



CITY OF WAUWATOSA  
MEMORIAL CIVIC CENTER  
7725 WEST NORTH AVENUE  
WAUWATOSA, WI 53213  
Telephone: (414) 479-8917  
Fax: (414) 479-8989

**COMMON COUNCIL**  
**Regular Meeting, Tuesday, September 7, 2004**

PRESENT: Alds. Herzog, Jenkins, Kopischke, Krill, Krol, Maher, Subotich, Sullivan, Treis, Bruderle-Baran, Becker, Casey, Grimm, Heins - 14

EXCUSED: Alds. McCarthy and Stepaniak

ALSO PRESENT: Mr. Wontorek, City Administrator; Mr. Kesner, City Attorney; Mr. Kappel, Dir. of Public Works; Ms. Welch, Community Development Director; Police Capt. Reit; Ms. Aldana, Asst. City Atty./Personnel Administrator; Mr. Cameron, Adm. Asst; Ms. Ledesma, City Clerk; Ms. Williams, Deputy City Clerk

Mayor Estness in the Chair

The Mayor called the meeting to order at 7:30 p.m.

It was moved by Ald. Grimm, seconded by Ald. Kopischke that the reading of the minutes of the last regular meeting be dispensed with and they be approved as printed. - 14

**PUBLIC HEARING**

The first item of business 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 THE PROPERTIES LOCATED AT 12132 WEST CAPTIOL DRIVE AND 4100 NORTH 124<sup>TH</sup> STREET FROM AA LIGHT MANUFACTURING DISTRICT TO AA BUSINESS 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:

Parcels 1 and 2 of Certified Survey Map 6764 in the SW ¼ of Section 6, Town 7 North, Range 21 East, in the City of Wauwatosa, County of Milwaukee, State of Wisconsin are Rezoned from AA Light Manufacturing District to AA Business 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 Robert LaCourciere for a Change of Zoning from AA Light Manufacturing District to AA Business District at 12132 W. Capitol Drive, recommends to the Community Development Committee that the Change of Zoning be approved.

Dated this 12th day of July 2004

Nancy L. Welch, Secretary  
City Plan Commission

Tim Knepprath, MSI General, PO Box #7, Oconomowoc, present on behalf of the owner of the Mobile Shredding property, spoke in favor of the proposed ordinance. The rezoning will permit retail development on this property, a better and more compatible use with surrounding properties.

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, September 21, 2004.

### **APPOINTMENTS BY THE MAYOR**

Citizens' Advisory Capital Improvements Committee  
Terrance Brown, 2463 N. 97th Street (reappointment)  
(Term ends 6/30/07)

Youth Commission  
Pam Matthews, 4139 N. 110th Street  
(Term ends 8/31/07)

Foregoing appointments ordered held as this was the first reading.

Personnel Administrator  
Beth Aldana

It was moved by Ald. Bruderle-Baran, seconded by Ald. Kopschke to concur with the foregoing appointment under suspension of the rules. -14

## APPLICATIONS, COMMUNICATIONS, ETC.

1. Southeastern Wisconsin Regional Planning Commission 2003 Annual Report  
**Place on file**
2. Notice of Claim: Atty. Phillip J. Ramthun for Nick Taylor III, 4624 W. Oklahoma Ave., Milwaukee; Gloria Beyer, 740 Honey Creek Parkway  
**City Attorney**
3. Wauwatosa Water Utility Statement of Receipts and Disbursements for month ended July 31, 2004  
**Place on file**
4. City of Wauwatosa Investment Summary, Bank Reconciliation of Depository Accounts, and Statement of Financial Condition as of July 31, 2004  
**Place on file**
5. Application to amend the zoning code by adding massage therapy as a conditional use in the AA Commercial District  
**Plan Commission, Committee on Community Development**
6. Conditional Use application to practice massage therapy in a behavioral health clinic at 2421 N. Mayfair Road  
**Plan Commission, Committee on Community Development**
7. Application to amend the Zoning Code by permitting a tattoo/body piercing facility as a conditional use in the AA Business District  
**Plan Commission, Committee on Community Development**
8. Conditional use application to construct mini self storage units including outdoor storage, apartments and multi-tenant office space at 1215 N. 62nd Street  
**Plan Commission, Committee on Community Development**
9. Letter from Judge Richard J. Baker regarding a salary increase  
**Budget Committee**
10. Application for a land combination at Mt. Zion Lutheran Church, 12012 W. North Avenue  
**Plan Commission, Committee on Community Development**
11. Special Use application to construct a garage with an overall height of 20 feet at 6819 Wellauer Drive  
**Plan Commission, Board of Zoning Appeals**
12. Notice of Claim: Samuel Kordik, 9605 W. Ruby Avenue  
**City Attorney**
13. City of Wauwatosa Investment Summary as of August 31, 2004  
**Place on file**
14. Letter from Sara Hackney, Blockbuster, Inc. requesting a modification to the City Code regarding secondhand dealer's license  
**City Attorney**
15. Letter from Bill Poull, 8828 W. North Avenue, requesting a liquor license extension for The Club Tap on October 9-10, 2004 for an annual Oktoberfest celebration  
**Committee on Legislation, Licensing & Communications**
16. E-mail from the Sisters of the Divine Savior, 2544 Wauwatosa Avenue, requesting removal of the parking restrictions in front of 2544 Wauwatosa Avenue  
**Director of Public Works**
17. Letter from Belle Berner, Program Director of Keep Greater Milwaukee Beautiful, informing that the City of Wauwatosa was chosen to receive Keep Greater Milwaukee Beautiful's Governmental Award for Environmental Stewardship  
**Place on file**



