

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 3, 2002**

PRESENT: Alds. Herzog (7:45 p.m.), Jenkins, Kopischke, Krol, Matthews, McCarthy, Stepaniak, Subotich, Sullivan, Treis, Bruderle-Baran, Becker, Casey, Grimm, Heins -15

EXCUSED: Ald. Ecks

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 Capt. Bozicevich; Mr. Coffaro, Asst. to the Admin.; Ms. Ledesma, City Clerk; Ms. Williams, Deputy City Clerk

Mayor Estness in the Chair

The Mayor called the meeting to order at 7:30

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. -14

**OLD BUSINESS**

The following item was held after the public hearing on August 6, 2002:

**ORDINANCE** O-02-23

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF WAUWATOSA BY REZONING THE NORTHERN 60 FEET OF PROPERTY AT 11728 W. NORTH AVENUE FROM AAA SINGLE FAMILY RESIDENCE DISTRICT TO AA BUSINESS 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:

Oak Ridge Subdivision, Lot 4 except S 27 ft thereof for St Blk 9 in the Southwest ¼ of Section 18, Town 7 North, Range 21 East, in the City of Wauwatosa, County of Milwaukee, State of Wisconsin is Rezoned from AAA Single Family District to AA Business 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.

It was moved by Ald. Krol, seconded by Ald. McCarthy to adopt the foregoing ordinance. -14

**OLD BUSINESS**

The following item was held after the public hearing on August 6, 2002:

**ORDINANCE** O-02-24

AN ORDINANCE AMENDING CHAPTERS 24.34, AND 24.36 BY ADDING MEDICAL CLINIC AS A SPECIAL USE WHEN AN ACCESSORY TO A PERMITTED USE IN THE AA LIGHT MANUFACTURING AND AA INDUSTRIAL DISTRICTS

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

Part 1. That Section 24.34.025 and Section 24.36.025, is amended to include the following as a special use:

Medical Clinics when accessory to a permitted use.....6511

Part II. This Ordinance shall take effect and be in force from and after its passage and publication.

It was moved by Ald. Krol, seconded by Ald. Stepaniak to adopt the foregoing ordinance. -14

**OLD BUSINESS**

The following item was held after the public hearing on August 6, 2002:

**ORDINANCE**

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF WAUWATOSA BY REZONING THE LAND AT 1060 N. 115<sup>th</sup> STREET 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:

Homewood Comm at SW Cor of Blk 3 th N 0D34M00S W 74.97 ft th N 46D31M 33S E 341.32 ft th N 89D27M44S E, a Subdivision of Part of Section 30, in Township 7 North, Range 21 East, 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.

The Mayor advised that the owner of the real estate at 1060 N. 11th Street has requested that this matter be held.

It was moved by Ald. McCarthy, seconded by Ald. Heins to hold the matter to the first Common Council meeting in October. -14

### **APPOINTMENTS BY THE MAYOR**

#### 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  
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)

Foregoing appointments ordered held as this was the first reading.

#### Plan Commission

John Albert, 1922 N. 122nd Street  
(Term ends 4/30/05)

#### Comprehensive Plan Commission

Mary Wolverton appointed as Chair

#### Board of Zoning Appeals

John Wolfe, 725 N. 119th Street  
(Term ends 4/30/05)  
Michael McCabe appointed as Chair

Design Review Board B

Jeff Dekker, 9508 W. Ruby Avenue  
Dan Sanders, 2451 N. 81st Street  
(Terms end 12/31/04)

Board of Public Debt Commissioners

Brian Randall, 2602 N. 88th Street  
(Term ends 4/30/05)

Redevelopment Authority

Brian Randall, 2602 N. 88th Street  
(Term ends 10/31/07)

Board of Parks and Forestry Commissioners

Dick Bachman, 2229 N. 115th Street  
Tom Havas, 12135 Underwood Parkway  
(Terms end 4/30/03)

