

CITY OF WAUWATOSA
MEMORIAL CIVIC CENTER
7725 WEST NORTH AVENUE
WAUWATOSA, WI 53213
Telephone: (414) 479-8917
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COMMON COUNCIL

Regular Meeting, Tuesday, January 7, 2003

PRESENT: Alds. Sullivan, Treis, Bruderle-Baran, Becker, Casey, Ecks, Grimm, Heins, Herzog, Jenkins, Kopischke, Krol, Matthews, McCarthy, Stepaniak - 15

EXCUSED: Ald. Subotich

ALSO PRESENT: Mr. Wontorek, City Administrator; Mr. Braier, Finance Director; Mr. Kesner; City Attorney; Mr. Wehrley, City Engineer; Ms. Welch, Community Development Director; Police Capt. Bozicevich; Ms. Ledesma, City Clerk; Ms. Williams, Deputy City Clerk

Mayor Estness in the Chair

The Mayor called the meeting to order at 7:35 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 on the agenda was a public hearing to consider the following proposed ordinance:

ORDINANCE

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF WAUWATOSA BY REZONING THE LAND AT 2281 SWAN BOULEVARD FROM DD EIGHT FAMILY RESIDENCE DISTRICT TO AA PROFESSIONAL OFFICE 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:

Beginning at the Northeast corner of Lot 12, in Block 1, in Parkway Estates, a recorded subdivision in said ¼ Section, thence east parallel to the North line of said ¼ Section 67.12 feet to a point 55 feet West, of the East line of said ¼ Section; thence South parallel to the East line of said ¼ Section 113 feet to a point; thence West parallel to the North line of said ¼ Section 67.12 feet in the Southeast corner of said Lot 12, in block 1, in Parkway Estates; thence North along the East line of said Lots 12, 113 feet to the place of beginning in that part of the Northeast ¼ of Section 2, Town 7 North, Range 21 East, in the

City of Wauwatosa, County of Milwaukee, State of Wisconsin, is Rezoned
from DD Eight Family Residence District to AA Professional Office 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 John Trabert and Allen Silverstein for a change of zoning at 2281 Swan Boulevard from DD Eight Family Residence District to AA Professional Office District recommends to the Committee on Community Development that the change of zoning be approved.

Dated this 11th day of November 2002.

Nancy L. Welch, Secretary
City Plan Commission

The Committee on Community Development recommended the ordinance be adopted during its meeting of December 10, 2002.

John Trabert, 4759 Champion Road, New Frankin, spoke in favor of the rezoning request. Having lived in the house as a child, he reviewed the history of the property, stating that the parcel on which the house sits was much larger at one time. The construction of an alley south of the house required the garage to be razed; construction of Swan Boulevard in the 1960's created a road where none had existed. The widening of the North Avenue intersection caused a further erosion in the lot size. Today, there is heavy traffic along two sides of this property, rendering it less desirable as a private residence.

Mr. Trabert referenced a November 23, 2002 letter from realtor Jim Morgan wherein he outlined recent efforts to sell the property. It was listed on June 25, 2002 at \$237,900. The price was reduced in August 2002 to \$199,900. The property was heavily marketed, but was on the market for 89 days with no offers. An offer was finally received on September 23, 2002. Most visitors echoed similar comments when asked why they did not make an offer: The location on two busy streets makes the house undesirable as a residence; it is unsafe for children; there is no back yard.

Prospective buyer Allen Silverstein, 8837 Jackson Park Boulevard, stated that he has been a resident of the community for 17 years. The subject property would be an ideal location for his law practice. He echoed Mr. Trabert's comments about the lot size, noting that the city's development over the years has rendered this property unsuitable for residential use. He addressed concerns raised about potential uses that a change in zoning could support, noting that none of these types of uses would likely materialize for a variety of reasons. For example, the lot is not large enough to support a fast food restaurant; tax preparation services tend to have short-term leases in strip malls. Mr. Silverstein pointed out that the other three corners of this intersection have commercial development. When the bank across the street moved into a vacant church in the 1960's, it did not result in more commercial

uses along the north side of North Avenue. He opined that it was not logical for this property to be anything other than a professional office. There are over 30 letters in the file from neighbors along Swan Boulevard who support the proposal. The O'Sullivans (9204 Jackson Park Boulevard) are adjacent to this property and favor the rezoning.

