



CITY OF WAUWATOSA

MEMORIAL CIVIC CENTER
7725 WEST NORTH AVENUE
WAUWATOSA, WI 53213
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COMMON COUNCIL

Regular Meeting, Tuesday, July 6, 2004

PRESENT: Alds. Herzog, Kopischke, Krol, Maher, McCarthy, Stepaniak, Sullivan, Treis, Bruderle-Baran, Becker, Casey -11

EXCUSED: Alds. Heins, Jenkins, Subotich, Grimm

ALSO PRESENT: Mr. Wontorek, City Administrator; Mr. Braier, Finance Director; Ms. Aldana, Asst. City Attorney; Mr. Wehrley, City Engineer; Mr. Harris, Planner; Police Capt. Reit; Mr. Wojcehowicz, Water Supt.; Mr. Cameron, Adm. Intern; Ms. Ledesma, City Clerk; Ms. Williams, Deputy City Clerk

Mayor Estness in the Chair

The Mayor called the meeting to order at 7:35 p.m.

A moment of silence was observed in memory of Ald. James Ecks who passed away on June 26, 2004.

It was moved by Ald. Kopischke, seconded by Ald. Krol that the reading of the minutes of the last regular meeting be dispensed with and they be approved as printed. -11

PUBLIC HEARING

A Notice of Public Hearing to consider reallocation of Community Development Block Grant funds was published in error. No public hearing was scheduled.

APPOINTMENTS BY THE MAYOR

Aldermanic Selection Committee (3rd District)

Ald. Alan Kopischke, Chair
Ald. Tim Casey, Vice-Chair
Ald. Elizabeth Bruderle-Baran
Ald. Tom Herzog
Ald. Jerry Stepaniak

Library Board

Tom Miller, 12130 Meadow Court (reappointment)
(Term ends 6/30/07)

It was moved by Ald. McCarthy, seconded by Ald. Kopischke to concur with the foregoing appointment. -11

APPLICATIONS, COMMUNICATIONS, ETC.

1. Notice of Claim: Atty. Laurie A. Eggert, 1840 N. Farwell Avenue, Milwaukee
Katherine M. James, 421 W. Lloyd Street, Milwaukee
Mark J. Gross, 9815 W. Wisconsin Avenue
Teresa Cashley-Coleman, 12007 W. Burleigh Street
City Attorney
2. Letter from Richard Jungen, President, Wauwatosa Economic Development Corporation (WEDC), requesting WEDC designation as a Community-based Development Organization (CbDO).
Director of Community Development
3. Land Division application to divide property located at approximately 10457 Watertown Plank Road
Plan Commission, Committee on Community Development
4. Land Division application to divide property at 10000 Innovation Drive
Plan Commission, Committee on Community Development
5. Special Use application to sell groceries within the existing Target Store at 3900 N. 124th Street
Plan Commission, Board of Zoning Appeals
6. Special Use application to serve food and alcoholic beverages in an outdoor patio at Pizzeria Piccola, 7606 W. State Street
Plan Commission, Board of Zoning Appeals
7. City of Wauwatosa Investment Summary as of May 31, 2004
Place on file
8. Special Use application to construct a garage with a height of 20 ft. at 7804 W. Wisconsin Avenue
Plan Commission, Board of Zoning Appeals
9. Special Use application for outdoor seating for Bjonda Restaurant, 7754 Harwood Avenue
Plan Commission, Board of Zoning Appeals
10. Petitions with 47 signatures opposed to rezoning of Breitlow Field and the Fisher Building
Add to existing file

FROM THE COMMITTEE ON TRAFFIC & SAFETY FOR INTRODUCTION

1. Ordinance amending Chapter 11.32.080 of the City Code changing parking restrictions in front of 1839 N. 74th Street to no parking except Saturdays, Sundays and Holidays
Re-refer to originating committee
2. Ordinance amending Chapter 12.32.030 of the City Code to update loading zone language and fees
Re-refer to originating committee

FROM THE COMMITTEES ON COMMUNITY DEVELOPMENT AND BUDGET & FINANCE FOR INTRODUCTION

1. Ordinance repealing and recreating Chapter 13.04 of the City Code, Water Rates and Rules
Re-refer to originating committees

FROM THE COMMITTEE ON TRAFFIC AND SAFETY

TO THE COMMON COUNCIL, CITY OF WAUWATOSA, WI –

The Committee on Traffic and Safety, to whom was referred a request for a four-way stop at N. 109th Street and W. Glendale Avenue, recommends to the Common Council that the matter be placed on file.

