



CITY OF WAUWATOSA
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COMMUNITY DEVELOPMENT COMMITTEE MEETING
Tuesday, November 28, 2006

PRESENT: Aids. Birschel, Didier, Donegan, Herzog, Krill, Meaux, Sullivan, Treis -8

ALSO

PRESENT N. Welch, Community Development Dir.; A. Kesner, City Atty.; J. Archambo, City Admin.

Ald. Treis as Chair called the meeting to order at 8:00 p.m.

Conditional Use at 7606 W. State Street for Expanded Outdoor Seating

Ms. Welch reported on a request by Joseph Bartolotta for a Conditional Use in the Village Trade District at 7606 W. State Street for expanded outdoor seating at Pizzeria Piccola. She said that part of the issue with outdoor tables at this location has been ensuring there is a clear passageway that can be negotiated by persons in wheelchairs. The intent of the Plan Commission's motion was for a clear space that provides safe, clear passage and does not include signs or the uneven brick paver area. The Plan Commission recommended approval by a 4-2 vote.

Bill Brown, 1949 Forest Street, representing Pizzeria Piccola, said they made sure that the tables set up this past summer provided a clear area of 48 inches, although the curb side of that extended halfway through the curb. The city's property maintenance inspector indicated that that met the requirement. He said that he brought photos showing that there is not a problem, and he indicated that the tables could be secured to the building or the ground to be sure that they are not shifted. He said that picnic tables are easier to work with than individual tables that can more easily be moved around.

In response to a question from the Chair, Mr. Brown clarified that he measured a clear area of 49-51" from the face of the curb to the tables. He indicated that they could cut the tables down to a smaller size to provide more clearance. He noted that there was a comment at the Plan Commission meeting about having tables for their adjacent restaurant behind a fence during Tosafest, and he said that he has been told by the Director of Public Works that that is permissible because when streets are shut down, the street becomes the sidewalk.

Russ Drover, 7530 W. State Street, asked three questions: 1) Was there full compliance with the original Conditional Use for outdoor seating; 2) Was there compliance with all requirements of a Conditional Use for valet parking granted to the same owner for his adjacent restaurant; and 3) Do you believe the picnic tables will stay where they are after this is approved? Ms. Welch responded that there were some complaints that tables were shifted into the sidewalk. The property maintenance inspector informed them of the need to keep 4 feet clear. At that time, it was found that they had more tables than allowed, requiring this Conditional Use process to expand from three to five tables. The valet parking use was granted for a separate address and does not immediately apply to this application. She noted that any time patrons use outdoor tables, there is a likelihood that the tables will be moved. Staff can investigate the option of chaining them in place. Staff may ask management to continue to enforce this issue and will reserve the right to perhaps call them before this committee if the required clearance is not being maintained.

Mr. Drover felt that the question of the Conditional Use for valet parking is relevant. The applicant did not follow the requirements. Mr. Brown responded that valet parking is not used for either of the two Bartolotta restaurants on State Street; it was never used at the pizzeria.

The Chair advised Mr. Brown of his responsibility to continuously maintain four feet of clearance by whatever means necessary, which Mr. Brown indicated he understands.

Ald. Herzog agreed with the Plan's Commission comments that this business is an asset to the Village area, and he commended the restaurant, along with others, for being in the forefront in that area. He believes the city should be working with them rather than condemning them as they try to do business there.

Moved by Ald. Herzog, seconded by Ald. Meaux to recommend to Council approval of the Conditional Use with hours of operation from 11 a.m. to 11 p.m. daily April through November; obtaining any other licenses and permits, and providing four feet of clearance, not including the brick pavers, to accommodate wheelchair access –

Ald. Krill concurred that this is a very good addition to the Village and commented on the positive contributions of this business owner to the Village and the city.

Ald. Birschel reported on Plan Commission comments about the business not immediately addressing concerns about the additional tables. That was probably due to a misunderstanding, he felt, but he commented that an immediate response is imperative when the city makes such a contact. Mr. Brown indicated that they will do better in that respect in the future.

