

CITY OF WAUWATOSA  
MEMORIAL CIVIC CENTER  
7725 WEST NORTH AVENUE  
WAUWATOSA, WI 53213  
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**COMMON COUNCIL**  
**Regular Meeting, Tuesday, July 1, 2003**

PRESENT: Alds. McCarthy, Stepaniak, Sullivan, Treis, Bruderle-Baran, Becker, Casey, Ecks, Grimm, Heins, Jenkins, Kopischke, Krol (7:35 p.m.) -13

EXCUSED: Alds. Herzog, Matthews, Subotich

ALSO PRESENT: Mr. Braier, Finance Director; Mr. Kesner, City Attorney; Mr. Kappel, Dir. of Public Works; Ms. Welch, Community Development Director; Police Chief Weber; Mr. Brown, Personnel Director; Mr. Wojcehowicz, Water Utility Supt.; Ms. Ledesma, City Clerk; Ms. Williams, Deputy City Clerk

Mayor Estness in the Chair

The Mayor called the meeting to order at 7:30 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. -12

**OLD BUSINESS**

The first item of business was the following proposed ordinance held after the June 17, 2003 public hearing.

**ORDINANCE** O-03-17

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF WAUWATOSA BY REZONING THE LAND AT 6600 RIVER PARKWAY 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:

**PARCEL A - 6540 RIVER PARKWAY**

THAT PART OF LOTS 5 AND 6, BLOCK 1/ ASSESSOR'S PLAT NO. 33, BEING A PART OF THE NORTHEAST 1/4 OF SECTION 27, IN TOWN 7 NORTH, RANGE 21 EAST, IN THE CITY OF WAUWATOSA, COUNTY OF MILWAUKEE, STATE OF WISCONSIN, BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT IN THE CENTERLINE OF WEST STATE STREET AS PRESENTLY

LOCATED, BEING THE NORTHEAST CORNER OF SAID LOT 5, RUNNING THENCE SOUTH 15°45'35" WEST ALONG THE EASTERLY LINE OF SAID LOT 5, 99 FEET TO THE POINT OF INTERSECTION OF THE SOUTH LINE OF THE CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD; CONTINUING THENCE SOUTH 15°45'35" WEST ALONG THE EASTERLY LINE OF SAID LOT 5, 332.00 FEET TO A POINT IN THE NORTH LINE OF MOTOR AVENUE; THENCE NORTH 74°14'25" WEST ALONG THE NORTH LINE OF MOTOR AVENUE 180.90 FEET TO A POINT; THENCE SOUTH 82°31'02" WEST ALONG THE NORTH LINE OF SAID MOTOR AVENUE 78.30 FEET TO A POINT; THENCE NORTH 74°14'25" WEST ALONG THE NORTHERLY LINE OF MOTOR AVENUE 147.15 FEET TO A POINT IN THE WEST LINE OF SAID LOT 6, WHICH IS 93.9 FEET NORTHERLY OF THE SOUTHWEST CORNER OF SAID LOT 6; THENCE NORTH 15°45'35" EAST, ALONG THE WESTERLY LINE OF LOT 6, 161.40 FEET TO A POINT; THENCE SOUTH 74°14'25" EAST 108.5 FEET TO A POINT; THENCE NORTH 15°45'35" EAST 203.5 FEET TO A POINT IN THE SOUTH LINE OF THE AFOREMENTIONED RAILROAD RIGHT OF WAY; CONTINUING THENCE NORTH 15°45'35" EAST 99 FEET TO A POINT IN THE CENTERLINE OF WEST STATE STREET AS PRESENTLY LOCATED, AND THENCE RUNNING SOUTH 74°14'25" EAST ALONG THE NORTHERLY LINE OF LOTS 5 AND 6, BEING THE CENTERLINE OF WEST STATE STREET AS PRESENTLY LOCATED 291.50 FEET TO THE PLACE OF BEGINNING EXCEPTING THEREFROM THE NORTH 99 FEET AND

PARCEL B - 6620 RIVER PARKWAY

THE NORTHERLY 302.5 FEET OF LOT 6 AND THE NORTHERLY 302.5 FEET OF THE WESTERLY 8.5 FEET OF LOT 5 IN BLOCK 1 IN ASSESSOR'S PLAT NO. 33, BEING A PART OF THE NORTHEAST 1/4 OF SECTION 27, IN TOWN 7 NORTH, RANGE 21 EAST, IN THE CITY OF WAUWATOSA, COUNTY OF MILWAUKEE, STATE OF WISCONSIN

is rezoned from AA Business 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.

