

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, September 17, 2002**

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

EXCUSED: Ald. Subotich

ALSO PRESENT: Mr. Wontorek, City Administrator; Mr. Braier, Finance Director; Mr. Kesner; City Attorney; Mr. Kappel, Dir. of Public Works; Ms. Welch, Community Development Director; Police Chief Weber; Fire Chief Redman; Mr. Coffaro, Asst. to the Administrator; 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. -15

The Mayor, Common Council President Bruderle-Baran, and Fire Chief Redman recognized the Wauwatosa Fire Department for receiving the US Postal Service's "Heroes in the Hometown" award. The award acknowledges the efforts of the Department to support firefighter Lon Swatek and his family after his wife suffered a severe infection resulting in the amputation of her arms and legs. The Department has raised \$955,000 in cash to date and has secured full four-year scholarships for the two Swatek children from Johnson & Wales University.

**APPOINTMENTS BY THE MAYOR**

Civic Celebration Commission

Kathy Schauer, 9405 Beverly Place  
(Term ends 12/31/06)

Foregoing appointment ordered held as this was the first reading.

Youth Commission

Michele Kotnorowski, 7413 Portland (reappointment)  
Mary Jane Montguire, 10236 W. Vienna Avenue (reappointment)  
Peggy Donegan, 1939 N. 70th Street  
Beth Fredrickson, 7929 Warren Avenue  
Diane Roznowski, 2609 N. 82nd Street

Jeff Roznowski, 2609 N. 82nd Street  
Kathy Vogt, 2730 N. 117th Street  
(Terms end 8/31/05)

Board of Zoning Appeals  
Carolyn Esswein, 1829 N. 69th Street  
(Term ends 4/30/05)

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

**APPLICATIONS, COMMUNICATIONS, ETC.**

1. Special Use application to construct a dormer on a legal non-conforming structure at 2357 N. 66th Street  
**Plan Commission, Board of Zoning Appeals**
2. Special Use application to operate a restaurant at 11302 W. Blue Mound Road  
**Plan Commission, Board of Zoning Appeals**
3. Donation: \$100 from Jean Ann Von Rohr, 7909 Jackson Park Boulevard, to the Fire Department Diedrich Special Endowment Fund  
**Place on file**
4. Wauwatosa Water Utility Statement of Receipts and Disbursements for month ended August 31, 2002  
**Place on file**
5. City of Wauwatosa Investment Summary as of August 31, 2002; Bank Reconciliation of Depository Accounts as of July 31, 2002; and Statement of Financial Condition as of 8/31/02  
**Place on file**
6. Land combination application to combine two lots at 1926-30 N. 69th Street  
**Plan Commission, Community Development Committee**
7. Notice of Claim: Donna & Kenneth Gagre, 2405 N. 81st Street  
**City Attorney**
8. Letter from Gary Kandziora, 6124 W. Martin Dr., stating that Grede Foundry may be in violation of its conditional use zoning  
**City Attorney, Director of Community Development**
9. Letter from County Executive Scott Walker informing the city that he has requested a review of proposed storm water detention facilities on the County Grounds  
**Add to existing file**

**FROM THE COMMITTEE ON TRAFFIC & SAFETY FOR INTRODUCTION**

1. Ordinance prohibiting parking on the west side of N. 69th Street, south of W. North Avenue  
**Re-refer to originating committee**

**FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT FOR INTRODUCTION**

1. Ordinance entitled Recording of Ownership for Residential and Commercial Buildings  
**Re-refer to originating committee**

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

**RESOLUTION R-02-233**

WHEREAS, the Wauwatosa School District has applied for a fireworks user's permit for the purposes of conducting a fireworks display at Hart Park on Friday, October 4, 2002; and

WHEREAS, the Committee on Legislation, Licensing and Communications has reviewed their request;

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Wauwatosa THAT the Clerk be authorized to issue a firework user's permit to the Wauwatosa School District for the purpose of conducting a firework's display on October 4, 2002 at approximately 9:00 PM at Hart Park in the City of Wauwatosa at a specific location to be designated by the Wauwatosa Fire Chief, subject to all applicable laws and permit conditions, and subject further to all of the following:

- Receipt by the City Clerk of a signed application and appropriate permit fee;
- Receipt by the City Attorney of a Hold Harmless Agreement executed by the Wauwatosa School District in favor of the City of Wauwatosa;
- Receipt by the City Attorney of a Certificate of General Liability Insurance evidencing liability coverage for the fireworks contractor naming the City of Wauwatosa as an additional insured.

