



CITY OF WAUWATOSA
MEMORIAL CIVIC CENTER
7725 WEST NORTH AVENUE
WAUWATOSA, WI 53213
Telephone: (414) 479-8917
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COMMON COUNCIL
Regular Meeting, Tuesday, June 7, 2005

PRESENT: Alds. Maher, Purins, Stepaniak, Sullivan, Treis, Becker, Birschel, Casey, Grimm, Herzog, Jenkins -11

EXCUSED: Alds. Bruderle -Baran, Kopischke, Krill, Krol, Subotich

ALSO PRESENT: Mr. Wontorek, City Administrator; Ms. Plass, Accounting Mgr.; Mr. Kesner; City Attorney; Mr. Kappel, Dir. of Public Works; Ms. Welch, Community Development Director; Police Capt. Reit; Ms. Aldana, Personnel Administrator/Asst. City Attorney; Ms. Jacobsen, Admin. Asst.; 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.

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. -11

PUBLIC HEARING

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

ORDINANCE

AN ORDINANCE CREATING CHAPTER 24.22 TRADE DISTRICTS

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

Part 1. Chapter 24.22 Trade Districts is hereby created to read as follows:

Chapter 24.22 TRADE DISTRICT

Purpose of the District.

The purpose of this district is to encourage and support the development of areas of small businesses and retail stores that are compatible in scale and type with the surrounding residential neighborhoods. These are uses that do not generate large amounts of traffic and primarily serve the needs of local residents.

24.010 Permitted Uses.

Offices and retail businesses, except those requiring a conditional use or prohibited herein.

24.015 Conditional uses.

For provisions regarding conditional uses, see Chapter 24.51 of this code. Conditional uses permitted in this district are as follows:

Amusement places

Automobile Repair and Service

Bed and breakfast (number of units to be determined by the common council--minimum distance of 1,500 feet between bed and breakfast operations)

Cigarettes and tobacco products

Drive-through facilities

Eating Places

Drinking Places

Groceries

Liquor Sales

Massage therapy

Recording studio

Residential units

24.020 Special Uses.

For provisions regarding special uses, see Chapter 24.48 of this code.

Special uses permitted in this district are as follows:

Antiques or secondhand merchandise

Classes accessory to permitted or other approved use in the District

Laundering, dry cleaning and dyeing services

Pet Grooming Facilities

Recreation Centers

Theaters or other places of assembly

Government Offices or Facilities

24.27.030 Accessory uses.

Storage accessory to a principal use; provided, however, that such floor space used for accessory storage shall not exceed forty percent of the gross floor area of each principal use.

24.27.040 Prohibited Uses.

The following uses are not considered to be appropriate uses within the Trade District:

Automobile Sales and Leasing

Automobile repair or storage services

Check Cashing

Outdoor storage of materials

Pawnbrokers

Uses over 5,000 square feet

24.27.050 Front building line setbacks.

Front building line setbacks shall be reviewed and established by the city plan commission and approved by the common council. (Ord. O-77-128 § 1 (part), 1977)

24.27.060 Rear yard setbacks.

Rear yard setbacks shall be reviewed and established by the city plan commission and approved by the common council. (Ord. O-77-128 § 1 (part), 1977)

24.27.070 Side yard setbacks.

Side yard setbacks shall be reviewed and established by the city plan commission and approved by the common council. (Ord. O-77-128 § 1 (part), 1977)

24.27.080 Height.

Building height shall be as follows:

Principal buildings: maximum three stories but not to exceed thirty-five feet.

Accessory buildings: maximum twenty feet.

Special Height Regulations: Chimneys, cooling towers, elevator bulkheads, fire towers, monuments, water towers, stacks, stage towers, scenery lofts, ornamental towers and spires, radio and TV towers or necessary mechanical appurtenances incidental to principal or special uses may be erected to any height, or to such height as permitted by hereinafter adopted ordinances of the city.

24.27.090 Special Restrictions on Hours of Operation.

A. Business hours within the Trade District shall be restricted to 6:00 a.m. until midnight. Additional hours of operation may be designated through the conditional use permit process, provided that the Common Council finds as follows:

- 1. Additional hours fall within times that are reasonable and customary for that type of business, and
- 2. Additional hours should not have a negative impact on adjacent residential, commercial or other properties.

