

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, May 21, 2002

PRESENT: Aids. Casey, Ecks, Grimm, Heins, Herzog, Jenkins, Kopischke, Krol, Matthews, McCarthy, Stepaniak, Subotich, Sullivan, Treis, Bruderle-Baran, Becker -16

ALSO Mr. Wontorek, City Administrator; Mr. Braier, Comptroller/Treasurer; Mr.
PRESENT: Kesner, City Attorney; Mr. Kappel, Dir. of Public Works; Ms. Welch, Dir. of Community Development; Police Chief Weber; 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. -16

OLD BUSINESS

The following item was held after a public hearing on May 7, 2002:

ORDINANCE O-02-18

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF WAUWATOSA BY REZONING THE LAND AT 10900 W. BLUE MOUND ROAD FROM AA BUSINESS 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:

University Lawns Lots 16, 17, 18, 19, 20, 21, 22, & 23 Block 5, Southeast ¼ Section 30, 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.

OLD BUSINESS

The following item was held after a public hearing on May 7, 2002:

ORDINANCE O-02-19

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF WAUWATOSA BY REZONING THE LAND AT 7751 HARWOOD AVENUE FROM AA BUSINESS TO BB TWO-FAMILY RESIDENCE 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:

Lot 22, except the South 173.0 feet of the West 142.8 feet, and except that portion conveyed by deed recorded in Volume 598 of Deeds on Page 34 as Document No. 647352, in Charles Fingado's Subdivision of the North 9.66 acres of land in the Southeast ¼ of Section 21, Town 7 North, Range 21 East, in the City of Wauwatosa, County of Milwaukee, State of Wisconsin is Rezoned from AA Business District to BB Two-Family Residence 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. Heins, seconded by Ald. McCarthy to adopt the two foregoing ordinances. -16

APPOINTMENTS BY THE MAYOR

Board of Review

Dick Jungen, 1909 River Park Court
(Term ends 6/30/07)

Historic Preservation Commission

Janel Ruzicka, 2127 N. 74th Street
(Terms ends 11/30/05)

Design Review Board C

Mark Linsere, 2402 N. 72nd Street
(Term ends 12/31/04)

Plan Commission

Tom Witter, 1131 N. 119th Street (reappointment)
William Bode, 6930 Cedar Street
(Terms end 4/30/05)

Foregoing appointments ordered held as this was the first reading.

Senior Commission

Jim Kohlbeck, 8202 Woodland Avenue (reappointment)
Eileen Hayes, 7500 W. North Avenue (reappointment)
(Terms end 4/30/05)

It was moved by Ald. Ecks, seconded by Ald. Krol to concur with the foregoing appointments. -16

APPLICATIONS, COMMUNICATIONS, ETC.

1. Letter from Ald. Subotich requesting two-hour parking restrictions on the east side of N. 85th Street from North Avenue to Meinecke Avenue
Director of Public Works
2. Letter from Ray Py, 2450 N. 63rd Street, requesting naming the football field at Hart Park "Thomas B. Greenwill Stadium."
Director of Public Works, Board of Parks & Forestry Commissioners
3. Resolution from the Joint Review Board approving the boundaries and project plan for TIF District No. 4
Add to existing file
4. Wauwatosa Water Utility Statement of Receipts and Disbursements for month ended April 30, 2002
Place on file
5. Temporary Use Permit application for placement of temporary trailers at 1600 Swan Boulevard in conjunction with the Northwest Side Relief Sewer Project
Board of Zoning Appeals
6. Letter from Ald. Becker requesting discussion of recent parking changes on N. 69th Street from North Avenue to Garfield Avenue
Director of Public Works
7. Letter from Philip C. Evenson, exec. Dir. of Southeastern Wisconsin Regional Planning Commission, advising of a public hearing on the preliminary freeway reconstruction plan to be held June 4, 2002
Place on file
8. Special Use application to provide restaurant seating at Honey Baked Ham, 817 N. Mayfair Road
Plan Commission, Board of Zoning Appeals
9. City of Wauwatosa Bank Reconciliation of Depository Accounts as of April 30, 2002
Place on file
10. Letter from Daina Penkiunas, Wisconsin Historical Society, notifying of their consideration of removed of the Plank Road School from the State and National Register of Historic Places
Place on file