It was moved by Al. Jenkins, seconded by Ald. Grimm  
to approve the foregoing resolution. - 15

**FROM THE COMMITTEE ON TRAFFIC AND SAFETY**

TO THE COMMON COUNCIL, CITY OF WAUWATOSA –

The Committee on Traffic and Safety, to whom was referred a request for no parking on the east side of N. 85th Street north of W. North Avenue to W. Meinecke Avenue, recommends to the Common Council that the matter be placed on file.

Dated this 10th day of September 2002.

Committee on Traffic and Safety

**FROM THE COMMITTEE ON TRAFFIC AND SAFETY**

TO THE COMMON COUNCIL, CITY OF WAUWATOSA –

The Committee on Traffic and Safety, to whom was referred a request for stop signs at W. Argonne Drive and W. Auer Avenue, recommends to the Common Council that the matter be placed on file.

Dated this 10th day of September 2002.

Committee on Traffic and Safety

It was moved by Ald. Krol, seconded by Ald. Herzog  
to approve the two foregoing reports. -15

**FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT**

**ORDINANCE O-02-28**

AN ORDINANCE AMENDING WAUWATOSA CODE SECTIONS 15.04.020, 15.04.030, 15.04.060, 15.04.080, 15.08.040, 15.12.040, 15.26.020, 15.26.030, 15.26.040, 15.26.050, 15.26.070, 15.26.080, 15.34.080 IN TITLE 15

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

Part I. That portion of Wauwatosa ordinance Section 15.04.020 A of the Wauwatosa Municipal Code reading, “Comm. 50-64 66 and 69” is hereby deleted and replaced with the term, “COMM 61-65”.

Part II. Sections 15.04.020 D and 15.04.020 E of the Wauwatosa Municipal Code are hereby repealed in their entirety.

Part III. Section 15.04.030 C.1. of the Wauwatosa Municipal Code is hereby repealed in its entirety, including Table #1 within that section.

Part IV. Section 15.04.030 C.8.c.1. is hereby repealed in its entirety and recreated to read as follows:

1. Walls that are more than one inch out of plumb in eight feet may be reinforced if supported by engineering data showing benefit of the reinforcing. When the affected repair includes porches or stoops, frost depth footings must be provided.

Part V. Section 15.04.030 C.8.c.4. is hereby amended by deleting the words, “by the department” in the first sentence of that section and by deleting the words, “number one washed” and replacing them with “#1 clean.”

Part VI. Section 15.40.030 C.8.c.10. is hereby amended by deleting the words, “number one washed” and replacing them with “#1 clean.”

Part VII. Section 15.04.060 is hereby repealed in its entirety and recreated to read as follows:

Section 15.04.060 Fire Walls. All interior fire walls shall be identified as to their hourly rating and permanently marked with red color using one-half inch by three inch letters and numerals every twenty-five feet above the finished ceilings.

Part VIII. Section 15.04.080 H. of the Wauwatosa Municipal Code is hereby amended by deleting the words “sixty-four” and replacing those words with the words “one hundred.”

Part XIX. The introductory paragraph of Section 15.08.040 is hereby amended by the addition of the following language after the word “chapter,”

“except that a license is not required for an owner of an owner-occupied one or two family dwelling to repair or replace fixtures and appliances located in said dwelling. This exception does not include installation of H.V.A.C. equipment.”

Part X. Section 15.12.040 B is hereby repealed in its entirety and recreated to read as follows:

B. Notwithstanding subsection A of this section, a license is not required for an owner of an owner-occupied one or two family dwelling to repair or replace the valves, faucets, fixtures, or install a water heater or clearwater sump and discharge pump, located in said dwelling.

Part XI. The text of Section 15.26.020 of the Wauwatosa Municipal Code is hereby repealed in its entirety and recreated as follows: All pools, ponds and other bodies of water with a depth of two feet or more, except hot tubs or spas, are deemed to be structures for purposes of Title 15 of this code, and for such reason no person, firm or corporation shall excavate for or construct, install, enlarge, or alter any of the above without first obtaining a building permit. Electrical permits shall continue to be required for hot tubs or spas. Plans and specifications for public pools shall also be submitted to the Health Department for approval.