B. For businesses having hours of operation outside the above-described restrictions, if such hours have been approved as part of conditional use or special use permits granted prior to the effective date of this ordinance, such hours of operation may remain in effect so long as the conditional use or special use permit is in force.

Signs -- See Sections 15.42.010 through 15.42.270 of the City Code.

24.27.100 Parking Standards.

A. Required Parking

1. Any building located within the Trade District zone which is constructed, reconstructed, structurally altered or subject to a change of occupancy or use shall be provided with permanently maintained on-site automobile parking facilities as described in this subsection by Table I. Such parking facilities shall be made permanently available and maintained for parking purposes.

2. Handicapped parking shall be provided in accordance with Chapter 24.44

Table I	
Use	Parking Requirement (spaces/gross sq. ft)
All Commercial and office uses not specified below	1/500
Eating and Drinking Establishments	1/200
Theaters and Places of Assembly	1/200
Groceries	1/200

C. Mixed-use occupancies and joint use of parking

1. A Conditional Use Permit may be granted to reduce the required parking for mixed-use occupancies or businesses sharing parking areas based upon submission of enforceable documents guaranteeing that the uses will be operating during mutually exclusive hours, and upon such other circumstances or criteria as the Planning Commission, or City Council on appeal, may require.

2. The Planning Commission or City Council shall consider the following when evaluating joint use parking applications:

- a. The nature and location of the proposed uses, as well as their size compared to that of overall development within the district.
- b. Assurances as to the non-overlapping nature of the non-retail and retail peak-activity periods.
- c. The provision of peak-hour parking beyond the property boundaries.
- d. The location and adequacy of the parking in the particular portion of the street wherein joint use of parking is proposed.
- e. Any special provisions for off-site employee parking.

E. Proposed use unable to meet parking requirement

In the case of a proposed change of use for an existing building where the parking does not meet current standards for the proposed use, the owner may apply for a Conditional Use Permit to permit such use. In considering the request, the Planning Commission shall weigh the evidence presented as to the projected parking needs in relation to the parking available and any other factors that justify the issuance of the Conditional Use Permit.

Part 2. 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 to rezone the North Avenue business district from N. 60th Street to N. 74th Street from AA Business District and Business Planned Development District to North Avenue Trade District, forwards the matter without recommendation.

Dated this 11th day of April 2005

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.

Mary Van Derven, 2339 N. 62nd Street, spoke in favor of the proposed ordinance on behalf of many merchants and business owners who could not attend this hearing.

Lisa Fohey, 3111 S. Superior, Milwaukee, owner of a North Avenue business for 22 years (6421 W. North Avenue), voiced support for the loosening of parking restrictions, noting that they strike a balance between the needs of the neighbors and the businesses. The intent is to create a North Avenue business district that is family-friendly where residents and merchants know and support each other.

Matt Mikolajewski, Wauwatosa Economic Development Corporation, 1430 Underwood Avenue, reported that the WEDC Board supports the concepts behind the proposed ordinance, and the intention that it benefit property owners and businesses. The Board does have some concerns and intends to remain active in the approval process.

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

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

The public hearing was declared closed.

Ordered held to the next Common Council meeting, June 21, 2005.

OLD BUSINESS

The following item was held after a public hearing on May 17, 2005:

ORDINANCE O-05-15

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF WAUWATOSA BY REZONING THE PROPERTIES LOCATED AT THE NORTHEAST CORNER OF 124TH STREET AND WEST BURLEIGH 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:

Property bounded and described as follows:

Commencing at the SW ¼ of Section 7, Township 7 North, Range 21 East; in the City of Wauwatosa, County of Milwaukee, State of Wisconsin; thence on and along the south line of said southwest 1/4, N 87°33'20" e. 60.04 feet; thence N 00°26'50" W, 55.03 feet to the intersection of the north line of West Burleigh Street and the east line of North 124th Street, being the point of beginning; thence along said north line N 87°33'20" E, 1324.08 feet; thence N 00°32'35" W, 712.07 feet; thence S 89°33'00" W, 1322.09 feet to the said east line of North 124th Street; thence along said east line S 00°26'50" E, 758.16 feet to the point of beginning. Said parcel contains 972,337 sq. ft. or 22.32 acres of land, more or less

is hereby 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.

