



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, February 1, 2005

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

EXCUSED: Ald. Maher

ALSO PRESENT: Mr. Wontorek, City Administrator; Ms. Plass, Accounting Mgr.; Mr. Kesner, City
Attorney; Ms. Welch, Community Development Director; Police Capt. Sutter; Dr.
Kreuser, Health Officer; 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. -15

APPOINTMENTS BY THE MAYOR

7th District Aldermanic Selection Committee

Clarence Jenkins, Chair
Tom Treis, Vice-Chair
Thomas Herzog
Alan Kopischke
Jerome Stepaniak

Wauwatosa Village Business Improvement District

Carol Bluem, US Bank
Rhonda McCreedy, DeRosa Corporation
Tim Makal, citizen
Jim Olson, Zimmerman Design Group
Ed Senger, Outpost Natural Foods
(Terms end 12/31/05)

Pamela Anderson, Underwood Gallery
Rich Conley, Metropolitan Development
Rich Lochrie, Lochrie & Associates
John Perry, Wauwatosa Savings Bank

Dennis Webb, Blue Lapin
(Terms end 12/31/06)

Kathy Barry, citizen
Jim Heaviland, Popcorn Wagon
Chris Leffler, Leff's Lucky Town
Marija Medunic, Bjonda
Lynn Raschka, StyLynn Baskets & Gifts
(terms end 12/31/07)

Submitted for information only. No Council action required.

Historic Preservation Commission
Lelia Lupianez, 1532 Ridge Court
(Term ends 11/3/07)

Civic Celebration Commission
Sarah Weseloh, 6407 Powell Place
James Stroebel, 1531 N. 116th Street
Judith Q. Randall, 317 N. 89th Street (reappointment)
Sherryl Wedel, 6131 Washington Circle (reappointment)
Robert Brunow, 10401 W. Vienna Avenue (reappointment)
Patricia Luebke, 613 Pleasant View (reappointment)
Kenneth Robinson, 613 Pleasant View (reappointment)
(Terms end 12/31/08)

Foregoing appointments ordered held as this was the first reading.

APPLICATIONS, COMMUNICATIONS, ETC.

1. Conditional Use application for banking services with drive-thru lanes and automatic teller machine at 2365 N. Mayfair Road
Plan Commission, Committee on Community Development
2. Conditional Use application to operate a take-out restaurant at 6119 W. North Avenue
Plan Commission, Committee on Community Development
3. Conditional Use application to operate a café and bakery at 8725 W. North Avenue
Plan Commission, Committee on Community Development
4. Land Division application to divide property at approximately 10101 W. Wisconsin Avenue
Plan Commission, Committee on Community Development
5. Conditional Use application to operate a day care center at 6905 W. North Avenue
Plan Commission, Committee on Community Development
6. Conditional Use application for Froedtert Hospital to construct a multi-level parking structure on the northwest corner of Doyne Avenue and N. 87th Street
Plan Commission, Committee on Community Development
7. Application for Change of Zoning from AA Light Manufacturing District to Business Planned Development District for: 11100, 11200, 11300, 11310, 11400, and 11500 W. Burleigh Street
Plan Commission, Committee on Community Development

8. Conditional Use application for outdoor storage of PODS storage containers at 3000 N. 114th Street
Plan Commission, Committee on Community Development
9. Donations: \$125 from Dale & Joann Schueller; \$25 from Mary Ann Burzynski; \$45 from Christine A. Marks to the fire department Diedrich Special Endowment Fund
Place on file
10. Letter from Kathryn Kuhn, Medical College of Wisconsin, regarding the Medical College's expansion plans
Add to existing file
11. Letter from Ald. McCarthy submitting his resignation effective February 28, 2005
Aldermanic Selection Committee
12. Notices of Claim: Milwaukee Regional Medical Center, Inc., 8624 Watertown Plank Road, for refund of 2002, 2003, and 2004 personal property taxes; Milwaukee Regional Medical Center, Inc., 8624 Watertown Plank Road, for refund of 2004 real property taxes; The Wisconsin Hearth Hospital LLC, 10000 W. Blue Mound Road, for refund of excess 2004 real property taxes; Atty. Joseph A. Pickart on behalf of Covenant Healthcare System, Inc.: three claims for refund of real and personal property taxes for various parcels located at 201 N. Mayfair Road, 251 N. Mayfair Road, N. 110th Street, and 4500 N. 119th Street
City Attorney
13. Letter from Delbert F. Reynolds, U.S. Department of Housing and Urban Development, relaying results of HUD's assessment of the City's implementation and administration of Community Development Block Grant funds for the 2003 program year
Director of Community Development

