



CITY OF WAUWATOSA
MEMORIAL CIVIC CENTER
7725 WEST NORTH AVENUE
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COMMON COUNCIL
Regular Meeting, Tuesday, May 18, 2004

PRESENT: Alds. Casey, Ecks, Grimm, Heins, Herzog, Jenkins, Kopischke, Maher, McCarthy, Stepaniak, Sullivan, Treis, Becker -13

EXCUSED: Alds. Bruderle-Baran and Subotich

ABSENT: Ald. Krol

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; Ms. Aldana, Asst. City Attorney/Personnel Director; 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.

A moment of silence was observed in remembrance of former Information Systems Manager Ronald Daveley who passed away earlier in the day.

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 with one minor correction: that the name of the third grade, second place winner of the Historical Society's and Historic Preservation Commission's art contest be corrected to read "Rose Spice-Kopischke." -13

PUBLIC HEARING

The first item of business was a public hearing to consider the following proposed ordinance:

ORDINANCE

AN ORDINANCE AMENDING CHAPTER 24.34 BY ADDING ACCREDITED TECHNICAL, TRADE OR CAREER COLLEGES AS A CONDITIONAL USE IN THE AA LIGHT MANUFACTURING DISTRICT

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

Part 1. That Section 24.34.020 is amended to include the following as a conditional use:

Accredited Technical, Trade or Career College.....6831

Part II. This Ordinance shall take effect and be in force from and after its passage and 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 Pat Linnan, Underwood Joint Venture, and Ken Petershack, Wangard Partners, for an amendment in the Zoning Code regulations to allow accredited technical, trade, or career colleges as a Conditional Use in the AA Light Manufacturing District, recommends to the Common Council that the amending in Zoning Code regulations be approved.

Dated this 12th day of April 2004.

Nancy L. Welch, Secretary
City Plan Commission

The Mayor inquired whether any member of the public present wished to be heard in favor of the proposed ordinance.

Ken Petershack, Wangard Partners, 1200 N. Mayfair Road, noted that with fewer manufacturing jobs in the metro area, this change of zoning will permit different uses for buildings that formerly housed manufacturing activities.

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, June 1, 2004.

PUBLIC HEARING

The next item of business was a public hearing to consider the following proposed ordinance:

ORDINANCE

AN ORDINANCE AMENDING CHAPTER 24.24 BY ADDING PHYSICAL FITNESS AND HEALTH STUDIOS AS A CONDITIONAL USE IN THE AA COMMERCIAL DISTRICT

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

Part 1. That Section 24.34.015 is amended to include the following as a conditional use:

Physical Fitness and Health Studio.....6695

Part II. This Ordinance shall take effect and be in force from and after its passage and 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 Ross Koepsel for an amendment in Zoning Code regulations to allow physical fitness, health studios, and/or fitness clubs as a Special Use in the AA Commercial District, recommends to the Common Council that the amendment in Zoning Code regulations be approved.

Dated this 12th day of April 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, June 1, 2004.

OLD BUSINESS

The following item was held after the public hearing on May 4, 2004:

ORDINANCE O-04-10

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.

OLD BUSINESS

The next of business was an ordinance held after the public hearing on May 4, 2004:

ORDINANCE O-04-11

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.

It was moved by Ald. Kopischke, seconded by Ald. Heins to adopt the two foregoing ordinances. -13

APPOINTMENTS BY THE MAYOR

Board of Parks and Forestry Commissioners

Tom Forbes, 3319 N. 107th Street

(Term ends 4/30/07)

Foregoing appointment ordered held as this was the first reading.

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 Ertel, 7440 Oak Hill (reappointment)
(Term ends 4/30/07)

It was moved by Ald. Casey, seconded by Ald. Kopischke to concur with the forgoing appointments. -13

APPLICATIONS, COMMUNICATIONS, ETC.

1. Donation: \$25 from Our Redeemer Lutheran Church Seniors Club to the Fire Department Donations for Equipment Account
Place on file
2. Letter from Laurie Glazer, 4607 N. 109th Street and 5 other residents of N. 109th Street requesting the intersection N.109th Street and Glendale Avenue become a 4-way stop
Director of Public Works
3. City of Wauwatosa Investment Summary and Statement of Financial Condition as of April 30, 2004
Place on file
4. Wauwatosa Water Utility Statement of Receipts and Disbursements for month ended April 30, 2004
Place on file
5. Special Use application to serve food and alcoholic beverages on an outdoor patio at 8826-28 W. North Avenue
Plan Commission, Board of Zoning Appeals