It was moved by Ald. Treis, seconded by Ald. Sullivan
to adopt the foregoing ordinance. Roll call vote, Ayes 11

APPOINTMENTS BY THE MAYOR

Library Board

Mark Carlson, 4292 Raymir Place (reappointment)
(Term ends 6/30/07)

Board of Examiners and Appeals

J. Travers Price, 8626 Jackson Park Boulevard (reappointment)
Charles E. Millman, 2250 N. 72nd Street (reappointment)
(Terms end 5/30/07)

Foregoing appointments ordered held as this was the first reading.

Board of Examiners and Appeals

Lisa Balistreri, 9302 Beverly Place (reappointment)
(Term ends 5/30/07)

Board of Review

Thomas Rowe, 8208 Aberdeen Court
Nancy Stevens, 8143 Milwaukee Avenue (reappointment)
(Terms end 6/30/10)

Library Board

Mary Newton, 6548 Washington Circle (reappointment)
Anne Bingham, 1942 Church Street
(Terms end 6/30/08)

Housing Authority

Terry Klippel, 9622 Harding Boulevard (reappointment)
(Term ends 4/30/10)

Citizens' Advisory Capital Improvement Committee

Robert Lau, 2124 N. 89th Street
Michael Kreiter, 12224 W. Garfield Avenue
James Kasdorf, 2634 N. 84th Street (reappointment)
(Terms end 6/30/08)

It was moved by Ald. Casey, seconded by Ald. Maher to concur with the foregoing appointments. -11

APPLICATIONS, COMMUNICATIONS, ETC.

1. Notice of Lawsuit: Attorney James W. McCann for John L. and Dante Hudson
Notice of Claim: Elizabeth Erbes, 1720 N. Hi Mount Boulevard, Milwaukee
2. Request by Ald. Treis to vacate the alley between W. Chambers and W. Burleigh Streets, 122nd to 124th Streets

Plan Commission, Committee on Community Development

APPLICATIONS, COMMUNICATIONS, ETC.

3. Application for a change of zoning of a portion of 1215 N. 62nd Street from AA Light Manufacturing District to AA Business District
Plan Commission, Committee on Community Development
4. Application for a land division of a portion of 1215 N. 62nd Street
Plan Commission, Committee on Community Development
5. Application for a land combination of 8131 and 8117-21 W. North Avenue
Plan Commission, Committee on Community Development
6. Special Use application to construct a garage with a height of 20 ft. at 1707 N. 70th St.
Plan Commission
7. City of Wauwatosa Amortization Fund Statements for year ended December 31, 2004
Place on file
8. Application for a conditional use at 10849 W. Blue Mound Road to operate a Greek restaurant
Plan Commission, Committee on Community Development
9. Application for a conditional use at 12345 W. Capitol Drive to construct a drive-thru for Starbucks Coffeehouse
Plan Commission, Committee on Community Development
10. Application for a conditional use at 10844 W. Blue Mound Road to operate a restaurant
Plan Commission, Committee on Community Development
11. Wauwatosa Water Utility Statement of Receipts and Disbursements for month ended May 31, 2005
Place on file
12. City of Wauwatosa Investment Summary as of May 31, 2005
Place on file
13. Letter and CD from Stanley L. Zurawski, Sr., 1930 N. 118th Street, regarding Milwaukee Metropolitan Sewerage District
Place on file
14. Notice of Claim: Dorothy Hanauer, 13625 W. Burleigh Road, Brookfield
City Attorney

FROM THE COMMITTEE ON TRAFFIC AND SAFETY FOR INTRODUCTION

1. Ordinance creating three-hour parking restrictions on the south side of the 6800 block of W. North Avenue
Re-refer to originating committee

FROM THE COMMITTEE ON EMPLOYEE RELATIONS

ORDINANCE O-05-16

AN ORDINANCE REPEALING AND RECREATING SECTIONS 2.59.050 AND 2.59.070A OF THE CODE OF THE CITY OF WAUWATOSA PERTAINING TO PAY RATE PROVISIONS

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

2005 Pay Rate Provisions

Part I. Section 2.59.050 is hereby amended to read, in its entirety, as follows:

2.59.050 Salary ranges for pay grades.

The following salary ranges shall apply to each pay grade. Employees shall be paid consistent with the appropriate grade level for their position as described in Section 2.59.040, of this chapter:

A. Effective for the pay period which includes January 1, 2005, FLSA-exempt employees, as described in Section 2.59.040, of this chapter, shall be paid at the following bi-weekly rates:

See attached chart, Table 2.59.050A.

