



CITY OF WAUWATOSA
MEMORIAL CIVIC CENTER
7725 WEST NORTH AVENUE
WAUWATOSA, WI 53213
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COMMON COUNCIL
Regular Meeting, Tuesday, April 20, 2004

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

ABSENT: Ald. Becker

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; Dr. Kreuser, Health Officer; Mr. Wojcehowicz, Water Supt.; Ms. Nielsen, Nursing Supr.; Ms. Ledesma, City Clerk; Ms. Williams, Deputy City Clerk

Mayor Estness in the Chair

The Mayor called the meeting to order at 8:00 p.m.

Ms. Ledesma swore in the Mayor and Alds. Casey, Ecks, Grimm, Sullivan, Herzog, McCarthy, and Maher.

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

ELECTION OF COMMON COUNCIL PRESIDENT, ALDERMANIC REPRESENTATIVE TO THE BOARD OF WEDC, AND ALDERMANIC REPRESENTATIVE TO THE PLAN COMMISSION

It was moved by Ald. Sullivan, seconded by Ald. Casey to approve Ald. Stepaniak as Common Council President, Ald. Bruderle -Baran as WEDC representative, and Ald. Kopischke as Plan Commission representative. -15

APPOINTMENTS BY THE MAYOR

Police and Fire Commission

Robert Peeple, 2562 Wauwatosa Avenue (reappointment)

Term ends 4/30/09

Board of Park and Forestry Commissioners
Jill Gaertner, 1934 Church Street (reappointment)
Term ends 4/30/07

Board of Examiners and Appeals
Richard Bachman, 2229 N. 115th Street (reappointment)
Term ends 5/30/06

Foregoing appointments ordered held as this was the first reading.

Library Board
Christopher Lowe, 6274 Upper Parkway North
Term ends 6/30/07

It was moved by Ald. Krol, seconded by Ald. Bruderle-Baran to concur with the following appointment. -15

APPLICATIONS, COMMUNICATIONS, ETC.

1. Conditional Use application to operate a massage therapy establishment at 11430 W. Blue Mound Road
Plan Commission, Committee on Community Development
2. Request by the Village of Wauwatosa Business Improvement District for a Street Festival Permit to utilize the Village pedestrian bridge, Little Red Store parking lot, the fountain area and a portion of Harwood Avenue for the Hot Times/Cool Village Art Fair on August 14 & 15, 2004
Board of Public Works, Committee on Community Development
3. Canvass of Votes of the April 6, 2004 Spring Election
Place on file
4. Request by Dick Vogel, Kathy's House, to place temporary parking signs on N. 103rd Street on Saturday, May 8th
Director of Public Works, Police Department
5. Wauwatosa Water Utility Statement of Receipts & Disbursements for month ended March 31, 2004
Place on file
6. Special Use application to construct a 20 ft. high garage roof at 6520 Milwaukee Avenue
Plan Commission, Board of Zoning Appeals
7. City of Wauwatosa Statement of Financial Condition as of 3/31/04
Place on file
8. Wauwatosa Revolving Loan Fund Corporation Financial Statements December 31, 2003 and 2002
Place on file

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT FOR INTRODUCTION

1. Ordinance amending the Zoning Code to allow accredited technical, trade or career colleges as a Conditional Use in the AA Light Manufacturing District
Re-refer to originating committee
2. Ordinance amending the Zoning Code to allow physical fitness and health studios as a Conditional Use in the AA Commercial District
Re-refer to originating committee

FROM THE COMMITTEE ON TRAFFIC AND SAFETY

RESOLUTION R-04-75

WHEREAS, the operator of Cranky Al's Pizza, 6913 W. North Avenue, has requested a loading zone for a distance of 30 feet in front of 6913 W. North Avenue; and

WHEREAS, the Committee on Traffic and Safety recommend approval of the loading zone for the hours of 4 p.m. to 9 p.m. Wednesday through Saturday; and

WHEREAS, a special privilege permit granting the loading zone will require an annual fee of \$25.00.

NOW, THEREFORE, BE IT RESOLVED THAT pursuant to Section 11.32.310 of the Wauwatosa Municipal Code, a special privilege permit for the establishment of a 30 foot loading zone in front of 6913 W. North Avenue is hereby approved for the hours of 4 p.m. - 9 p.m., Wednesday through Saturday.

