



CITY OF WAUWATOSA
MEMORIAL CIVIC CENTER
7725 WEST NORTH AVENUE
WAUWATOSA, WI 53213
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COMMON COUNCIL
Regular Meeting, Tuesday, May 4, 2004

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

EXCUSED: Ald. Kopischke

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. Sutter; Ms. Aldana, Asst. City Attorney/Acting Personnel Director; Fire Chief Redman; Ms. Szudy, Planner; 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.

Ms. Ledesma, City Clerk, swore in George Becker as First District Alderman.

Gene Guskowski, Chair of the Historic Preservation Commission, spoke of the Commission's mission: To recommend designation of historic structures, sites, and districts, to regulate construction, reconstruction, alteration, and demolition of historic designations, and to educate.

The Mayor and Common Council President Stepaniak presented Mr. Guskowski with a proclamation to the Historic Preservation Commission in honor of National Historic Preservation Week.

The Mayor, Common Council President Stepaniak, Historic Preservation Commission Chair Guskowski, and Wauwatosa Historical Society President Jim Vint then presented awards to the winners of the Commission's and the Society's elementary school art contest:

Kindergarten

1st place – Kayla Klein

1st Grade

1st place – Christian Willick

2nd Grade

1st place – Taylor Pollesch
2nd place – Alyssa Bigus

3rd Grade

1st place – Erin Billstrom
2nd place – Rose Spice-Kopischke

4th Grade

1st place- Maggie Saemann
2nd place – Joshua Pettis

5th Grade

1st place – Emily DeBord
2nd place – Titi Vatsana

It was moved by Ald. Grimm, seconded by Ald. Jenkins that the reading of the minutes of the last regular meeting be dispensed with and they be approved as printed. -15

PUBLIC HEARING

The first item on the agenda was a public hearing to consider the following proposed ordinance:

ORDINANCE

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF WAUWATOSA BY REZONING A PORTION OF THE NORTHEAST QUADRANT OF THE MILWAUKEE COUNTY GROUNDS FROM MEDICAL CENTER AND INSTITUTIONS DISTRICT TO CONSERVANCY 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:

A part of the northeast quarter and the southeast quarter, a Subdivision of Part of Sections 20 and 21, in Township 7 North, Range 21 East, City of Wauwatosa, County of Milwaukee, State of Wisconsin, more accurately described on the attached map, is Rezoned from Medical Center and Institutions District to Conservancy 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.

Proof of publication is in the file.

TO THE COMMON COUNCIL, CITY OF WAUWATOSA, WI,

The City Plan Commission, to whom was referred the request by William Hatcher, Milwaukee County, for a change of zoning on the northeast quadrant of the Milwaukee County Grounds from Medical Center and Institutions District to Conservancy District, recommends to the Common Council that the change of zoning be approved.

Dated this 8th day of March 2004.

Nancy L. Welch, Secretary
City Plan Commission

The Chair inquired whether anyone of the public present wished to be heard in favor of the proposed ordinance.

Wendy McCown, Director of Forestry Services, Wisconsin Department of Natural Resources, stated that the rezoning will create a win/win situation. The rezoning is a great way to preserve this green

space and presents an opportunity to the Division of Forestry Services to bring the sustainable forestry message to an urban audience.

Tom Chapman, Milwaukee Metropolitan Sewerage District, 260 W. Seeboth Street, voiced the District's support for the proposal.

No one of the public present wished to be heard in opposition to the proposed ordinance.

No one of the public present had any other comments or questions.

The public hearing was declared closed.

Ordered held to the next Common Council meeting, May 18, 2004.

PUBLIC HEARING

The second item on the agenda was a public hearing to consider the following proposed ordinance:

ORDINANCE

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF WAUWATOSA BY REZONING A PORTION OF THE NORTHEAST QUADRANT OF THE MILWAUKEE COUNTY GROUNDS FROM PARKS AND OPEN SPACE DISTRICT TO CONSERVANCY 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:

A part of the northeast quarter and the southeast quarter, a Subdivision of Part of Sections 20 and 21, in Township 7 North, Range 21 East, City of Wauwatosa, County of Milwaukee, State of Wisconsin, more accurately described on the attached map, is Rezoned from Parks and Open Space District to Conservancy 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.