Part XII. The title of Section 15.26.030 of the Wauwatosa Municipal Code is hereby amended by deleting all portions after the phrase, “Limitation on access.”

Part XIII. Section 15.26.030 C. is hereby amended by replacing the term “board of public works” with “Buildings and Safety Division.”

Part XIV. Section 15.26.040 B. shall be amended by adding at the end of the sentence the following language, “with the exception of walls surrounding hot tubs or spas.”

Part XV. Section 15.26.050 of the Wauwatosa Municipal Code shall be amended by inserting, immediately following the words “a depth of two feet or more” the following language: “, except hot tubs or spas,”

Part XVI. Section 15.26.070 shall be redesignated with the title “Appeal” and the text shall be repealed in its entirety and recreated to read as follows:

Any person aggrieved by a provision of this chapter may appeal to the Board of Public Works. The Board of Public Works is authorized to grant a modification, provided there is a finding of exceptional circumstances and provided such modification will not cause an adverse effect upon the property values, cause undue distraction to motorists, impede or otherwise cause a nuisance to the public or create an attractive nuisance to children.

Part XVII. Section 15.26.080 of the Wauwatosa Municipal Code shall be amended by deleting, at the end of the section, the words “in which the pool exists.”

Part XVIII. The text of Section 15.34.080 is repealed in its entirety and recreated as follows:  
“Any person, firm, or corporation violating the provisions of Title 15 of the Wauwatosa Municipal Code shall be subject to a forfeiture of \$100.00 for the first offense, which forfeiture shall increase by \$50.00 for each additional offense. Offenses resulting in imminent danger to life or health and safety conditions shall result in a forfeiture of \$1,000.00 for each offense.

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

**FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT**

**RESOLUTION R-02-234**

WHEREAS, Gary Duchesne, U.S. Cellular, has applied for a Conditional Use to install six additional cellular antennas on the City-owned water tower at 108 N. Glenview Avenue, located in the BB Two Family Residence District, and;

WHEREAS, this request was reviewed and recommended by the City Plan Commission and the committee on Community Development and determined to be necessary for the public convenience at that location; located and proposed to be operated in such manner which will protect the public health, safety, and welfare; and was found to be compatible with surrounding uses;

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Wauwatosa, Wisconsin hereby grants a Conditional Use to Gary Duchesne, U.S. Cellular, install six additional cellular antennas on the City-owned water tower at 108 N. Glenview Avenue, located in the BB Two Family Residence District.

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

**FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT**

**RESOLUTION**

WHEREAS, in 1998, the Common Council adopted a resolution expressing its preference with respect to future development at the Milwaukee County Grounds located in the City of Wauwatosa; and

WHEREAS, in 2000, the Common Council adopted a resolution reaffirming these preferences affecting future development at the Milwaukee County Grounds located in the City of Wauwatosa; and

WHEREAS, there have been new developments and proposals affecting the County Grounds; and

WHEREAS, the Common Council wishes to review and update its previous resolution on this matter; and

NOW, THEREFORE, BE IT RESOLVED THAT the Common Council of the City of Wauwatosa:

- Supports the concept of using a portion of the County Grounds for the purpose of constructing storm water detention facilities to alleviate flooding in the City of Wauwatosa and surrounding communities and encourages design of such facilities in a manner that will 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;
- Urges the State of Wisconsin to preserve the remaining areas as green space by acquiring and designating the land as a State Forest;
- 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.

BE IT FURTHER RESOLVED THAT City staff work with all due expedience both independently and in cooperation with other governmental entities to implement plans incorporating the above-stated recommendations.

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

It was moved by Ald. Matthews, seconded by Ald. Kopischke to amend the foregoing resolution by adding the wording, “Whereas the City has extended a credit to Milwaukee County based on an agreement that states, ‘...land is made available for storm water projects...’”; Upon roll call vote, the vote was Ayes 15.

Vote on motion, as amended, upon roll call vote was Ayes 15.