Dated this 29th day of June 2004.

COMMITTEE ON TRAFFIC AND SAFETY

It was moved by Ald. Becker, seconded by Ald. Herzog
to approve the foregoing report. -11

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-04-139

WHEREAS, John Hyland, WisVest Corp., has applied for a Conditional Use in the Medical Center and Institutions District at 9250 Watertown Plank Road for a two-story electrical equipment building addition 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 John Hyland, WisVest Corp. for a two-story electrical equipment building addition in the Medical Center and Institutions District at 9250 Watertown Plank Road.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-04-140

WHEREAS, John Link, Mt. Zion Lutheran Church, applied for a Conditional Use in the AAA Single Family Residence District at 12012 W. North Avenue for an addition to the existing church facility 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 John Link, Mt. Zion Lutheran Church for an addition to the existing church facility in the AAA Single Family Residence District at 12012 W. North Avenue.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

ORDINANCE O-04-15

AN ORDINANCE AMENDING SECTION 15.32.030 TO PROVIDE FOUR DAYS NOTICE TO CORRECT IMPROPER LAWN CONDITIONS WITHIN THE PROPERTY MAINTENANCE CODE

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

Part I. The first sentence of Section 15.32.030D(3) of the Code of the City of Wauwatosa is hereby amended by replacing the phrase “within seven days” with the phrase “within four days.”

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

It was moved by Ald. Kopischke seconded by Ald. McCarthy to approve the two foregoing resolutions and to adopt the foregoing ordinance. -11

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-04-138

WHEREAS, William Heinlein and Keith Nygren received Conditional Use approval to construct a 48,000 square foot addition in the Medical Center and Institutions District at 8700 Watertown Plank Road and;

WHEREAS, the Common Council recommended approval of the Conditional Use with the stipulation that the installation of 137 new parking spaces shown on the site plan be delayed pending a six month and one year review on on-site parking needs and;

WHEREAS, the applicants have requested a review of the on-site parking needs and wish to have approval for the construction of additional parking.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin hereby acknowledges the need for additional parking and directs William Heinlein and Keith Nygren to construct 137 additional parking spaces to meet the zoning requirements for their project at 8700 Watertown Plank Road subject to the following conditions:

- 1) obtaining the proper city licensing and permits, 2) engineering approval of storm water/water quality issues, 3) parking lot plan approval.

It was moved by Ald. Kopischke, seconded by Ald. Bruderle-Baran to refer the matter back to committee for additional information. –

Ald. Sullivan called the question.

Upon roll call vote to close debate, the vote was Ayes 4 (Kopischke, Stepaniak, Sullivan, Bruderle-Baran), Noes 7. Motion failed.

Ald. Sullivan invoked the rule to limit to two the number of times a Council member could speak to the issue.

Upon roll call vote, the vote was Ayes 2 (Sullivan, Bruderle-Baran), Noes 9. Motion failed.

It was moved by Ald. McCarthy, seconded by Ald. Sullivan to call for the vote. Upon roll call vote, the vote was Ayes 11.

Upon roll call vote on the original motion to refer, the vote was Ayes 4 (Kopischke, Stepaniak, Sullivan, Bruderle-Baran), Noes 7. Motion failed.

It was moved by Ald. McCarthy, seconded by Ald. Krol to approve the foregoing resolution. Upon roll call vote, the vote was Ayes 7, Noes 4 (Kopischke, Stepaniak, Sullivan, Bruderle-Baran).