Mr. Silverstein stated that he is willing to add as much landscaping as possible to buffer the site from the surrounding properties, while still meeting parking requirements. He suggested that if this property is not sold, its presence will not enhance the intersection. It could become a hardship to the neighborhood. If it is sold for less money for use as a residence, it could be to people who are less equipped financially to maintain it.

Architect John Peine, 8023 Currie Avenue, presented some conceptual landscape and parking drawings. Fencing and shrubbery will be used to separate the subject property's parking from the parking lot for the apartment to the west. Parking will be stacked to reduce the amount of paved area. New entrances will be constructed on the north and south sides of the building.

Christy Brooks, 8837 Jackson Park Boulevard, stated that she and her husband (Mr. Silverstein) intend to remain in this community and have made a long-term commitment to it. Converting this property to a law office will be a good way of demonstrating this commitment. In addressing neighbors' concerns, Ms. Brooks stated that the property will be well maintained with respect to snow removal and landscaping. Her husband's practice will be primarily from 8 a.m. to 5 p.m. and will not generate a noticeable amount of traffic.

Matt Wey, 9212 Jackson Park Boulevard, a 23-year resident, concurred that rezoning will permit a logical use for this property. It will almost retain it as a landmark. The church-turned-bank across the street preserved an attractive building. The proposed use will maintain the character of the building. He asked whether the 10-stall requirement was an absolute, noting that a reduction in parking places will help preserve the residential 'feel' of the property.

John Waldauer, 8337 Jackson Park Boulevard, a 15-year resident, stated that the proposal will be an appropriate use for the property, both practical and reasonable. It is reasonable to allow this structure to be used to provide a service to the community. Many properties in this area house apartments; there are not many single family homes. Three of the four corners already have commercial uses.

Cheryl Juech, 2133 Swan Boulevard, a 20-year resident, stated that she understands the concerns raised about traffic and children, having raised her family on Swan Boulevard. Most neighbors support the proposal and are concerned about maintaining the value of the property.

Atty. Robert Fricker, 2449 N. 117th Street, was present in opposition on behalf of Virginia Klewin, 9215 W. North Avenue. He pointed out that his client lives next to the property under discussion, not across the alley or nine blocks away. He opined that the requested rezoning may not support some uses permitted under the AA Professional Office District, but could support many others – bookkeeping services, collection agencies, insurance companies, real estate firms. The building could be reconstructed; rezoning does not maintain it as a landmark. Ms. Klewin is concerned that the proposed use will generate more traffic than would a residential use, with employees, delivery trucks, and clients. Traffic flow from Jackson Park Boulevard is already restricted onto Swan Boulevard during parts of the day. This rezoning would result in more traffic. Mr. Fricker opined that the property is suitable for residential use, since North Avenue and Swan Boulevard both have many residential uses, as does portions of Mayfair Road. Simply because a property has not sold is not a basis for rezoning. Being in need of remodeling and updating does not make a property a

candidate for rezoning. Ms. Klewin owns her home; it happens to be a four-family building. But it is no less a home for its residents than a single family dwelling is. There are no other business uses on this entire block. On the north side of North Avenue between Swan Boulevard and Mayfair Road there is one non-residential property, the former church. People living in this area relied on the rezoning when they purchased their properties. The request should be denied. He asked Council members to consider the reasons given for the rezoning. There is no blight needing to be eliminated; there is no pressing need for more commercial properties in the city.

Virginia Klewin, 9215 W. North Avenue, noted that many people in favor of this proposal would not be directly affected. There are some objections to this proposal from people across the alley. Traffic in the alley will increase. Before the Traberts purchased this property, the Common Council wisely denied a dentist's request to locate his office there. This property is just 67 feet deep. How can ten parking places be located thereon? Besides having to stack the parking, provisions must be made for handicapped parking. There are two telephone phones and guy wires along the back of the property.

Ms. Klewin noted that the O'Sullivan's (9204 Swan Boulevard) have a high row of shrubs which shield their property from the alley. They also have two parking spaces immediately adjacent to the alley. If the subject property is also allowed to construct parking immediately adjacent to the alley, the view from Ms. Klewin's home could be of 12 cars. The cars parked adjacent to the alley also obstruct sight distance to the public sidewalk. This public sidewalk is heavily used, particularly in summer. Ms. Klewin also asked what the additional lighting requirements would be if this property were rezoned to a commercial use. Removal of snow from the site will be noisy. What about run-off from the property, especially if much of it is paved? The run-off currently travels westward down the alley; several garages are level with the alley. Will these people have seepage into their garages? How large will the dumpster be and where will it be located? There is no room for evergreens to be planted along a portion of the common lot line. Adjacent residents should not have to look out at a parking lot.