It was moved by Ald. McCarthy, seconded by Ald. Matthews  
to concur with the foregoing appointments. -14

**APPLICATIONS, COMMUNICATIONS, ETC.**

1. Notices of Claim: David Berby, 7834 Douglas Ave., Racine; Alfrieda Durrah, 5521 N. 39th St., Milwaukee; Wanda Pekrun, 2050 N. 113th St.; Allan A. Wirth, 2605 N. 81st Street  
**City Attorney**  
Attorney John J. Kastl representing John & Judith Magnus, 1045 N. 122nd Street  
**City Attorney, Health Officer, Director of Community Development**
2. Application for a variance to add a curb cut and driveway approach at 6911 Auburn Avenue  
**Board of Zoning Appeals**
3. Notice of Violation of the general permit for "Bypasses or Overflows from Sewage Collection Systems" and Notice of Claim from the WI Dept. of Natural Resources  
**Engineering, Attorney, Administration**
4. Wauwatosa Water Utility Statement of Receipts and Disbursements for month ended July 31, 2002  
**Place on file**
5. Special Use application to operate a restaurant at 7754 Harwood Avenue  
**Plan Commission, Board of Zoning Appeals**
6. Special Use application to construct a dormer addition to a legal non-conforming structure at 6431 Vista Ave.  
**Plan Commission, Board of Zoning Appeals**
7. Letter from Catherine E. McNamara, Federal Emergency Management Agency, informing the City that all performance, financial and administrative requirements have been met regarding the 1999 FEMA grant  
**Place on file**
8. City of Wauwatosa Statement of Financial Condition as of 7/31/02  
**Place on file**

9. Request by Andy Zeitlow, West High School, for a fireworks user permit for a homecoming celebration on October 4, 2002 at Hart Park  
**Committee on Legislation, Licensing & Communications**
10. Proposed reallocation of \$230,000 of Community Development Block Grant funds  
**Requested under suspension of the rules**
11. Letter from Mark D. Griepentrog, Reinhart, Boerner, Van Deuren S.C., requesting the matter of the Business Planned Development at 1060 N. 115th Street rezoning and final plan approval be placed on hold  
**Add to existing file**
12. Letter from Bev Greenberg, vice president of Public Affairs, Time Warner Cable, advising the City of a redistribution of ownership equity between AOL Time Warner Inc. and AT & T Corp.  
**Place on file**
13. Letter from Mayor Estness recapping previous actions taken relating flood management projects in Wauwatosa and requesting adoption of a resolution affirming the city's need for the flood mitigation project  
**Committee on Community Development**

It was moved by Ald. McCarthy, seconded by Ald. Becker to approve Item #10 above under suspension of the rules. -14

The approved resolution is as follows:

**RESOLUTION** R-02-220

WHEREAS, Community Development Block Grant funds from Program Years 1995-2002 were previously designated for the following purposes:

<u>Purpose</u>	<u>Amount</u>
Administration (2000)	\$60,101.06
DNR Flood reimbursement (2001)	\$43,496.00
Water Dept. project (1995)	\$33,846.64
Muellner Senior Center (2000)	\$50,000.00
Historic Preservation study (2002)	\$30,000.00
WEDC State Street Redevelopment (1998)	\$ 3,826.50
Metropolitan Fair Housing Council (2000)	\$ 3,753.15
Senior Transportation study (2000)	\$ 3,000.00
Graffiti removal (1997)	\$ 1,977.00

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin THAT the CDBG funds listed above are hereby reallocated to the following project:

<u>Purpose</u>	<u>Amount</u>
92 <sup>nd</sup> Street Water Main Relay	\$230,000.35

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

1. Ordinance amending Title 15 of the City Code, Buildings and Construction  
**Re-refer to originating committee**

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

**RESOLUTION R-02-221**

WHEREAS, Les Amis, LLC, d/b/a entre nous, has applied for a Class B Beer and a Class B liquor license to be used at its business location at 7606 W. State Street, Wauwatosa, formerly the location of Jitterz Coffeehouse;

NOW, THEREFORE, BE IT RESOLVED THAT Les Amis, LLC, d/b/a entre nous is hereby awarded a Class B Beer and a Class B liquor license for its location at 7606 W. State Street, Wauwatosa, as more particularly described in the application materials on file in the City Clerk’s office for the period ending June 30, 2003, subject to favorable reports.

