



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, May 2, 2006

PRESENT: Alds. Didier, Donegan, Ewerdt, Grimm, Hanson, Herzog, Krill, Krol, Maher, Meaux, Purins, Stepaniak, Sullivan, Treis, Becker, Birschel -16

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; Ass. Fire Chief Hevey; Ms. Nielsen, Nursing Supervisor; Ms. Ledesma, City Clerk; Ms. Steinke, Recording Clerk

Mayor Estness in the Chair

The Mayor called the meeting to order at 7:38 p.m.

Mayor Estness thanked City Administrator Wontorek for his years of service to Wauwatosa and wished him well in his new position.

It was moved by Ald. Grimm, seconded by Ald. Krill that the reading of the minutes of the last regular meeting be dispensed with and they be approved as printed. -16

OLD BUSINESS

The following item was held after a public hearing on April 18, 2006:

ORDINANCE O-06-12

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 BUSINESS PLANNED DEVELOPMENT 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 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.

The Mayor reported that only a simple majority is required for this vote.

It was moved by Ald. Krill, seconded by Ald. Sullivan to adopt the foregoing ordinance. –

It was moved by Ald. Grimm, seconded by Ald. Becker to refer the matter back to committee. Roll call vote, Ayes 4 (Didier, Grimm, Hanson, Becker), Noes 12. Motion failed.

Roll call vote on original motion, Ayes 11, Noes 5 (Didier, Grimm, Hanson, Becker, Birschel)

BREAK 8:05 – 8:10 P.M.

RESOLUTION

WHEREAS, David Israel has submitted a preliminary plan for a Business Planned Development at 1215 N. 62nd Street to construct a multi-family residential development; and

WHEREAS, these preliminary plans have been reviewed and recommended by the City Plan Commission and the Committee on Community Development; and

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin hereby approves the preliminary plans for a Business Planned Development at 1215 N. 62nd Street submitted by David Israel based upon the plans submitted to the City and the public hearings conducted on this matter subject to the following conditions:

- 1) Plans showing adequate sewer capacity, environmental remediation, and storm water management subject to approval by City Engineer; and
- 2) Parking lot and traffic circulation plans subject to approval by City Engineer; and
- 3) Plans for water supply to site subject to approval by City Water Superintendent; and
- 4) Building plans designating design and materials subject to approval by the City Design Review Board; and
- 5) Plan for preservation and protection of Schoonmaker Reef subject to approval by the City Community Development Director; and

- 6) Lighting plan specifying cut-off light fixtures and minimizes and spillover of light onto adjacent residential neighborhoods subject to approval by the City Community Development Director; and
- 7) Plan showing all ventilation and heating equipment directed away from adjacent residential neighborhoods subject to approval by the City Community Development Director; and
- 8) Site plan showing locations of fencing and other appropriate security matters subject to approval by the City Community Development Director; and
- 9) Residential units will be condominium units; and
- 10) Emergency vehicle access plan subject to approval by City Police and Fire Departments.

It was moved by Ald. Stepaniak, seconded by Ald. Krill to approve the foregoing resolution. –

It was moved by Ald. Hanson, seconded by Ald. Krill to amend the resolution (#2) to add, “with specific attention paid to traffic on N. 62nd Street and any impact to the Derse Company and their loading zone.” Roll call vote, Ayes 16.

Roll call vote upon motion as amended, Ayes 11, Noes 5 (Didier, Grimm, Krol, Becker, Birschel)

The amended resolution is as follows:

RESOLUTION R-06-104

WHEREAS, David Israel has submitted a preliminary plan for a Business Planned Development at 1215 N. 62nd Street to construct a multi-family residential development; and

WHEREAS, these preliminary plans have been reviewed and recommended by the City Plan Commission and the Committee on Community Development; and

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin hereby approves the preliminary plans for a Business Planned Development at 1215 N. 62nd Street submitted by David Israel based upon the plans submitted to the City and the public hearings conducted on this matter subject to the following conditions:

- 1) Plans showing adequate sewer capacity, environmental remediation, and storm water management subject to approval by City Engineer; and
- 2) Parking lot and traffic circulation plans subject to approval by City Engineer, with specific attention paid to traffic on N. 62nd Street and impact on the Derse Company and its loading zone; and