Russ Drover, 9116 Jackson Park Boulevard, also spoke in opposition to the rezoning. He pointed out that the applicant has no hardship, since there are many other locations to which his law practice can be moved. The traffic volume on Swan Boulevard and on North Avenue does not make this property impossible to sell. No offer will be made if the asking price is too high. This block is entirely residential; comparing this situation to the location of the Keating and Walsh law firm in the Village (1505 Wauwatosa Avenue) is inappropriate because that block is almost entirely commercial. Mr. Drover pointed out that when the church across the street was converted to a bank, it was a less drastic change because the parking lot already existed and the church use generated a fair amount of traffic. The bank did not convert a residential use into a commercial use.

Mr. Drover stressed that this rezoning will change the block. There will be a parking lot on the site and that cannot be covered with landscaping. The current zoning ought to be preserved. If the lot under discussion were to be combined with adjacent lots, it could open up that corner to any number of development options. He reiterated that the property can be sold at the right price. It has a 'mother-in-law' duplex with no separate entrance, and there is heavy traffic on two sides, but it is saleable. It could be converted into a full duplex, or remain a single family home. He referenced other sales of nearby properties, noting that 9516 W. North Avenue was assessed at \$173,300 and sold for \$154,000. 8603 W. North Avenue sold in 1997 for \$89,000 and was assessed at \$97,900. Sometimes properties must sell at a lower price because of traffic concerns. Mr. Drover pointed out that the asking price on the subject property is well in excess of the assessed value. No amount of marketing will sell a property that is priced too high.

The Chair inquired if anyone of the public present wished to be heard either for or against the proposed ordinance or had any comments or questions. David Geisthardt, Wauwatosa Economic Development Corporation, 1430 Underwood Avenue, noted that three of the four corners of this intersection have commercial uses. A rezoning, however, is not an inconsequential act, as it will affect future uses. It directs change in a community. Mr. Geisthardt noted that changes in the community over the years have changed this property. Uses to the west of this property on both sides of North Avenue are stable residential uses, albeit apartments. From an economic standpoint, development on this corner would build on an existing strong commercial area. However, careful consideration must be given to both arguments.

The public hearing was declared closed.

Ms. Welch addressed the issue of parking requirements for the proposed law office, stating that based on the square footage of the building, 10 stalls are required. If only the first floor were used, however, requirements would be lower.

Ordered held to the next Common Council meeting, January 21, 2003.

PUBLIC HEARING

The second item on the agenda was a public hearing to consider the following proposed ordinance:

ORDINANCE

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF WAUWATOSA BY REZONING THE LAND ON THE WEST SIDE OF N. 99TH STREET, SOUTH OF W. WISCONSIN AVENUE, FROM AA SINGLE FAMILY RESIDENCE DISTRICT TO AA INSTITUTIONS 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:

Lots 11,12,13,15,16,17 and 18, all in Block 1 in Assessment Subdivision No. 65 and also including Parcels 1 and 2 of Certified Survey Map No. 6421, as recorded in the Register of Deeds for Milwaukee County, as Document No. 7436913, being a subdivision of Lot 14 in Assessment Subdivision No. 65, and as all of the foregoing are part of the Southeast ¼ of Section 29, Town 7 North, Range 21 East, in the City of Wauwatosa, County of Milwaukee, State of Wisconsin, excepting those portions as previously dedicated for street right-of-way, is Rezoned from AA Single Family Residence District to AA Institutions 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 Paul J. Uomo, Covenant Healthcare Systems, for a change of zoning on the west side of N. 99th Street south of Wisconsin Avenue from AA Single Family Residence District to AA Institutions District, recommends to the Committee on Community Development that the change of zoning be approved.

Dated this 11th day of November 2002.

Nancy L. Welch, Secretary
City Plan Commission

The Committee on Community Development recommended the ordinance be adopted during its meeting of December 10, 2002.