Proof of publication is in the file.

TO THE COMMON COUNCIL, CITY OF WAUWATOSA, WI,

The City Plan Commission, to whom was referred the request by William Hatcher, Milwaukee County, for a change of zoning on the northeast quadrant of the Milwaukee County Grounds from

Parks and Open Space District to Conservancy District, recommends to the Common Council that the change of zoning be approved.

Dated this 8th day of March 2004.

Nancy L. Welch, Secretary
City Plan Commission

No one of the public present wished to be heard in favor of the proposed ordinance.

No one of the public present wished to be heard in opposition to the proposed ordinance.

No one of the public present wished to be heard either for or against the proposed ordinance or had any comments or questions.

The public hearing was declared closed.

Ordered held to the next Common Council meeting, May 18, 2004.

APPOINTMENTS BY THE MAYOR

Board of Review

E. Thomas Schilling, 7514 Melrose Avenue (reappointment)

Robert Lemke, 1134 Kavanaugh Place (reappointment)

(Terms end 6/30/09)

Board of Parks and Forestry Commissioners

Thomas Ertl, 7440 Hillcrest (reappointment)

(Term ends 4/30/07)

Foregoing appointments ordered held as this was the first reading.

Police and Fire Commission

Robert Peeple, 2562 Wauwatosa Avenue (reappointment)

(Term ends 4/30/09)

Board of Parks 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)

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

APPLICATIONS, COMMUNICATIONS, ETC.

1. Request for a pedestrian way vacation in the 4500 block between N. 108th and N. 109th Streets
Plan Commission, Committee on Community Development
2. Notice of Claim: Arthur Cone, Jr., 4821 N. 22nd Street, Milwaukee
Sharon Spears, 6318 W. Hampton Avenue, Milwaukee
Patricia Loeffler, 8805 W. Chambers St., Milwaukee
Raymond Banks, 11015 W. Daphne St., Milwaukee
City Attorney
3. Conditional Use application to operate a technical, trade or career college in the AA Light Manufacturing District at 10950 W. Potter Road
Plan Commission, Committee on Community Development
4. City of Wauwatosa Bank Reconciliation of Depository Accounts
Place on file
5. Request by William Poull, The Club Tap 8828 W. North Ave., for a liquor license extension to include the rear parking lot on June 5 & 6, 2004 for an annual corn roast
Committee on Legislation, Licensing & Communications
6. Petition from 7 residents of N. 99th Street requesting a “no parking” restriction on the west side of N. 99th Street between Blue Mound Road and Wisconsin Avenue
Director of Public Works
7. Letter from Attorney John Finerty regarding update on AMC Theatre
Committee on Legislation, Licensing & Communications

FROM THE COMMITTEE ON EMPLOYEE RELATIONS FOR INTRODUCTION

1. Ordinance amending Section 2.59.040 of the City Code by adding a position and defining its pay grade
Requested under suspension of the rules
Committee recommended approval 4-0

It was moved by Ald. Jenkins, seconded by Ald. Grimm to adopt the foregoing ordinance under suspension of the rules. -15

The adopted ordinance is as follows:

ORDINANCE O-04-9

AN ORDINANCE AMENDING SECTION 2.59.040 OF THE WAUWATOSA CODE OF MUNICIPAL ORDINANCES ADDING A POSITION AND DEFINING ITS PAY GRADE

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

Part I. Wauwatosa Code Chapter 2.59.040 is hereby amended by adding under “part-time positions” as follows:

Epidemiologist Grade 10

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

2. Ordinance amending Section 2.59 of the City Code by reclassifying the position of Personnel Assistant From Grade 5 to Grade 6 effective January 1, 2004
Re-refer to originating committee