- 3) Plans for water supply to site subject to approval by City Water Superintendent; and
- 4) Building plans designating design and materials subject to approval by the City Design Review Board; and
- 5) Plan for preservation and protection of Schoonmaker Reef subject to approval by the City Community Development Director; and
- 6) Lighting plan specifying cut-off light fixtures and minimizes and spillover of light onto adjacent residential neighborhoods subject to approval by the City Community Development Director; and
- 7) Plan showing all ventilation and heating equipment directed away from adjacent residential neighborhoods subject to approval by the City Community Development Director; and
- 8) Site plan showing locations of fencing and other appropriate security matters subject to approval by the City Community Development Director; and
- 9) Residential units will be condominium units; and
- 10) Emergency vehicle access plan subject to approval by City Police and Fire Departments.

APPOINTMENTS BY THE MAYOR

Committee for Citizens with Disabilities
Mary Walz-Chojnacki, 8007 Portland Avenue
(Term ends 12/31/09)

Wauwatosa Housing Authority
J. Michael Long, 2450 N. 97th Street
(Term ends 4/30/11)

Foregoing appointments ordered held as this was the first reading.

Board of Parks and Forestry Commissioners
Rosemary Wehnes, 7922 Jackson Park Blvd. (reappointment)
Dick Bachman, 2229 N. 115th Street (reappointment)
Dan Mitchell, 11925 W. Oxford Place (reappointment)
(Terms end 4/30/09)

Board of Zoning Appeals
Elizabeth Meyer, 6432 Upper Parkway North (reappointment)
(Term ends 4/30/09)

It was moved by Ald. Maher, seconded by Ald. Krill
to concur with the foregoing appointments. -16

APPLICATIONS, COMMUNICATIONS, ETC.

1. Conditional use application to install a back-up generator at an existing Verizon wireless communication facility at 12005 W. Hampton Ave.
Plan Commission, Committee on Community Development
2. Conditional use application to construct an elevator addition to an existing church at 1025 N. 70th Street
Plan Commission, Committee on Community Development
3. Special Use application to construct a garage with a height of 20 feet at 7415 Watson Avenue
Plan Commission
4. Special Use application to construct a garage with a height greater than 16 feet at 1440 N. 66th Street
Plan Commission
5. Conditional Use application for an outdoor seating area at 8828 W. North Avenue
Plan Commission, Committee on Community Development
6. Notices of Claim: Michael Gartenberg for Ogden & Company, Inc., 1665 N. Water Street, Milwaukee; Marion McDowell, 6829 Wellauer Drive
City Attorney
7. Conditional Use application for office space for a bottled gas business in the Village Trade District at 1433 Blanchard Street
Plan Commission, Committee on Community Development
8. Letter from W. Stewart Davis, Grede Foundries, Inc., revoking his signature on a petition opposing the rezoning of 1215 N. 62nd Street
Add to existing file
9. City of Wauwatosa Statement of Financial Condition as of 3/31/06
Place on file
10. E-mail from Mary Toole opposed to rezoning 1215 N. 62nd Street
Add to existing file
11. E-mail from Diane May opposed to rezoning 1215 N. 62nd Street
Add to existing file
12. Letter from William McNamara, Derse Exhibits, withdrawing his name from a petition opposing the rezoning of 1215 N. 62nd Street
Add to existing file
13. Letter from Matthew Bohlmann, Sylvan Studio, Inc., withdrawing his name from a petition opposing the rezoning of 1215 N. 62nd Street
Add to existing file
14. Letter from Mary Toole, 6331 W. McKinley Avenue, and petitions opposing the proposed rezoning (110 signatures) and multifamily residential development (111 signatures) at 1215 N. 62nd Street
Add to existing file
15. Letter from Dennis J. Webb, Chair of Village Business Improvement District, supporting proposed redevelopment of the former Western Metals property, 1215 N. 62nd Street
Add to existing file

16. Copy of letter from Pamela Anderson, BID board member, to Brian Preiss, Executive Director, Wauwatosa Business Improvement District, supporting proposed redevelopment of the Western Metals property, 1215 N. 62nd Street
Add to existing file

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-06-105

WHEREAS, Angela DuChac, agent for Maggiano's Holding Corporation, d/b/a Maggiano's Little Italy, 2500 N. Mayfair Road, Wauwatosa, WI, has applied for a Class B beer and Class B liquor license;

NOW, THEREFORE, BE IT RESOLVED THAT a Class B beer and Class B liquor license be awarded to Angela DuChac, agent for Maggiano's Holding Corporation, d/b/a Maggiano's Little Italy, 2500 N. Mayfair Road, Wauwatosa, WI, for the period ending June 30, 2006.

