



CITY OF WAUWATOSA
MEMORIAL CIVIC CENTER
7725 WEST NORTH AVENUE
WAUWATOSA, WI 53213
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COMMON COUNCIL
Regular Meeting, Tuesday, January 18, 2005

PRESENT: Alds. Jenkins, Kopischke, Krill, Maher, Subotich, Sullivan, Treis, Bruderle-Baran, Becker, Birschel, Casey, Grimm, Herzog -13

EXCUSED: Alds. Krol, McCarthy, Stepaniak

ALSO PRESENT: Mr. Wontorek, City Administrator; Ms. Plass, Accounting Mgr.; Mr. Kesner, City Attorney; Mr. Kappel, Dir. of Public Works; Ms. Welch, Community Development Director; Police Chief Weber; 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. -13

OLD BUSINESS

The following item was held for two weeks after a public hearing on January 4, 2005:

ORDINANCE O-05-5

AN ORDINANCE AMENDING CHAPTERS 24.07, 24.08 AND 24.10 BY CHANGING THE INTERIOR YARD SETBACKS FOR PRINCIPAL BUILDINGS ON CORNER LOTS IN THE ESTATE, AAA AND AA SINGLE FAMILY RESIDENCE DISTRICTS

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

Part 1. That portion of Chapter 24.07.120 and Chapter 24.08.130 Side Yard Setbacks is hereby amended to read as follows:

Corner Lot: Interior Lots:
North or west side of lot – minimum 5 feet
South or east side of lot – minimum 10 feet

And that portion of Chapter 24.10.120 Side Yard Setbacks

Corner Lot: Side yard setback between the building and the interior lot line-minimum 6 feet.

Part II. This Ordinance shall take effect and be in force from and after its passage and publication.

It was moved by Ald. Kopischke, seconded by Ald. Krill
to adopt the foregoing ordinance. Roll call vote, Ayes 13.

APPLICATIONS, COMMUNICATIONS, ETC.

1. Notice of Claims: Nick and Carrie Sgarlata, 1934 Forest Street
George A. Wright, Northwest Masonic Center, 4315 N. 92nd Street
Abraham Mok, 2233 S. 67th Place, West Allis
City Attorney
2. Wauwatosa Water Utility Statement of Receipts and Disbursements for month ended
December 31, 2004
Place on file
3. Letter from Gina Hansen, National Association of Industrial and Office Properties,
expressing concerns regarding the proposed “big box” development ordinance
Add to existing file
4. City of Wauwatosa Investment Summary as of December 31, 2004
Place on file
5. Letter from W. L. Goranson, Kirkwood Partnership, 14875 San Marcos Dr., Brookfield,
requesting the Best Buy Store, 2855 N. Mayfair Road, be required to provide additional
parking and traffic control during the Christmas season
Director of Community Development, Police Chief
6. Donations: \$50 - Robert & Sara Randow, \$50 - Brian & Leah O’Day, \$25 - Bill & Juli
Brudnicki, \$20 - Robert & Violet Ellison, \$20 - Fred & Joe Zamzow, \$20 - \$20 - Mel &
Marie Johnson to the Fire Dept. Diedrich Special Endowment Fund
Place on file
7. Letter from Rezonn Dehlin-Klein, 6223 Washington Circle, and petition with 25 signatures
requesting signage for pedestrian safety at the intersection of W. Lloyd and N. 65th Streets
Committee on Traffic & Safety
8. Special Use application to park Blood Center of Southeastern Wisconsin vehicles in the Park
and Ride lot located at 10110 Watertown Plank Road
Plan Commission
9. Letter from Herb Tyson, Vice President, International Council of Shopping Centers, opposing
the “big box” proposed ordinance
Add to existing file

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT FOR INTRODUCTION

1. Ordinance creating and defining the duties of the Wauwatosa Senior Commission
Re-refer to originating committee

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-05-11

WHEREAS, Mega Marts, Inc., d/b/a Pick 'N Save, has applied for a Class A beer and Class A liquor license at 6950 W. State Street, Wauwatosa;

NOW, THEREFORE, BE IT RESOLVED THAT Mega Marts, Inc., d/b/a Pick 'N Save is hereby awarded a Class A beer license and a Class A liquor license at its store located at 6950 W. State Street, Wauwatosa, as more particularly described in the application materials on file in the Clerk's office for the period January 29, 2005 through June 30, 2005.

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-05-12

WHEREAS, the interaction of School District Revenue Limits and the requirements of Qualified Economic Offers under Wisconsin law create an ongoing structural deficit for certain school districts, and

WHEREAS, state law also penalizes a negative tertiary aid school district, such as the Wauwatosa School District, if such district makes efforts to address these structural deficits through use of existing fund balance reserves or through a district-wide referendum, and

WHEREAS, the current effect of this negative tertiary aid formula is that seventy cents (\$0.70) of each new dollar (\$1.00) derived locally and budgeted for expenditure by the Wauwatosa School District, either from the use of fund reserve balances or referendum-approved revenues, would not be available locally for provision of education and services to Wauwatosa residents and taxpayers (This number has been higher in previous years), and

WHEREAS, the availability of fund balance reserves results from an ongoing practice of sound fiscal management by the Wauwatosa School District, combined with the change in the payment schedule for state aids, and