Vote on the motion, Ayes: 8

Conditional Use at 7111 W. Center Street for Adult Day Care Center

The committee reviewed a request by Chris Leffler for a Conditional Use in the AA Business District at 7111 W. Center Street for an adult day care center. The Plan commission unanimously recommended approval. Ms. Welch reported that this is a building that the Wauwatosa Economic Development Commission (WEDC) developed on this site after mitigation of contamination from an abandoned gas station. Easter Seals would now like to operate an adult day care facility in about 3,500 sq. ft. of the building. There is no identified tenant for the remainder of the building. Ms. Welch noted that the applicant is aware that a sprinkler system is required.

Bob Glowacki, 6171 S. Elaine Avenue, Cudahy, said that Easter Seals has an existing program at St. Timothy's Church at 90th and Capitol that they want to move to this site, which is completely accessible and will provide a community atmosphere. They will serve people with developmental and physical disabilities. They are purchasing the building; they will use 3,500 sq. ft. for their facility and lease the remaining 2,000 sq. ft.

Matthew Mikolajewski, Executive Director of WEDC, 1414 Underwood Avenue, said that WEDC partnered with the city several years ago to redevelop this property and subsequently partnered with Spectrum Development. Last week WEDC voted to provide funding to Easter Seals. This is a very difficult location for a retail development, he said, and Spectrum Development worked very hard to find a tenant compatible with the surrounding neighborhood. Easter Seals is a compatible use and should bring some stability to that area.

Chris Leffler, Spectrum Development, 644 Honey Creek Parkway, agreed that this has been a challenging location that, despite new streetscaping and good traffic volume, does not fit well for retail development. This use works well with the neighborhood, especially since there is a similar use across the street.

Moved by Ald. Krill, seconded by Ald. Sullivan to recommend to Council approval of the Conditional Use –

Ald. Krill indicated that he is the Council representative to the WEDC, and he commended Mr. Leffler and Spectrum Development for bringing this type of project to fruition. Ald. Sullivan noted that he was the WEDC representative at the time this all began and is also one of the immediate residential neighbors of the site. The physical improvement there has been great, he said, and it is in keeping with the building across the street.

Vote on the motion, Ayes: 8

Business Planned Development at 1215 N. 62nd Street – Final Plan Approval

The committee reviewed a request by David Israel for final plan approval for a Business Planned Development at 1215 N. 62nd Street for a multi-family residential development. The Plan Commission unanimously recommended approval. Ms. Welch noted that this project was much discussed in the preliminary plan process when the Common Council, by resolution, ultimately outlined certain conditions for final plan approval. Copies of that resolution were provided as well as copies of a document from David Seibel, the applicant's attorney, outlining specifically how those conditions have been met at their Stone Pointe development.

Regarding the traffic circulation plan, Ms. Welch reported that a median "pork chop" with a mountable curb is proposed. One of the conditions was to provide maneuvering room for trucks to access the adjacent Derse site. Details have been requested by Derse representatives to determine whether their trucks can negotiate the curb. Ms. Welch displayed an aerial photo of the area with a super-imposed site plan to show how the development fits the surrounding area. The developer is very close to meeting all conditions, she noted, with final details to be addressed before a building permit is issued.

Gary Kandziora, 6124 W. Martin Drive, spoke in opposition to the development. He commented on its size and said he does not believe it will be built without Grede Foundry closing, which would then mean that another area would also be redeveloped. He foresaw possible four-story buildings with 500-600 units, possible plans for the Derse site, and problems that will occur when Derse trucks block residents from getting through to State Street. He commented on reported low occupancy of the assisted living facility south of State Street and asked about sewer capacity issues in connection with that site and the subject site. He said that statements about sewer capacity concerns have been misleading and believes there really isn't a problem. He also noted a statement at a Plan Commission meeting about possible sewer backups at the Reserve apartment complex to the east and questioned what will happen when this and other projects are built in this area.