11. Letter from Gary Greenfield, Wisconsin Lutheran College, withdrawing a request to rezone 32 acres in the northeast quadrant of the county grounds to develop athletic fields
Add to existing file
12. Notice of Claim: Michael Kamenski, 2321 N. 68th Street
City Attorney
13. Conditional Use application to operate a massage therapy establishment at 10616 W. Blue Mound Road
Plan Commission, Committee on Community Development
14. Special Use application to construct an addition to a legal, non-conforming structure at 2550 N. 72nd Street
Plan Commission, Board of Zoning Appeals

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-02-138

WHEREAS, William Poull of the Club Tap, 8828 W. North Avenue, has requested a temporary extension of the licensed premises to include the parking lot of his business on June 1 and 2, 2002, for his annual corn roast; and

WHEREAS, Mr. Poull has requested an additional extension of the premises for the afternoon of June 13, 2002, for a Chamber of Commerce special event;

NOW, THEREFORE, BE IT RESOLVED THAT the licensed premises of the Club Tap be extended to include the parking area in the rear of the building on June 1 and 2, 2002 between the hours of 12:00 and 7:00 PM on the condition that refuse resulting from the event will be thoroughly cleaned by the premises owner and any outdoor music will be kept to a minimal volume;

BE IT FURTHER RESOLVED THAT the licensed premises of the Club Tap is extended on June 13, 2002 to include a tent in the rear parking area between the hours of 4:00 PM and 8:00 PM for a Chamber of Commerce special event.

It was moved by Ald. Treis, seconded by Ald. Bruderle -
Baran to approve the foregoing resolution. -16

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-02-139

WHEREAS, Patrick Reid, 915 N. 15th Street, #102, Milwaukee, WI, has applied for an operator's license in conjunction with his employment at Leff's Lucky Town, 7208 W. State Street, Wauwatosa, WI;

NOW, THEREFORE, BE IT RESOLVED THAT Patrick Reid is hereby issued an operator's license for the period ending June 30, 2002;

BE IT FURTHER RESOLVED THAT the Wauwatosa Police Department is directed to review Mr. Reid'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.

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-02-140

WHEREAS, Jay Effenberger, 3168 North 87th Street, Milwaukee, WI, has applied for an operator's license in conjunction with his employment at AMF Bowlero, 11737 W. Burleigh Street, Wauwatosa, WI;

NOW, THEREFORE, BE IT RESOLVED THAT Jay Effenberger is hereby issued an operator's license for the period ending June 30, 2002.

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-02-142

WHEREAS, Teron Bowen, 3615 N. 18th Street, Milwaukee, WI, applied for an operator's license in conjunction with his work at Edwardo's Natural Pizza, 10845 W. Bluemound Road, Wauwatosa; and

WHEREAS, a background investigation revealed two previous felony convictions, one of which was possession of cocaine with intent to deliver, in the year 1999; and

WHEREAS, the Committee on Legislation, Licensing and Communications has twice requested Mr. Bowen's appearance before the Committee to explain the circumstances of his conviction as applied to his operator's license application, and Mr. Bowen has failed to appear at either requested meeting; and

WHEREAS, the circumstances surrounding the previous convictions, the seriousness of his previous convictions, and his failure to appear before the Committee, are factors substantially related to the responsibilities of persons holding operator's licenses in the City of Wauwatosa;

NOW, THEREFORE, BE IT RESOLVED THAT the operator's license application of Teron Bowen is hereby denied;

BE IT FURTHER RESOLVED THAT the Clerk shall notify Mr. Bowen in writing of this decision and the reasons for the denial.

It was moved by Ald. Treis, seconded by Ald. Bruderle -
Baran to approve the three foregoing resolutions. -16

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-02-141

WHEREAS, Caleb Rozina, 2131 N. Summit Avenue, #209, Milwaukee, WI, has applied for an operator's license in conjunction with his employment at Leff's Lucky Town, 7208 W. State Street, Wauwatosa, WI;

NOW, THEREFORE, BE IT RESOLVED THAT Caleb Rozina is hereby issued an operator's license for the period ending June 30, 2002;

BE IT FURTHER RESOLVED THAT the Wauwatosa Police Department is directed to review Mr. Rozina'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. Treis, seconded by Ald. Bruderle - Baran to approve the foregoing resolution. Upon roll call vote, the vote was Ayes 13, Noes 3 (Grimm, Kopischke, McCarthy)

