



CITY OF WAUWATOSA

MEMORIAL CIVIC CENTER
7725 WEST NORTH AVENUE
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COMMON COUNCIL

Regular Meeting, Tuesday, May 1, 2007

PRESENT: Alds. Krol, Maher, Meaux, Minear, Purins, Stepaniak, Becker, Birschel, Didier, Donegan, Ewerdt, Grimm, Hanson, Herzog, Krill

EXCUSED: Ald. Treis

ALSO PRESENT: Mr. Archambo, City Administrator; Mr. Kesner, City Attorney; Mr. Braier, Finance Director; Mr. Kappel, Public Works Director; Ms. Welch, Community Development Director; Police Chief Weber; Fire Chief Redman; 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.

City Clerk Carla Ledesma swore in Eric B. Meaux as Second District Alderman.

Certificates were presented by Mayor Estness and Common Council President Becker to winners of the Wauwatosa Historical Society art contest:

Gracie Dempsey, Roosevelt School
Talia Trevino, Roosevelt School
Alice Farr, Roosevelt School
Sofia Maglio, Washington School
Molly Davis, Roosevelt School
Aaron Plaisted, Roosevelt School
Blake Kratzer, Roosevelt School

Harrison Winkel, Lincoln School
Kayla Klein, Washington School
Angela Cermele, St. Joseph School
Julia Kennedy, St. Joseph School
Stephanie Wissing, St. Joseph School
Natalie Schudrowitz, Washington School
Madeline Patrone, Washington School

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

It was moved by Ald. Herzog, seconded by Ald. Donegan to amend the April 17, 2007 minutes to note that (1) the amendment by Ald. Krill was called a 'substitute amendment' by City Attorney Kesner; (2) Ald. Krill did not state in his motion the words, 'at or near the current fire station,' but rather he called it the 'Greater Underwood Site;' (3) Ald. Herzog objected to allowing another motion to be discussed while his motion was pending on the floor, in violation of our city procedures and ordinances; (4) Ald. Herzog objected to allowing discussion of Ald. Krill's motion

because it was not properly noticed, in violation of Wisconsin's open meeting law. –

Ald. Herzog subsequently corrected his motion to reflect that the wording in (1) above should be "...was called a 'substitute *motion* by City..."

It was moved by Ald. Purins, seconded by Ald. Maher to amend the amendment to provide that a verbatim transcript of that portion of the April 17th minutes pertaining to fire station #1 be included in the minutes. –

Ald. Purins subsequently withdrew his motion.

It was moved by Ald. Krill to amend the amendment to direct the City Clerk to prepare a verbatim transcript of the fire station discussion and add it to the April 17th minutes. Aids. Herzog and Donegan accepted this wording.

Roll call vote on amendment, Ayes 15.

It was moved by Ald. Krill, seconded by Ald. Herzog to amend the minutes to note that at the outset of the question on the April 17th motion that he, Krill, made, the Mayor asked the City Attorney if the motion was proper. The City Attorney gave the opinion it was. Midway through the discussion, Ald. Krill offered to withdraw the amendment if the City Attorney felt there was anything improper about the motion made. The City Attorney gave the opinion the motion was appropriate. Roll call vote, Ayes 15

OLD BUSINESS

The following item had been held after a public hearing on April 17, 2007:

ORDINANCE O-07-09

AN ORDINANCE AMENDING CHAPTER 24.55.030 REDUCING THE MEMBERSHIP OF THE WAUWATOSA HISTORIC PRESERVATION COMMISSION FROM ELEVEN MEMBERS TO NINE

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

Part 1. Chapter 24.55.030 is hereby repealed in its entirety and recreated to read as follows:

Historic preservation commission composition.

A historic preservation commission is hereby created, consisting of nine members, one of whom shall be an alderperson in the city of Wauwatosa, and eight citizens, who may have related expertise in such fields, including but not limited to, architecture, history or appraisal. Each member shall have, to the highest extent practicable, a known interest in historic preservation with applicable areas of expertise. The mayor shall appoint the commissioners subject to confirmation by common council. The term for each member shall be three years.