Mary Ann Grages, 1307 Martha Washington Drive, said she opposes the development because it is too dense and her street cannot handle the traffic it might generate. With 224 units and at least two cars per unit, she fears its impact on her neighborhood. With the planned phasing, the neighborhood will be subjected to construction until 2013. She asked who is responsible for paying for cleanup of the site.

Ms. Welch responded that the developer is basically responsible for cleanup if he wishes to continue to develop. If he lets it sit, no one is requiring cleanup. This gets into complex legal issues, however, because, technically the current owner is not responsible for the contamination. It is the redevelopment of the site that will trigger the environmental remediation.

Matt Zeimet of Eckert Door, 6510 W. State Street, said he opposes the development for business reasons. Noting that no dates have been provided as a timeline, he asked if the buildings will just sit vacant if Phase 1 doesn't sell. If only 60% is sold, will they put grass in on the rest? When will the timeline for Phase 1 run out? If Phase 1 sells out, what amount of Phase 2 needs to be sold before it is started? How long will they be required to take care of their internal roads, or will the city eventually be responsible? Those questions should all be considered.

Owen May, 1296 N. 63rd Court, concluded that this is a bad plan that was poorly thought out. He has wondered if it is predicated on Grede Foundry staying or leaving. If they stay, units may not sell because of a housing slowdown combined with the proximity of the foundry. If Grede goes, there may be thoughts of putting in more condo units, which Mr. May cautioned against. Even without Grede, he noted, there would still be a door factory right next to upscale condos.

Ald. Grimm was present at this time and asked about a statement by the Plan Commission that a building permit will not be issued until a stormwater management plan is approved. Ms. Welch said that right now staff is reviewing a site plan. Before a building permit is issued, they would need more structural plans and a stormwater management plan. Those types of technical engineering issues are not reviewed by this committee, but the committee can set the conditions that need to be met in those plans. Ald. Grimm was also concerned about the time needed for environmental remediation, enforcement of the no left turn sign planned for the exit to 62nd Street, noise from the rooftop air conditioners, and the emergency access through the Sentry parking lot. He said that plans requiring a "pork chop" median should not be changed, and he was concerned that not enough has been mentioned about TIF funding.

Ald. Krill pointed out that the only issue at this point is whether the final plan meets the requirements set out when the Council approved the preliminary plan. He said that he believes very strongly that development along State Street, including housing, is of enormous benefit to the city and he does not feel there has been a lack of planning. On the question of whether the units can be sold, he noted that it is not the city but the developer who is investing money and taking the risk. He is confident that the developer has decided that it will work. What Grede will do is unknown, but the understanding is that they intend to stay there. If they decide otherwise at some time, there may be another opportunity to continue the evolution of developing older industrial sites, which is what we have to do as a land-locked community with a declining population. Referring to impact on the neighborhood, Ald. Krill said that there will be construction going on and change will be difficult, but we have to look out for the future of the entire city and all residents.

Moved by Ald. Krill, seconded by Ald. Sullivan to recommend approval of the final plan contingent upon compliance with the Developer's Agreement and meeting any other requirements set by city staff, the police and fire departments, and the MMSD –

Ald. Birschel said that he voted against the preliminary plan because there is only one exit and entrance and fears that a larger volume of traffic on Martha Washington to the north will be disastrous. Everything else about this is first class, he said.

In response to questions from Ald. Donegan, Ms. Welch confirmed that the buildings' design and materials as well as esthetics have been approved by the Design Review Board and that she is satisfied that the project meets the quality standards that this committee established. Ald. Donegan noted that many of the other issues regarding sewer capacity and emergency vehicle access have been met. He reported that he has spent a lot of time watching traffic patterns and feels that any characterization of those streets as busy or unable to take on more traffic is exaggerated. He will assume responsibility to assure that Martha Washington does not become a thoroughfare; if it

does, there are things we can do. He agreed somewhat with those who think the project looks risky but said he believes the worst possible case of this failing is better than a vacant factory. We owe it to all of our citizens to go forward and to make sure the fears of those on Martha Washington are not realized.