B. Effective for the pay period which includes January 1, 2005, part-time and FLSA non-exempt employees, as described in Section 2.59.040, of this chapter, shall be paid at the following hourly rates:

See attached chart, Table 2.59.050B.

Part II. Subsection 2.59.070 A. is hereby amended to read as follows:

A. Effective for the pay period which includes January 1, 2005, temporary or casual employees shall be paid in the following pay ranges. A temporary or casual employee shall not be eligible for other benefits provided by the city.

Title	Minimum	Normal	Maximum
Cable Technician/ Video Prod. Asst.	\$7.4132	\$7.8582	\$9.8959
Tax Collection Aide	9.9544	11.1256	13.4679

Title	Rate
Clerk	\$10.4960
Student Clerk	6.3676—7.4185
Library Security Guard	8.2798
Library Technical Equipment Asst.	9.2753
Public Health Nurse/ Sanitarian	20.5649
Snow Plow Operator	18.6091

Non-codified provision: The City Administrator's rate of pay shall increase 3% effective January 1, 2005, 3% effective January 1, 2006 and 3% effective January 1, 2007.

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

FROM THE COMMITTEE ON EMPLOYEE RELATIONS

ORDINANCE O-05-17

AN ORDINANCE REPEALING AND RECREATING SECTION 2.52.070 OF THE CODE OF THE CITY OF WAUWATOSA PERTAINING TO HEALTH INSURANCE

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

Part I. Section 2.52.070 of the Code of the City of Wauwatosa is hereby repealed and recreated to read as follows:

2.52.070 Health insurance.

A. Eligibility for health insurance provided to employees shall be as described in the summary plan description available for review in the personnel office.

B. The health insurance coverage provided to employees shall be as set forth at Section 2.58.120.

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

FROM THE COMMITTEE ON EMPLOYEE RELATIONS

ORDINANCE O-05-18

AN ORDINANCE REPEALING AND RECREATING SECTION 2.58.120 OF THE CODE OF THE CITY OF WAUWATOSA RELATING TO HEALTH INSURANCE

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

Part I. Section 2.58.120 of the Code of the City of Wauwatosa is hereby repealed and recreated to read as follows:

2.58.120 Health Insurance.

A. Eligibility for health insurance and terms and conditions of health insurance coverage provided to employees shall be as described in the summary plan document as it may be amended from time to time. The summary plan document shall be available for review in the personnel office. In the event there is conflict between this ordinance and the summary plan document once amended to reflect the changes below, the provisions of the summary plan document shall control.

B. The health insurance coverage provided to employees shall be identical to that provided to those employees prior to December 31, 2004, with the following modifications:

1. Preferred Provider Plan.

- a. Health Risk Assessment. The City will provide to full time members a Health Risk Assessment within 60 days of the plan year.
- b. Routine and Preventive Care. Routine tests and procedures and preventive care shall be covered 100% in-network, 70% out-of-network.