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT FOR INTRODUCTION

1. Ordinance amending Chapter 24.48 of the Zoning Code relating to Special Use permits
Re-refer to originating committee
2. Ordinance amending Chapter 24.52 of the Zoning Code relating to Board of Appeals
Re-refer to originating committee

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-04-90

WHEREAS, Robert Fox, has applied for a Conditional Use in the AA Business District at 7332 W. State Street to operate a massage therapy establishment 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 Fox for the operation of a massage therapy establishment in the AA Business District at 7332 W. State Street.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-04-91

WHEREAS, Sandra Casterline, has applied for a Conditional Use in the AA Single Family Residence District at 1025 N. 70th Street for church activities 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 Sandra Casterline for a Conditional Use in the AA Single Family Residence District at 1025 N. 70th Street for church activities.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-04-92

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, June 1, 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 24.48 of the Code relating to the process for approval of special uses.

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-04-93

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, June 1, 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 24.52 of the Code relating to the duties of the Board of Zoning Appeals.

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-04-94

WHEREAS, the Common Council stated their support for the rehabilitation of the Eschweiler Complex on the Milwaukee County Grounds in Resolution #98-304 dated October 20, 1998, Resolution #00-289 dated November 21, 2000 and Resolution #02-235 dated September 17, 2002; and

WHEREAS, the Master Plan and Design Guidelines for the Milwaukee County Grounds states that the rehabilitation of the historic buildings on site as one of its goals; and

WHEREAS, staff at the City and Milwaukee County have discussed the need to stabilize the Administration Building that is part of the Eschweiler Complex on the Milwaukee County Grounds in order to prevent further deterioration of the building while plans are made to develop the site; and

WHEREAS, staff at the City and Milwaukee County have reached an informal agreement to provide matching funds for the project; and

WHEREAS, the Committee on Community Development recommended releasing matching funds for this project:

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

Administration Building, Eschweiler Complex Stabilization \$90,000

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

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-04-95

WHEREAS, the Wauwatosa Building Department charges a standard fee of \$.20 per square foot for the cost of inspection related to commercial buildings; and

WHEREAS, the consolidated fee schedule makes no distinction between “buildings” and “parking structures;” and

WHEREAS, costs associated with inspection of parking structures are much lower than those associated with buildings; and

WHEREAS, the Chief Inspector has recommended that the inspection fee for parking structures be lowered to \$.05 per square foot in relation to parking structures, including the recently begun structure for Children’s Hospital of Wisconsin;

NOW, THEREFORE, BE IT RESOLVED THAT the 2004 consolidated fee schedule is hereby amended by adding a separate fee in the Building Department for inspection of parking structures, with a set fee being described as “\$.05 per square foot, \$250.00 minimum;”

BE IT FURTHER RESOLVED THAT this fee schedule change is effective retroactive to January 1, 2004.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-04-96

WHEREAS, the Wauwatosa Fire Department has recommended entering into the proposed “Emergency Medical Services Agreement for Paramedic Services” with Milwaukee County for provision of shared paramedic services; and

WHEREAS, the agreement language drafted by Milwaukee County purports to provide, in Section 5.8 of the Agreement, that all prior contracts between the County and the City of Wauwatosa are void; and

WHEREAS, personnel from the Milwaukee County Emergency Medical Services program have indicated quite clearly that such language is in no way intended to affect Agreements outside the context of emergency medical services; and

WHEREAS, Milwaukee County Corporation Counsel provided by a letter dated February 20, 2004, that execution of the present proposed Agreement would not be used by Milwaukee County to argue in favor of voiding prior Agreements between Milwaukee County and the City of Wauwatosa, including the 60-year Fire Protection Agreement between the City of Wauwatosa and Milwaukee County dated December 19, 1980; and

WHEREAS, a copy of the letter from Milwaukee County Corporation Counsel is hereby attached to the City of Wauwatosa's executed copy of the Emergency Medical Services Agreement, and is hereby incorporated therein, in addition to the above understandings derived from personnel from the County Emergency Medical Services Program;

NOW, THEREFORE, BE IT RESOLVED THAT, conditioned upon the attachment of the February 20, 2004 letter from Milwaukee County Corporation Counsel and with the representations of the personnel of Milwaukee County Emergency Medical Services Program, the appropriate City officials are hereby authorized to execute the proposed Emergency Medical Services Agreement for paramedics between Milwaukee County Department of Health and Human Services and the City of Wauwatosa.