Ald. Herzog commented that the preliminary plan was approved in May with 10 conditions and this committee's job is to look at the plans and approve the final plan. The rest of it would not come back to committee at any point but would be covered by staff, which Ms. Welch confirmed is typical of the business planned development process. The committee typically doesn't see final engineering drawings. Ald. Herzog then requested Ms. Welch's comments on the future of the Grede site and area to the south, noting that they are not part of tonight's consideration. Ms. Welch said that under all scenarios, that land would be subjected to the same process as the subject site. If Grede leaves and another factory does not go in, any zoning change or business planned development proposal would come before this body and the Common Council, with public hearings and opportunities for public comment. Asked about other details, Ms. Welch said that it is appropriate for this committee to give direction to staff, but the final decision on proper design should be left to the city engineer.

Ald. Didier said she is not in favor of the project. She understands the economics and that it will be a benefit but feels that different types of development would be more in keeping with the character of the Village.

Vote on the motion, Ayes: 6; Noes: 2 (Birschel, Didier)

(The committee recessed at 9 p.m. and reconvened at 9:08 p.m.)

Ordinance Amendment – Cellular Antennas as Conditional Use on School District Property

The committee reviewed a proposed ordinance amending Chapter 24.26.070 of the Code by allowing cellular antennas and associated equipment as a Conditional Use on Wauwatosa School District property. Ms. Welch noted that there has been much discussion regarding safe operation of this equipment, and the committee requested further input from Dr. Moulder of the Medical College of Wisconsin, a recognized expert in this field. Wauwatosa resident Stacy Rhoads, who had expressed concerns, was also invited to present more information or bring forward other experts.

Dr. John Moulder of Medical College of Wisconsin was asked to give a brief opinion on the use of cellular towers on schools. Dr. Moulder said the installations are often called "base stations," because many are not on towers. It is a low powered two-way radio; similar to a mobile phone, where a signal goes to a base station and a responding signal comes from a base station. When talking on a phone, everyone within 1,000 feet of that phone is exposed to the base station. If no one in a general area is talking; the base stations aren't emitting; the level increases as more people are talking but never actually gets very high.

Dr. Moulder explained that there are federal standards that limit public exposure to radio frequency radiation from such devices as phones, radio broadcasts, police, fire and emergency dispatch systems, etc. When base station emissions are measured, the highest levels are about 1/10 of 1% of the FCC standard. They are very low powered antennas.

Dr. Moulder briefly spoke of his background, publications, and current work in the field of radiological terrorism. He has done work for several school systems in the area including Waukesha and two North Shore systems and noted that there are other schools with antennas on their properties. He indicated that he is familiar with the studies reporting adverse impacts. He said that he is quite confident that the base stations do not pose a health risk to children or adults.

Ald. Birschel referred to information he distributed on specific studies that identified various types of hazards and asked if the FCC used four specific studies, which he highlighted, when making their conclusions. Dr. Moulder said that three of the studies would have been available and would have been part of the studies on which the standards were based. One of the highlighted studies came out later. Dr. Moulder was next asked if there is a significant difference in the type of power emitted from a TV tower versus a base unit, and he explained that TV towers are much more powerful than base stations.

Ald. Didier raised a concern about what is for sale at our schools. If cellular antenna space is sold, then perhaps they would start selling space for other products such as soda and food. Schools should be a safe ground and should not be for sale, she felt.

Ald. Donegan referred to federal law prohibiting rejection of towers based on health risks. Dr. Moulder said that his understanding is that you cannot ban them, cannot discriminate, and cannot regulate on the basis of emissions or exposures. City Attorney Kesner concurred, citing a federal law stating that no state or local government may regulate placement on the basis of environmental effects to the extent that they comply with FCC regulations. Ald. Donegan said he does not believe there is a scientific basis for concern but he was reluctant to override the concerns of members of the community and would necessarily want to say that those concerns are invalid.