- c. Annual Deductibles With Health Risk Assessment. Effective January 1, 2005 employees who have had a current Health Risk Assessment shall pay the following annual deductible: In-Network \$100 for single, \$200 for family; Out-of-Network \$200 for single, \$400 for family. Effective January 1, 2007 employees who have had a current Health Risk Assessment shall pay the following annual deductible: In-Network \$200 for single, \$400 for family; Out-of-Network \$400 for single, \$800 for family.
- d. Annual Deductibles Without Health Risk Assessment. Effective January 1, 2005 employees who have not had a current Health Risk Assessment shall pay the following annual deductible: In-Network \$200 for single, \$400 for family; Out-of-Network \$400 for single, \$800 for family. Effective January 1, 2007 employees who have not had a current Health Risk Assessment shall pay the following annual deductible: In-Network \$300 for single, \$600 for family; Out-of-Network \$500 for single, \$1,000 for family.
- e. Out of Pocket Annual Maximum. Effective January 1, 2005, employees shall pay an \$800 individual out-of-pocket annual maximum or a \$1,600 family out-of-pocket annual maximum for in-network or out-of-network services. Effective January 1, 2007, employees shall pay a \$1,000 individual out-of-pocket annual maximum or a \$1,800 family out-of-pocket annual maximum for in-network or out-of-network services.
- f. Lifetime Maximum. Effective January 1, 2006 the individual lifetime maximum shall be increased to \$2 million with no more than \$1 million per year.
- g. Prescription Step Therapy. Effective January 1, 2005 prescriptions for the treatment of arthritis, GI/ulcer, and rheumatoid arthritis shall be managed by the concept of Step Therapy, which means that the physician shall present to the Pharmacy Benefits Manager medical information before beginning a new medication or changing to a higher cost medication.
- h. Retail Prescription. Effective January 1, 2005, employees shall pay \$12 for each generic prescription, \$20 for each formulary prescription, and \$31 or 20% (whichever is greater) not to exceed \$65 per prescription for each non-formulary prescription. Effective January 1, 2007, employees shall pay \$15 for generic prescriptions, \$24 for formulary prescriptions, and \$40 or 20% (whichever is greater) not to exceed \$80 per prescription for non-formulary prescriptions.
- i. Mail Order Prescription. Effective January 1, 2005 for each maximum 90 day mail order prescription employees shall pay \$24 for each generic prescription, \$40 for each formulary prescription, and \$62 or 20% (whichever is greater) not to exceed \$130 for a non-formulary prescription. There shall be no reimbursement for employee prescription co-pays. Effective January 1, 2007 for each maximum 90 day mail order prescription employees shall pay \$30 for each generic prescription, \$48 for each formulary prescription, and \$80 or 20% (whichever is greater) not to exceed \$160 for each non-formulary prescription. There shall be no reimbursement for employee prescription co-pays.
- j. Over-The-Counter Medications. Effective January 1, 2005 the plan will include coverage as a generic for the purchase of over-the-counter medications for which a

prescription drug exists, such as medications for acid reflux and allergy. Effective January 1, 2005, there shall be a \$5,000 lifetime maximum on the diagnosis and correction of infertility but excluding in-vitro fertilization, infertility and artificial insemination services.

- k. Chiropractic. Effective January 1, 2005, for chiropractic services the plan will pay 90% In-Network and 70% reasonable and customary Out-of-Network costs for a maximum of 36 visits per calendar year.
- l. Optical Insurance. Effective January 1, 2005, the City shall provide VIPA 70 Gold or equivalent insurance with a \$10 deductible.

2. HMO Plan

a. Effective January 1, 2005 and continuing for the term of this Agreement and its extensions, the HMO health insurance coverage, at the City's expense, shall be the same as those provided to full time employees on December 31, 2004 with the following modifications.

- 1. Office Visit Co-Pay. Effective January 1, 2005 employees shall pay \$15 for each office visit. Effective January 1, 2007 employees shall pay \$20 for each office visit.
- 2. Annual Deductible. Effective January 1, 2005 employees shall pay an annual deductible of \$300 for single and \$800 for family. Effective January 1, 2007 employees shall pay \$400 for single and \$1,000 for family.
- 3. Emergency Room Co-Pay. Effective January 1, 2005 employees shall pay \$100 for an emergency room visit, waived if the patient is admitted.
- 4. Urgent Care Co-Pay. Effective January 1, 2005 employees shall pay \$50 for an urgent care visit.
- 5. In-patient Co-Pay. Effective January 1, 2005 employees shall pay a \$250 per admission co-pay.

b. The following cost-sharing provisions outlined in the Preferred Provider Plan under "1" above shall also apply to participants in the HMO Plan: Lifetime Maximum, Retail Prescription, Mail Order Prescription, Over-the-Counter Medications and Optical Insurance.