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

**RESOLUTION R-02-222**

WHEREAS, Tiffany A. Stephens, 5722 N. Paradise Lane, Milwaukee, WI, has applied for an operator’s license in conjunction with her employment at Colonel Hart’s at 7342 W. State Street, Wauwatosa;

NOW, THEREFORE, BE IT RESOLVED THAT Tiffany A. Stephens is hereby issued an operator’s license for the period ending June 30, 2003, subject to a six month review.

It was moved by Ald. Grimm, seconded by Ald. Krol  
to approve the two foregoing resolutions. -14

**FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT**

**RESOLUTION R-02-223**

WHEREAS, Robert Kramer, has applied for a Conditional Use to construct an addition to the Ronald McDonald House in the Medical Center and Institutions District at 8948 Watertown Plank Road 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 by the Common Council of the City of Wauwatosa, Wisconsin hereby grants a Conditional Use to Robert Kramer to construct an addition to the Ronald McDonald House in the Medical Center and Institutions District at 8948 Watertown Plank Road.

**FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT**

**ORDINANCE O-02-25**

**AN ORDINANCE AMENDING WAUWATOSA CODE SECTION 8.10.070 ENTITLED HUMAN HEALTH HAZARD/ADMINISTRATION**

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

Part I. That code section 8.10.070 be changed to include the word “within fourteen days from issuance of the appeal.”

Administration and appeal. This ordinance shall be interpreted, administered, and enforced by the health officer or his/her designee. The health officer or his/her designee shall have the powers expressly granted herein to ensure compliance with the intent and purpose of this ordinance by any means possible under the law. Appeal of any order of the health officer shall be made in writing within fourteen days of issuance of the notice and order to the Board of Health, which shall schedule a hearing no more than fourteen days from receipt of the appeal. The decision of the Board of Health shall be delivered to the appellant no more than seven days following the date of the hearing.

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

**FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT**

**ORDINANCE O-02-26**

**AN ORDINANCE AMENDING WAUWATOSA CODE SECTION 8.08.110 (9) ENTITLED QUARANTINE/APPEAL**

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

Part I. That code section 8.08.110(9) be changed to include the word “within fourteen days of issuance of the notice and order.”

And that the provision read as follows:

9. Appeal. Any person aggrieved by an order of the health officer may appeal in writing within fourteen days of issuance of the notice and order addressed to the Board of Health which shall schedule a hearing no more than fourteen days from receipt of the appeal. The decision of the Board of Health shall be delivered to the appellant no more than seven days following the date of hearing. Appeal to the Board of Health decision may be made to the Milwaukee County Circuit Court in accordance with State Statute. The filing of the appeal does not stay a quarantine or other order from the Health Department.

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

**FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT**

**ORDINANCE O-02-27**

**AN ORDINANCE AMENDING WAUWATOSA CODE SECTION 8.08.100 (12) ENTITLED QUARANTINE/APPEAL**

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

Part I. That code section 8.08.100(12) be changed to include the word “within fourteen days of issuance of the notice and order.”

And that the provision read as follows:

12. Appeal. Any person aggrieved by an order of the health officer may appeal in writing within fourteen days of issuance of the notice and order addressed to the Board of Health which shall schedule a hearing no more than fourteen days from receipt of the appeal. The decision of the Board of Health shall be delivered to the appellant no more than seven days following the date of hearing. Appeal to the Board of Health decision may be made to the Milwaukee County Circuit Court in accordance with State Statute. The filing of the appeal does not stay quarantine or other order from the Health Department.