The amended resolution is as follows:

**AMENDED RESOLUTION R-02-235**

WHEREAS, in 1998, the Common Council adopted a resolution expressing its preference with respect to future development at the Milwaukee County Grounds located in the City of Wauwatosa; and

WHEREAS, in 2000, the Common Council adopted a resolution reaffirming these preferences affecting future development at the Milwaukee County Grounds located in the City of Wauwatosa; and

WHEREAS, there have been new developments and proposals affecting the County Grounds; and

WHEREAS, the city has extended a credit to Milwaukee County based on an agreement that states "...land is made available for storm water projects ..."; and

WHEREAS, the Common Council wishes to review and update its previous resolution on this matter; and

NOW, THEREFORE, BE IT RESOLVED THAT the Common Council of the City of Wauwatosa:

- Supports the concept of using a portion of the County Grounds for the purpose of constructing storm water detention facilities to alleviate flooding in the City of Wauwatosa and surrounding communities and encourages design of such facilities in a manner that will 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;
- Urges the State of Wisconsin to preserve the remaining areas as green space by acquiring and designating the land as a State Forest;
- 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.

BE IT FURTHER RESOLVED THAT City staff work with all due expedience both independently and in cooperation with other governmental entities to implement plans incorporating the above-stated recommendations.

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

**RESOLUTION R-02-236**

WHEREAS, the Director of Public Works has issued Requests for Proposals pertaining to a new street sweeping contract with the City of Wauwatosa; and

WHEREAS, no satisfactory responses were received to the original RFP; and

WHEREAS, the City of Milwaukee – Department of Public Works has proposed providing street sweeping services for the City of Wauwatosa pursuant to an Intergovernmental Cooperation Agreement to be drafted by the City Attorneys of the respective cities; and

WHEREAS, the proposal of the City of Milwaukee is the most advantageous and in the best interest of the City of Wauwatosa;

NOW, THEREFORE, BE IT RESOLVED THAT staff members of the City of Wauwatosa are hereby authorized to enter into an Intergovernmental Agreement with the City of Milwaukee for purposes of providing street sweeping throughout the streets of the City of Wauwatosa during the year 2003, pursuant to the terms of the submittal from the City of Milwaukee, dated August 14, 2002.

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

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

**BILLS AND CLAIMS FOR THE PERIOD 9/4/02 – 9/17/02 --**

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 9/4/02 – 9/17/02: \$1,446,162.75

It was moved by Ald. McCarthy, 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 15.

**FROM THE BOARD OF PUBLIC WORKS**

**RESOLUTION R-02-237**

WHEREAS, on Sunday, July 13, 2002, emergency repairs were required for the elevator in the Muellner Building at Hart Park; and

WHEREAS, an event scheduled on that date, a 50<sup>th</sup> wedding anniversary party, required that the elevator be in working order immediately; and

WHEREAS, services were obtained for emergency repairs of the elevator from Schindler Elevator Corporation at a cost of \$1,181.51;

NOW, THEREFORE, BE IT RESOLVED THAT the City of Wauwatosa is hereby authorized to pay \$1,181.51 to Schindler Elevator Corporation as costs for emergency elevator repairs provided by that company on July 13, 2002.

**FROM THE BOARD OF PUBLIC WORKS**

**RESOLUTION R-02-238**

WHEREAS, proposals were solicited for the rehabilitation of the trench drains (Phase IV) at the Public Works Building under Contract 02-17 and the bid of Central Restoration LLC in the amount of \$15,070.00 is the lowest and best bid; and

WHEREAS, the amount budgeted for this work is \$30,000,

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Wauwatosa THAT the work of rehabilitation of the trench drains at the Public Works Building be awarded to Central Restoration LLC at and for their bid price of \$15,070.00, this being the lowest and best bid.

BE IT FURTHER RESOLVED THAT the purchasing manager is hereby authorized and directed to issue a purchase order therefore as directed by the proper City officers.

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

**FROM THE BOARD OF PUBLIC WORKS**

**RESOLUTION R-02-239**

WHEREAS, Public Works operations requires the purchase of sodium chloride (road salt) for the 2002-2003 winter season; and

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

WHEREAS, the bid through the Wisconsin Department of Transportation from North American Salt Company provides 3,000 tons of road salt to be delivered with an additional 4,000 available at the City's discretion for a cost of \$27.49 per ton, a savings of approximately 21% over prices obtained during the year 2002;

THEREFORE, BE IT RESOLVED THAT the City of Wauwatosa Purchasing Manager is hereby authorized to issue a purchase order to North American Salt Company for the low bid price provided to the State of Wisconsin of \$27.49 per ton for the purchase of road salt during the 2002-2003 winter season.

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

There being no further business, the meeting adjourned at 8:15 p.m.

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Carla A. Ledesma, CMC, City Clerk