets, and portions" subsection of Wauwatosa Code Section 11.32.080 is hereby amended by changing the designated letter prior to the language "from a point 300 feet south of Hillcrest Drive to Kenwood Drive" from the letter "(m)" to the letter "(p)."

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

FROM THE COMMITTEE ON TRAFFIC AND SAFETY

ORDINANCE O-04-17

AN ORDINANCE MODIFYING WAUWATOSA CODE SECTION 12.32.030 REGARDING APPLICATION PROCEDURES FOR LOADING ZONE PERMITS

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

Part I. Section 12.32.030 B. is hereby repealed in its entirety and recreated as follows:

"A fee shall be paid for a special privilege permit. The permit shall last for a one year period beginning January 1st of each year. An additional fee shall be assessed for loading zones in excess of 30 feet in length. An installation fee shall also be charged. The fee amounts shall be as set out in the consolidated fee schedule."

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

It was moved by Ald. Becker, seconded by Ald. Maher
to adopt the two foregoing ordinances. -14

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-04-163

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 10000 Innovation Drive in Wauwatosa more particularly described as follows:

A division of a part of Lot 4, Certified Survey Map No. 6650 and part of Parcel 16, Certified Survey Map No. 6616, being a part of the Northwest $\frac{1}{4}$ and the Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ 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.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-04-164

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 10457 Innovation Drive in Wauwatosa more particularly described as follows:

A division of a part of Lot 4, Certified Survey Map No. 6650, being a part of the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ and the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ 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 two foregoing resolutions. -14

FROM THE COMMITTEE ON BUDGET AND FINANCE

BILLS AND CLAIMS FOR THE PERIOD 7/7/04 – 7/20/04 --

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 7/7/04 – 7/20/04: \$1,164,705.46

It was moved by Ald. Casey, seconded by Ald. Bruderle-Baran 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 14.

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-04-165

BE IT RESOLVED, by the Common Council of the City of Wauwatosa, THAT permission be and the same is hereby granted to John Schuller, 6819 Wellauer Drive, Wauwatosa, WI, to encroach onto City property with footprint of his garage and the gutters on two sides of his garage, 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.

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-04-166

BE IT RESOLVED, by the Common Council of the City of Wauwatosa, THAT permission be and the same is hereby granted to the Fitness Development Assoc., LLC, 8700 Watertown Plank Road, Wauwatosa, WI, to encroach onto City property with a lawn sprinkler system between curb and sidewalk, 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.

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-04-167

WHEREAS, the Public Works Department has been budgeted up to \$45,000 to purchase one 8-inch pump from the 2004 General Purchase Equipment Account to bypass sanitary sewers into other sanitary sewer locations in order to avoid sewer backups; and

WHEREAS, the City of Wauwatosa has previously purchased three other 8-inch compressor-assisted diesel Enviroprime Trash pumps from ITT Industries after competitive bidding; and

WHEREAS, the particular pump model proposed for purchase is considered the best pump for this purpose, and the Department of Public Works has indicated that purchasing a new pump identical to the existing pumps would provide efficiencies in service and maintenance; and

WHEREAS, ITT industries has quoted a price of \$38,500 for one pump with three heavy-duty suction hoses and 200 feet of discharge hose; and

NOW, THEREFORE, BE IT RESOLVED THAT the purchase of one 8 inch compressor-assisted diesel Enviroprime Trash Pump with three heavy-duty suction hoses and 200 feet of discharge hose from ITT Industries at cost of not to exceed \$38,500, with funds from the General Purpose Equipment Purchases Account, is hereby approved; and

BE IT FURTHER RESOLVED THAT the competitive bidding process is hereby waived for this purchase.

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-04-168

WHEREAS, the 2003 capital equipment budget allocated up to \$55,000 for purchase of a new truck with a crane for the Water Department, and

WHEREAS, the cab and chassis for this truck have previously been purchased and are now awaiting the necessary body with crane, and

WHEREAS, the City of Delafield/Hartland has recently received competitive bids for an identical item at a cost of \$29,085 without trade-in, which bids allow the City of Wauwatosa to make a purchase from the same vendor at the same price, and

NOW, THEREFORE, BE IT RESOLVED THAT the purchase of one truck body with crane from Casper’s Truck Equipment Inc. of Appleton Wisconsin, pursuant to bids provided to the City of Delafield/Hartland, is hereby approved,

BE IT FURTHER RESOLVED THAT City of Wauwatosa fleet number W-02, a 1995 GMC truck and body previously used for this purpose, shall hereby be declared surplus when the new vehicle is put into service and may be disposed of as appropriate.

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-04-169

WHEREAS, the 2004 budget allocated up to \$150,000 for purchase of a new truck with a log loader for the Forestry Department, and

WHEREAS, the City of Milwaukee has recently received competitive bids for an identical item at a total cost of \$123,130.00 without trade-in, which bids allow the City of Wauwatosa to make purchases from the same vendors at the same price, and

WHEREAS, the cab and chassis for this truck would be purchased from Badger Ford at a cost of \$60,593.00 without trade-in, and

WHEREAS, the log loader/dumping body for this truck would be purchased from Casper's Truck Equipment at a cost of \$62,537.00,

NOW, THEREFORE, BE IT RESOLVED THAT the purchase of one Sterling Actra Truck Cab and Chassis from Badger Ford at a cost not to exceed \$60,593.00 without trade-in and one log loader/dumping body from Casper's Truck Equipment at a cost of \$62,537.00, pursuant to bids provided to the City of Milwaukee, is hereby approved,

BE IT FURTHER RESOLVED THAT City of Wauwatosa fleet number R-18, a 1996 Ford truck with log loader previously used for this purpose, shall hereby be declared surplus when the new vehicle is put into service and may be disposed of as appropriate.

It was moved by Ald. Sullivan, seconded by Ald. McCarthy to approve the five foregoing resolutions. -14

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-04-170

WHEREAS, the Board of Public Works has accepted the work of Sidewalk Repair in the City of Wauwatosa under Contract 03-19 and the same is ready for final payment.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin as follows:

Section 1. That the Sidewalk Repair under Contract 03-19 is hereby accepted.

Section 2. That the proper City officers be and they are hereby authorized and directed to draw and sign a City order in the sum of ten thousand nine hundred sixty-seven dollars and thirty-one cents (\$10,967.31) in favor of Arrow Crete Construction, LLC as the final payment under said contract, upon receipt of waivers of lien and for labor and materials furnished under said contract, and upon receipt of an affidavit stipulating compliance with wage rate requirements.

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

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

cal

Carla A. Ledesma, CMC, City Clerk