Ald. Meaux summarized the two issues—whether to amend the ordinance to allow the towers on school property, which the existing ordinance apparently neglected to cover, and whether to allow it at a particular school. He noted that most school property is in AA residential areas where cellular towers typically are not found.

Moved by Ald. Meaux, seconded by Ald. Krill to recommend to Council adoption of the ordinance –

Ald. Kill spoke in support of the motion, noting the legal issue and that fears of a health risk appear to be unfounded. It would be up to individual schools to decide whether to proceed at a particular location. Ald. Sullivan referred to the concerns of a certain portion of the public and said he doesn't necessarily see the need for this. He commented that individual schools might not have the independence to make the decision.

Stacey Rhoads, 6914A Milwaukee Avenue, asked about the ability to deny any towers in Wauwatosa. Dr. Moulder said that it is conceivable to come up with a reason for not allowing the stations on schools that had nothing to do with health and safety, but he cautioned that minutes of the discussion would need to support that. Ms. Rhoads reported that she is aware of several studies confirming health risks or at least posing questions, and she understands there are no studies that confirm that they are safe. Dr. Moulder said that it can't be proven that anything is safe. In the case of medications, for example, the FDA may deem something safe if used appropriately or that its benefits are greater than its harm but never says a drug is totally safe under all conditions.

Mark Russert of Bottom Line Telecom, 600 W. Virginia Street, Milwaukee, representing T-Mobile, asked for confirmation of percentages cited in findings. Dr. Moulder said that installations measured in the U.S., U.K, Canada, and Australia were found to be at 1/10 of 1% of FCC standards. Mr. Russert then commented that mobile phones are needed for safety and are used around schools by parents who are picking up their children. A mobile communications system has become part of our society, which should be taken into consideration.

Regarding Washington School where an application for antennas is pending, Dr. Moulder said that there would not be any areas that would exceed the standards. The area on the roof, however, should be identified and there should be a system in place to keep away people doing HVAC, roofing, painting, and other work there. Mr. Russert said that they will double lock the doors and put fencing around so that no one can get within 20 feet. Those conditions

will be addressed in the plans and in the lease, and a licensed engineer will measure levels before and after and installation. If they exceed FCC standards, the lease would be null and void.

Ald. Donegan pointed out that the school district is governed by elected officials who have requested approval of these facilities. Ald. Didier noted, however, that their decision on this issue was not unanimous.

Vote on the motion, Ayes: 5; Noes: 3 (Birschel, Sullivan, Didier)

Conditional Use at 2166 N. 68th Street for Cellular Antennas

The committee reviewed a request by Dr. Phil Ertl, Superintendent, Wauwatosa School District, for a Conditional Use in the AA Single Family Residence District at Washington School, 2166 N. 68th Street, for the installation of cellular antennas and associated equipment. Ms. Welch reported that the Plan Commission unanimously recommended approval, and the school district has approved the installation at this location.

Mike Russert of Bottom Line Telecom, 600 W. Virginia Street, Milwaukee, representing T-Mobile, said that numerous school boards, including many schools in southeastern Wisconsin, have formed partnerships with the wireless industry over the past 20 years, and it works out well for both.

Moved by Ald. Donegan, seconded by Ald. Meaux to recommend to Council approval of the Conditional Use –

Ald. Birschel reported that it was stated at a school board meeting that there are up to seven different cell phone companies that potentially could request towers on schools. He clarified that the information was about competition for the same users and that it is possible to have seven different towers handling cell phone calls for a particular area.

Ald. Meaux observed that no concerns about health or impact on the residential area were expressed at the public hearing on the ordinance amendment to allow cell towers at schools.

Ald. Krill commented that this is, to some extent, a decision entrusted to the school board, which they approved by a 4-2 vote.

Ald. Herzog spoke of the use of cell phones in residential areas and the need for towers to facilitate that use. They are low frequency, and this seems to be a good way to hide a cell tower.

Vote on the motion, Ayes: 5; Noes: 3 (Birschel, Sullivan, Didier)

(The committee recessed at 9:51 p.m. and reconvened at 9:58 p.m.)