(Ald. Krol present 7:35 p.m.) -13

It was moved by Ald. Heins, seconded by Ald. Treis to adopt the foregoing ordinance. Upon roll call vote, the vote was Ayes 12, Noes 1 (Sullivan)

**APPOINTMENTS BY THE MAYOR**

Library Board

Peter Holtz, 2650 N. 89th Street  
(Term ends 6/30/06)

Ad Hoc Cable Television Committee

Keith Murphy, Wauwatosa School District  
(Term ends 6/30/06)

Board of Zoning Appeals

James O'Connell, 2550 N. 85th Street (reappointment)

Michael McCabe, 1317 N. 116th Street (reappointment)  
(Terms end 4/30/05)

Design Review Board A

Jim Ruzicka, 2127 N. 74th Street (reappointment)  
(Term ends 12/31/04)

Design Review Board B

Michael Murray, 2626 N. 94th Street (reappointment)  
(Term ends 12/31/05)

Board of Public Debt Commissioners

Marlyn Spear  
2335 N. 89th Street (reappointment)  
(Term ends 4/30/06)

Board of Examiners and Appeals

J. Travers Price, 8626 Jackson Park Blvd. (reappointment)  
William G. Murphy, 7303 Maple Terrace (reappointment)  
Robert Ornst, Jr., 6526 Hillcrest Drive (reappointment)  
Charles Millman, 2250 N. 72nd Street (reappointment)  
(Terms end 5/30/05)

Library Board

Joseph Ptaszek, 7814 Livingston Avenue (reappointment)  
Marion Youngquist, 8220 Harwood Avenue (reappointment)  
(Terms end 6/30/06)

Citizens' Advisory Capital Improvements Committee

James Engelhardt, 6581 Washington Circle (reappointment)  
Richard Deuel, 2426 N. 116th Street (reappointment)  
Kathy Barry, 608 N. 62nd Street (reappointment)  
(Terms end 6/30/06)

Police and Fire Commission

Marna Tess-Mattner, 1542 Upper Parkway South (reappointment)  
(Term ends 4/30/08)

Foregoing appointments ordered held as this was the first  
reading.

Ad Hoc Cable Television Committee

Ald. Tom Treis  
Ald. Jim Ecks  
Jim Kolbeck, 8202 Woodland Avenue (13)  
Mary Mulroy, Library Director  
Tom Otzelberger, IT Manager  
Bill Kappel, Public Works Director  
Alan Kesner, City Attorney  
Brian Bloczynski, 2020 Church Street (13)  
Betsy Flood, 8332 Gridley Avenue (13)

(Terms to end 6/30/06)

It was moved by Ald. Krol, seconded by Ald. Bruderle-Baran to concur with the foregoing appointments. -13

### **APPLICATIONS, COMMUNICATIONS, ETC.**

1. Letter from Bev Greenberg, vice president public affairs, Time Warner Cable, providing notification of commencement of the formal renewal process for the Time Warner Cable franchise  
**City Attorney; ad hoc Cable Television Committee**
2. Letter from Chris Leffler, Riverway LLC, officially withdrawing his objection to the proposed business planned development at 6600 River Parkway  
**Add to existing file**
3. Special Use application to operate a popcorn wagon at 11737 W. North Avenue  
**Plan Commission, Board of Zoning Appeals**
4. E-mail from James Benz opposing the sign placement in the Village pocket park at the northeast corner of Wauwatosa and Harwood Avenues "In gratitude to Marion Petersen"  
**Add to existing file**
5. Donation: An amount not to exceed \$2,000 from the Lovers Lane Estates Recreational Development Fund, Inc. to partially fund replacement of the drinking fountain at Webster Park  
**Place on file**
6. Letter from Robert Eckert, Eckert Door Company, 6510 W. State Street, opposing the rezoning of 6600 W. River Parkway and approval of the final plans for an apartment building at this address  
**Add to existing file**