It was moved by Ald. Birschel, seconded by Ald. Herzog to approve the foregoing resolution. -16

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-06-106

WHEREAS, Cennita Jordon has applied for a Conditional Use in the AA Business District at 6230 W. North Avenue to operate a spa and tanning salon with massage therapy services 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 Cennita Jordon to operate a spa and tanning salon with massage therapy services in the AA Business District at 6230 W. North Avenue.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-06-107

WHEREAS, Michael Feker has applied for a Conditional Use in the AA Business District at 6913 W. North Avenue to operate a culinary school, demonstration kitchen and restaurant including 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, 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 Michael Feker to operate a culinary school, demonstration kitchen and restaurant without outdoor dining in the AA Business District at 6913 W. North Avenue subject to the following conditions:

- 1) hours of operation from 11:00 a.m. to 11:00 p.m. Tuesday through Saturday and 11:00 to 9:00 p.m. on Sunday and closed on Monday;
- 2) trash pick up after 7:00 a.m.;
- 3) obtaining all necessary licenses and permits.

It was moved by Ald. Treis, seconded by Ald. Herzog to approve the two foregoing resolutions. -16

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-06-110

WHEREAS, Milwaukee/Waukesha County Consortium for Emergency Public Health Preparedness Pandemic Influenza Planning (PIP) Steering Committee, of which the City is a member, recommends that a consultant review the pandemic influenza plan; and

WHEREAS, the Committee solicited bids and recommends the Medical College of Wisconsin’s Center for Science, Health & Society’s (MCW CSHS) bid of \$49,894.00 because although it was the highest bidder it best addressed the needs of the consortium; and

WHEREAS, the Health Officer requests permission from this Council to expend grant funds in the amount of \$49,894.00 because the City is the fiscal agent for the grant funds;

NOW, THEREFORE, BE IT RESOLVED THAT the Common Council of the City of Wauwatosa authorizes the Health Officer to enter into a contract and expend grant funds in the amount of \$49,894.00 for the purpose of retaining an expert to review the Consortiums’s pandemic influenza plan.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-06-111

WHEREAS, the City of Wauwatosa has been allocated \$9,809.09 in grant funds from Centers for Disease Control (CDC) which are designated for pandemic influenza preparations;

NOW, THEREFORE, BE IT RESOLVED THAT the Health Department is authorized to accept and execute the Pandemic Influenza grant in the amount of \$9,809.09.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-06-112

BE IT RESOLVED THAT Resolution R-06-23 be rescinded and that the Police Department be authorized to purchase an Identix livescan fingerprint device from ID Networks at a cost of \$32,145.00.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-06-113

BE IT RESOLVED by the Common Council of the City of Wauwautosa THAT the claim filed by George Burke for damages be and the same is hereby denied and placed on file for the reason that no liability exists on the part of the City.

BE IT FURTHER RESOLVED THAT the City Clerk is hereby authorized and directed to notify said claimant of this action of the Common Council as provided by law.

It was moved by Ald. Stepaniak, seconded by Ald. Meaux
to approve the four foregoing resolutions. -16

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-06-108

WHEREAS, the library has experienced unanticipated staffing shortages and backlogs have resulted;
and

WHEREAS, the Library Director requests a transfer from the Reserve for Contingencies in the amount of \$15,640.00 for funds to:

- 1) hire a temporary librarian for the Children's Department for 7 weeks at a cost of \$5,880.00;
- 2) add 2 additional 10 hour/week shelvers for the remainder of 2006 at a cost of \$4,760.00;
and
- 3) relief staff for the remainder of 2006 at a cost of \$5,000.00.

NOW, THEREFORE, BE IT RESOLVED THAT a transfer from the Reserve for Contingencies be made in the amount of \$15,640.00 to the appropriate library funds consistent with the above.