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

FROM THE COMMITTEE ON EMPLOYEE RELATIONS

RESOLUTION R-05-131

WHEREAS, the Fire Chief recommends that the Fire Marshall duties in the Fire Department be restructured so that an Assistant Chief will be assigned Fire Marshal duties and that an additional Deputy Chief position be created at Grade 13 and assigned Deputy Fire Marshal duties and that the existing Fire Marshal position at Grade 10 be eliminated;

WHEREAS, the restructure would benefit the Department by increasing time committed to fire prevention activities, improve fire investigation expertise, increase the number of staff available for incident command, provide more effective department management and reduce overtime and acting pay;

WHEREAS, the restructure will not result in an increase expense immediately due to savings from periods of vacancy and new or promoted employees at lower pay steps and the long term increase resulting from the higher pay grade of the Deputy Chief position is justified in improved operational efficiencies and service to the City;

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Wauwatosa, THAT the position distribution be amended to add a Deputy Chief and eliminate the position of Fire Marshal.

It was moved by Ald. Jenkins, seconded by Ald. Stepaniak to adopt the three foregoing ordinances and to approve the foregoing resolution. -11

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-05-132

WHEREAS, American Multi-Cinema, Inc., d/b/a AMC Theatres, 2500 N. Mayfair Road, Wauwatosa, WI, has applied for a Class B beer and liquor license;

NOW, THEREFORE, BE IT RESOLVED THAT a Class B beer and liquor license be awarded to American Multi-Cinema, Inc., d/b/a AMC Theatres, 2500 N. Mayfair Road, Wauwatosa, WI, for the period ending June 30, 2006.

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-05-133

WHEREAS, Wongtam, Inc., d/b/a Peony Restaurant, 11120 W. Blue Mound Road Wauwatosa, WI, has applied for a Class B beer and liquor license;

NOW, THEREFORE, BE IT RESOLVED THAT a Class B beer and liquor license be awarded to Wongtam, Inc., d/b/a Peony Restaurant, 11120 W. Blue Mound Road, Wauwatosa, WI, for the period ending June 30, 2006.

It was moved by Ald. Treis, seconded by Ald. Birschel to approve the two foregoing resolutions. -11

FROM THE COMMITTEE ON TRAFFIC AND SAFETY

ORDINANCE O-05-19

AN ORDINANCE AMENDING WAUWATOSA CODE SECTION 11.28.035 PROHIBITING RIGHT TURNS ON RED AT N.115TH STREET & WATERTOWN PLANK ROAD

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

Part I. Section 11.28.035 of the Wauwatosa Municipal Code is hereby amended by adding a new section, numbered 13, to read as follows:

13. The southeast intersection corner at N. 115th Street and Watertown Plank Road between the hours of 7:00 AM and 9:00 AM

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

FROM THE COMMITTEE ON TRAFFIC AND SAFETY

The Committee on Traffic and Safety, to whom was referred a request to use pedestrian safety measures at N. 65th and W. Lloyd Streets for a 90-day trial period, reports back that the residents feel the measures have slowed traffic and wish to continue their use.

Dated this 31st day of May 2005.

Committee on Traffic and Safety

It was moved by Ald. Becker, seconded by Ald. Grimm to adopt the foregoing ordinance and to approve the foregoing report. -11

FROM THE COMMITTEE ON TRAFFIC AND SAFETY

RESOLUTION R-05-134

WHEREAS, the AAA Road Improvement Demonstration Program for the intersection of STH 100 (Mayfair Road) and W. Blue Mound Road has suggested a prohibition of left turns from eastbound Blue Mound Road onto northbound 107th Street between 3 and 6 PM on weekdays; and

WHEREAS, the traffic study conducted as part of this project suggests a 180-day trial of said restrictions, rather than the customary 90-day trial; and

WHEREAS, that portion of said intersection which is under the control of the City of Milwaukee will be treated similarly pursuant to the procedures of the City of Milwaukee;

NOW, THEREFORE, BE IT RESOLVED THAT the Common Council hereby approves the 180-day trial prohibiting left turns between 3 and 6 PM on weekdays for eastbound traffic on W. Blue Mound Road onto N. 107th Street in the City of Wauwatosa.