and shall be appointed by the Mayor in consultation with the City Administrator, subject to confirmation by the Common Council. All references in this Code to the Personnel Director shall hereby be construed as Personnel Administrator.

Part II. Wauwatosa Code Chapter 2.66.020 is hereby amended to include the following:

F. Provide legal review, representation and advice relating to personnel matters.

Part III. Wauwatosa Code Chapter 2.58.320.D.1. regarding residency requirements is hereby amended to eliminate “c. Personnel Director.”

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

It was moved by Ald. Jenkins, seconded by Ald. Bruderle -Baran to adopt the three foregoing ordinances. Upon roll call vote, Ayes 12, Noes 2 (Subotich, Grimm)

**FROM THE COMM. ON EMPLOYEE RELATIONS & BUDGET AND FINANCE**

**RESOLUTION R-04-183**

WHEREAS, the City has reorganized the personnel department by eliminating the Personnel Director position and creating a Personnel Administrator position; and

WHEREAS, effective September 6, 2004, the appropriate level of staffing for the Personnel Administrator is .5 FTE; and

WHEREAS, the increase in staffing from September 6, 2004 through the end of 2004 will require additional funding in the sum of \$5,520.26, plus benefits, from the Reserve for Contingencies;

NOW, THEREFORE, BE IT RESOLVED THAT the City amend the position distribution to include Personnel Administrator at .5 FTE;

BE IT FURTHER RESOLVED THAT the additional funding of \$5,520.26, plus benefits, be transferred from the Reserve for Contingencies.

It was moved by Ald. Jenkins, seconded by Ald. Kopischke to approve the foregoing resolution. Upon roll call vote, Ayes 13, Noes 1 (Subotich)

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

**RESOLUTION R-04-184**

WHEREAS, the previously approved reconstruction of portions of N. 124<sup>th</sup> Street requires acquisition of additional right-of-way at 4770 N. 124<sup>th</sup> Street; and

WHEREAS, by following appropriate procedures for acquisition of said right-of-way, City staff and the landowner at that location have agreed that the appropriate purchase price would be \$26,525.00, in lieu of condemnation; and

WHEREAS, the appropriate agreement for the purchase of the additional right-of-way of \$26,525.00 from Marshall Peebles and Diane M. Peebles has been drafted and presented to the Committee on Budget & Finance; and

WHEREAS, funding for this purchase is budgeted and is available in the 2004 Capital Projects Fund;

NOW, THEREFORE, BE IT RESOLVED THAT the purchase of additional right-of-way at 4770 N. 124<sup>th</sup> Street in the City of Wauwatosa at the price of \$26,525.00 from the 2004 Capital Projects Fund is hereby approved and City staff is authorized to enter into an Agreement to complete the property sale.