(Ald. Sullivan excused 8:25 p.m.) –10

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-04-141

WHEREAS, in 1996, the Wisconsin Department of Natural Resources ordered the City of Wauwatosa to take corrective measures to the overflow at the North 64th Street reservoir so that it would discharge through an air break into a catch basin connected to the storm sewer; and

WHEREAS, the City of Wauwatosa Engineering Department has suggested that an outside contractor who is a qualified experienced structural engineer design the specifications for the new overflow discharge; and

WHEREAS, the City of Wauwatosa Purchasing Department requested proposals for the design from engineering firms, which were received June 23, 2004; and

WHEREAS, the lowest priced proposal for the project was submitted by Ruckert Mielke of Waukesha, WI, in the total amount of \$9,976.00;

NOW, THEREFORE, BE IT RESOLVED THAT the professional services contract for design of the new overflow discharge at the North 64th Street reservoir in the City of Wauwatosa is hereby awarded to the engineering firm of Ruckert Mielke in an amount not to exceed \$9,976.00.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-04-142

WHEREAS, the current agreement extension for the provision of senior programming with the YMCA of Metropolitan Milwaukee, West Suburban Branch, expires on December 31, 2004; and

WHEREAS, the current agreement contains provisions for one additional one year extension; and

WHEREAS, the City of Wauwatosa Board of Parks and Forestry Commissioners have held several meetings to discuss the extension of the current agreement with the YMCA for provision of senior programming at the Hart Park Senior Center and has recommended support of a one year extension of the contract for the year 2005.

NOW, THEREFORE, BE IT RESOLVED THAT the agreement with the YMCA of Metropolitan Milwaukee, West Suburban Branch, for senior programming at Hart Park Senior Center shall be extended for an additional one year, and shall expire December 31, 2005.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-04-143

WHEREAS, the Wauwatosa Public Works Director has indicated that funds are available in an "Emergency" street lighting line within the Sundry Contractual Services Account of the Street Lighting Operating budget in the amount of \$14,400.00; and

WHEREAS, recent accidents have caused an excessive need for replacement light poles, and

WHEREAS, replacement of knocked-down poles may not specifically fit the definition of "emergency" for use of these funds; and

WHEREAS, a change of purpose within the Sundry Contractual Services Account to allow the "emergency" funds to be used for "operation and maintenance" of the City street lighting system would be more appropriate than the expenditure of "emergency" funds for this purpose;

NOW, THEREFORE, BE IT RESOLVED THAT funds within the Sundry Contractual Services Account of the street lighting operating budget previously designated as "emergency funds" are hereby authorized with a change of purpose to allow use for "operation and maintenance" of the City street lighting system consistent with the changes described in the June 15, 2004 memorandum of the Director of Public Works.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-04-144

WHEREAS, the 2004 General Purchase Equipment Account of the Department of Public Works authorized the purchase of two 6 inch pumps to drain while in automated bypass pumps and to bypass sanitary sewers into other sanitary sewer locations; and

WHEREAS, the proposed 6 inch pump purchases are inadequate for the needs of the department; and

WHEREAS, an 8 inch pump and a 12 inch pump would be more appropriate to perform this job; and

WHEREAS, the Public Works Department has indicated it will seek to budget for a new 12 inch pump in the 2005 budget year;

NOW, THEREFORE, BE IT RESOLVED THAT the monies in the Public Works Department's 2004 Equipment budget earmarked for the purchase of two additional 6 inch water pumps, at a cost not to exceed \$45,500.00, is hereby authorized for the purchase of one 8 inch pump at an estimated cost of up to \$45,000.00 from the General Purpose Equipment Purchases Account.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-04-145

WHEREAS, the Common Council authorized hiring Kubala Washatko Architects, Conservation Design Forum and EarthTech to prepare a Master Plan and Design Guidelines for the Milwaukee County Grounds and;

WHEREAS, The Kubala Washatko Architects and their consultants successfully completed the Master Plan and all the requirements of their contract and;

WHEREAS, the Common Council of the City of Wauwatosa endorsed the concepts expressed in the completed Master Plan and Design Guidelines for the Milwaukee County Grounds and supports the principals of historic preservation, environmentally sound development and high quality design as appropriate goals for development on the economic development portion of the Milwaukee County Grounds.

