



CITY OF WAUWATOSA
MEMORIAL CIVIC CENTER
7725 WEST NORTH AVENUE
WAUWATOSA, WI 53213
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COMMON COUNCIL

Regular Meeting, Tuesday, January 17, 2006

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

EXCUSED: Ald. Stepaniak

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 Chief Weber; Fire Chief Redman; Ms. Jacobsen, Admin. Asst; Mr. Mikolajewski, Wauwatosa Economic Development Corp.; Ms. Ledesma, City Clerk; Ms. Williams, Deputy City Clerk

Mayor Estness in the Chair

The Mayor called the meeting to order at 7:54 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

PUBLIC HEARING

The first item of business was a public hearing concerning the following:

ORDINANCE

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF WAUWATOSA BY REZONING A PORTION OF 1215 N. 62ND STREET FROM AA LIGHT MANUFACTURING DISTRICT TO AA BUSINESS DISTRICT

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

Part 1. The Official Zoning Map of the City of Wauwatosa is hereby amended to reflect the following change:

A tract of land being a part of the Parcel 1 of the Certified Survey Map No. 1731 and part of Lot 9, Block 2 of Assessor's Plat No. 11, being a part of the Southwest ¼ of the Southeast ¼ of Section 22 and the Northwest ¼ of the Northeast ¼ of Section 27 in Township 7 North, Range 21 East, City of

Wauwatosa, County of Milwaukee, State of Wisconsin, is Rezoned from AA Light Manufacturing District to AA Business District.

Part II. The City Administrator is hereby directed to change the Official Zoning Map of the City of Wauwatosa to conform to the provisions of the Ordinance, and said Map is declared amended accordingly.

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

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 David Israel for preliminary plan approval and change of zoning from AA Light Manufacturing to Business Planned Development District at 1215 N. 62nd Street for a multi-family residential development, recommends that the request be approved.

Dated this 7th day of November 2005.

Nancy L. Welch, Secretary
City Plan Commission

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

The Chair inquired whether any member of the public present wished to be heard in opposition to the proposed ordinance.

Gary Kandziora, 6124 W. Martin Drive, expressed concern over traffic problems that will be exacerbated by the development proposed for this property. Traffic flow from businesses just off of State Street should be directed back to State Street, and not allowed into neighborhoods to the north. The developer of this parcel (if rezoned) should be prevented from accessing either N. 62nd Street or Martin Drive. Mr. Kandziora expressed concern that during the morning and afternoon rush hours residents of this proposed development will turn to Martin Drive or Martha Washington Drive because they offer more convenient access.

The road work on State Street has resulted in residents to the north being trapped in their driveways, contending with dirty, unswept streets, blowing dust, and frequent vibration. Construction equipment has damaged residential driveways. The Water Department has sought access to his basement to take "before" pictures in case damage occurs as a result of the work being done to increase the water supply to this area. How much will residents have to contend with if the Western Metals property becomes a condo development?

It is reported that the proposed project for this property will feature four-story buildings on N. 62nd Street, and a 4 1/2 -story building near the new Walgreen's. Will the proposed clubhouse be available to rent for parties? How can residents be asked whether they favor a rezoning when they don't know exactly what the new zoning will allow?

Spencer Hoyt, 1298 N. 63rd Street, stated he favors rezoning in this area, but questions whether a clear plan exists to give direction to planning for this part of the city. Is this rezoning an example of ‘the cart before the horse?’ There are traffic issues to be addressed in the Village area.

Mary Grages, 1307 Martha Washington Drive, expressed concern that the rezoning will negatively affect Mr. Kandziora’s business.

No one of the public present had any other comments or questions.

The public hearing was declared closed. Ordered held to the next Common Council meeting, February 7, 2006.

PUBLIC HEARING

The second item of business was a public hearing concerning the following:

ORDINANCE

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF WAUWATOSA BY REZONING THE PROPERTIES LOCATED IN THE HART PARK AREA GENERALLY BOUNDED BY 72ND STREET ON THE WEST, THE RAILROAD TRACKS ON THE NORTH, THE EAST CITY LIMITS AND RIVER PARKWAY AND THE MENOMONEE RIVER ON THE SOUTH FROM AA SINGLE FAMILY RESIDENCE DISTRICT, BB TWO FAMILY RESIDENCE DISTRICT, DD EIGHT FAMILY RESIDENCE DISTRICT, AA BUSINESS DISTRICT, AND AA LIGHT MANUFACTURING DISTRICT TO PARKS AND OPEN SPACE DISTRICT

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

Part 1. The Official Zoning Map of the City of Wauwatosa is hereby amended to reflect the following change:

Parcels located in the Hart Park area in the NE ¼ of Section 27, Town 7 North, Range 21 East, in the City of Wauwatosa, County of Milwaukee, State of Wisconsin are rezoned from AA Light Manufacturing District to Business Planned Development District.