Paul Hoffman, 100 E. Wisconsin Avenue, was present in favor on behalf of Covenant Health Care. He stated that this area (bounded by Wisconsin Avenue on the north, Blue Mound Road on the south, N. 99th Street on the east and St. Camillus on the west) boasts a substantial number of institutional uses that have been in existence for many years. Eleven houses on N. 99th Street (west side) are proposed for rezoning to conform with this institutional character. Future plans call for the demolition of an existing hospital (10010 W. Blue Mound Road) and medical office building (9900 W. Blue Mound Road), and construction of a new heart hospital, medical office building, and parking structure on the site. The properties now housing the 11 houses will become part of this new construction.

Mr. Hoffman explained that Covenant Health Care has acquired eight properties on the east side of N. 99th Street. However, these properties are not part of any construction project and will be used for a walk-to-work program for employees. Because of concern by area residents, Covenant has entered into discussions with the City Attorney to develop a commitment not to expand eastward for some time. In addressing concerns that non-taxable uses may be replacing taxable properties, Mr. Hoffman produced a chart demonstrating that taxes generated by the proposed development will be favorable to the city, and far surpass that collected previously on the taxable properties.

Jonathan Flight, 1126 S. 70th Street, West Allis, Vice-President of Facilities Development at Covenant, reiterated that the homes on the east side of N. 99th Street will be used for residential occupancy. He stated that \$50,000 has already been invested in these eight houses and another \$150-200,000 will be spent on them in the next year. Walk-to-work programs have been successful recruitment and retention tools. In addressing questions about the need to replace the existing medical office building, he explained that the current building has certain mechanical and electrical issues; it is also somewhat obsolete. While it was well designed for its time, it has limited use today.

The Chair asked if anyone of the public present wished to be heard in opposition to the proposed ordinance. John Wothe, 508 N. 98th Street, made a slide presentation of his neighborhood consisting of N. 97th, N. 98th and N. 99th Streets. His neighborhood is bounded by St. Camillus, the County grounds, the freeway and the zoo. One half of N. 97th Street has been lost to the freeway; half of the homes on N. 99th Street were razed when Lakeview Hospital was built. Of the 107 homes that originally comprised this neighborhood, about one-third have been lost to non-residential uses. Only

62 homes will remain if this proposal is approved. Is there a master plan in place for this area, or are non-residential uses simply allowed to develop where they wish? Mr. Wothe asked that any commitment obtained from Covenant concerning the east side of N. 99th Street be long term and enforceable.

Dawn Crowley, 619 N. 98th Street, noted that the rules of rezoning date back to 1926 and are important in maintaining property values. Zoning works to concentrate like properties together in order to obtain the highest and best uses for land. Residential uses creeping into commercial areas can have a negative impact on business, just as non-residential uses moving into residential areas can. Zoning laws are put in place for the health, welfare, safety, morality and good of a community. Residential areas are the backbone of a health community; they must be respected. She opined that an entity trying to be a business in the field of medicine is a conflict of interest.

Warren Phinney, 530 N. 99th Street, expressed concern about increased traffic on his street as a result of more development. These concerns have not been addressed. Entrances are proposed onto N. 99th Street.

Janet Pomush, 524 N. 98th Street, asked why the homes will be rezoned if the uses continue to be residential (Ms. Pomush was referring to homes on the east side of N. 99th Street, which were *not* included in this request.)

Scott Wyler, 518 N. 98th Street, a resident for five months, stated he purchased in Wauwatosa because he was told the city is a good place to raise children and places high value on homes and neighborhoods. This neighborhood will continue to decline if the applicant comes back again and again to rezone a few more homes. A hospital is a business and if it is successful, it will want to expand. What is the city's plan to prevent the neighborhood from becoming extinct?

The Chair questioned whether anyone of the public present had any questions or comments. Pamela Perry, 2920 N. 51st Street, Milwaukee, observed that as an employee of St. Joseph's Hospital, she has had the opportunity to take advantage of the walk-to-work program. It has been very good for their neighborhood; property values have increased and the neighborhood is safe.

Jack Shepherd, 500 N. 99th Street, commented that nursing homes and hospitals are not built unless there is an identified need. Changes occur over a lifetime. Master plans for areas are not static, but evolving. Normandy Village and Serafino Square, for example, both required zoning changes to occur and both contribute to the community. Wauwatosa is not a declining community. If this hospital is built and is successful, thought must be given to the fact that one day it will need to grow larger.

Paul Casey, 202 N. 110th Street, stated that he is a resident to the west of the new Covenant project on N. 108th Street. They have been very responsive to the neighbors and have answered their questions. It has been a good addition to the area.