It was moved by Ald. Becker, seconded by Ald. Grimm
to approve the foregoing resolution. -11

FROM THE COMMITTEE ON TRAFFIC AND SAFETY

RESOLUTION R-05-135

WHEREAS, Patrick Fitzpatrick has requested temporary on-street overnight parking for his tenants adjacent to the property he owns at 8404 Watertown Plank Road, in the City of Wauwatosa; and

WHEREAS, the Department of Public Works has recommended against the overnight parking on the street at this location, suggesting that alternative parking arrangements may be available;

BE IT RESOLVED THAT the request for temporary on-street overnight parking adjacent to the property at 8404 Watertown Plank Road is hereby denied.

It was moved by Ald. Becker, seconded by Ald. Grimm
to approve the foregoing resolution. Ayes 10, Present 1
(Herzog)

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-05-136

BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin THAT permission be and the same is hereby granted to Thomas R. Savage, Briggs & Stratton Corporation, for a Land Division by Certified Survey Map in the AA Light Manufacturing District at the northeast corner of N. 124th and W. Burleigh Streets. These parcels are more particularly described as follows:

Commencing at the Southwest corner of the Southwest ¼ of Section 7, in Township 7 North, Range 21 East; thence on and along the south line of said southwest ¼, N 87°33'20" E, 60.04 feet; thence N 00°26'50" W, 55.03 feet to the intersection of the north line of West Burleigh Street and the east line of North 124th Street, being the point of beginning; thence along said North line N 87°33'20" E, 1324.08 feet; thence N 00°32'35" W, 712.07 feet; thence S 89°33'00" W, 1322.09 feet to the said line of North 124th Street; thence along said East line S 00°26'50" E, 758.16 feet to the point of beginning 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-05-137

WHEREAS, Kerry Krienitz and Parkway Development LLC have applied for a Conditional Use in the AA Light Manufacturing District at 6442 River Parkway for a dog day care and boarding 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 Kerry Krienitz and Parkway Development LLC for a dog day care and boarding facility in the AA Light Manufacturing District at 6442 River Parkway subject to the following conditions:

- 1) hours of operation 6 a.m. to 7:30 p.m. daily, and
- 2) enrollment of no more than 80 dogs in the day care and no more than 20 dogs overnight, and
- 3) obtaining any additional licenses and permits.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-05-138

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, July 19, 2005, 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 right-of-way vacation in the AA Single Family Residence District south of W. Meinecke Avenue between N. 64th and N. 65th Streets.

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. Stepaniak, seconded by Ald. Becker to approve the three foregoing resolutions. -11

FROM THE COMMITTEE ON BUDGET AND FINANCE

The Committee on Budget and Finance, to whom was submitted the audit report and financial statements for the year ended December 31, 2004 for the city of Wauwatosa as prepared by Virchow Krause & Company, LLP, recommends to the Common Council that the documents be accepted and placed on file.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-05-139

WHEREAS, the 2005 fiscal budget provides for the purchase of 8 notebook computers for the Police Department and 4 notebook computers for the Water Utility, all of which are to be "toughbook" computers suitable for the heavy duty use required for field work; and

WHEREAS, the State of Wisconsin contract for the purchase of such notebook computers provides for the purchase of 12 such computers at a total cost not to exceed \$52,444.00;

NOW, THEREFORE, BE IT RESOLVED THAT the purchase of 12 heavy duty Panasonic notebook computers at a cost not to exceed \$52,444.00 through the State of Wisconsin contract is hereby approved.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-05-140

WHEREAS, the Wauwatosa Fire Department has requested approval of the contract with the Wisconsin Department of Commerce to be a Local Program Operator (LPO) in the Storage Tank Regulatory Program; and

WHEREAS, a proposed contract for the LPO Program has been provided and presented to the Committee on Budget & Finance; and

WHEREAS, the proposed contract is a continuation of previous work which has been conducted by the Wauwatosa Fire Department since the early 1990's;

NOW, THEREFORE, BE IT RESOLVED THAT the Wisconsin Department of Commerce contract as Local Program Operator for Underground Storage Tank Inspection, to be effective through June 30, 2007, is hereby approved and the appropriate City officials are hereby authorized to execute said contract.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-05-141

WHEREAS, the current agreement for the provision of senior programming with the YMCA of Metropolitan Milwaukee, West Suburban Branch, expires on December 31, 2005; 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 four year contract;

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 granted and expire December 31, 2009.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-05-142

