

CITY OF WAUWATOSA
7725 WEST NORTH AVENUE
WAUWATOSA, WI 53213
Telephone: (414) 479-8917
Fax: (414) 479-8989

**COMMUNITY DEVELOPMENT COMMITTEE MEETING
Tuesday, September 10, 2002**

PRESENT: Alds. Becker, Ecks, Heins, Herzog, Kopischke, Krol, Sullivan, Treis -7

EXCUSED: Ald. Herzog

ALSO N. Welch, Community Dev. Dir.; A. Kesner, City Atty.; J. Wojcehowicz, Water Supt.;
PRESENT: T. Wontorek, City Admin.; Mayor Estness

Ald. Heins in the Chair called the meeting to order at 8:21 p.m.

Proposed Ordinance - Buildings and Construction

The committee reviewed the proposed ordinance amending Title 15 of the Code, Buildings and Construction.

Moved by Ald. Treis, seconded by Ald. Sullivan to recommend adoption. Ayes: 7

Conditional Use – 108 Glenview Avenue

The matter of a request by U.S. Cellular for a Conditional Use in the BB Two Family Residence District to install six cellular antennas on the City-owned water tower at 108 N. Glenview Avenue returned to the committee for further consideration. Gary Duchesne of U.S. Cellular was present.

Mr. Wojcehowicz, Water Superintendent, reported that the existing lease agreement with U.S. Cellular has been renegotiated. As outlined in a memo to the committee, the proposed annual rental rate increases 2003 water utility revenue from \$10,200 to \$19,855, an increase of \$9,655 in the first full year of the amended agreement. Annual antenna rent increases 4.5% per year for the remainder of the 25-year contract ending May 2, 2020. The utility would receive an additional \$247,726.90 over the full term of the revised lease agreement.

Asked by Ald. Becker about negotiated telephone air time, Mr. Wojcehowicz said that the former provision for air time was negotiated out in favor of the increased rental fee.

Moved by Ald. Becker, seconded by Ald. Treis to recommend approval of the Conditional Use and lease agreement –

Ald. Becker said that this agreement brings the City's total annual antenna lease revenue to \$90,000-\$100,000. He thanked Mr. Wojcehowicz and Mr. Duchesne for their efforts.

Vote on the motion, Ayes: 7

County Grounds and Hart Park Flood Mitigation Project

The committee reviewed a September 3, 2002 letter from Mayor Estness recapping previous Council actions relating to flood management projects in Wauwatosa and requesting adoption of a resolution affirming the city's need for the Hart Park and county grounds flood mitigation project. The Council would take the following positions in the proposed resolution:

- Supports the concept of using a portion of the county grounds for the purpose of constructing stormwater detention facilities to alleviate flooding in the City of Wauwatosa and surrounding communities and encourages design of such facilities in a manner that will compliment [complement] the natural attributes of the area;
- Promotes low impact, recreational land uses at the county grounds including hiking and bicycle trails, prairie restoration, and other uses compatible with the scenic beauty of the area;
- Supports quality, tax-producing development of the frontage area along the Watertown Plank Road, provided that the depth of any such development does not exceed the maximum depth of existing development, and provided that such development is compatible with and protective of the historic integrity of the surrounding buildings;
- Encourages the preservation, when economically feasible, of historically significant buildings in the area including the Eschweiler buildings;
- Recommends that the football stadium and related facilities proposed by the Wisconsin Lutheran College would be more appropriately located in a different area of the county grounds. Specifically, the Common Council encourages considering locating the facilities in the northwest quadrant in the area behind the present county greenhouses;
- Supports maintaining or increasing the number of athletic fields accommodating youth soccer programs. The common Council specifically recommends that the fields be located in a manner to avoid traffic congestion and minimize the impact upon natural amenities of the area.

Mayor Estness said the resolution was prompted by the fact that not all current Council members have had an opportunity to vote on the project and the fact that there has been a major change in county government. Also, there is some public perception that the major MMSD project underway in the northeast quadrant is this project when, in fact, it is a different project that has nothing to do with creating detention ponds.

The plan endorsed by the Common Council four years ago was one of 17 alternatives that were researched, Mayor Estness reported. There was ample public discussion and input including significant input from businesses in Wauwatosa particularly in the Village area. Although many people thought we were moving ahead, there really hasn't been much progress in the past four years with the exception of a May 2001 document authorizing a storm water utility credit to Milwaukee County in exchange for stormwater detention in the northeast quadrant.

The mayor said that the proposal is not new technology. Detention ponds are used successfully on a regular basis throughout the United States. She noted that there were two incidents of significant rainfall this summer where we came very close to flooding, so it is time to reeducate the public and ourselves. This area is a flood plain that has flooded and will again flood. The stormwater project is important to Wauwatosa and its redevelopment efforts, and it also has an impact downriver in Milwaukee. We need flood protection and we need to move forward, the Mayor said. She urged passage of the proposed resolution.