Part II. The City Administrator is hereby directed to change the Official Zoning Map of the City of Wauwatosa to conform to the provisions of the Ordinance, and said Map is declared amended accordingly.

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

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 the City of Wauwatosa for a change of zoning in the Hart Park area of property generally described in the ordinance caption above, recommends that the request be granted.

Dated this 7th day of November 2005.

Nancy L. Welch, Secretary
City Plan Commission

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 to 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, February 7, 2006.

APPOINTMENTS BY THE MAYOR

Aldermanic Selection Committee

Ald. Clarence Jenkins, Chair
Ald. Elizabeth Bruderle-Baran, Vice-Chair
Ald. Thomas Herzog
Ald. Craig Maher
Ald. Jerome Stepaniak

Committee for Citizens with Disabilities

Julie Alexander, 7224 W. State Street
(Term ends 12/31/07)
Richard and Dolly Peeples, 7363 Harwood Avenue (reappointment)
Margaret Mirinda, 2616 N. 96th Street (reappointment)
Ann D. Fritsch, 10200 W. Blue Mound Road (reappointment)
Jim Bennett, 611 N. 112th Street (reappointment)
(Terms end 12/31/08)

Design Review Board A

Ann Larson, 6128 Washington Boulevard (reappointment)
Wayne Rappold, 6618 Romona (reappointment)
(Term ends 12/31/07)

Design Review Board B

John Pernice, 2361 N. 88th Street (reappointment)
John Niemer, 7424 Kenwood Avenue (reappointment)
(Terms end 12/31/07)

Historic Preservation Commission

Janel Ruzicka, 2127 N. 74th Street (reappointment)

Gene Guskowski, 1035 Laurel Court (reappointment)

(Terms end 11/30/08)

Civic Celebration Commission

Michael and Mary Sylvester, 1715 N. 70th Street (reappointment)

(Terms end 12/31/09)

It was moved by Ald. Kopschke, seconded by Ald.
Birschel to concur with the foregoing appointments. -15

APPLICATIONS, COMMUNICATIONS, ETC.

1. Notices of Claim: George Burke, 556 Pleasant View St.
Philip Soboleski, 11712 Watertown Plank Road
City Attorney
2. Wauwatosa Water Utility Statement of Receipts and Disbursements for month ended
December 31, 2005
Place on file
3. Letter from Ald. Birschel requesting no left turns from 3-6 p.m. on N. 124th Street at W.
Vliet Street
Director of Public Works
4. Letter from John A. Balzer, vice president of Facility Planning & Development, Froedtert
Hospital, requesting a left turn arrow for eastbound traffic on W. Wisconsin Avenue at N.
87th Street
Director of Public Works
5. Letter from Ald. Casey resigning his position as Second District Alderperson effective
February 27, 2006
Aldermanic Selection Committee
6. City of Wauwatosa Investment Summary as of December 31, 2005
Place on file

FROM THE COMMITTEE ON TRAFFIC & SAFETY FOR INTRODUCTION

1. Ordinance amending Section 11.36.190 of the City Code prohibiting left turn during rush
hours for eastbound traffic on W. Blue Mound Road at N. 107th Street
Re-refer to originating committee

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-06-07

WHEREAS, Travis Kennelty, 2250 N. 103rd Street, Wauwatosa, WI, has applied for an operator's
license in conjunction with his employment at Colonel Hart's, 7342 W. State Street, Wauwatosa, WI;

NOW, THEREFORE, BE IT RESOLVED THAT Travis Kennelty, 2250 N. 103rd Street, Wauwatosa, WI, is hereby issued an operator's license for the period ending June 30, 2006.

