



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, August 3, 2004

PRESENT: Alds. Jenkins, Kopischke, Krill, Krol, Maher, McCarthy, Stepaniak, Sullivan, Treis, Bruderle-Baran, Becker, Casey, Grimm, Heins, Herzog -15

EXCUSED: Ald. Subotich

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 Capt. Sutter; Asst. City Attorney Aldana; Mr. Harris, Planner; 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.

ALDERMANIC SELECTION

The first order of business was the selection of an individual to replace the late Ald. James Ecks.

It was moved by Ald. Kopischke, seconded by Ald. Stepaniak to appoint R. Jeffrey Krill Third District Alderman with the unanimous recommendation of the Aldermanic Selection Committee. Upon roll call vote, the vote was Ayes 13, Present 1 (Krol)

City Clerk Carla Ledesma swore in R. Jeffrey Krill as Third District Alderman.

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. -15

RECALL PETITION

RESOLUTION R-04-171

WHEREAS, a recall petition of Seventh District Alderperson Mary L. Heins was submitted in a timely manner on July 6, 2004, and

WHEREAS, sufficient valid signatures were submitted and the recall petition was certified for sufficiency and form by the City Clerk,

NOW, THEREFORE, BE IT RESOLVED that a recall election for the office of Alderperson is hereby scheduled for Tuesday, September 14, 2004 in District 7 of the City of Wauwatosa.

It was moved by Ald. McCarthy, seconded by Ald. Stepaniak to approve the foregoing resolution under suspension of the rules. Roll call vote was Ayes 11, Present 4 (Krill, Maher, Sullivan, Heins)

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)

It was moved by Ald. Casey, seconded by Ald. Bruderle - Baran to concur with the foregoing appointments. -15

APPLICATIONS, COMMUNICATIONS, ETC.

1. City of Wauwatosa Bank Reconciliation of Depository Accounts as of June 30, 2004
Place on file
2. Special Use application to operate the Open Pantry Food Mart at 11216 W. Blue Mound Road 24 hours per day
Plan Commission, Board of Zoning Appeals
3. Special Use application to operate the Open Pantry Food Mart at 11500 W. North Avenue 24 hours per day
Plan Commission, Board of Zoning Appeals
4. Application for Change of Zoning of property located at 6745 W. Wells Street from Medical Clinic District to Business Planned Development District
Plan Commission, Committee on Community Development
5. Notice of Claim/Lawsuit: Covenant Healthcare System, Inc. 1126 S. 70th St., Milwaukee
Coleen Michaelis, 1434 N. 66th Street
Courtney Williams, 4701 W. Washington Blvd., Milwaukee

6. Letter from Attorney Peter M. Silver, representing Robert Kaufer, 8605 W. Center Street, submitting a petition with 34 signatures objecting to the building permit issued for a fence at 2659 N. 86th Street
Chief Inspector
7. Committee with Citizens with Disabilities survey of handicapped accessibility of Wauwatosa churches
Chief Inspector
8. Letter from Ald. McCarthy requesting review and recommendations regarding the city's housing code
City Attorney
9. Letter from Mary Van Derven, Chair of the Wauwatosa Senior Commission, forwarding draft ordinance language creating a permanent Wauwatosa Senior Commission
City Attorney
10. Letter and petition from 22 residents of N. 70th Street request parking be restricted to one side of N. 70th Street between Milwaukee Avenue and Blanchard Street
Director of Public Works

FROM THE COMMITTEE ON EMPLOYEE RELATIONS FOR INTRODUCTION

1. Ordinance amending Chapter 2.66.010 of the City Code to allow the Common Council to assign the duties of the Personnel Director to the position of Assistant City Attorney
Re-refer to originating committee

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT FOR INTRODUCTION

1. Ordinance amending the Zoning Code by rezoning properties located at 4100 N. 124th Street and 12132 W. Capitol Drive from AA Light Manufacturing District to AA Business District
Re-refer to originating committee

FROM THE COMMITTEE ON LEGISLATION, LICENSING AND COMMUNICATIONS

ORDINANCE O-04-18

AN ORDINANCE TO RENUMBER CERTAIN PORTIONS OF THE WAUWATOSA MUNICIPAL CODE TO COMPLY WITH STATUTORY RENUMBERING

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

Part I. That portion of Section 6.90.010 A. of the Wauwatosa Municipal Code referring to "Chapter 161 of the Wisconsin Statutes" is hereby amended by changing the reference to "Chapter 961 of the Wisconsin Statutes."

Part II. That portion of Section 6.90.020 A. of the Wauwatosa Municipal Code referring to "CH. 161 Wisconsin Statutes" is hereby amended by replacing that reference with the following, "Chapter 961 Wisconsin Statutes."

Part III. Those portions of Section 6.90.020C.5. of the Wauwatosa Municipal Code referring to “Chapter 61 Wisconsin Statutes” and “Ch. 61 Wisconsin Statutes” are hereby amended by replacing the references with the following: “Chapter 961 Wisconsin Statutes.”

Part IV. That portion of Section 7.64.020 A. 6. referring to “Section 61.30 of the Wisconsin Statutes.” is hereby amended by changing the reference to “Section 961.30 of the Wisconsin Statutes.”

Part V. That portion of Section 7.02.010 of the Wauwatosa Municipal Code referring to the adoption of Sections “161.573” “161.574” and “161.575” of the Wisconsin Statutes are hereby amended by replacing these references, respectively with “961.573”, “961.574,” and “961.575.”

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

FROM THE COMMITTEE ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-04-173

WHEREAS, The Cheesecake Factory Restaurant, Inc., d/b/a The Cheesecake Factory, 2350 N. Mayfair Road, Wauwatosa, WI, has applied for a Class B beer and liquor license for its new location at Mayfair Mall; and

NOW, THEREFORE, BE IT RESOLVED THAT a Class B beer and liquor license be awarded to The Cheesecake Factory Restaurant, Inc., d/b/a The Cheesecake Factory, 2350 N. Mayfair Road, Wauwatosa, WI, for the period ending June 30, 2005, contingent upon the appropriate zoning of the outdoor patio.

It was moved by Ald. McCarthy, seconded by Ald. Treis to adopt the foregoing ordinance and to approve the foregoing resolution. -15

FROM THE COMMITTEE ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-04-172

WHEREAS, Wisconsin Lutheran College, 8800 W. Blue Mound Road, has applied for a fireworks user’s permit for the purposes of conducting a fireworks display at their new athletic field, 10200 Watertown Plank Road on October 4, 2004; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Wauwatosa THAT the Clerk be authorized to issue a firework user’s permit to Wisconsin Lutheran College for the purpose of conducting a firework’s display on October 4, 2004 at approximately 8:30 p.m. to 8:45 p.p. at the new athletic field at 10200 Watertown Plank Road in the City of

Wauwatosa at a specific location to be designated by the Wauwatosa Fire Chief, subject to all applicable laws and permit conditions.

It was moved by Ald. Treis, seconded by Ald. Maher to approve the foregoing resolution. -13-0-2 (Heins, Jenkins)

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-04-17

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