



CITY OF WAUWATOSA
MEMORIAL CIVIC CENTER
7725 WEST NORTH AVENUE
Telephone: (414) 479-8917
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COMMON COUNCIL

Regular Meeting, Tuesday, April 17, 2007

PRESENT: Alds. Becker, Birschel, Didier, Donegan, Ewerdt, Grimm, Hanson, Herzog, Krill, Krol, Maher, Minear, Purins, Stepaniak -14

EXCUSED: Alds. Meaux, Treis

ALSO J. Archambo, City Admin.; A. Kesner, City Attorney; W. Kappel, Dir. of Public Works;
PRESENT: R. Braier, Finance Dir.; B. Weber, Police Chief; N. Welch, Comm. Dev. Dir.;
D. Redman, Fire Chief; B. Aldana, Asst. City Attu/Personnel Dir.; B. Williams,
Deputy City Clerk; E. Steinke, Recording Clerk

Mayor Estness in the Chair.

The Mayor called the meeting to order at 7:47 p.m.

A proclamation was presented to Tony Francher of The Home Depot in recognition of Home Depot's participation in the city's recycling program.

Moved by Ald. Grimm, seconded by Ald. Didier
that the reading of the minutes of the last regular meeting be
dispensed with and that they be approved as printed. -14

PUBLIC HEARING

ORDINANCE

AN ORDINANCE AMENDING CHAPTER 24.55.030 REDUCING THE MEMBERSHIP OF THE WAUWATOSA HISTORIC PRESERVATION COMMISSION FROM ELEVEN MEMBERS TO NINE

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

Part 1. Chapter 24.55.030 is hereby repealed in its entirety and recreated to read as follows:

Historic preservation commission composition.

A historic preservation commission is hereby created, consisting of nine members, one of whom shall be an alderperson in the city of Wauwatosa, and eight citizens, who may have related expertise in such fields, including but not limited to, architecture, history or appraisal. Each member shall have, to the highest extent practicable, a known interest in historic preservation with applicable areas of expertise. The mayor shall appoint the commissioners subject to confirmation by common council. The term for each member shall be three years.

Part 2. This ordinance shall take effect and be in force from and after its passage and publication.

Proof of publication is in the file.

The City Plan Commission, to whom was referred the proposed ordinance amending Chapter 24.55.030 of the City Code by reducing the membership of the Wauwatosa Historic Preservation Commission from eleven members to nine, recommends that the change be approved.

Dated this 12th day of March, 2007.

Nancy L. Welch, Secretary
City Plan Commission

An e-mail from Sharon Eiff, vice chair of the Historic Preservation Commission, supporting the proposed ordinance was read.

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

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

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

The public hearing was declared closed. Ordered held to the next Common Council meeting on May 1, 2007.

APPLICATIONS, COMMUNICATIONS, ETC.

1. Wauwatosa Water Utility Statement of Receipts and Disbursements ending March 31, 2007
Place on file
2. Canvass of Votes for the Spring Election, April 3, 2007
Place on file
3. City of Wauwautosa Investment Summary as of March 31, 2007
Place on file
4. Notice of Claim: Damian & Julia Dohr, 2414 N. 65th Street
State Farm Insurance Company for Esther Piekarski
City Attorney
5. Flyer by Christians Civil Liberties Union Browns for Justice, 2634 W. Vliet Street, Milwaukee, regarding polluting Underwood Creek and the Menomonee River; and Mayfair Mall
Place on file
6. Public Service Commission of Wisconsin Strategic Energy Assessment 2012

Place on file

7. Conditional Use application to place a pad mounted fiber conversion cabinet at 1717 N. 73rd Street
Plan Commission, Committee on Community Development
8. Letter from Calvin Kozlowski, 6936 W. Wisconsin Avenue, urging the city to construct the new fire station as quickly as possible on the Underwood site
Add to existing file

APPLICATIONS, COMMUNICATIONS, ETC.