Memorandum of Understanding with Cobalt Partners for Public Works Site South of Walnut Road

Mr. Kesner reported that the committee's direction to him in closed session at the previous meeting to obtain some information from Cobalt Partners has resulted in the latest draft of the Memorandum of Understanding (MOU) that has been provided to the committee. Cobalt Partners recognized the committee's discomfort with having to deal with this in closed sessions and made some changes to address those concerns. The new version of the MOU provides that within 24 hours of its execution, the proposed user of the city yard site and the other ancillary aspects discussed previously would be disclosed to the public. As this moves forward, they would provide a letter of interest from the ultimate end user. If the Common Council approves execution of the MOU, it would obligate the

city to negotiate a purchase and sale agreement. Mr. Kesner indicated that he could provide further details, but some things regarding negotiations would require a closed session.

Ald. Krill expressed discomfort with the private nature of discussions that have taken place. Although appropriate and legal, he believes there are people in the public who are entitled to know about this proposal. He said he still has some concerns with the ultimate impacts of the project and asked, should the MOU be approved, if the city would still be able to approve or disapprove the project itself. He also asked about language regarding the guaranteed positive increment that has been mentioned to be in excess of \$50 million.

Mr. Kesner said that it is clear that any proposed use would still have to go through the regular approval process. The Council would have the same type of approval powers from zoning, land use, and planning perspectives. There will also be a means in the agreement to provide for some enforcement of the guaranteed increment.

Scott Yauch, Cobalt Partners, said that there is a separate contemplated development agreement that would address concerns about other uses that the city might not want as well as how that guarantee would occur. It is the taxes associated that are the issue, and there are mechanisms by which that could be put in the agreement. They also would be willing to provide letters of credit. Mr. Kesner added that it is the benefits of the \$50 million increment that would be guaranteed. In the GE development agreement, they guaranteed that there would not be a challenge of value that would bring their tax revenue below a certain amount.

Ald. Krill asked the developers if there is any reason that they couldn't let the public know what their plans are right now. Mr. Heffernan asked the committee to defer to the experience their group brings to this as the originator of this idea—it is in the city's best interest that they be vigilant in their approach. Asked by Ald. Krill if they feel confident that this is not "pie in the sky," Mr. Yauch said it absolutely is not and referred to the interim milestones including disclosure within 24 hours and other contingencies.

Ald. Sullivan noted that he will no longer hold office here when the ultimate decision is made and mentioned the Toldt residential proposal as an excellent "bird in the hand." The Common Council is responsible to the community, he said, and he cautioned against stringing this committee along any further than absolutely necessary and putting its members in an ultimately untenable position.

Ald. Herzog spoke of the lack of response to a previous RFP for industrial use and the more successful response to a later RFP that included residential use, noting that there may still be some use that hasn't been explored. He said that there seems to be enough protection in the proposed MOU in that it would require further approvals when the developer comes back with a final proposal for the end user. The question tonight, he felt, is whether to put on hold a developer who is eager to proceed in favor of one with an end user that may not work out. The proposal for light industrial is the type of use that a former alderman of this area believes would be supported by the neighborhood. There is still a question of whether residential is the right use for this site. If it gets to a public hearing, the public may well say that they don't want residential or mixed use here. In the meantime, we will have lost some time and perhaps the opportunity with Cobalt. On the other hand, the residential opportunity with Toldt could be lost if the project is delayed for nine months by the Cobalt MOU. The city could end up with no one interested in the property. Ald. Herzog expressed doubts that either residential or the Cobalt end use will ever fly but said we will be in a better position nine months from now by proceeding with the MOU. On the question of closed sessions, he favors taking some time to investigate a little more what Cobalt has to offer for this site.

Ald. Birschel asked Cobalt representatives if they could do this deal with a different end user but go through the same process. Jim Heffernan of Cobalt partners responded that once the initial public announcement is made, it will be readily apparent to most people that the possibilities exceed more than just that one user. Mr. Kesner added that the ultimate plan will be put together in such a way that the ultimate end user could potentially change, although the

city would still have a lot of control over how that decision is made and what potential final changes might come through. Mr. Yauch added that there could be certain restrictions in the development agreement.