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

**RESOLUTION R-04-185**

WHEREAS, in June 2004, the Common Council authorized a professional services contract with Traffic Analysis & Design, Inc. for a traffic signal study in the Wauwatosa Village area; and

WHEREAS, additional services are necessary from Traffic Analysis & Design, Inc. to develop a preemption timing and progression plan for the Village area traffic signals in order to facilitate travel of emergency vehicles from Fire Station #1; and

WHEREAS, the funds for the preemption timing and progression plan development are available in the same account utilized for the Village traffic signal timing plan;

NOW, THEREFORE, BE IT RESOLVED THAT the appropriate City officials are hereby authorized to enter into a professional services agreement with Traffic Analysis & Design, Inc. to provide the preemption timings and preemption progression for emergency vehicles in the Wauwatosa Village area at a cost not to exceed \$2,498.00.

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

**RESOLUTION R-04-186**

WHEREAS, the low volume copier located in the Public Works Fleet Maintenance area has reached the end of its life cycle/rental/lease agreement; and

WHEREAS, the State of Wisconsin contract for office copiers provides pricing on a replacement unit from United Leasing, a Konica model 7022, at a cost of \$93.92 per month plus \$.008 per copy for which a total estimated monthly charges at the current level of use would be \$132.92 per month; and

WHEREAS, funding for this expenditure is available within the Public Works Operating budget; and

WHEREAS, the contract for this equipment is a 48 month contract and the pricing is firm for the entire contract period;

NOW, THEREFORE, BE IT RESOLVED THAT the appropriate City officials are hereby authorized to enter into a contract with United Leasing for a Konica Model 7022 copier at the prices available under the State of Wisconsin contract for office copiers for a 48 month period.

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

**RESOLUTION R-04-187**

BE IT RESOLVED, by the Common Council of the City of Wauwatosa THAT the claim filed by Mark Gross 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.

It was moved by Ald. Bruderle-Baran, seconded by Ald. Maher to approve the four foregoing resolutions. -14

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

**BILLS AND CLAIMS FOR THE PERIOD 8/4/04 – 9/7/04**

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 8/4/04 – 9/7/04: \$5,937,918.67

It was moved by Ald. Casey, seconded by Ald. Becker that each and every one of the accounts of bills and claims be allowed and ordered paid. Upon roll call vote, Ayes 14.

**FROM THE BOARD OF PUBLIC WORKS**

**RESOLUTION R-04-188**

BE IT RESOLVED, by the Common Council of the City of Wauwatosa, THAT permission be and the same is hereby granted to Craig Muri and Chad Kunow, 2242 Wauwatosa Avenue, Wauwatosa, WI, to encroach onto City property approximately 48’ along the north side of their property with a fence, 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-04-189**

WHEREAS, the City of Wauwatosa has had an agreement in place since 1973 to share in the installation, operation, and maintenance costs of traffic signals at 124<sup>th</sup> Street and W. North Avenue with the City of Brookfield under which Brookfield is billed twice per year for electrical and maintenance costs; and

WHEREAS, the City of Wauwatosa was informed that, effective September 1, 2004, Waukesha County will become responsible for the operation and maintenance of that portion of W. North Avenue in the City of Brookfield, including signal operation and maintenance needs at the corner of 124<sup>th</sup> Street and W. North Avenue; and

WHEREAS, Waukesha County has determined that it would prefer a different, less cumbersome, arrangement with the City of Wauwatosa regarding maintenance and operation of the signal lights at that location; and

WHEREAS, Waukesha County has proposed that the City of Wauwatosa pay for annual inspection and maintenance of the lights while Waukesha County would pay all electrical charges at that location; and

WHEREAS, it would be in the best interest of the City of Wauwatosa to accept this arrangement, as it would be more efficient and less costly to administer;

NOW, THEREFORE, BE IT RESOLVED THAT the appropriate City officials are hereby authorized to seek an Agreement with Waukesha County for traffic signal operation and maintenance at the corner of 124<sup>th</sup> Street and W. North Avenue in which Waukesha County would pay operating electrical charges for the signal lights at that location and the City of Wauwatosa would perform maintenance to the signals;

BE IT FURTHER RESOLVED THAT the final agreement with Waukesha County shall be returned to the Common Council for approval prior to its execution.

**FROM THE BOARD OF PUBLIC WORKS**

**RESOLUTION R-04-190**

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 Snorek Construction, Inc., of Eagle, Wisconsin, for the work of pavement repair and work incidental thereto under Contract 04-20, at and for their bid price of \$133,218, this being the lowest and best bid.

It was moved by Ald. Herzog, seconded by Ald.  
Heins to approve the three foregoing resolutions. -14

There being no further business, the meeting adjourned at 7:50 p.m.