9. Conditional Use application for outdoor dining at 6913-17 W. North Avenue
Plan Commission, Committee on Community Development
10. Conditional Use application to add a speaker board for ordering at 12324 W. North Avenue
Plan Commission, Committee on Community Development
11. Conditional Use application to operate a child daycare facility at 2306 N. 66th Street
Plan Commission, Committee on Community Development
12. Letter from Robert Peeple, 1562 Wauwatosa Avenue, stating that economic development should be a secondary consideration to the construction of a new fire station
Add to existing file
13. E-mails from Jason Gray, Manager of Drews Variety & Crafts, opposing the loss of parking at the Blanchard Street lot to development or a new fire station
Add to existing file
14. E-mail from Scott Swan, Swan Furniture & Interiors, opposing a fire station being built at the Blanchard Street location
Add to existing file
15. E-mail from Emily McShane, 1355 N. 60th Street, urging the building of a fire station at the Underwood Avenue location be the city's number one priority
Add to existing file
16. E-mail from Hank Wendt, President Local 1923, Wauwatosa Firefighters Association, expressing concern regarding the Blanchard Street location for the new fire station
Add to existing file
17. E-mail from Linda Burg, The Little Read Book, 7603 W. State Street, urging the Council to decide on a location and construct a fire station ahead of any possible economic development
Add to existing file

FROM THE COMMITTEES ON EMPLOYEE RELATIONS AND BUDGET & FINANCE

RESOLUTION R-07-85

BE IT RESOLVED THAT the City Administrator is hereby authorized to negotiate with the Assistant City Attorney/Personnel Administrator for continued employment with the City by having the ability to commit to creating a new position, which would be classified in Pay Grade 19, and employ her at the appropriate step within that range which is necessary to retain the employee, and

BE IT FURTHER RESOLVED THAT the City Administrator is hereby authorized to commit to adding the additional resources necessary to support the new position by proposing a restructuring of the

personnel department to better perform the functions of the department, and to propose the addition of litigation staff within the Office of the City Attorney for the year 2008; and

BE IT FINALLY RESOLVED THAT the Common Council of the City of Wauwatosa hereby allocated up to \$75,000 of Health Insurance Reserve funds toward the cost of increased salary and benefit expenditures necessitated by the increase in salary for the current employee in 2007 and the cost of salary and benefits during the balance of the year 2007 for a new position within the personnel department dedicated to health benefits management and wellness, the specific detail of which position will be brought back before the Common Council of the City of Wauwatosa for final approval.

Moved by Ald. Purins, seconded by Ald. Krill to approve the foregoing resolution -14

FROM THE COMMITTEE ON LEGISLATION, LICENSING & COMMUNICATIONS

RESOLUTION R-07-86

WHEREAS, William Poull of The Club Tap, 8828 W. North Avenue, has requested a temporary extension of the licensed premises to include the parking lot of his business on April 21, 2007, for a tailgate party before the Brewers Game;

NOW, THEREFORE, BE IT RESOLVED THAT the licensed premises of The Club Tap be extended to include the parking area in the rear of the building on April 21, 2007, for a tailgate party between the hours of 1:00 PM – 6:00 PM on the condition that refuse resulting from these events will be thoroughly cleaned by the premises owner and any outdoor music will be kept to a minimal volume.

Moved by Ald. Krill, seconded by Ald. Birschel to approve the foregoing resolution -14

FROM THE COMMITTEE ON TRAFFIC & SAFETY

ORDINANCE O-07-8

AN ORDINANCE AMENDING WAUWATOSA CODE SECTIONS 11.32.080 TO MODIFY PARKING RESTRICTIONS ON THE EAST SIDE OF NORTH 108TH PLACE IN THE CITY OF WAUWATOSA

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

Part I. That portion of the North 108th Place – east side subsection of the “Schedule of Streets, and portions” of the Wauwatosa Code Section 11.32.080 which follows the letter (c) is hereby deleted and new subsections are hereby added as follows:

(a) on West Blue Mound Road to a point 45 feet north thereof

(c) from 45 feet north of West Blue Mound Road to a point 60 feet north thereof

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

FROM THE COMMITTEE ON TRAFFIC & SAFETY

RESOLUTION R-07-87

WHEREAS, Alderman Birschel of the Seventh District has requested that stop signs be placed on Elmhurst Parkway for eastbound and westbound traffic at the intersection with N. 118th Street; and

WHEREAS, records indicate that this intersection has had four accidents in the past three years, most involving eastbound vehicles;

NOW, THEREFORE, BE IT RESOLVED THAT the official stop sign map of the City of Wauwatosa is hereby amended by adding stop signs for eastbound and westbound traffic at the intersection with North 118th Street in the City of Wauwatosa.