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

FROM THE COMMITTEE ON EMPLOYEE RELATIONS

RESOLUTION R-04-76

WHEREAS, the Health Department is in the process of transitioning to a Level III Health Department; and

WHEREAS, the Health Department left a full-time nursing position open since September due to budget cutbacks; and

WHEREAS, the Health Department needs additional nursing hours and needs to increase its epidemiologic capacity and surveillance; and

WHEREAS, the Health Department requests to:

- (1) eliminate the full-time nursing position;
- (2) increase the hours of a current public health nurse to 0.865 FTE;
- (3) create a new part-time epidemiologist position (0.5 FTE); and

WHEREAS, the staffing changes result in a budget savings for 2004; and

WHEREAS, the Committee for Employee Relations has considered the Health Department's request and recommends approval;

NOW, THEREFORE, BE IT RESOLVED THAT the staffing changes listed below are approved and that the City's position distribution and ordinance be amended accordingly:

- (1) eliminate the full-time nursing position;
- (2) increase the hours of a current public health nurse to 0.865 FTE;
- (3) create a new part-time epidemiologist position (0.5 FTE).

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

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-04-77

WHEREAS, Meyer Foodservice, LLC, d/b/a Empire Fish, 11200 Watertown Plank Road, Wauwatosa, WI, has applied for a Class A liquor license;

NOW, THEREFORE, BE IT RESOLVED THAT a Class A liquor license be awarded to Meyer Foodservice, LLC, d/b/a Empire Fish, 11200 Watertown Plank Road, Wauwatosa, WI, for the period ending June 30, 2004.

It was moved by Ald. Treis, seconded by Ald. Ecks
to approve the foregoing resolution. -15

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-04-78

WHEREAS, Constantine George of Sts. Constantine and Helen Greek Orthodox Church at 2160 Wauwatosa Avenue has applied for a street festival permit for the church's annual festival on June 11-13, 2004; and

WHEREAS, the Committee on Community Development recommends issuance of a permit subject to certain conditions.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Wauwatosa THAT the City Clerk is authorized to issue a street festival permit to Constantine George of Sts. Constantine and Helen Greek Orthodox Church for the purpose of conducting the church's proposed festival, subject to the conditions of the permit and further specifically subject to the following:

1. The permit shall be valid only for conduct of Greekfest.

2. The festival shall be conducted on June 11 through 13, 2004. Hours of operation shall be June 11th 4:00 p.m. to 10:00 p.m.; June 12th Noon to 10:00 p.m.; and June 13th Noon to 10:00 p.m.
3. The permittee shall pay all costs incurred by the City for this event. At this time these costs are estimated to be police costs in the amount of \$198.95, public works department charges in the amount of \$90, for an estimated total cost of \$288.95. Actual costs incurred by the City may vary from these estimates and shall be the responsibility of the permittee.
4. Noise associated with music and exhibits shall not be excessive as that term is defined by Section 7.48.040 of the Wauwatosa Municipal Code. The City in its sole discretion shall determine whether noise associated with the festival is excessive and upon request of the City the permittee shall immediately reduce the volume of said noise.
5. The permittee shall be responsible for removing all refuse associated with the event. Failure of the permittee to do so will result in additional charges by the City.
6. No carnival rides will be used.
7. Live music is permitted on Saturday, June 12th and Sunday, June 13th from 3:30 p.m. to 9:30 p.m.
8. The Police Department will develop a plan to eliminate parking on one side of the streets in the immediate area, as appropriate.
9. The church shall be responsible to provide and install signs directing patrons to the City Hall parking lot and to M & I Wauwatosa State Bank; the church parishioners shall be encouraged to park in the City Hall parking lot; a mechanism will be established to make announcements at the festival if a driveway is reported to be blocked.
10. Security will be provided during the event.
11. The church grounds and immediate neighborhood shall be patrolled daily to remove litter.
12. Neighbors will be invited to meet with church officials to review plans and discuss solutions to other potential concerns before the event.
13. The dumpster on the church grounds shall be removed by 5 p.m. on Monday, June 14, 2004. Permittee shall provide a copy of its contract for removal of the garbage dumpster to the Director of Public Works. The semi-trailers shall be removed from the grass by 5 p.m. on June 14, 2004.
14. Beer sales shall end one-half hour before the closing of the festival each evening.
15. Temporary “NO PARKING AT ANY TIME” restrictions will be posted and will be in effect only during the hours of the festival on the north side of Rogers Avenue, between Wauwatosa Avenue and Underwood Avenue, and the west side of North 74th Street, between Kenwood and Garfield Avenues.
16. Officers assigned to this area and adjacent streets are to check the area frequently for traffic congestion and parking violations. No parking permission has been given in any of the “No Parking at Any Time” zones.