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-02-143

WHEREAS, William E. Dittman and John Schapekahn, St. John's Ev. Lutheran Church have applied for a Conditional Use for a private elementary school in the BB Two Family Residence District at 7751 Harwood Avenue 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 William E. Dittman and John Schapekahn, St. John's Ev. Lutheran Church for a Conditional Use in the BB Two Family Residence District at 7751 Harwood Avenue to construct a private elementary school.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-02-144

WHEREAS, Richard P. Conley, Metropolitan Development, Inc. has submitted final plans for a Business Planned Development at 10900 West Blue Mound Road to construct a 44-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 10900 West

Blue Mound Road submitted by Richard P. Conley, Metropolitan Development, Inc based upon the plans submitted to the City and the public hearings conducted on this matter.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-02-145

WHEREAS, St. Camillus Health Systems, Inc., is the owner of a platted lot located at 10101 W. Wisconsin Avenue in the City of Wauwatosa with a legal description as follows:

Parcel 1 of Certified Survey Map No. 5480, located in a part of the Northeast ¼ of the Southwest ¼ of Section 29, Town 7 North, Range 21 East, in the City of Wauwatosa, Milwaukee County, Wisconsin; and

WHEREAS, the property owner has filed an application to divide the parcel into two parcels, accompanied by a certified survey map depicting the proposed land division; and

WHEREAS, dividing said parcel into two parcels in accordance with the certified survey map accompanying the application of St. Camillus Health Systems, Inc. will create parcels which both conform to the relevant zoning regulations,

NOW, THEREFORE, BE IT RESOLVED THAT the platted parcel at 10101 W. Wisconsin Avenue, as described above, shall be divided into two plots per the certified survey map attached to the property owners application for land division.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-02-146

WHEREAS, St. Camillus Health Systems, Inc. has previously applied for and obtained a land division of the parcel at 10101 W. Wisconsin Avenue into two separate parcels; and

WHEREAS, St. Camillus Health Systems, Inc. has further requested a division of the newly created parcel 2 into four separate parcels, all of which would conform to relevant zoning regulations;

NOW, THEREFORE, BE IT RESOLVED THAT the newly created parcel 2 at 10101 W. Wisconsin Avenue, Wauwatosa, WI, with a legal description as follows:

Parcel 2 located in a part of the Northeast ¼ of the Southwest ¼ of Section 29, Town 7 North, Range 21 East, in the City of Wauwatosa, Milwaukee County, Wisconsin,

shall be divided into four lots per the certified survey map attached to the property owner's application for land division.

It was moved by Ald. Heins, seconded by Ald. Herzog to approve the four foregoing resolutions. -16

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

ORDINANCE O-02-20

AN ORDINANCE TO REMOVE PARADE PERMIT FEE EXCEPTION FOR ST. PATRICK'S DAY PARADE

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

Part I. Section 7.50.020 C. is hereby deleted in its entirety.

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

It was moved by Ald. Heins, seconded by Ald. Herzog to adopt the foregoing ordinance. Ayes 14, Noes 2 (Sullivan, McCarthy)

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-02-147

WHEREAS, the City of Wauwatosa advertised for bids pursuant to State law for the contract as the official newspaper for the City's legal publications; and

WHEREAS, the sole bid received was from Community Newspapers, Inc.; and

WHEREAS, the bid received from Community Newspapers, Inc. contained rates which are unchanged since 1997;

NOW, THEREFORE, BE IT RESOLVED THAT the bid of Community Newspapers, Inc. as the official newspaper of the City of Wauwatosa shall be accepted as submitted in its bid dated April 11, 2002.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-02-150

WHEREAS, the National Affordable Housing Act of 1990 allows units of local government to enter into mutual cooperation agreements to form a consortium to obtain Federal funds as a participating jurisdiction under the HOME Investment Partnerships Program; and

WHEREAS, these funds provide funding for the Milwaukee County administered First Time Home Buyers, Lead Abatement, and Home Repair Programs; and

WHEREAS, the City of Wauwatosa has previously participated in a consortium agreement with the City of West Allis and Milwaukee County for this purpose; and

WHEREAS, the City of Wauwatosa benefits from this agreement by making funds available to Wauwatosa residents without being required to provide staffing for administration of the project;

NOW, THEREFORE, BE IT RESOLVED THAT the City of Wauwatosa is hereby authorized to renew the consortium agreement with the City of West Allis and Milwaukee County for allocation of HOME and CDBG funds for housing programs.