FROM THE COMMITTEE ON TRAFFIC & SAFETY

RESOLUTION R-07-88

WHEREAS, The Southeastern Wisconsin Regional Planning Commission, which was duly created by the Governor of the State of Wisconsin in accordance with Section 66.0309(2) of the Wisconsin Statutes on the 8th day of August 1960, upon petition of the Counties of Kenosha, Milwaukee, Ozaukee, Racine, Walworth, Washington, and Waukesha, has the function and duty of making and adopting a master plan for the physical development of the Southeastern Wisconsin Region; and

WHEREAS, the Southeastern Wisconsin Regional Planning Commission adopted on June 21, 2006, a transportation system plan for the development of the Region to the year 2035; and

WHEREAS, the year 2035 regional transportation system plan and the supporting inventories, analyses, objectives, principals, standards, and forecasts are set forth in a published report entitled SEWRPC planning Report No. 49, A Regional Transportation System Plan for Southeastern Wisconsin: 2035; and

WHEREAS, the Commission has transmitted certified copies of its resolution adopting that transportation system plan, together with the aforementioned SEWRPC Planning Report No. 49, to the local units of government of the Southeastern Wisconsin Region; and

WHEREAS, the City of Wauwatosa believes that the transportation system plan prepared by the Commission will be a valuable guide not only to the development of the Region but of the community as well, and that the endorsement of such plan by the City of Wauwatosa will assure a common understanding by the several governmental levels and agencies concerned and enable their staffs to program the necessary areawide and local plan implementation work; and

WHEREAS, endorsement of the transportation system plan does not commit the City of Wauwatosa to support for any individual item or portion of the plan, as there will be future opportunities for further consideration of specific elements of the of the plan on a case by case basis prior to any specific project implementation.

NOW, THEREFORE, BE IT RESOLVED that the City of Wauwatosa on the 3rd day of April, 2007, hereby endorses the regional transportation system plan for the year 2035, previously adopted by the Commission, as set forth in SEWRPC Planning Report No. 49 as a guide for regional and community development.

BE IT FURTHER RESOLVED that the Common Council of the City of Wauwatosa wishes to go on record requesting SEWRPC to support its effort to lobby the State of Wisconsin, Department of Transportation to accelerate the schedule for the planning, design and re-construction of the Zoo Freeway and the resultant potential for congestion relief on the local roads within the City of Wauwatosa.

BE IT FURTHER HEREBY RESOLVED that the City Clerk transmit a certified copy of the resolution to the Southeastern Wisconsin Regional Planning Commission.

Moved by Ald. Grimm, seconded by Ald. Birschel to
approve the foregoing ordinance and two foregoing
resolutions -14

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-07-89

BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin THAT permission be and the same is hereby granted to Patrick Matre, Best Buy Stores, L.P., to combine the parcels located at 2401, 2421, and 2433 N. Mayfair Road and the adjacent former railroad right-of-way into one parcel, creating one commercial property fronting on Mayfair Road. The original parcels are more particularly described as follows:

Certified Survey Map No. 1229, Parcel 1, and

Certified Survey Map No. 1229, Parcel 2, and

Certified Survey Map No. 1229, Parcel 3, and

Lands commencing at the Northwest corner of Parcel 3, CSM 1229, thence East 18.64 feet North to the North line of the South half of said quarter West 18.64 feet thence South to Beginning

All the above parcels being in the Southeast ¼ of Section 18, in Township 7 North, Range 21 East, in the City of Wauwatosa, County of Milwaukee, State of Wisconsin.

All in accordance with the survey 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.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-07-90

BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin THAT permission be and the same is hereby granted to William Drew, Milwaukee County Research Park Corporation, for a Land Division by Certified Survey Map in the Research Park Planned Development District at the southeast corner of Innovation Drive and Watertown Plank Road. A Certified Survey Map to be filed with Milwaukee County Register of Deeds described as follows:

A redivision of Outlot 1 of Certified Survey Map No. 7809, along with Parcels 12 and 13 of Certified Survey Map No. 6461, being a part of the Northwest ¼ and the Southwest ¼ of the Northwest ¼ of Section 29, in Township 7 North, Range 21 East in the City of Wauwatosa, County of Milwaukee, State of 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.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-07-91

BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin THAT permission be and the same is hereby granted to William Drew, Milwaukee County Research Park Corporation, for a Land Division by Certified Survey Map in the Research Park Planned Development District at the southeast corner of Innovation Drive and Watertown Plank Road. A Certified Survey Map to be filed with Milwaukee County Register of Deeds described as follows:

Lot 1 of Certified Survey Map No. 6650, being a part of the Northwest ¼ and the Northeast ¼ of the Northwest ¼ of Section 29, in Township 7 North, Range 21 East in the City of Wauwatosa, County of Milwaukee, State of 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.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-07-92

BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin THAT permission be and the same is hereby granted to Ned Brickman, Midland 3521 LLC, for a Land Combination by

Certified Survey Map in the Business Planned Development District at 2717 North Mayfair Road. A Certified Survey Map to be filed with Milwaukee County Register of Deeds described as follows:

Being a division of a part of the Southeast ¼ of the Northeast ¼ of Section 18, in Township 7 North, Range 21 East in the City of Wauwatosa, County of Milwaukee, State of 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.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-07-93

WHEREAS, Susan F. Brkich, Cranky AI's, LLC, has applied for an amendment to a Conditional Use in the AA Business District at 6901 W. North Avenue for outdoor dining from 7:00 a.m. to 9:00 p.m., 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, and;

WHEREAS, the Committee on Community Development determined that the proposal for outdoor dining could have a negative affect on the adjacent residential properties.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin hereby grants a Conditional Use to Susan F. Brkich, Cranky AI's, LLC, for outdoor dining from 7:00 a.m. to 9:00 p.m. in the AA Business District at 6901 W. North Avenue subject to the following previously approved conditions:

- 1) trash pick up after 7:00 a.m.;
- 2) obtaining all necessary licenses and permits

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-07-94

WHEREAS, the Wauwatosa Village Improvement Business District has submitted a proposed design for the Root Commons area in the Village of Wauwatosa immediately to the west of Wauwatosa and Harwood Avenues; and

WHEREAS, the plan submitted to the Committee on Community Development at its meeting on April 10, 2007, reflected the results of the series of public meetings soliciting input on the final design proposal; and

WHEREAS, the Wauwatosa Village Improvement Business District has agreed to provide funding for the construction of the improvements at the Root Commons area, and has also agreed to enter into a written commitment for ongoing maintenance and improvement of the facilities installed at that location; and

WHEREAS, final design and construction details will be subject to the review and approval of the Director of Public Works, engineering staff and the Wauwatosa Water Utility;

NOW, THEREFORE, BE IT RESOLVED THAT the proposed project plan for the Root Commons area, as presented to the Committee on Community Development at its meeting on April 10, 2007, is hereby approved;

BE IT FURTHER RESOLVED THAT the final design and construction of the improvements of the Root Commons area are subject to the approval of the Director of Public Works, the engineering staff of the City of Wauwatosa, and the Wauwatosa Water Utility;

BE IT FINALLY RESOLVED THAT the City Attorney is hereby authorized to enter into a draft Agreement between the City of Wauwatosa and the Village of Wauwatosa Business Improvement District to provide for funding the construction of said improvements and for ongoing maintenance costs and responsibilities in the Root Commons area.

Moved by Ald. Herzog, seconded by Ald. Donegan to approve
the six foregoing resolutions - 14

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION

WHEREAS, the City of Wauwatosa identified the need to make improvements to Fire Station #1;
and

WHEREAS, a consultant was hired to study the existing structure and recommend improvements; and

WHEREAS, those recommendations were presented to the Common Council at a meeting of the Committee of the Whole on May 16, 2006; and

WHEREAS, the Committee of the Whole referred the discussion of the Fire Station improvements and possible location to the Committee on Community Development; and

WHEREAS, on July 25, 2006, the Committee on Community Development voted unanimously to approve a finding that there is a need to change the existing station #1 and a need for changes at fire station #2 as well; and

WHEREAS, on September 12, 2006, the Committee on Community Development voted 6-1 to approve a finding that administration, maintenance, training, and other functions currently found in the Fire Department headquarters should be housed together in a fire station site; and

WHEREAS, on September 26, 2006, the Committee on Community Development voted unanimously to approve a finding that the Fire Station Facility Study's space analysis is an appropriate toll for laying out future plans for the station; and

WHEREAS, the Committee directed staff to develop and issue a Request for Proposals to developers for the purpose of economic development on two city-owned sites located on Underwood Avenue and on Blanchard Street;

NOW, THEREFORE, BE IT RESOLVED that staff are directed to issue the approved Request for Proposals attached to this resolution.