FROM THE COMMITTEE ON EMPLOYEE RELATIONS

ORDINANCE O-04-12

AN ORDINANCE AMENDING SECTION 2.59 OF THE WAUWATOSA CODE OF MUNICIPAL ORDINANCES PERTAINING TO RECLASSIFYING THE PERSONNEL ASSISTANT

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

Part I. That portion of the Wauwatosa Code Chapter 2.59.040 pertaining to the Personnel Assistant is hereby amended to read as follows:

Personnel Assistant

Grade 6

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

It was moved by Ald. Jenkins, seconded by Ald. Casey to adopt the foregoing ordinance. –

It was moved by Ald. Becker, seconded by Ald. McCarthy to make the pay increase effective May 1, 2004. Upon roll call vote, the vote was Ayes 4 (McCarthy, Treis, Becker, Sullivan), Noes 9. –Motion failed.

Roll call vote upon the original motion, Ayes 11, Noes 2 (McCarthy, Becker)

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 by Charles and Carole Zaffiro, 2040 Forest Street, for installation of stop signs on Woodland Avenue between Underwood Avenue and N. 83rd Street, recommends to the Common Council that the matter be placed on file.

Dated this 11th day of May 2004.

Committee on Traffic and Safety

It was moved by Ald. Becker, seconded by Ald. McCarthy to approve the foregoing report. -13

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-04-101

WHEREAS, Peter Gerhardt, 2030 Oakland Avenue, Milwaukee, WI, has applied for an operator's license in conjunction with his employment at Colonel Hart's, 7342 West State Street; and

WHEREAS, a background investigation revealed the applicant is currently on probation and is under legal drinking age; and

WHEREAS, the circumstances surrounding these previous convictions are substantially related to the responsibilities required of persons holding operator's licenses in the City of Wauwatosa;

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

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

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-04-102

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 5 and 6, 2004, for his annual corn roast.

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 5th and 6th, 2004, between the hours of 12:00 and 8:00 with live music from 1:00 PM to 6:00 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.

It was moved by Ald. Treis, seconded by Ald. Heins
to approve the two foregoing resolutions. - 13

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-04-103

WHEREAS, Milwaukee County and the Milwaukee Metropolitan Sewerage District have applied for a Conditional Use to construct floodwater basins in the Conservancy District on the northeast quadrant of the Milwaukee County Grounds 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 Milwaukee County and the Milwaukee Metropolitan Sewerage District for construction of floodwater basins in the Conservancy District on the northeast quadrant of the Milwaukee County Grounds subject to the following conditions:

- 1) design of any roadways and bridges subject to approval of engineering staff; and 2) development of maintenance agreement to the satisfaction of city staff and Common Council.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-04-104

WHEREAS, Milwaukee County has applied for a Conditional Use to construct community garden plots in the Conservancy District on the northeast quadrant of the Milwaukee County Grounds 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 Milwaukee County for construction community garden plots in the Conservancy District on the northeast quadrant of the Milwaukee County Grounds.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-04-105

WHEREAS, Milwaukee County and the Wisconsin Department of Natural Resources have applied for a Conditional Use to construct a forestry education center in the Conservancy District on the northeast quadrant of the Milwaukee County Grounds and;

WHEREAS, the Department of Natural Resources has agreed that the final design of the building will conform to all applicable city codes according to the conditions stated in the attached document; 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 Milwaukee County and the Wisconsin Department of Natural Resources for construction of a forestry education center in the Conservancy District on the northeast quadrant of the Milwaukee County Grounds.

It was moved by Ald. Heins, seconded by Ald. Ecks
to approve the three foregoing resolutions. -13

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-04-106

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 a decrease in rates from 2003;

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.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-04-107

WHEREAS, unexpectedly high accident rates require that the City purchase two additional new police squad cars to replace those damaged beyond repair, and

WHEREAS, the Public Works equipment reserve account had budgeted \$150,000 for the purchase of a backhoe for the Water Utility, which actually appears that it will cost only \$80,000, leaving approximately \$70,000 available for other purchases if necessary, and

WHEREAS, the Public Works Director has represented that an additional \$40,500 is needed in the public safety vehicle reserve account for the purchase of replacement squad cars at a cost of approximately \$43,954,

NOW, THEREFORE, BE IT RESOLVED THAT the request of the Director of Public Works for a change of purpose for \$40,500 in the Public Works equipment reserve account to the public safety vehicle reserve account for the purchase of two police squad cars is hereby approved,

BE IT FURTHER RESOLVED THAT the purchase of two additional squad cars in an amount not to exceed \$43,954 is hereby approved.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-04-108