Ald. Donegan indicated that he is more in favor of the MOU as it is now written but said that he would like to ask some questions in closed session. Ald. Meaux also said he is comfortable with this MOU and thinks it is appropriate to enter into the agreement. Given there is some disclosure, he felt that there is enough there to go forward and find out more.

Ald. Treis said he has done a lot of reviewing and mind searching on this subject. He spoke of the need to stop our population decrease, mentioning declining school enrollments as a concern, and also cited annual budgetary concerns. With many developments occurring under TIF districts, which can be a good way to address infrastructure, the taxpayer does not see the benefit on his current bill. When making decisions, he said, we have to look at these facts and ask if we are really addressing solutions. He indicated that he will not be voting in favor.

Helmut Toldt, 4040 N. Calhoun Road, Brookfield, spoke of the seeming cache of the Cobalt project that leads the committee to allow the developer to play it out and see whether it can come to fruition. There is another element in evaluating these proposals of housing versus light industrial, he said, noting that twice as many people come to work in Wauwatosa than live here. Attracting high tech businesses requires high tech housing. The City of South Milwaukee recently issued an RFP for development of four acres but received no responses. Wauwatosa had nine responses to their RFP, seven of which were housing, which may be an indication of how strongly the marketplace feels there is a need for housing here. This site is pretty much equidistant to the Burleigh Triangle, Mayfair, the Research Park, and the Regional Medical Center. You can't buy a piece of land for residential use that has access to jobs like those within a mile, Mr. Toldt commented. People living there could bike or walk to work.

Mr. Toldt said that some concerns about residential development of the public works site are identical to those brought up for Stone Pointe at 62nd and State—density, traffic, adjacency to residential and industrial, access, odors, noise generated by adjacent uses, and single entrance. None of those objections were adequate to deny that development, he observed. He doesn't know of a development in any community that won't meet with significant neighborhood opposition. Traffic is not an adequate reason for denial when there is such an overwhelming need. Lacking information that the committee has, he commented that it seems unusual that a light industrial use would be preferable to residential over a long period of time. He asked if there is a reason for waiting until after signing the MOU before seeing a letter of interest from the end user. Let him come forward with all of the things he was asked to provide, Mr. Toldt suggested.

Moved by Ald. Donegan, seconded to Ald. Herzog to convene into closed session per Wis. Stat. 19.85(1)(e) to deliberate or negotiate the purchase of public properties, with the option of reconvening in open session –

Ald. Herzog noted that the committee received a letter from the Wauwatosa Economic Development Commission, whose executive director and president are present. He asked that they attend the first portion of the closed session in order to discuss their involvement in the MOU, which Ald. Donegan accepted as a friendly amendment. Ald. Krill spoke of his reluctance to go into closed session but noted a need to determine that what goes forward is in the city's best interest and to give appropriate direction to the City Attorney. Ald. Donegan called the question.

Vote on the motion, Ayes: 7; Noes: 1 (Treis)

The committee convened into closed session at 10:44 p.m. and reconvened in open session at 11:42 p.m.

Moved by Ald. Donegan, seconded by Ald. Birschel to recommend to Council

approval of the Memorandum of Understanding with Cobalt Partners as currently drafted and with the directives provided to the City Attorney in closed session regarding negotiations. Ayes: 6; Noes: 2 (Krill, Treis)

Mr. Kesner confirmed that, if approved by the Common Council, there would be public notification upon execution of the agreement; i.e., all appropriate signatures.

The Chair questioned the committee's position on the residential proposal for the site. Ald. Donegan said that by executing the MOU the city would be agreeing not to discuss alternate proposals during the term of the agreement.

The meeting adjourned at 11:45 p.m.

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Carla A. Ledesma, City Clerk
Wauwatosa, Wisconsin