NOW, THEREFORE, BE IT RESOLVED THAT the Common Council of the City of Wauwatosa authorizes payment of \$28,211.88 to The Kubala Washatko Architects, Inc.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-04-146

WHEREAS, a request was made that \$350,000 of previously un-allocated Community Development Block Grant funds be re-allocated for a proposed \$350,000 Inflow & Infiltration improvement project in a LMI area of the city; and

WHEREAS, upon consideration by the Committee on Budget & Finance, on June 29th, 2004 recommended to approve the re-allocation of \$350,000 in Community Development Block Grant funds for its stated purpose;

NOW, THEREFORE BE IT RESOLVED THAT \$350,000 of previously un-allocated Community Development Block Grant funds be re-allocated for an Inflow & Infiltration improvement project in a designated LMI area of the city.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-04-147

WHEREAS, the Fire Department sometimes finds it necessary to administer epinephrine in conjunction with its emergency medical service calls; and

WHEREAS, the Fire Department has changed the method of administering epinephrine from use of an EPI-PEN device to sub-cutaneous injection; and

WHEREAS, the cost to the city for supplies is reduced by this change.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Wauwatosa THAT the consolidated fee schedule is hereby amended to delete EPI-PEN administration at \$100 and to add Epinephrine administration at \$20, effective July 1, 2004.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-04-148

WHEREAS, General Electric Healthcare IT division announced in March, 2004, that it had chosen a site at the Milwaukee County Research Park in Wauwatosa to build its new global headquarters, along with two other GE Healthcare divisions; and

WHEREAS, an integral part of the proposal for this development from Irgens Development Partners is a proposed package of financial incentives, funded by amendments to tax incremental district #2, in an amount totaling approximately \$27.6 million, which include a \$15 million development grant, a \$10 million second mortgage loan, and a \$2.6 million land purchase; and

WHEREAS, in May, 2004, the project plan for tax incremental district #2 was amended to include these specific incentives and approved expenditures; and

WHEREAS, the City and Edison Technology Center LLC have negotiated the terms of a proposed Development Agreement covering the provision of the funds in this financial incentive package; and

WHEREAS, the financial incentive package also includes a proposal for the City of Wauwatosa to purchase the necessary land at the Milwaukee County Research Park in Wauwatosa and lease that land to Edison Technology LLC for purposes of building the GE Healthcare IT global headquarters project; and

WHEREAS, the terms of the land purchase and Ground Lease are described generally in the Proposed Development Agreement, and the specifics of the Ground Lease have already been negotiated by the parties;

NOW, THEREFORE, BE IT RESOLVED THAT the appropriate officials of the City of Wauwatosa are hereby authorized to execute a Development Agreement with Edison Technology Center LLC for purposes of constructing the global headquarters of the GE Healthcare IT division at the Milwaukee County Research Park in the City of Wauwatosa consistent with the terms of the exposed Development Agreement attached hereto and incorporated herein;

BE IT FURTHER RESOLVED THAT the City of Wauwatosa staff is hereby authorized to complete and execute the necessary documents to accomplish the purchase of the necessary land for the GE Healthcare IT global headquarters at a cost not to exceed \$2.61 million, to be derived from funds currently available in the accounts of tax incremental district #2;

BE IT FINALLY RESOLVED THAT the appropriate officials of the City of Wauwatosa are hereby authorized to execute a Ground Lease for the GE land to Edison Technology Center LLC, consistent with the terms described in the Development Agreement.

It was moved by Ald. Bruderle-Baran, seconded by Ald. Stepaniak to approve the eight foregoing resolutions. -10

FROM THE COMMITTEE ON BUDGET AND FINANCE

BILLS AND CLAIMS FOR THE PERIOD 6/16/04 – 7/06/04 --

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 6/16/04 – 7/06/04: \$1,420,124.88

It was moved by Ald. Bruderle-Baran, seconded by Ald. Casey 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 10.

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-04-149

BE IT RESOLVED, by the Common Council of the City of Wauwatosa, THAT permission be and the same is hereby granted to North Shore Bank, 8706 W. North Avenue, Wauwatosa, WI, to encroach onto City property along Pasadena Boulevard just south of the public alley with landscaping, 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.