It was moved by Ald. Stepaniak, seconded by Ald. Meaux
to approve the foregoing resolution. Roll call vote, Ayes 15,
Noes 1 (Maher)

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-06-109

WHEREAS, the Purchasing Manager and Public Works Director solicited bids for approximately 271,000 square yards of pavement crack sealing for the 2006 construction season; and

WHEREAS, the bid of Fahrner Asphalt Sealers in the amount of \$105,419.00 is the lowest bid and appears to be in the best interest of the City; and

WHEREAS, the amount budgeted for this work was \$125,100.00, sufficient to fund the contract plus additional streets to be added to the program;

NOW, THEREFORE, BE IT RESOLVED THAT the contract for pavement crack sealing for the 2006 construction season shall hereby be awarded to Fahrner Asphalt Sealers in an amount not to exceed \$125,100.00 and will include the additional streets added to the program.

It was moved by Ald. Stepaniak, seconded by Ald. Meaux to approve the foregoing resolution. --

It was moved by Ald. Ewerdt, seconded by Ald. Didier to amend the resolution to award the contract up to the bid amount of \$105,419. Roll call vote, Ayes 2 (Didier, Ewerdt, Noes 14). Motion failed.

Vote on original motion, -16

FROM THE COMMITTEE ON BUDGET AND FINANCE

BILLS AND CLAIMS FOR THE PERIOD 4/19/06 – 5/02/06 --

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 4/19/06 – 5/02/06: \$1,245,390.14

It was moved by Ald. Maher, seconded by Ald. Meaux that each and every one of the accounts of bills and claims be allowed and ordered paid. Roll call vote, Ayes 16

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-06-114

WHEREAS, bids received for aggregate seal coating under Contract 06-18 exceed the budgeted amount; and

WHEREAS, the quantities of work must be reduced to bring the total bid price within the budgeted amount of \$168,000.00; and

WHEREAS, upon this reduction, Fahrner Asphalt Sealers, Inc. of Plover, Wisconsin remains the lowest of two bids received.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Wauwatosa THAT the quantities of aggregate seal coating and sweeping contemplated under Contract 06-18 be and are hereby reduced by no less than 6.9%.

BE IT FURTHER RESOLVED THAT the proper city officials be and are hereby authorized and directed to enter into a contract with Fahrner Asphalt Sealers, Inc. of Plover, Wisconsin for aggregate seal coating, and work incidental thereto under Contract 06-18 at and for an adjusted bid price not to exceed \$168,000.00, this being the lowest and best bid.

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

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-06-115

WHEREAS, Public Works operations require the purchase of sodium chloride (road salt) for the 2006-2007 winter season; and

WHEREAS, the Wisconsin Department of Transportation takes bids for road salt by combining the requirements of multiple counties, cities, villages and towns, as well as state government; and

WHEREAS, ordering road salt through the Wisconsin Department of Transportation taking a “early fill” would likely save the City; and

WHEREAS, the Department of Transportation price for salt in the 2006-07 season is \$36.48 per ton; and

WHEREAS, projected needs for 2006-07 snow season are approximately 2,000 tons with a vendor reserve of 1,650 tons;

NOW, THEREFORE, BE IT RESOLVED THAT the City of Wauwatosa Purchasing Manager is hereby authorized to issue an order for 2000 tons of road salt for the 2006-07 season on the basis of an “early fill” at a cost not to exceed \$72,960.00, in order to obtain the best price possible and to reserve an additional 1650 tons at the same price, to be delivered only if needed, pursuant to the State of Wisconsin contract.

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-06-116

BE IT RESOLVED THAT the proper City officials be authorized to issue a purchase order in the amount of \$29,269.22 to Traffic & Parking Control as low bid for the purchase of LED traffic signal lamps, modules and mounting brackets.

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-06-117

BE IT RESOLVED, by the Common Council of the City of Wauwatosa, THAT permission be and the same is hereby granted to Terry and Beth Nortrup, 4406 N. 108th Street, Wauwatosa, WI, to encroach onto City right-of-way with a driveway and retaining wall, subject to the applicants executing unto the City of Wauwatosa an indenture setting forth the terms, provisions and conditions relating to the granting of the aforesaid permission by said City to said applicants.

It was moved by Ald. Herzog, seconded by Ald. Didier
to approve the four foregoing resolutions. -16

There being no further business, the meeting adjourned at 9:15 p.m.

cal

Carla A. Ledesma, CMC, City Clerk