The public hearing was declared closed. Ordered held to the next Common Council meeting, January 21, 2003.

RECESS 9:15 P.M. – 9:20 P.M.

APPOINTMENTS BY THE MAYOR

Board of Zoning Appeals

Thomas Stacey, 1269 N. 123rd Street (26)

(Term ends 4/30/06)

Village of Wauwatosa Business Improvement
District 2003 Board of Directors

Lori Wargolet, President
Wauwatosa Savings Bank

Chris Leffler, Vice President
Leff's Lucky Town

Linda Burg, Treasurer
Little Read Book

Deb Karpfinger, Secretary
The Flower Lady

Kevin Wolf
St. Francis Bank

Pam Anderson
Underwood Gallery

Jim Heaviland
Popcorn Wagon

Jim Niemann
Niemann's Candies

Cheryl Boden
Baskin Robbins

Mark Zimmerman
Zimmerman Design Group

Ellen Anderson
Ellen Anderson Illustrations

Joel Rust
Noodles & Company

Ed Senger
Outpost Natural Foods

Foregoing appointments ordered held as this was the first
reading.

Historical Preservation Commission

Gene Guskowski, 1035 Laurel Court (13)
(Term ends 11/30/05)

Design Review Board A

Peter Muller, 8120 W. Woodland Avenue (13) (reappointment)
(Term ends 12/31/04)

Design Review Board B

James Olson, 11625 Underwood Parkway (26) (reappointment)
Patricia Bohach, 4284 Raymir Place (22) (reappointment)
(Terms end 12/31/04)

Design Review Board C

Bill Robison, 2414 N. 61st Street (13) (reappointment)
John Kissinger, 1924 N. 83rd Street (13) (reappointment)
Robert Kennedy, 7024 W. Wisconsin Avenue (13) (reappointment)
Ursula Twombly, 2641 N. 81st Street (13) (reappointment)
(Terms end 12/31/04)

Board of Health

Judith Miller, 614 N. 77th Street (13) (reappointment)
(Term ends 12/31/07)

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

APPLICATIONS, COMMUNICATIONS, ETC.

1. Notices of Claim: Leroy Jackson, 4109 W. North Avenue, Milwaukee
Lawsuit: Vernon H. and Grace Mickow, 2225 Woodfield Circle, Waukesha
City Attorney
Notice of Violation/Claim: Wisconsin Department of Natural Resources notice of violation
of general permit for “Bypasses or Overflows from Sewage Collection Systems”
City Attorney, Director of Public Works
2. Conditional Use application to operate a massage establishment at 10700-04 W. Burleigh
Street
Plan Commission, Committee on Community Development
3. Special Use application to operate a coffee shop at 2500 N. Mayfair Road
Plan Commission, Board of Zoning Appeals
4. Special Use application for a medical office building and parking ramp on the west side of N.
99th Street south of W. Wisconsin Avenue
Plan Commission, Board of Zoning Appeals
5. Special Use application to operate a carry-out restaurant at 6810 W. State Street
Plan Commission, Board of Zoning Appeals
6. Special Use application to add a rear addition to a legal, non-conforming structure at 1033 N.
123rd Street
Plan Commission, Board of Zoning Appeals
7. Special Use application to operate a martial arts school at 6734 W. North Avenue
Plan Commission, Board of Zoning Appeals
8. Special Use application to operate a retail grocery store at 6700 W. State Street
Plan Commission, Board of Zoning Appeals
9. Special Use application to operate a martial arts school at 10700-04 W. Burleigh Street
Plan Commission, Board of Zoning Appeals
10. Special Use application to construct a garage with a height of 18 ft. at 7924 Warren Avenue
Plan Commission, Board of Zoning Appeals
11. Land Division application to divide property at 7014 W. Hillcrest Drive
Plan Commission, Committee on Community Development
12. Letter to Mayor Estness and County Executive Walker on behalf of private members of the
Board of Directors of Milwaukee Regional Medical Center requesting a clear and detailed
law enforcement transition plan
City Administrator
13. Letter from Jon E. Vice, Chair of the Board of Directors of Milwaukee Regional Medical
Center and President and CEO of Children’s Hospital of Wisconsin again expressing concern
regarding lack of a transition plan for law enforcement on the county grounds
City Administrator
14. Letter from State Sen. Peggy Rosenzweig transmitting her paper, “Preserving the Natural and
Historic Values of the Milwaukee County Grounds, A Vision for the Future,” and a
memorandum on potential funding sources
City Administrator
15. Donations: \$100 from the Drilias family and \$50 from the Von Rohr Family to the Diedrich