Moved by Ald. Herzog, seconded by Ald. Donegan to approve the foregoing resolution --

Moved by Ald. Krill, seconded by Ald. Grimm to amend the motion that the Council choose, decide and conclude to build the new fire station at the greater Underwood site using additional land as necessary and possible; and direct staff to immediately begin solicitation of architectural and engineering services for the purpose of preparing the design and specifications for the new fire station --

Upon a roll call vote on the motion to amend, Ayes: 9, Noes: 5 (Birschel, Didier, Donegan, Herzog, Minear)

AMENDED RESOLUTION R-07-95

WHEREAS, the City of Wauwatosa identified the need to make improvements to Fire Station #1; and

WHEREAS, a consultant was hired to study the existing structure and recommend improvements; and

WHEREAS, those recommendations were presented to the Common Council at a meeting of the Committee of the Whole on May 16, 2006; and

WHEREAS, the Committee of the Whole referred the discussion of the Fire Station improvements and possible location to the Committee on Community Development; and

WHEREAS, on July 25, 2006, the Committee on Community Development voted unanimously to approve a finding that there is a need to change the existing station #1 and a need for changes at fire station #2 as well; and

WHEREAS, on September 12, 2006, the Committee on Community Development voted 6-1 to approve a finding that administration, maintenance, training, and other functions currently found in the Fire Department headquarters should be housed together in a fire station site; and

WHEREAS, on September 26, 2006, the Committee on Community Development voted unanimously to approve a finding that the Fire Station Facility Study's space analysis is an appropriate toll for laying out future plans for the station; and

WHEREAS, the Common Council has determined that a site located on or near the current site on Underwood Avenue is the appropriate location for a fire station;

NOW, THEREFORE, BE IT RESOLVED that staff are directed to develop a Request for Proposals for architectural/engineering services for the design of a fire station to be located on a site on or near the current site on Underwood Avenue.

Upon a roll call vote on the motion as amended, Ayes: 9, Noes: 5
(Birschel, Didier, Donegan, Herzog, Minear)

FROM THE COMMITTEE FROM THE COMMITTEE ON BUDGET & FINANCE

RESOLUTION R-07-96

WHEREAS, the Common Council has approved amendments to Tax Incremental Financing District #2 in order to accommodate a developer financed expenditure of \$3.5 million for a parking structure proposed by Mayfair Woods, LLC in the Milwaukee County Research Park; and

WHEREAS, the City of Wauwatosa staff, in conjunction with Mayfair Woods, LLC, have agreed to specific terms and conditions by which the developer-financed TIF expenditures for the parking structure would be reimbursed by Tax Incremental Financing District #2; and

WHEREAS, those terms and conditions by which TIF funding would be provided to Mayfair Woods, LLC, are incorporated into a draft Development Agreement between the City and Mayfair Woods, LLC, a copy of which is attached hereto and incorporated herein;

NOW, THEREFORE, BE IT RESOLVED THAT the proposed Development Agreement provided to the Committee on Budget & Finance and reviewed at its meeting on April 17, 2007, is hereby approved, with execution of the Development Agreement contingent upon final approval of the amendments to Tax Incremental Financing District #2 by the Joint TIF Review Board at its next scheduled meeting.

Moved by Ald. Stepaniak, seconded by Ald. Maher to approve the foregoing resolution - 14

FROM THE COMMITTEE ON BUDGET & FINANCE

BILLS AND CLAIMS FOR THE PERIOD 4/4/07-4/17/07 --

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 4/4/07-4/17/07: \$1,170,874.73

Moved by Ald. Krol, seconded by Ald. Krill that each and every one of the accounts of bills and claims be allowed and ordered paid. Upon a roll call vote, Ayes: 14

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-07-97

BE IT RESOLVED by the Common Council of the City of Wauwautosa, THAT the proper city officials be and they are hereby authorized and directed to enter into a contract with J & A Pohl, Inc. for the work of Concrete Sidewalk Repair and work incidental thereto under Contract 07-19 at and for their bid price of \$235,606.21 this being the lowest and best bid.

BE IT FURTHER RESOLVED THAT the surety deposits, if any, be returned to the unsuccessful bidders.

Moved by Ald. Maher, seconded by Ald. Birschel to approve the foregoing resolution - 16

There being no further business, the meeting adjourned at 9:23 p.m.

Bernadette A. Williams, Deputy City Clerk