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT FOR INTRODUCTION

1. Ordinance amending Section 15 of the City Code pertaining to election signs
Re-refer to originating committee

FROM THE COMMITTEE ON EMPLOYEE RELATIONS

RESOLUTION R-05-17

WHEREAS, the duties of the Municipal Clerk III, desk clerk, in the Police Department have changed since it was classified as such; and

WHEREAS, the individual currently in such position is retiring, leaving a vacancy in the position; and

WHEREAS, the Police Department recommends that the position be reclassified to a Municipal Clerk I;

NOW, THEREFORE, BE IT RESOLVED THAT the position of Municipal Clerk III, Desk Clerk, be reclassified to Municipal Clerk I in the Police Department office.

It was moved by Ald. Jenkins, seconded by Ald. Kopischke to approve the foregoing resolution. - 15

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-05-18

WHEREAS, Adam B. Krueger, 6735 W. Hillside Lane, Wauwatosa, WI applied for an operator’s license in conjunction with his employment at Walter’s on North, 6930 W. North Avenue, Wauwatosa, WI; and

WHEREAS, a background investigation revealed the applicant more than one conviction which he failed to disclose; and

WHEREAS, the circumstances surrounding these previous convictions and his failure to disclose them are substantially related to the responsibilities required of persons holding operator’s licenses in the City of Wauwatosa;

NOW, THEREFORE, BE IT RESOLVED THAT the operator’s license application of Adam B. Krueger is hereby denied;

BE IT FURTHER RESOLVED THAT the Clerk shall notify Mr. Krueger in writing of this decision and the reasons for the denial.

It was moved by Ald. Treis, seconded by Ald. Krill to approve the foregoing resolution. - 15

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

ORDINANCE O-05-6

AN ORDINANCE CREATING CHAPTER 2.28 OF THE WAUWATOSA MUNICIPAL CODE REGARDING THE WAUWATOSA SENIOR COMMISSION

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

Part I. Chapter 2.28 of the Wauwatosa Municipal Code is hereby created to read as follows:

**Chapter 2.28
SENIOR COMMISSION**

2.28.010 Created.

There is hereby created a permanent voluntary Wauwatosa Senior Commission which shall consist of a membership as follows:

- A. Not less than nine persons who live or work in the city of Wauwatosa to be appointed by the mayor, subject to the confirmation of the common council, who shall be appointed for the following terms: three for one year, three for two years, and three for three years, respectively, and thereafter such commissioners shall be appointed for a term of three years and until their respective successors are appointed and qualified. One member shall be a social service representative, and two (2) members shall be representative of the general public. No more than

two (2) elected officials may be voting members. The commissioners shall receive no compensation. The Mayor shall designate one of the members as chairperson. The majority of the voting membership shall be sixty (60) years of age or older.

B. Annually, a member of the common council shall be appointed as a liaison (nonvoting) member by the mayor, subject to the confirmation of the common council.

C. The Health Officer, or designee, shall be appointed as an ex-officio member of the Senior Commission.

D. Other municipal officials may be appointed as needed as ex-officio members.

2.28.020 Purpose and duties.

The purpose and duties of the Wauwatosa Senior Commission shall be as follows:

A. Conduct ongoing assessment of the conditions affecting seniors and older adults in the community which shall include strategic recommendations to address identified problems; Conduct a continual study of the needs of senior citizens within the City through census data, questionnaires, hearings, and informal discussion in the areas of housing, medical care, recreation, part-time employment and other concerns of senior citizens.

B. Make use of assessments and strategic recommendations of community conditions and recommend to appropriate agencies those community resources which should be instituted, improved or enlarged in order to meet the needs of senior citizens.

C. Collect and communicate information regarding these conditions and available resources throughout the community; Attempt to catalog community resources of all kinds which are available to meet the needs of senior citizens.

D. Encourage and aid in coordinating local community organizations and agencies related to all older adults; Keep advised of activities of Federal, State, and County Agencies working in the area of the problems of senior citizens and, where indicated, provide liaison with such other governmental agencies.

E. Cooperate with other similar and related organizations in Metropolitan Milwaukee that have a common focus on seniors and older adults.

F. Advise the Common Council in January of each year of its activities, make recommendations to the Common Council in areas affecting the welfare of senior citizens, either upon its own initiative or upon referrals of matters to it by the Common Council.