WHEREAS, the penalties applied to the school district by the negative tertiary aid formula, when combined with the ongoing structural deficit created by state law, affect all residents and taxpayers in the City of Wauwatosa by requiring drastic reductions in public school education and other services to the community, despite the availability of funds and willingness of the citizens and the Wauwatosa School Board to utilize those funds,

NOW THEREFORE BE IT RESOLVED THAT the Common Council of the City of Wauwatosa does hereby call upon officials of the State of Wisconsin to address these negative incentives for the use of local funds at the local level, by excluding from the negative tertiary aid formula any penalties resulting from the use of existing fund balance reserves or debt service authorized by a voter-approved referendum within the district, and

BE IT FURTHER RESOLVED THAT appropriate city officials are directed to communicate this resolution to the Governor of the State of Wisconsin, the leadership and local representatives in the Wisconsin State Senate and Assembly, the Superintendent of Public Instruction, and all other persons

who may be able to assist the Wauwatosa School District in achieving its objective to eliminate penalties for the local expenditure of locally-raised funds and to be able to utilize its own funds, on a dollar-for-dollar basis, without the loss of state aid.

It was moved by Ald. Treis, seconded by Ald. Birschel to approve the two foregoing resolutions. -13

FROM THE COMMITTEE ON TRAFFIC AND SAFETY

RESOLUTION R-05-13

WHEREAS, a recently completed 90 day trial of the removal of parking restrictions at 2544 Wauwatosa Avenue in the City of Wauwatosa has resulted in an inconclusive determination of whether it would be appropriate to make such removal permanent; and

WHEREAS, the Director of Public Works has recommended extending the trial for an additional 90 day period;

NOW, THEREFORE, BE IT RESOLVED THAT the 90 day trial of removal of parking restrictions at 2544 Wauwatosa Avenue in the City of Wauwatosa is hereby extended for an additional 90 day period.

FROM THE COMMITTEE ON TRAFFIC AND SAFETY

RESOLUTION R-05-14

WHEREAS, Deborah Karpfinger, d/b/a The Flower Lady, Inc., has requested a 30-foot loading zone at 1460 Underwood Avenue in the City of Wauwatosa; and

WHEREAS, adjacent business owners have supported this request; and

WHEREAS, the applicant has agreed to be responsible for the cost of the signs and the annual permit fee;

NOW, THEREFORE, BE IT RESOLVED THAT the 30-foot loading zone at 1460 Underwood Avenue, as more particularly described in the loading zone application is hereby approved and the special privilege permit for the establishment of this loading zone pursuant to Section 11.32.310 of the Wauwatosa Municipal Code is hereby granted.

It was moved by Ald. Becker, seconded by Ald. Herzog to approve the two foregoing resolutions. -13

FROM THE COMMITTEE ON BUDGET AND FINANCE

BILLS AND CLAIMS FOR THE PERIOD 1/5/05 – 1/18/05 --

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 1/5/05 – 1/18/05: \$1,232,088.04

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. Roll call vote, Ayes 13.

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-05-15

WHEREAS, the 2005 budget allocated \$65,000.00 with trade-in for purchase of a new powered platform lift truck for the Electrical and Sign Section and \$80,000.00 with trade-in for the purchase of a new powered platform lift truck for the Forestry Section; and

WHEREAS, appropriate City officials have examined the quotes received from Federal government's General Services Administration, a procedure which supersedes the bidding requirements of the Wauwatosa Municipal Code;

NOW, THEREFORE, BE IT RESOLVED THAT the quotes received from Time Manufacturing-Versalift Division through the General Services Administration for one aerial truck per quote #G-6463 and GSA contract #GS-30F-1024H for the Electrical and Sign Section for their price of \$60,677.00 without trade-in and one aerial truck per quote #G-6464 and GSA contract #GS-30F-1024H for the Forestry Section for their price of \$81,264.00, without trade-in, is hereby approved.

BE IT FURTHER RESOLVED THAT City of Wauwatosa Fleet No. L-01 and R-07 shall hereby be declared surplus when the new vehicles are put into service and may be disposed of as appropriate.

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-05-16

WHEREAS, the Wauwatosa Water Utility and the City of Wauwatosa Engineering Services Division has indicated the need to install an additional water main and related appurtenances along the west border of the parcel comprising Mayfair Mall in the City of Wauwatosa, as more particularly described in Exhibit A to the Water Main Easement Agreement which is attached; and

WHEREAS, installation of the Water Main and a Utility Easement across the portion of the aforementioned property will appropriately serve the purposes of the City of Wauwatosa; and

WHEREAS, the owner of the property, Mayfair Properties, Inc., has agreed to grant the Utility Easement to the City of Wauwatosa pursuant to the terms of the attached Easement Agreement;

NOW, THEREFORE, BE IT RESOLVED THAT the Water Main Easement Agreement with Mayfair Properties, Inc., a copy of which is attached hereto and incorporated herein, is hereby approved, and the appropriate City officials are authorized to execute said Agreement and accept the Easement on behalf of the City of Wauwatosa.

It was moved by Ald. Herzog, seconded by Ald. Bruderle -
Baran to approve the two foregoing resolutions. -13

There being no further business, the meeting adjourned at 7:37 p.m.

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Carla A. Ledesma, CMC, City Clerk