WHEREAS, the City of Wauwatosa has entered into a contract with the Kohn Law Firm of Milwaukee for collections of past due personal property taxes and property damage invoices; and

WHEREAS, the contract calls for the Kohn Law Firm to retain up to 25% of the amounts collected as payment for attorneys' fees; and

WHEREAS, based upon the initial response to the efforts of the Kohn Law Firm, it is anticipated that fees under this agreement for the year 2004 will total approximately \$35,000; and

WHEREAS, internal accounting processes require that the fees paid to the Kohn Law Firm be deducted from other accounts within City Government in order that they be appropriately credited to the accounts of the payers in the full amount of that individual's payment;

NOW, THEREFORE, BE IT RESOLVED THAT the request of the City Attorney for the transfer of \$35,000 from the reserve for contingencies to a newly-created Sundry Contractual Services-Collections sub-account, is hereby approved, and such funds are hereby authorized to offset attorney fee payments under the collections contract.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-04-109

BE IT RESOLVED, by the Common Council of the City of Wauwatosa THAT the claim filed by Sharon Spears for damages be and the same 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 authorized and directed to notify said claimant of this action of the Common Council as provided by law.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-04-110

BE IT RESOLVED, by the Common Council of the City of Wauwatosa THAT the claim filed by Arthur Cone, Jr. for damages and injuries be and the same 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 authorized and directed to notify said claimant of this action of the Common Council as provided by law.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-04-111

BE IT RESOLVED, by the Common Council of the City of Wauwatosa THAT the claim filed by Daniel Schmal for damages and injuries be and the same 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 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. McCarthy to approve the six foregoing resolutions. Upon roll call vote, the vote was Ayes 13.

FROM THE COMMITTEE ON BUDGET AND FINANCE

BILLS AND CLAIMS FOR THE PERIOD 5/5/04 – 5/18/04

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 5/5/04 – 5/18/04: \$1,099,629.21

It was moved by Ald. Casey, seconded by Ald Maher that each and every one of the accounts of bills and claims be allowed and ordered paid. -13

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-04-112

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 Wm. Beaudoin & Sons, Inc., for the work of asphaltic concrete repaving of portions of N. 70th Street, Blanchard, Hill, and Clarke Streets, and Meinecke and Portland Avenues, and work incidental thereto, under Contract 04-6 at and for their bid price of \$563,406.35, 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-04-113

WHEREAS, as part of the 2004 paving program, the Common Council has previously approved Type C resurfacing for a portion of the alley bounded by Fiebrantz Avenue, Sarasota Place, 99th and 100th Streets, as a joint project with the City of Milwaukee, which has jurisdiction over a portion of said alley, and

WHEREAS, in addition to the Type C resurfacing, a portion of that alley was approved for a Type A reconstruction during the 2004 paving program, and

WHEREAS, the City of Milwaukee has indicated that it does not currently intend to move forward with its portion of the alley construction at this location in 2004, and will attempt to reinsert this alley into its paving program in five years' time if it is finally removed from the 2004 program, and

WHEREAS, that portion of the alley slated for Type A reconstruction is in such poor condition that the project must move forward in 2004 in order to avoid detriment to the delivery of services to Wauwatosa residents abutting the alley, and

WHEREAS, that portion scheduled for Type C resurfacing is not in such condition that the project must absolutely be completed in this calendar year,

NOW, THEREFORE, BE IT RESOLVED THAT that portion of the above alley which is scheduled for Type C resurfacing during the 2004 construction is hereby removed from the 2004 paving program,

BE IT FURTHER RESOLVED THAT if the City of Milwaukee determines that it will proceed with its portion of the work in this alley during the 2004 season, the project may be reinserted into the 2004 paving program without further action by the Common Council.

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-04-114

BE IT RESOLVED, by the Common Council of the City of Wauwatosa, THAT permission be and the same is hereby granted to Tony Lalli, doing business at 8826 W. North Avenue, Wauwatosa, WI, to encroach onto City property along North Avenue with a raised concrete slab and railing in front of the business locations currently known as Lalli's Pizza and the Club Tap, subject to the applicants executing unto the City of Wauwatosa an indenture setting forth the terms, provisions and conditions relating to the granting of the aforesaid permission by said City to said applicants.

It was moved by Ald. Herzog, seconded by Ald. Casey
to approve the three foregoing resolutions. -13

There being no further business, the meeting adjourned at 8:00 p.m.

cal

Carla A. Ledesma, CMC, City Clerk