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

FROM THE COMMITTEE ON BUDGET AND FINANCE

BILLS AND CLAIMS FOR THE PERIOD 04/21/04 – 05/04/04 --

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 4/21/04 – 5/04/04: \$1,081,472.54

It was moved by Ald. Ecks, seconded by Ald. McCarthy 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-04-97

WHEREAS, it is the sense of the Common Council and Board of Public Works of the City of Wauwatosa that it is necessary to renovate the Little Red Store in the City of Wauwatosa and work incidental thereto under Contract 04-09 Little Red Store Renovation,

NOW, THEREFORE, BE IT RESOLVED, By the Board of Public Works and Common Council of the City of Wauwatosa, Wisconsin as follows:

Section 1. That the plans and specifications and form of contract and bond, together with the contract documents submitted therewith for furnishing all labor, material and equipment for Little Red Store Renovation and work incidental thereto, be and the same are hereby approved.

Section 2. That the work is intended to be done during the 2004 construction season in the City of Wauwatosa, all in accordance with said plans and specifications.

Section 3. That the work is to be let to the lowest responsible bidder following competitive bidding therefor.

Section 4. That the City Clerk be and she is hereby authorized and instructed to advertise for bids for Contract 04-09 Little Red Store Renovation on May 13th and 20th, bids are to be opened on May 27, 2004, and to provide in so doing that bids may be submitted with a contract and bond, with sureties, as prescribed by the form furnished, complete with the exception of the signatures on the part of the City; and in lieu of the foregoing provision that the bidder may accompany his bid with a certified check equal to five (5) percent of the bid, payable to the city as a guarantee that if his bid is accepted, he will execute and file the proper contract and bond within ten (10) days after the award, all in accordance with the provision of the Wisconsin Statutes.

Section 5. That the Wage Scale in the contract documents be and the same is hereby accepted.

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-04-98

WHEREAS, Public Works operations require the purchase of sodium chloride (road salt) for the 2004-2005 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 state government; and

WHEREAS, ordering road salt through the Wisconsin Department of Transportation taking a "early fill" would likely save the City as much as \$4.00 per ton; and

WHEREAS, the Department of Transportation price for salt in the 2004-05 season is \$28.75 per ton; and

WHEREAS, projected needs for 2004-05 snow season are approximately 3,000 tons with a vendor reserve of 4,000 tons;

NOW, THEREFORE, BE IT RESOLVED THAT the City of Wauwatosa Purchasing Manager is hereby authorized to issue an order for 3000 tons of road salt for the 2004-05 season on the basis of an "early fill" at a cost not to exceed \$86,250.00, in order to obtain the best price possible and to reserve an additional 4000 tons at the same price, to be delivered only if needed, pursuant to the State of Wisconsin contract.

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-04-99

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 Dodge Construction, Inc., for the work of Aggregate Sealcoating and work incidental thereto under Contract 04-18 for their bid price of \$133,946.50, 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-04-100

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 Fahrner Asphalt Sealers, Inc., for the work of crack sealing and work incidental thereto under Contract 04-25, for their bid price of \$82,600, this being the lowest and best base bid, in an amount not to exceed \$79,000.

BE IT FURTHER RESOLVED that an amount of \$13,000 is transferred from 01-331-5980-011, Seal Coat City Streets, to 01-331-5810-200, Sundry Contract Services Street Maintenance.

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

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

There being no further business, the meeting adjourned at 8:05 p.m.

cal

Carla A. Ledesma, CMC, City Clerk