WHEREAS, new labor contracts and non-represented employee benefits provide for vision insurance to be provided through a program administered by Vision Insurance Plan of America, Inc., or its equivalent; and

WHEREAS, implementation of the Vision Insurance Plan of America, Inc. plan would require the transfer of funds to the Optical Insurance Account to cover premiums through December 31, 2005;

NOW, THEREFORE, BE IT RESOLVED THAT the transfer of funds in the amount of \$30,800.00 from the Health Maintenance Organization Premium Account to the Optical Insurance Account for purposes of premiums for the Vision Insurance Plan of America, Inc.'s vision insurance plan is hereby approved.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-05-143

WHEREAS, the City of Wauwatosa and the Milwaukee Metropolitan Sewerage District have negotiated the terms of an Intergovernmental Cooperation Agreement concerning the design and construction activities for the Hart Park Flood Control Project and related activities on Milwaukee County Grounds; and

WHEREAS, the terms of said Agreement are described in the Agreement itself, which is attached hereto and incorporated herein; and

WHEREAS, staff members of the City of Wauwatosa and Milwaukee Metropolitan Sewerage District have negotiated additional changes to the document which will address the process for paying to replace the trees removed from the area outside Hart Park during the course of this construction, which language will be incorporated into the final document prior to signature;

NOW, THEREFORE, BE IT RESOLVED THAT the appropriate City officials are hereby authorized to execute the Intergovernmental Cooperation Agreement between the City of Wauwatosa and the Milwaukee Metropolitan Sewerage District concerning design and construction activities for the Hart Park Project, provided that satisfactory language can be inserted into the final document concerning replacement trees at the conclusion of the project, replacing the current language at Part IVA(3) of the draft Agreement.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-05-144

BE IT RESOLVED by the Common Council of the City of Wauwatosa that the claim filed by Nick and Carrie Sgarlata 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.

It was moved by Ald. Grimm, seconded by Ald. Maher to approve the foregoing report and the six foregoing resolutions. - 11

FROM THE COMMITTEE ON BUDGET AND FINANCE

BILLS AND CLAIMS FOR THE PERIOD 5/18/05 – 6/7/05 --

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 5/18/05 – 6/7/05: \$1,254,938.43

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. Roll call vote, Ayes 11

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-05-145

WHEREAS, the Board of Public Works has accepted the work of Street Lighting & Traffic Signal Replacement Wauwatosa Village Area, Phase-II and work incidental thereto in the City of Wauwatosa under Contract 04-28 and the same is ready for final payment.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin as follows:

Section 1. That the work of Street Lighting & Traffic Signal Replacement Wauwatosa Village Area, Phase-II under Contract 04-28 is hereby accepted.

Section 2. That the proper City officers be and they are hereby authorized and directed to draw and sign a City order in the sum of twenty-one thousand four hundred forty-five dollars and seventy-seven cents (\$21,445.77) in favor of Outdoor Lighting Construction Co. as the final payment under said contract, upon receipt of waivers of lien and for labor and materials furnished under said contract, and upon receipt of an affidavit stipulating compliance with wage rate requirements.

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-05-146

WHEREAS, routine repair work at two sanitary sewer manholes on W. Garfield Avenue between N. 74th Street and Wauwatosa Avenue revealed significant defects in the manhole which required an outside contractor's repair capabilities; and

WHEREAS, expeditious repair of the manhole defect in this area was necessary due to an upcoming festival at a nearby Church during the weekend of June 10 – 12, 2005; and

WHEREAS, the Purchasing Department obtained bids for emergency repairs for these two manholes, the lowest of which was submitted by Rawson Contractors, Inc. in the amount of \$13,500.00; and

WHEREAS, the City of Wauwatosa purchasing procedures provide for award of such bids prior to approval of the Board of Public Works and Common Council when repairs must be made on an expeditious basis;

NOW, THEREFORE, BE IT RESOLVED THAT the award of the bid for sanitary sewer from Rawson Contractors, Inc. in the amount of \$13,500.00 is hereby approved and such emergency work is hereby authorized.

It was moved by Ald. Casey, seconded by Ald. Herzog
to approve the two foregoing resolutions. -11

There being no further business, the meeting adjourned at 7:55 p.m.

cal

Carla A. Ledesma, CMC, City Clerk