### **FROM THE COMMITTEE ON EMPLOYEE RELATIONS FOR INTRODUCTION**

1. Charter Ordinance amending Section 20.01(2) of the City Code pertaining to Civil Service  
**Re-refer to originating committee**

### **FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS**

#### **RESOLUTION R-03-167**

WHEREAS, Herman Hadley, 4249 N. 63<sup>rd</sup> Street, Milwaukee, WI applied for an operator's license in conjunction with his employment at Pick n' Save, Wauwatosa, WI;

NOW, THEREFORE, BE IT RESOLVED THAT Herman Hadley is hereby issued an operator's license for the period ending June 30, 2004;

BE IT FURTHER RESOLVED THAT the Wauwatosa Police Department is directed to review Mr. Hadley's record six months after issuance of this initial license and report back to the Committee on Legislation, Licensing and Communications if any new significant issues or concerns are revealed at that time.

It was moved by Ald. Grimm, seconded by Ald. Ecks to approve the foregoing resolution. -13

**FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT**

**RESOLUTION** R-03-168

WHEREAS, Kevin Weiss of the Laureate Group has submitted final plans for a Business Planned Development at 6600 River Parkway to construct 134 units of elderly housing; and

WHEREAS, the Plan Commission reviewed these final plans and recommended denial; and

WHEREAS, these final plans have been reviewed and recommended by the Design Review Board and the Committee on Community Development;

NOW, THEREFORE, BE IT RESOLVED THAT the Common Council of the City of Wauwatosa, Wisconsin approves the Final Plans for a Business Planned Development to be located at 6600 River Parkway submitted by Kevin Weiss of the Laureate Group based upon the final plans submitted to the City and the public hearings conducted on this matter.

It was moved by Ald. Heins, seconded by Ald. Kopischke to approve the foregoing resolution. Upon roll call vote, the vote was Ayes 12, Noes 1 (Sullivan)

**FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT**

**RESOLUTION**

WHEREAS, the Wauwatosa Beautification Committee has arranged to erect a sign in the Village of Wauwatosa Pocket Park to acknowledge that the Committee maintains that garden; and

WHEREAS, the Beautification Committee has additionally requested that a portion of the sign indicates that the park area be dedicated to former alderperson Marion Petersen, founder and former chairperson of the Wauwatosa Beautification Committee; and

WHEREAS, the contributions of Marion Petersen to the beautification of the City of Wauwatosa make such an honor appropriate and desirable;

NOW, THEREFORE, BE IT RESOLVED THAT placement of a crossbar below the main sign for the Wauwatosa Village Pocket Park with the words, "In Gratitude to Marion Petersen" is hereby approved.

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

It was moved by Ald. Bruderle-Baran, seconded by Ald. McCarthy to refer this issue back to committee with instructions to first develop guidelines for honoring or

recognizing citizens, and then consider the merits of this request on the basis of that criteria. -13

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

**RESOLUTION R-03-169**

BE IT RESOLVED, by the Common Council of the City of Wauwatosa THAT there shall be issued, pursuant to Chapter 67, Wisconsin Statutes, general obligation promissory notes in an amount not to exceed \$10,500,000 for the purpose of paying the cost of various public improvement projects and acquisitions set forth in the City's capital improvement plan, as amended from time to time, and general obligation bonds or promissory notes (collectively with the Notes, the "Securities") in an amount not to exceed \$10,500,000 for the purpose of paying the cost of refunding the Notes; and there shall be levied on all the taxable property of the City a direct, annual, irrepealable tax sufficient to pay the interest on said Securities as it becomes due, and also to pay and discharge the principal thereof within twenty years of the date of issuance of the Securities or such shorter period required by law.