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-04-150

WHEREAS, the City of Wauwatosa is currently the owner of a public storm sewer easement through a portion of the parcel of land at 9900 Innovation Drive which is expected to become a location of the global headquarters of GE Healthcare's IT division; and

WHEREAS, that portion of the storm sewer easement more particularly described in the attached "Partial Release of Easement;" and

WHEREAS, the City of Wauwatosa has abandoned that portion of the storm sewer easement for which this portion of the easement was intended; and

WHEREAS, the City of Wauwatosa no longer has the requirement to maintain that portion of the storm sewer easement described in the attached "Partial Release;"

NOW, THEREFORE, BE IT RESOLVED THAT officials of the City of Wauwatosa are hereby authorized to execute the attached Partial Release of Easement in order to release that portion of the existing storm sewer easement which is described therein.

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-04-151

WHEREAS, it is expected that the City of Wauwatosa will maintain ownership of a parcel of land located at 9900 Innovation Drive in the City of Wauwatosa, in conjunction with construction of the global headquarters at GE Healthcare IT division on or about July 15, 2004; and

WHEREAS, in its role as landowner, the City of Wauwatosa will be providing a Ground Lease to Edison Technology Center LLC for purposes of development of the GE project; and

WHEREAS, construction of the GE project will require the existing Water Main Easement on that property to be released and a new water main to be constructed in a new easement across the property with an Easement Agreement and relevant exhibits describing both the parcel as a whole and the easement location;

NOW, THEREFORE, BE IT RESOLVED THAT officials of the City of Wauwatosa, on and after such time as the parcel of land at 9900 Innovation Drive becomes the property of the City of Wauwatosa, are hereby authorized to execute an Easement Agreement for a City of Wauwatosa public Water Main Easement across the parcel, subject to review and approval by the City's engineering staff as to its location.

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-04-152

WHEREAS, it is expected that the City of Wauwatosa will maintain ownership of a parcel of land located at 9900 Innovation Drive in the City of Wauwatosa, in conjunction with construction of the global headquarters at GE Healthcare IT division on or about July 15, 2004; and

WHEREAS, in its role as landowner, the City of Wauwatosa will be providing a Ground Lease to Edison Technology Center LLC for purposes of development of the GE project; and

WHEREAS, construction of the GE project will require a new Electric Distribution Easement across the property and partial release of existing easements;

NOW, THEREFORE, BE IT RESOLVED THAT officials of the City of Wauwatosa, on and after such time as the parcel of land at 9900 Innovation Drive becomes the property of the City of Wauwatosa, are hereby authorized to execute an Easement Agreement and Partial Release of Easements, subject to review and approval by the City's Engineering staff as to its location.

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-04-153

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 Service, Inc., of Hartford, Wisconsin, for the work of sanitary sewer, storm sewer and water main relay, repair and extension and work incidental thereto, under Contract 04-02A at and for their bid price of \$959,720.20, this being the lowest and only 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-04-154

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 of 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 04-2B at and for their bid price of \$190,893.80.

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

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-04-155

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 Payne & Dolan, Inc., of Waukesha, Wisconsin for the work of resurfacing portions of N. 113th Street, N. 116th Street, N. 123rd Street, Glendale Avenue, Hope Avenue, Marion Street, River Park Court, Walnut Road, the alley from Fiebrantz to Sarasota (N. 99th to N. 100th Streets), the alley from Jackson Park Boulevard to Stickney (N. 90th Street to Swan Boulevard), the alley from Jackson Park Boulevard to Stickney (Swan Boulevard to Stickney), the alley from Meinecke Avenue to North Avenue (N. 101st to N. 102nd Streets), the alley from Stickney Avenue to Menomonee River Parkway (N. 91st Street to Swan Boulevard) and work incidental thereto under Contract 04-7 at and for their bid price of \$439,413.15, 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-04-156

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 Payne & Dolan, Inc., of Waukesha, Wisconsin for the work of Red Store parking lot improvements and work incidental thereto under Contract 04-8 at and for their bid price of \$224,650.08, 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-04-157

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 Crowley Construction Corporation for the work of citywide pavement marking and work incidental thereto under Contract 04-22 at and for their bid price of \$33,834.45, this being the lowest and only bid.

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

It was moved by Ald. Stepaniak, seconded by Ald. Herzog
to approve the nine foregoing resolutions. -10

There being no further business, the meeting adjourned at 8:33 p.m.

cal

Carla A. Ledesma, CMC, City Clerk