Special Endowment Fund; and \$200 from Nancy Gillingham, Serafino Square, Inc., to the Fire Department “Expenditures from Donations” account

Place on file

16. Letter from Patrick and Debra Melsheimer regarding an incident at Mayfair Mall on December 26, 2002

City Attorney

17. Letter from Atty. Robert E. Fricker forwarding objection and protest to the rezoning of 2281 Swan Boulevard

Add to existing file

18. Letter from James Price, 861 N. 60th Street, requesting review of the Special Use granted for construction of a hospice at 7620 Honey Creek Parkway

City Attorney, Community Development Director

19. Letter from Sharon Eiff, Chair of the Wauwatosa Historic Preservation Commission, expressing the commission’s continued support for the re-use and rehabilitation of the Eschweiler buildings and sympathetic surrounding development in the northeast quadrant of the County Grounds

Add to existing file

20. Verbal communication from Ald. Treis requesting that the city take decisive action relative to incidents at Mayfair Mall

City Attorney

FROM THE COMMITTEE ON TRAFFIC & SAFETY FOR INTRODUCTION

1. Ordinance amending Section 11.36.190 of the City Code by removing right and left turn restrictions from N. 119th Street onto W. Burleigh Street

Re-refer to originating committee

FROM THE COMMITTEE ON EMPLOYEE RELATIONS

ORDINANCE O-03-01

AN ORDINANCE AMENDING WAUWATOSA CODE SECTION 2.58.021 AND 2.58.030 TO RESTORE LANGUAGE INADVERTENTLY OMITTED IN PREVIOUS AMENDMENTS

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

Part I. Section 2.58.021 of the Wauwatosa Municipal Code, as amended by ordinance 0-2-37, is hereby amended by changed the word, “shall” in the first sentence of said ordinance to “may.”

Part II. Section 2.58.030(D) & (E) of the Wauwatosa Municipal Code are hereby created to read as follows:

D. Weekend Holiday Scheduling. In the event a holiday falls on a Sunday, it shall be celebrated on Monday. In the event a holiday falls on Saturday, the holiday shall be celebrated on the preceding work day.

E. In addition to the Holidays noted above, the Fire Chief shall also receive fifty-eight (58) hours in straight time salary at his/her normal rate of pay including premium, if any, payable no later than the first pay period in December each year. Should the Fire Chief terminate his/her services prior to December, said payment shall be made at the time of his/her termination, provided that the Fire Chief is on the City payroll during the first payroll period in January of the year in which he/she terminates.

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

It was moved by Ald. Jenkins, seconded by Ald. Kopischke to adopt the foregoing ordinance. -15

FROM THE COMMITTEE ON TRAFFIC AND SAFETY

ORDINANCE O-03-02

AN ORDINANCE AMENDING WAUWATOSA CODE SECTION 11.32.080 TO CREATE A NO PARKING ZONE WITHIN TWENTY FEET OF THE PICK ‘N SAVE DRIVEWAY

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

Part I. The “North 70th Street – east side” portion of the “schedule of streets, and portions” subsection of Wauwatosa Code Section 11.32.080 is hereby amended by deleting the current language:

(c) from W. State Street to St. James Street .

and replacing with the following language:

(c) from W. State Street to a point twenty (20) feet south of the south driveway of Pick ‘N Save.

(a) from twenty (20) feet south of the south driveway of Pick ‘N Save to a point (20) feet north of the south driveway of Pick ‘N Save

(c) from twenty (20) feet north of the south driveway of Pick ‘N Save to a point twenty (20) feet south of the north driveway to Pick ‘N Save;

(a) from a point twenty (20) feet south of the north driveway to a point twenty (20) feet north of the north driveway to Pick ‘N Save

(c) from twenty (20) feet north of the north driveway to Pick ‘N Save to St. James Street

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

It was moved by Ald. Krol, seconded by Ald. Grimm to adopt the foregoing ordinance. -15

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-03-01

WHEREAS, Kevin Shafer, Milwaukee Metropolitan Sewerage District, has applied for a Conditional Use to install UHF directional antennas on private property at the following seven locations in the City of Wauwatosa:

- 8000 W. Wisconsin Avenue
- 8900 W. Watertown Plank Road
- 3500 Menomonee River Parkway
- 1901 Menomonee River Parkway
- 10518 W. Grantosa Drive
- 3105 N. Menomonee River Parkway
- 12308 W. Underwood Creek Parkway 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 these locations; 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 THAT the Common Council of the City of Wauwatosa, Wisconsin hereby grants a Conditional Use to Kevin Shafer, Milwaukee Metropolitan Sewerage District, install UHF directional antennas at the seven above listed locations in the City of Wauwatosa.