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

It was moved by Ald. Kopischke, seconded by Ald. Heins to approve the foregoing resolution and to adopt the three going ordinances. -14

**FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT**

**RESOLUTION**

WHEREAS, Helmut Toldt of Toldt Development, Inc. has submitted final plans for a Business Planned Development at 1060 N. 115<sup>th</sup> Street to construct a 60-unit apartment building; and

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

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin approves the Final Plans for a Business Planned Development to be located at 1060 N. 115th Street submitted by Helmut Toldt, Toldt Development, Inc based upon the plans submitted to the City and the public hearings conducted on this matter.

The Mayor ordered this item held until the first Common Council meeting in October.

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

**RESOLUTION R-02-224**

WHEREAS, the City of Milwaukee has requested and received approval from the Wisconsin Department of Transportation for the improvement of Blue Mound Road, a portion of which is within the City of Wauwatosa; and

WHEREAS, the City of Wauwatosa desires to participate in this project for that portion of Blue Mound Road between 66<sup>th</sup> Street and N. Story Parkway which lies within the City of Wauwatosa; and

WHEREAS, the City of Milwaukee has agreed to act as lead agency in this project, having approved a Project agreement and a cost sharing agreement with the City of Wauwatosa;

NOW, THEREFORE, BE IT RESOLVED THAT the staff of the City of Wauwatosa is hereby authorized to enter into a project agreement and cost sharing agreement for the City of Wauwatosa's portion of the costs related to the project for improvement of West Blue Mound Road between North 66<sup>th</sup> Street and North Story Parkway for construction during the year 2004.

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

**RESOLUTION R-02-225**

WHEREAS, the City of Wauwatosa purchasing department solicited proposals for a five year copier/rental/lease contract for the Wauwatosa City Clerk pursuant to State of Wisconsin contracts; and

WHEREAS, proposals were received from 3 suppliers; and

WHEREAS, the proposal of Office Copying Equipment Ltd. for a Sharp Model AR650/800, reflecting a monthly cost of \$650.75, was determined to be the best solution due to the quality and reliability of the product as compared to the lower priced Konica model, based upon past experience and testing by users in other departments,

NOW, THEREFORE, BE IT RESOLVED THAT the proposal of Office Copying Equipment Ltd. for a five year copier/rental/lease contract for the Sharp Model AR650/800 copier, pursuant to the supplier contract with the State of Wisconsin, is hereby accepted, and the proper City officials are authorized to enter into a contract with Office Copying Equipment Ltd. pursuant to that proposal at an amount not to exceed \$650.75 per month.

It was moved by Ald. Stepaniak, seconded by Ald. Casey  
to approve the two foregoing resolutions. -14

(Ald. Herzog present 7:45 p.m.) -15

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

BILLS AND CLAIMS FOR THE PERIOD 8/07/02 – 9/03/02 --

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 8/07/02 – 9/02/02: \$3,232,100.34

It was moved by Ald. Herzog, seconded by Ald. Matthews 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-02-226**

WHEREAS, St. Jude the Apostle Parish, 734 Glenview Avenue, Wauwatosa, has requested that the City abandon an existing 30” storm sewer and associated easement running beneath its property; and

WHEREAS, the Wauwatosa Engineering Department has indicated that this storm sewer and easement are no longer needed due to additional storm sewer developments in the area; and

WHEREAS, abandonment of the easement and storm sewer will shift maintenance and liability responsibilities to St. Jude the Apostle Parish,

NOW, THEREFORE, BE IT RESOLVED THAT the 30” storm sewer and associated easement currently in existence beneath the property of St. Jude the Apostle Parish, as described in documents on file with the Wauwatosa Engineering Department, is hereby authorized to be abandoned by the City of Wauwatosa and maintenance and liability will be relinquished to St. Jude the Apostle Parish.