17. Barricades will be placed across Garfield Avenue and Wauwatosa Avenue, and at the north driveway to the church parking lot. A barricade and sign will also be placed on Garfield Avenue at North 74th Street indicating that the street is open to local traffic only.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-04-79

BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin THAT permission be and the same is hereby granted to Michael Nevins to divide the parcel located at 2426 North 100th Street, Wauwatosa. These parcels are more particularly described as follows:

Lot 1, Block 1 in Met-To-Wee Acres and part of Lot 7, Block 1, Greenwood Estates, in the Southeast ¼ of the Southwest ¼ and the Southwest ¼ of the Southeast ¼ of Section 17, in Township 7 North, Range 21 East, in the City of Wauwatosa, County of Milwaukee, State of Wisconsin.

All in accordance with the application attached hereto and made a part of this resolution, and in compliance with Section 24.56.010 of the Code of the City of Wauwatosa and subject to the payment of all outstanding special assessments on the aforescribed property which is being subdivided.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-04-80

WHEREAS, Section 66.0301 (formerly Section 66.30), Wis. Stats., authorizes Wisconsin municipalities to contract with other municipalities for the receipt or furnishing of services, such as fire protection and emergency medical services; and

WHEREAS, Section 166.30, Wisconsin Statutes allows Wisconsin to enter into interstate agreements for mutual assistance, including supplementary agreements that include provisions for evacuation and reception of injured and other persons and the exchange of medical, fire, police, public utility, reconnaissance, welfare, transportation and communications personnel, and equipment and supplies; and

WHEREAS, an agreement was drafted to provide a mutual aid box alarm system for municipalities providing fire protection and emergency medical services and has been entered into by the counties of Kenosha, Walworth, Rock and parts of Green, Dane, Waukesha, Milwaukee, and Jefferson counties in Wisconsin; and Lake, McHenry, Boone, Winnebago and Cook counties in Illinois; and

WHEREAS, in order to comply with the provisions of the former Section 66.0301, Wis. Stats., the Attorney General of the State of Wisconsin approved the agreement for a mutual aid box alarm system (MABAS) between Wisconsin municipalities and municipalities of another state on December 22, 2000; and

WHEREAS, the MABAS agreement was also approved by the Governor of the State of Wisconsin; and

WHEREAS, the Common Council believes that intergovernmental cooperation for purposes of public safety and protection should be encouraged and that the MABAS Agreement would afford these benefits to city residents by coordinating fire protection and emergency medical services in the event of a large scale emergency, natural disaster, or man-made catastrophe; and

WHEREAS, part of MABAS includes written instructions for dispatchers to expedite delivery of services where mutual assistance is required; and

NOW, THEREFORE, BE IT RESOLVED THAT appropriate city officials are hereby authorized to execute the Agreement for participation in the Mutual Aid Box Alarm System, a copy of which is attached hereto and incorporated herein.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-04-81

BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin THAT a public hearing be held before the Common Council in the Council Chambers at 7:30 p.m. Local Time, on Tuesday, May 18, 2004, in the City Hall of the City of Wauwatosa, Wisconsin at which time all persons interested, or their agents or attorneys, will be heard concerning a proposed ordinance amending Section 24.34.020 of the Code by adding accredited technical, trade or career colleges as a conditional use in the AA Light Manufacturing District.

BE IF FURTHER RESOLVED THAT the City Clerk be and is hereby directed to publish the proper notices of said hearing as required by law.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-04-82

BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin THAT a public hearing be held before the Common Council in the Council Chambers at 7:30 p.m. Local Time, on Tuesday, May 18, 2004, in the City Hall of the City of Wauwatosa, Wisconsin at which time all persons interested, or their agents or attorneys, will be heard concerning a proposed ordinance amending Section 24.34.015 of the Code by adding physical fitness and health studios as a conditional use in the AA Commercial District.

BE IF FURTHER RESOLVED THAT the City Clerk be and is hereby directed to publish the proper notices of said hearing as required by law.

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

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-04-83

WHEREAS, in 2002 the City of Wauwatosa entered into a three-year agreement with Graef, Anhalt, Schloemer & Associates for construction inspection services; and

WHEREAS, the contract anticipated potential annual increases in the rates subject to approval of the City of Wauwatosa; and

WHEREAS, GAS has agreed to limit the new rates to an increase of 3.2% over the amount of the 2002 contract;

NOW, THEREFORE, BE IT RESOLVED THAT the proposed amended hourly inspection rates under the construction inspection contract of Graef, Anhalt, Schloemer & Associates, as described more particularly in the amendment to the agreement, a copy of which is attached hereto and incorporated herein, are hereby approved.