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

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-05-19

WHEREAS, the City of Wauwatosa is a landlocked community with limited large-scale development sites; and

WHEREAS, there is a strong possibility that a number of these large-scale development sites may be available for redevelopment in the near future, and will attract proposals for development of “big box retail establishments”; and

WHEREAS, it is in the community’s best interest to promote orderly growth and balance the development of these limited sites in terms of both economics and aesthetics; and

WHEREAS, neither the city comprehensive plan nor any other land use plan makes mention of the significance or impact of “big box retail establishments” on the community, thereby leading to a disconnected, ad hoc approval process not in the long term interests of the city, and which may have an irreversible negative impact upon the city; and

WHEREAS, in order to better protect the general health and welfare of the City of Wauwatosa, a temporary moratorium on issuance of building permits for “big box retail establishments” will create a more stable environment so that revisions to the city zoning code and comprehensive plan, if necessary, can be considered and adopted in an orderly and thorough process, and

WHEREAS, the United States Supreme Court has recently stated that, “The consensus in the planning community appears to be that moratoria, or interim development controls as they are often called, are an essential tool of successful development,”¹ and

WHEREAS, the City of Wauwatosa Common Council approved a temporary moratorium on issuance of building permits for “big box retail establishments” for a period of one year on February 17, 2004, and

WHEREAS, a draft ordinance has been prepared and reviewed by appropriate City Boards and Commissions and a public hearing on this issue was held on January 4, 2005, and

WHEREAS, the Committee on Community Development has requested additional development of ordinance language by staff in order to prepare the final ordinance regulating the development of “big box retail establishments,” and

NOW THEREFORE, BE IT RESOLVED that the City of Wauwatosa hereby extends its temporary moratorium on the development of “big box retail establishments” pursuant to the terms described below. For purposes of this ordinance “big box retail establishment” is defined as: a retail or wholesale store of over 35,000 gross square feet in area, and

BE IT FURTHER RESOLVED THAT during this moratorium, except as otherwise stated below, the City of Wauwatosa shall not accept, review, nor approve any applications for, or related to, developments that incorporate in whole or in part proposals to construct, expand, or operate one or more “big box retail establishments,” as that term is defined below, and

¹ *Tahoe-Sierra Preservation Council, Inc. v. Tahoe Regional Planning Agency*, 535 U.S. 302, 337-38 (2002).

BE IT FURTHER RESOLVED THAT the City of Wauwatosa shall not hold any public hearings related to, in whole or in part, the rezoning for or the construction, expansion, or operation of one or more big box retail establishment(s), and

BE IT FURTHER RESOLVED THAT this moratorium shall apply to all applications currently pending or under review by the City of Wauwatosa as of the date of this ordinance, and

BE IT FURTHER RESOLVED THAT this moratorium shall be in effect for no more than six months from the date of this resolution, or until such time that the Common Council has passed or defeated an ordinance addressing the issues of big box retail establishments, and

BE IT FINALLY RESOLVED THAT the Wauwatosa Common Council reserves the right to extend or prematurely end this moratorium or approve exceptions if a particular proposal is found to be in compliance with relevant updated portions of the City's Comprehensive Plan, prior to approval of the Plan in its entirety.

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

FROM THE COMMITTEE ON BUDGET AND FINANCE

TO THE COMMON COUNCIL, CITY OF WAUWATOSA, WI

The Committee on Budget and Finance, to whom was referred the matter of the Wauwatosa Economic Development Corporation (WEDC) 2005 work plan and budget, recommends to the Common Council that the work plan and budget be accepted and placed on file.

Dated this 25th day of January 2005.

Committee on Budget and Finance

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-05-20

WHEREAS, the Milwaukee Metropolitan Sewerage District has notified the City of increases in sewer user charge rates in the 2005 operation and maintenance budget; and

WHEREAS, current rates charged to users in the City of Wauwatosa are not sufficient to pay that portion of the expenses related to sewer user rates charged by the Milwaukee Metropolitan Sewerage District in addition to the expenses required to maintain the local sewers within the City of Wauwatosa;

NOW, THEREFORE, BE IT RESOLVED THAT the recommendation of the Comptroller/Treasurer for an increase in 2005 sanitary sewer rates, as reflected in his memorandum of January 5, 2005, a copy of which is attached hereto, is hereby approved

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-05-21

WHEREAS, the Wauwatosa Health Department has received numerous grants known as continuation grants funds, which have been received every year for numerous years, and which may be continued for the year 2005, totaling \$680,505.00; and

WHEREAS, the continuation grants from the State of Wisconsin for the year 2005 include the following:

Maternal Child Health (MCH)	\$ 13,425.00	(75% match)
Childhood Lead Poison Prevention	3,343.00	
Immunization Registry	10,364.00	
Preventive Health Services	7,630.00	
CDC Tobacco Control	30,146	
CDC Bioterrorism Health Planning	30,916	(local share)
CDC Bioterrorism Consortium	584,681.00	
	\$680,505.00	