**FROM THE BOARD OF PUBLIC WORKS**

**RESOLUTION R-02-227**

WHEREAS, Burnell & Sheri Patnaude, 4766 N. 118<sup>th</sup> Street have requested to encroach into the City right-of-way at their property by installation of a concrete parking pad; and

WHEREAS, other solutions to their parking issues appear to be more appropriate, such as possibly expanding the driveway and curb cut at this location; and

WHEREAS, encroachment into the City right-of-way would not be in the best interest of the citizens of Wauwatosa;

NOW, THEREFORE, BE IT RESOLVED THAT the encroachment requested by Burnell and Sheri Patnaude, 4766 N. 118<sup>th</sup> Street, Wauwatosa, for a concrete parking pad in the City right-of-way is hereby denied.

**FROM THE BOARD OF PUBLIC WORKS**

**RESOLUTION R-02-228**

WHEREAS, the property of John and Barbara Sandrik, 7818 Jackson Park Boulevard, Wauwatosa, which includes a free-standing wall abutting the driveway at 7818 Jackson Park Blvd., currently encroaching into the City right-of-way; and

WHEREAS, the current condition of the free-standing wall and the City right-of-way requires that it be replaced with a new wall; and

WHEREAS, the new wall to be placed at this location would be set farther back from the existing walk but will still encroach upon the City right-of-way;

NOW, THEREFORE, BE IT RESOLVED THAT the encroachment into the City right-of-way requested by John and Barbara Sandrik at 7818 Jackson Park Boulevard is hereby approved;

BE IT FURTHER RESOLVED THAT the application fee for this encroachment is hereby waived.

**FROM THE BOARD OF PUBLIC WORKS**

**RESOLUTION R-02-229**

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 J & A Pohl, Inc., of Brookfield, Wisconsin, for the work of pavement repair and work incidental thereto under Contract 02-20 at and fro their bid price of \$107,371.75, 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-02-231**

WHEREAS, the Purchasing Manager solicited bids in August, 2002, for miscellaneous electrical supplies for the electrical maintenance department of the City of Wauwatosa; and

WHEREAS, two complete bids were received and two incomplete bids were also submitted; and

WHEREAS, Neher Electric of Milwaukee, WI, submitted the lowest complete bid in the amount of \$8,815.70;

NOW, THEREFORE, BE IT RESOLVED THAT the purchase of miscellaneous electrical supplies from Neher Electric in an amount not to exceed \$8,815.70 pursuant to the quote dated August 21, 2002, is hereby approved.

It was moved by Ald. Bruderle-Baran, seconded by Ald. Heins to approve the five foregoing resolutions. -15

**FROM THE BOARD OF PUBLIC WORKS**

**RESOLUTION R-02-230**

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 American Sewer Services, Inc., of Hartford, Wisconsin for the work of water main relay on N. 92nd Street and work incidental thereto under Contract 02-44 at and for their bid price of \$210,233.50, this being the lowest and best bid.

It was moved by Ald. Bruderle-Baran, seconded by Ald. Heins to approve the foregoing resolution. Upon roll call vote, the vote was Ayes 12, Noes 3 (Herzog, Subotich, Sullivan).

**FROM THE BOARD OF PUBLIC WORKS**

**RESOLUTION R-02-232**

WHEREAS, the Purchasing Manager has requested authorization for the proprietary purchase of residential refuse carts and miscellaneous repair parts from Ameri-Kart Company; and

WHEREAS, competitive prices and bids were not obtained because there is only one manufacturer of this proprietary style of cart utilized by the City of Wauwatosa;

NOW, THEREFORE, BE IT RESOLVED THAT the purchase of 90 gallon residential refuse carts and miscellaneous repair parts from Ameri-Kart Company in an amount not to exceed \$14,215.00 is hereby approved;

BE IT FURTHER RESOLVED THAT the competitive bidding process is waived for this purchase.

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

There being no further business, the meeting adjourned at 7:50 p.m.

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Carla A. Ledesma, CMC, City Clerk