It was moved by Ald. Heins, seconded by Ald. Sullivan to approve the foregoing resolution. - 15

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-03-02

WHEREAS, the Department of Public Works is required to make repairs to the scale at the Public Works yard in order to retain certification for purposes of implementing the solid waste disposal contract and other uses at the public yard; and

WHEREAS, the 2003 street maintenance account contained sufficient funds at the end of the year to fund these repairs, which would cost approximately \$5,923.00;

NOW, THEREFORE, BE IT RESOLVED THAT \$5,923.00 is hereby authorized to be transferred from Account #01-331-5650-000 to Account #01-361-5730-000 for purposes of scale repair and is hereby authorized to be carried over into the 2003 budget year.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-03-03

WHEREAS, lighting of the various athletic facilities within Hart Park has been installed at different times over the past few decades, some of which dates into the 1950's; and

WHEREAS, the 2003 budget includes funds for any rehabilitation work required for lighting of the athletic facilities at Hart Park; and

WHEREAS, the engineering services manager and purchasing manager have recommended that Leedy & Petzold Associates, LLC be retained via a professional services contract to study options available for rehabilitating the lighting at the Hart Park athletic facilities;

NOW, THEREFORE, BE IT RESOLVED THAT the appropriate City officials are hereby authorized to enter into a professional services contract with Leedy & Petzold Associates, LLC, in an amount not to exceed \$20,000.00, for purposes of reviewing options and preparing plans and specifications for any lighting modifications for the athletic facilities at Hart Park, with funds to be taken from the Capital Projects Fund balance.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-03-04

WHEREAS, the water superintendent has received a proposed "Consulting Agreement and Authorization to Proceed" from Earth Tech, Inc., for purposes of upgrading water utility infrastructure in the Hart Park area in conjunction with Earth Tech's work for Milwaukee Metropolitan Sewerage District on the Hart Park Flood Management Project; and

WHEREAS, utilizing Earth Tech, which is MMSD's lead engineering firm for the Hart Park Project, would result in design and construction efficiency which could not be obtained through any other contractor; and

WHEREAS, the 2003 budget allocated utility funds for water main alterations in the Hart Park area;

NOW, THEREFORE, BE IT RESOLVED THAT the appropriate City officials are authorized to enter into the "Consulting Agreement and Authorization to Proceed" proposed by Earth Tech, Inc. for purposes of water utility alterations in conjunction with the Hart Park Project, for the sum of \$16,575.00; subject to review by city staff.

It was moved by Ald. Stepaniak, seconded by Ald. Casey to approve the three foregoing resolutions. -15

FROM THE COMMITTEE ON BUDGET AND FINANCE

BILLS AND CLAIMS FOR THE PERIOD 12/18/02 – 1/07/03 --

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 12/18/02 – 1/07/03: \$1,823,650.75

It was moved by Ald. Ecks, seconded by Ald. Grimm that each and every one of the accounts of bills and claims be allowed and ordered paid. Upon roll call vote, the vote was Ayes 14, Present 1 (McCarthy)

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-03-05

WHEREAS, the Board of Public Works has accepted the work of asphaltic concrete repaving and work incidental thereto in the City of Wauwatosa under Contract 01-9, Asphaltic Concrete Repaving, and the same is ready for final payment.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin as follows:

Section 1. That the work of asphaltic concrete repaving under Contract 01-9 is hereby accepted.

Section 2. That the proper City officers be and they are hereby authorized and directed to draw and sign a City order in the sum of Forty-one thousand one dollar and eighteen cents (\$41,001.18) in favor of Wm. Beaudoin & Sons, Inc. as the final payment under said contract, upon receipt of waivers of lien and for labor and materials furnished under said contract, and upon receipt of an affidavit stipulating compliance with wage rate requirements.

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

There being no further business, the meeting adjourned at 9:32 p.m.

cal

Carla A. Ledesma, CMC, City Clerk