The Chair invited comments from the public and reminded the committee of further background documents they had received: previous Council resolutions from 1998, 2001, and 2001 (resolutions R-98-304, R-00-289, and R-01-132); a June 24, 2002 resolution from the MMSD Executive Council of the Intergovernmental Cooperation Council of Milwaukee County urging the County Executive and

Milwaukee County Board to move forward; a letter from the Wauwatosa Board of Parks and Forestry Commissioners encouraging the same; and a June 19, 2002 letter from the president of the Village of Elm Grove also urging similar action.

Paul Roller, 14640 Hillside Road, Elm Grove, representing the Rotary Club of Wauwatosa, said the club is in the process of raising \$1,000,000 to develop an entertainment facility in Hart Park and is anxious to move ahead. As a board member of the Wauwatosa Economic Development Corporation (WEDC), he reported that WEDC is also in favor of the project because of potential economic development downstream along River Parkway.

Joe and Linda Vitrano, co-directors of athletics at Wauwatosa East High School, 7500 Milwaukee Avenue, supported the project. The need for fields at Hart Park is critical for Tosa East, Mr. Vitrano said, since the park is used for their football, tennis, track, and softball programs.

Fred Berg, 7015 Maple Terrace, owner with his wife of the Little Read Book, 7603 State Street, said that the two major floods came very close to their site. He foresaw a serious situation for buildings in the Village, many of which have undergone two major floods, unless detention facilities are built.

Tom Gaertner, 6829 Terrace Court, said that the last two floods resulted in about \$135,000,000 in damage to property of ordinary citizens and to city infrastructure. If growth continues to the west and north and there is more development in the Menomonee River watershed, the problem will get worse, he felt. He expressed serious concerns about property damage and economic consequences in the Village and fear that someday someone will die.

Karen Jaeckels, 1921 N. 71st Street, owner of The Dog Spot, 7707 W. State Street, said that the plan she has seen is a very viable natural resolution for the use at the county grounds. When walking her dog there, she has found the area to be a dumping ground with lots of debris including appliances, garbage, and grass clippings. The plan provides landscaping and more recreational uses there as well as at Hart Park, bringing added benefits to business owners and homeowners, she said.

Mary Van Derven, 2339 N. 62nd Street, commented that we have been down this road long ago with public hearings and meetings. She stated her support of the state forest and flood mitigation plan and said she is looking forward to a very beautiful central park.

Gordon Rozmus, 16145 Cathy Ann Lane, Brookfield, retired Wauwatosa Community Development Director, said that the first major flood in the central Village area occurred in 1907 and had a flood crest at the same level as the 1997 flood. There was flooding in 1907 despite the fact that in the Village the river was three times its current width, had a greater capacity to hold water, and there was not much development upstream in Brookfield, Menomonee Falls or Germantown. Today, with more hard surfaces and building development upstream bringing more flow at greater velocity, it is even more critical to protect this area, Mr. Rozmus stated.

Mr. Rozmus reported that the detention pond proposal was researched very thoroughly. At a cost of \$90,000 over a two-year period, alternatives were investigated in a process involving City staff, Milwaukee County including parks and public works officials, Wisconsin Department of Natural Resources representatives including those responsible for final state forest proposals, and representatives of the Southeastern Wisconsin Regional Planning Commission (SEWRPC). He was confident that the final design does work and is totally compatible with and enhances the state forest proposal. The site is not pristine forest but contains medical waste and other problems that will be corrected with the development of the ponds. Mr. Rozmus said that the work has been done, discussions have taken place, the plans are there, and the process has to move forward. He urged proceeding to do whatever is possible to speed up the process.

Richard Bachman, 2229 N. 115th Street, speaking as a citizen and new member of the Board of Parks and Forestry, noted recent reports that Fox Point, which had flooding problems similar to Wauwatosa's, will be razing homes and building a detention pond. He reviewed history of Underwood Creek flooding in the area of Diane Drive and Fisher Parkway and subsequent moving and lining of the creek bed. Mr. Bachman observed that we have holding ponds now in areas such as at North Avenue and Menomonee River Parkway where adjacent land is often covered by floodwater and then, days later when it dries, is again used as a soccer field. He noted that detention ponds are needed not just on the county grounds but in Brookfield and Elm Grove also.

Pete Donegan, 2202 N. 73rd Street, president of a small insurance company in Wauwatosa, recalled walking through the Village in the late 1960s when it was virtually abandoned. It is now a great asset that adds to our quality of life, he said, but the threat of flooding is a disincentive to investment there. Professionals have spoken and a consensus was developed, he said. He urged moving forward with the detention ponds.

Jill Gaertner, 6829 Terrace Court, vice president of the Board of Parks and Forestry, said the board recently sent a second letter to County Executive Walker reminding him of the board's position on the ponds and the effect on Hart Park if not built. In addition to the risk of losing the play areas, the park is a source of revenue for the city from the curling club, area high schools, the Milwaukee Marauders, and some tennis tournaments. Ms. Gaertner described the detention pond on her farm in southern Door County and told of visiting detention ponds in Illinois, some of which were developed for recreational use and others left very natural. She said that it is beyond misleading to refer to the proposed ponds as a sewer or septic pond; they would be a wonderful asset to replace the current dumping grounds.