NOW, THEREFORE, BE IT RESOLVED THAT the Wauwatosa Health Department is hereby authorized to accept continuation grants from the State of Wisconsin, totaling \$680,505.00, for the year 2005.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-05-22

WHEREAS, the Wauwatosa Health Department, as fiscal agent for the Milwaukee/Waukesha Consortium for Public Health Emergency Preparedness Consortium grant has, as part of its annual grant objectives, determined workforce development activities which may appropriately be funded by consortium grant funds, after review by a Consortium Committee; and

WHEREAS, the amount being requested for the workforce development requests from the Health Departments associated with the Consortium totals \$150,000.00; and

WHEREAS, the proposed training will be funded entirely by the Bioterrorism Consortium grant,

NOW, THEREFORE, BE IT RESOLVED THAT the Wauwatosa Health Department is hereby authorized to utilize up to \$150,000.00 in Bioterrorism Consortium grant funds for workforce development opportunities for consortium members pursuant to the approved recommendation of the appropriate Consortium subcommittee;

BE IT FURTHER RESOLVED THAT applicants for grant funded training will utilize the modified City of Wauwatosa travel paperwork approved by the City of Wauwatosa Comptroller.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-05-23

WHEREAS, the Milwaukee/Waukesha County Emergency Preparedness Consortium has set as one of its goals to provide training in epidemiological surveillance to over 60 public health workers during the first quarter of 2005; and

WHEREAS, funding for this training is to be provided by the consortium grant at no net cost to the City of Wauwatosa; and

WHEREAS, Emory University was utilized by the Consortium in 2004 to train over 100 public health workers in epidemiology, and is the most qualified organization providing this type and quality of training for local health departments; and

WHEREAS, Emory University can provide this training on site at the City of Wauwatosa, thereby reducing travel costs for the public health workers being trained; and

WHEREAS, the estimated cost of providing this training is \$49,363, which will be entirely funded by Consortium funds;

NOW, THEREFORE, BE IT RESOLVED THAT the Wauwatosa Health Department, as fiscal agent for the Milwaukee/Waukesha County Emergency Preparedness Consortium, is hereby authorized to enter into a contract with Emory University to conduct Epidemiology surveillance training course for approximately 60 public health workers with the consortium during the first quarter of the year 2005, beginning in March at a cost not to exceed \$49,363;

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

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-05-24

WHEREAS, the Wauwatosa Health Department, as fiscal agent for the Milwaukee/Waukesha Consortium for Public Health Emergency Preparedness Consortium grant has, as part of its implementation of preparedness functions, provided communications technology for member organizations, consisting of Blackberry Communications devices operated on the network of T-Mobile, which will cost \$50,903 during the year 2005; and

WHEREAS, the consortium has also utilized pager services from SBC as a backup system to the Blackberry service, at a 2005 annual cost of \$11,137; and

WHEREAS, the consortium further utilizes two T-1 lines for communications, at a cost of \$7,188 for the 2005 calendar year; and

WHEREAS, the services have been executed successfully and would be prohibitively expensive to change during the 2005 grant year;

NOW, THEREFORE, BE IT RESOLVED THAT the Wauwatosa Health Department is hereby authorized to continue utilization of the above-described telecommunications services during the 2005 grant year.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-05-25

WHEREAS, the Wauwatosa School District, at the time entered into a lease of portions of the Fisher building to private, non-school entities, agreed to an annual payment in lieu of taxes to the City of Wauwatosa for services provided to the property, which during the year 2004 amounted to a total of \$12,821.25; and

WHEREAS, the tenant in the Fisher building terminated its lease from the School District in July 2004, thus reducing by half the revenue available to the School District for said payment to the City;

NOW, THEREFORE, BE IT RESOLVED THAT the Wauwatosa School District's payment in lieu of taxes owed to the City of Wauwatosa for the year 2004 is hereby reduced by half; and

BE IT FURTHER RESOLVED THAT this is a one-time-only payment reduction, and the City shall continue invoicing the School District for such payments in future years as appropriate

It was moved by Ald. Grimm, seconded by Ald. Bruderle -
Baran to approve the foregoing report and the six foregoing
resolutions. -15

FROM THE COMMITTEE ON BUDGET AND FINANCE

BILLS AND CLAIMS FOR THE PERIOD 1/19/05 – 2/01/05

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 1/19/05 – 2/01/05: \$1,258,570.39

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 15.

There being no further business, the meeting adjourned at 7:38 p.m.

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Carla A. Ledesma, CMC, City Clerk