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

**RESOLUTION R-03-171**

WHEREAS, Council Resolution R-03-46 approved replacement of the entire roof of the public works building during the 2003 budget year with funding to be provided by the Capital Projects Fund; and

WHEREAS, on June 26, 2003, bids were opened for the project. The lowest bid, and the one to be recommended was \$655,000;

NOW, THEREFORE, BE IT RESOLVED THAT the transfer of \$700,000.00 from the Capital Projects Fund balance into the Public Works Roof Replacement Fund for purposes of the contract for public works roof replacement is hereby approved.

It was moved by Ald. Stepaniak, seconded by Ald. Casey to approve the two foregoing resolutions. -13

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

**RESOLUTION R-03-170**

WHEREAS, the budget reduction implementation plan for the year 2003 requires a hiring freeze for all vacant positions without specific approval of the Common Council; and

WHEREAS, there currently exists a vacancy in the meter service person position within the Wauwatosa Water Utility due to the recent retirement of an individual in that position; and WHEREAS, the Common Council recently approved reducing the number of positions in meter service from three to two, but this retirement leaves only one position filled; and

WHEREAS, filling the position of meter service person is necessary to maintain current levels of staffing for public service and will not affect the already approved budget reductions of the Wauwatosa Water Utility, which is self-supporting; and

NOW, THEREFORE, BE IT RESOLVED THAT the request for an exception to the hiring freeze to fill the position of meter service person in the City of Wauwatosa Water Utility is hereby approved.

It was moved by Ald. Stepaniak, seconded by Ald. Casey to approve the foregoing resolution. -13

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

**ORDINANCE** O-03-18

AN ORDINANCE AMENDING WAUWATOSA CODE SECTION 18.01.020 PERTAINING TO THE DEFINITION OF THE RELEVANT RESIDENTIAL UNIT FOR STORMWATER FEE PURPOSES

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

Part I. Section 18.01.020 of the Wauwatosa Municipal Code shall be amended as follows:

The definition of “single-family residence” shall be deleted and replaced with the following language with the new term to be placed in the appropriate location, alphabetically, among the other terms defined therein:

“Residential Unit” means the structure or portion of a structure containing not more than one dwelling unit.

Part II. Section 18.01.050A. shall be amended by replacing the two occurrences of the term “single family residence” with the term “residential unit.”

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

It was moved by Ald. Stepaniak, seconded by Ald. Casey to adopt the foregoing ordinance. -13

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

BILLS AND CLAIMS FOR THE PERIOD 6/18/03 – 7/01/03 --

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 6/18/03 – 7/01/03: \$1,398,892.71

It was moved by Ald. Ecks, seconded by Ald. Casey 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 13.

**FROM THE BOARD OF PUBLIC WORKS**

**RESOLUTION R-03-172**

BE IT RESOLVED by the Common Council of the City of Wauwatosa that the proper city officials be and they are hereby authorized and directed to enter into a contract with M. M. Schranz of Milwaukee, Wisconsin for the work of roof replacement at the Wauwatosa Public Works building, and work incidental thereto under Contract 03-29 at and for their bid price of \$655,000.00, this being the lowest and best bid.

BE IT FURTHER RESOLVED that the surety deposits, if any, be returned to the unsuccessful bidders.

**FROM THE BOARD OF PUBLIC WORKS**

**RESOLUTION R-03-173**

WHEREAS, on June 3, 2003, a pump at the Potter Road water utility station required emergency service; and

WHEREAS, repairs were immediately made by RDM Associates, Inc. of Brookfield;

NOW, THEREFORE, BE IT RESOLVED THAT payment in the amount of \$2,223.20 for purposes of repairing a pump at the Potter Road water utility station on June 3, 2003 is hereby approved.

It was moved by Ald. Casey, seconded by Ald. Stepaniak to approve the two foregoing resolutions. -13

There being no further business, the meeting adjourned at 8:02 p.m.

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Carla A. Ledesma, CMC, City Clerk