It was moved by Ald. Stepaniak, seconded by Ald. Casey to approve the foregoing resolution. 14-1 (Grimm)

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-04-84

WHEREAS, a public hearing was held by the City of Wauwatosa Planning Commission on April 12, 2004, to consider amendment of the project plan for tax incremental district #2 in the City of Wauwatosa for purposes of further redevelopment at the Milwaukee County Research Park; and

WHEREAS, the required notices of the hearing were published in accordance with the statutory requirements of Wisconsin Statutes Section 66.1105(4)(e); and

WHEREAS, a copy of such notice had previously been sent by first class mail to the Chief Executive Officers of all local government entities having power to levy taxes on the property within the proposed tax incremental finance district; and

WHEREAS, the boundaries of the tax incremental district were previously designated and are not proposed to be altered by the amendment; and

WHEREAS, the specific boundaries are described in the previously approved project plan for tax incremental district #2; and

WHEREAS, upon creation of tax incremental district #2, the City Attorney provided a legal opinion that the proposal meets the eligibility requirements of Wisconsin Statute Section 66.1105 for tax incremental financing; and

WHEREAS, the City of Wauwatosa Planning Commission has adopted the amended project plan for tax incremental district #2 and has recommended its approval by the City of Wauwatosa Common Council; and

WHEREAS, the project plan for tax incremental district #2 includes a map showing existing uses and conditions of real property in the district and a map showing proposed improvements and uses in the district, as well as a statement listing the kind, numbers, and locations of all proposed public works improvements within the district; and

WHEREAS, the creation of the tax incremental district is designed to promote the continued orderly redevelopment of the Milwaukee County Research Park in order to promote the systematic economic growth, increase the tax base, and have a significant impact on the local economy;

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

1. Upon creation of Wauwatosa tax incremental district #2, not less than 50% of the area of the site of the Milwaukee County Research Park was a blighted area as defined in the tax incremental financing law in Section 66.1105(2)(a) of the Wisconsin Statutes;
2. Additional improvement of the proposed project area will significantly enhance the value of substantially all of the real property in the proposed district; and
3. The proposed project costs related directly to eliminating blight and directly serve to rehabilitate the area consistent with the original purpose for the creation of the tax incremental district; and
4. The equalized value of the taxable property in the proposed district plus the equalized value of the taxable property in all existing TIF districts in the City of Wauwatosa does not exceed 7% of the total equalized value of the taxable property within the City;

BE IT FURTHER RESOLVED THAT the amendment to the project plan for Wauwatosa's tax incremental district #2, a copy of which is attached hereto and incorporated herein, is hereby approved;

BE IT FINALLY RESOLVED THAT expenditures proposed in the amended project plan be reimbursed from the budget of tax incremental district #2, and that special assessments shall not be levied against the real property within the district for said purposes.

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

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-04-85

BE IT RESOLVED, by the Common Council of the City of Wauwatosa THAT the claim filed by Covenant Healthcare, Inc. for property tax refunds at the following locations: 10010 W. Blue Mound Road, 201 N. Mayfair Road, and 4500 Harley Davidson Avenue be and the same are 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 authorized and 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. 13-0-2 (Sullivan, Bruderle-Baran)

FROM THE COMMITTEE ON BUDGET AND FINANCE

BILLS AND CLAIMS FOR THE PERIOD 4/7/04 – 4/20/04 --

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 4/7/04 – 4/20/04: \$880,155.97

It was moved by Ald. McCarthy, seconded by Ald. Maher 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-04-86

WHEREAS, the Wauwatosa Purchasing Department obtained sealed bid proposals for removal and/or pruning of trees, stump and soil removal in the City of Wauwatosa; and

WHEREAS, Dorshak Tree Specialists, Inc. submitted the lowest overall bid based upon projected uses of the contract for removal and/or pruning of trees, and stump and soil removal;

NOW, THEREFORE, BE IT RESOLVED THAT a purchase order to Dorshak Tree Specialists, Inc. in an amount not to exceed \$75,000.00 during the calendar year 2004 be and hereby is approved.

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-04-87

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., Milwaukee, Wisconsin, for the work of Sanitary Sewer, Storm Sewer and Water Main Relay, Repair and Extension, and work incidental thereto under Contract 04-01A, at and for their bid price of \$1,004,155.20, this being the lowest and best base 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-04-88

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 Michels Pipeline Construction, New Berlin, Wisconsin, for the work of Reconstruction of Fully Deteriorated Sewers Using a Structural C.I.P.P. Relining Process and work incidental thereto under Contract 04-01B, at and for their bid price of \$94,184.40, this being the lowest and best base 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-04-89

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 Outdoor Lighting Construction Company, Milwaukee, Wisconsin, for the work of Street Lighting and Traffic Signal Replacement – Tosa Village (Phase II) and work incidental thereto, under Contract 04-28 at and for their bid price of \$446,453.05, this being the lowest and best base bid.

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

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

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

Carla A. Ledesma, CMC, City Clerk

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