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

FROM THE COMMITTEE ON EMPLOYEE RELATIONS

RESOLUTION R-06-08

WHEREAS, the employment agreement for the Wauwatosa City Administrator currently provides a monthly auto allowance of \$250.00 for the use of a personal vehicle for City business; and

WHEREAS, that provision in the employment agreement does not provide for increases based upon changes in the cost of providing such vehicle; and

WHEREAS, in the six years since that employment agreement was reached, the Internal Revenue Service standard mileage rate, which forms the basis for reimbursement of other City employees utilizing personal vehicles for City business, has increased 36.9%; and

WHEREAS, the City Administrator has requested an increase of 20% effective January 1, 2006, in the rate at which he is reimbursed for the use of his personal vehicle for City business, and funds have been provided for such increase to \$300.00 per month in the 2006 budget;

NOW, THEREFORE, BE IT RESOLVED THAT the employment agreement between the City of Wauwatosa and the City Administrator be amended to provide an increase in the monthly auto allowance for the use of a personal vehicle for City business to \$300.00 per month effective January 1, 2006,

BE IT FURTHER RESOLVED THAT the employment agreement also reflect that in future years the auto allowance shall be incrementally changed effective January 1st of each year by the percentage rate equal to the annual percentage change in the IRS standard mileage rate which is utilized to reimburse other City employees for use of personal vehicles for City business.

It was moved by Ald. Jenkins, seconded by Ald. Casey to approve the foregoing resolution. 14-1 (Grimm)

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-06-09

WHEREAS, Douglas Baretz and Paula Brookmire have applied for a Conditional Use in the AA Business District at 11050 W. Blue Mound Road for a massage therapy establishment, 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;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin hereby grants a Conditional Use to Douglas Baretz and Paula Brookmire for a massage therapy establishment in the AA Business District at 11050 W. Blue Mound Road subject to the following conditions:

- 1) hours of operation to be 8:00 a.m. to 9:30 p.m. Monday through Saturday, and
- 2) obtaining all necessary licenses and permits.

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

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION

WHEREAS, Joe Denis and Peter Barette have applied for a Conditional Use in the AA Business District at 3140 N. 124th Street for a restaurant with a drive-thru and outdoor dining, 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;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin hereby grants a Conditional Use to Joe Denis and Peter Barette for a restaurant with a drive-thru and outdoor dining in the AA Business District at 3140 N. 124th Street subject to the following conditions:

- 1) hours of operation to be 4 a.m. to midnight, and
- 2) final approval of the site plan by the City Engineer, and
- 3) obtaining all necessary licenses and permits.

It was moved by Ald. Kopischke, seconded by Ald. Maher to approve the foregoing resolution. –

It was moved by Ald. Maher, seconded by Ald. Birschel to review the matter of the hours of operation 18 months after the restaurant opens. 13-2 (Becker, Krill)

Vote on motion as amended, - 15

The amended resolution is as follows:

RESOLUTION R-06-10

WHEREAS, Joe Denis and Peter Barette have applied for a Conditional Use in the AA Business District at 3140 N. 124th Street for a restaurant with a drive-thru and outdoor dining, 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;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin hereby grants a Conditional Use to Joe Denis and Peter Barette for a restaurant with a drive-thru and outdoor dining in the AA Business District at 3140 N. 124th Street subject to the following conditions:

- 1) hours of operation to be 4 a.m. to midnight daily, and
- 2) final approval of the site plan by the City Engineer, and
- 3) obtaining all necessary licenses and permits, and
- 4) a review of the conditional use in 18 months from opening

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-06-11

WHEREAS, the Department of Homeland Securities Buffer Zone Protection Plan has awarded a grant to the City of Wauwatosa and Mayfair Mall in the amount of \$45,996.00 for the purchase of video and radiological monitoring equipment for the Fire Department and video security equipment to be installed at Mayfair Mall; and

WHEREAS, the terms of the grant require that the City be the fiscal agent for purposes of making purchases for the mall; and

WHEREAS, the grant requires that prepaid invoices be submitted in order to receive grant funds; and

WHEREAS, no matching City funds are required for execution of this grant;

NOW, THEREFORE, BE IT RESOLVED THAT the Buffer Zone Protection Plan grant in the amount of \$45,996.00, awarded to the City of Wauwatosa as described in the letter of the Executive Director of the Wisconsin Office of Justice Assistance dated January 5, 2006, is hereby accepted;

BE IT FURTHER RESOLVED THAT the purchases described in the grant materials for the City of Wauwatosa and Mayfair Mall are hereby approved and that the competitive bidding process for these purchases is hereby waived.

It was moved by Ald. Bruderle-Baran, seconded by Ald.
Casey to approve the foregoing resolution. -15

FROM THE COMMITTEE ON BUDGET AND FINANCE

BILLS AND CLAIMS FOR THE PERIOD 01/04/06 – 01/17/06 --

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 01/04/06 – 01/17/06: \$1,446,265.71

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 8:35 p.m.

cal

Carla A. Ledesma, CMC, City Clerk