It was moved by Ald. Stepaniak, seconded by Ald. Casey to approve the two foregoing resolutions. -16

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-02-148

WHEREAS, the Wauwatosa Police Department receives approximately 1,900 false alarm calls annually, of which only 5 – 8 are legitimate alarms; and

WHEREAS, the current fee structure for false alarm calls, as imposed pursuant to Section 7.08.005 of the Wauwatosa Municipal Code, does not include sufficient incentives for property owners to correct repeated mechanical or operational malfunctions;

NOW, THEREFORE, BE IT RESOLVED THAT the consolidated fee schedule for the City of Wauwatosa is hereby amended to reflect the following graduated fee schedule for false alarm fees:

<u>No. of Alarms Per Calendar Year</u>	<u>Fee</u>
1	No Charge
2-4	\$30.00 per call
5-8	\$70.00 per call
9-10	\$100.00 per call
11+	\$200.00 per call

BE IT FURTHER RESOLVED THAT any unpaid fees of a property owner as of November 15th in any calendar year shall be attached to the property tax bill of that property as a special charge.

It was moved by Ald. Stepaniak, seconded by Ald. Casey to approve the foregoing resolution. -16

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-02-149

WHEREAS, the City of Wauwatosa, in 1996, purchased a parcel of land which was formerly a bulk fuel transfer facility for Jacobus Quickflash located at 7720 W. Harwood Avenue, Wauwatosa; and

WHEREAS, estimated costs for remediation were originally too costly for reimbursement by the Department of Commerce's PECFA fund; and

WHEREAS, a less extensive remediation plan has been developed which would minimize excavation and create a cap for the site; and

WHEREAS, City staff have been working with HSI GeoTrans to prepare a new environmental assessment of the former Quickflash property in preparation for creating a new parking lot on the site to serve the needs of the Village of Wauwatosa area;

NOW, THEREFORE, BE IT RESOLVED THAT City staff are authorized to spend up to \$20,000.00 in funds for consultant fees in assessment and design costs for the remediation and parking lot project at the former Jacobus Quickflash property;

BE IT FURTHER RESOLVED THAT said funds are to be allocated from the Redevelopment Authority Fund of the City of Wauwatosa.

It was moved by Ald. Stepaniak, seconded by Ald. Casey to approve the foregoing resolution. -16

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-02-151

BE IT RESOLVED, by the Common Council of the City of Wauwatosa THAT the claim filed by Arthur Glor, 2556 N. 83rd Street, Wauwatosa, WI, for damages is hereby denied and placed on file for the reason that no liability exists on the part of the City;

BE IT FURTHER RESOLVED THAT the City Clerk is hereby directed to notify said claimant of this action of the Common Council as provided by law.

It was moved by Ald. Stepaniak, seconded by Ald. Casey to approve the foregoing resolution. Upon roll call vote, the vote was Ayes 13, Noes 3 (Herzog, Subotich, Sullivan)

FROM THE COMMITTEE ON BUDGET AND FINANCE

BILLS AND CLAIMS FOR THE PERIOD 5/08/02 – 5/21/02 --

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 5/08/02 – 5/21/02: \$1,371,200.29

It was moved by Ald. McCarthy, seconded by Ald. Ecks 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 16.

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-02-152

BE IT RESOLVED by the Common Council of the City of Wauwatosa THAT the quote of Badger Truck Center to furnish one Versalift Tel-29EIH aerial mounted on a Ford F350 cab and chassis for a total cost of \$54,914.00 be and the same is hereby accepted.

BE IT FURTHER RESOLVED THAT the Purchasing Manager is hereby authorized to waive the competitive bidding process and is further directed to issue a purchase order therefor as directed by the proper city officers.

It was moved by Ald. Casey, seconded by Ald. Kopischke to approve the foregoing resolution. –16.

There being no further business, the meeting adjourned at 7:55 p.m.

/cal

Carla A. Ledesma, CMC, City Clerk