Mayor Estness reported that federal funding secured after the 1997 flood funded the first buyout of homes in the Hart Park area south of Chestnut Street. After 1998, MMSD funded the purchase of homes north of Chestnut Street and further negotiations involved purchase of commercial properties. Those are structures and a neighborhood that we no longer have and can never replace. She noted that many of the alternatives to the detention ponds involved removal of 5,000 structures, which is damage that would be difficult for any community to sustain. Brookfield and Elm Grove are engaged in a plan that would reduce the flood surge into Wauwatosa by about four inches, and Wauwatosa is working with them on that plan. A new rule, Chapter 13, requires any entity that creates hard surface of a half-acre or more to retain that runoff. Other things are happening and Wauwatosa is not fighting this battle alone; we are working with other neighbors in the watershed. Upriver communities have been doing detention ponds for years, the mayor added. It would be a real tragedy to go through all of this, the mayor felt, and not be able to reinvest and to lose the opportunity for millions of dollars of redevelopment. It is important for us, for Milwaukee, and for the watershed we are part of.

David Geisthardt, Executive Director of WEDC speaking as the official representative of the WEDC board, encouraged the committee to pass the resolution with a unanimous vote to send a strong, positive signal to the Common Council and other elected officials as well as other entities. He spoke of businesses lost as a result of flooding, lost jobs, lost income, and lost buying power. As outlying impervious surfaces increase and water moves faster to the narrow point in Wauwatosa where three rivers come together, we cannot avoid looking at mitigating this problem, he said. It affects the entire community and those downstream and upstream as well.

Ald. Ecks asked for further information on the study of alternatives to a detention pond. Mr. Rozmus responded that it was primarily a hydrology study, it was very thorough, and it was done by outside consultants who studied 17 alternatives. Questions had been raised by Friends of the Menomonee River, who had some concerns about various types of flood control measures. The study is available through MMSD.

Ald. Ecks agreed that effective protection is long overdue. It is questionable to spend more money going back over the same alternatives already studied, he felt.

Moved by Ald. Ecks, seconded by Ald. Kopischke to recommend approval of the proposed resolution with the following language changes: 1) at the first bullet point, change “compliment” to “complement;” 2) add an additional bullet point before the second point to state, “Endorses in conjunction with the above detention facilities preservation of existing forest on the county grounds as a state forest and proposed plans for a forestry education and demonstration center located within and adjacent to that forest;” 3) add “with all due expedience” at the end of the last paragraph.

Ald. Sullivan indicated that he has serious questions about the forestry education center and would like to delete that reference from the resolution.

With the consent of the mover and second, Ald. Sullivan amended the motion to delete language relating to the forestry education center –

Referring to the question of taking a leadership role, Ald. Krol noted that we need leadership within the county—the county executive and supervisors—to move negotiations with MMSD forward, he said. We have stated our position very succinctly in two previous resolutions, and our county supervisors know very well that we are in favor of the project.

It was noted at this point that the county supervisors representing Wauwatosa, Tim Johnson and Jim (Luigi) Schmitt, were present.

Ald. Kopischke spoke of his experience elsewhere with a flooded basement, noting that there is not just an economic cost but a psychic cost; the entire neighborhood held an entirely different character for months. He said that the neighborhoods, the Village, and the State Street corridor are all too much at risk right now, and it is essential to address any remaining impediments expeditiously.

Vote on the motion, Ayes: 7

The Chair thanked those present and encouraged them to continue to speak out on this issue.

Proposed Ordinance – Recording Ownership for Residential and Commercial Buildings

City Administrator Wontorek reported that the proposed ordinance addresses problems encountered by City staff, particularly those who administer the property maintenance and property assessment functions, in making contact with property owners. The ordinance would require owners of all commercial and residential properties, with the exception of one and two family owner-occupied residences and condominium units where actual ownership is recorded with the County Register of Deeds, to record ownership of the property with the City. The record of ownership would include mailing addresses, phone numbers, and any other means of communication. The ordinance is based on a similar ordinance adopted by the City of Milwaukee in 1994. Mr. Wontorek recommended a filing fee similar to the \$30 charged by the City of Milwaukee.

City Attorney Kesner said the Milwaukee ordinance has been tested at the municipal court level. He noted that the ordinance not only requires a person to be named as owner but requires naming an operator who is authorized to accept service on behalf of an owner who resides outside of the immediate seven county area.

Moved by Ald. Sullivan, seconded by Ald. Kopischke to recommend
introduction –

Ald. Kopischke recommended adding requirement that any change of address for the owner or operator must be filed within a reasonable amount of time. Mr. Kesner indicated that he would amend the proposed ordinance to include a 15-day time limit for providing such information.

Vote on the motion, Ayes: 7

The meeting adjourned at 9:18 p.m.

Carla A. Ledesma, City Clerk
Wauwatosa, Wisconsin