Part 2. This ordinance shall take effect and be in force from and after its passage and publication.

It was moved by Ald. Krol, seconded by Ald. Birschel
to adopt the foregoing ordinance. -15

APPOINTMENTS BY THE MAYOR

Director of Human Resources

Beth Thorson Aldana
(effective May 1, 2007)

Acting City Assessor

Robert Lenski
(effective May 1, 2007)

Design Review Board B (reappointments)

Patricia Bohach, 4284 Raymir Place
Carmen Bolger-Linna, 10230 W. Hadley Street
Nick Lougrin, 2415 N. 82nd Street
James Olson, 7707 Harwood Avenue
(Terms end 12/31/08)

Design Review Board B

Tim Brunow, 1938 N. 86th Street, alternate member
(term ends 12/31/09)

The Mayor ordered that Carmen Bolger-Linna's name be stricken as she is moving out of the city.

Foregoing appointments ordered held as this was the
first reading.

APPLICATIONS, COMMUNICATIONS, ETC.

1. Conditional Use application for a restaurant with outdoor seating at 11320 W. Blue Mound Road
Plan Commission, Committee on Community Development
2. Conditional Use application to install a credit union drive through at 3180 N. 124th Street
Plan Commission, Committee on Community Development
3. City of Wauwatosa Statement of Financial Condition as of 3/31/07
Place on file

4. Notices of Claim: Lew Bartfield, 2117 N. 122nd Street
James M. Clarey, 2435 N. 65th Street
Gerri Priebe, 8416 W. North Avenue
Shyam Bindal, 181 E. Baltusrol Dr., Vernon Hills, FL
City Attorney

FROM THE COMMITTEE ON EMPLOYEE RELATIONS FOR INTRODUCTION

1. Ordinance amending Section 2.59.040 of the City Code by reclassifying the storm water specialist position from Grade 9 to Grade 12
Re-refer to originating committee

FROM THE COMMITTEE ON TRAFFIC & SAFETY FOR INTRODUCTION

1. Ordinance amending Section 11.32.080 of the City Code by placing a 2-hour restriction on both sides of the 2400 block of Pasadena Boulevard, permanent removal of restrictions on the north side of W. North Avenue between N. 86th Street and Pasadena Boulevard and on the north side of W. North Avenue from Pasadena Boulevard to the driveway to the west
Re-refer to originating committee

FROM THE COMMITTEE ON EMPLOYEE RELATIONS

RESOLUTION R-07-98

WHEREAS, the City Administrator has reported to the Committee that an update to the previously prepared Carlson Dettman compensation review would cost approximately \$13,000.00; and

WHEREAS, providing funding for this compensation review would require a transfer of funds from the Reserve for Contingencies;

NOW, THEREFORE, BE IT RESOLVED THAT the appropriate City officials are hereby authorized to enter into an agreement with Carlson Dettman for purposes of providing a compensation review and update of the previous report;

BE IT FURTHER RESOLVED THAT \$13,000.00 is hereby transferred from the Reserve from Contingencies to the appropriate account for the above purpose.

It was moved by Ald. Purins, seconded by Ald. Maher
to approve the foregoing resolution. Roll call vote,
Ayes 14, Noes 1 (Herzog)

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-07-99

WHEREAS, Rob Messinger of Hector's-A Mexican Restaurant, 7118 W. State Street, has requested a temporary extension of the licensed premises for May 5, 2007 from noon to 8 p.m.; and

WHEREAS, the extension would allow service and consumption in the parking lot of Hector's in conjunction with Cinco de Mayo.

NOW, THEREFORE, BE IT RESOLVED THAT an extension to the licensed premises for Hector's-A Mexican Restaurant, 7118 W. State Street, into the parking lot for purposes of a Cinco de Mayo celebration on May 5, 2007, between the hours of noon and 8 p.m., subject to the following conditions:

- Live music permitted from 4-8 p.m.
- Tent to be place with a south opening
- Surrounding area to be kept free of refuse

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-07-100

WHEREAS, Brandon Anstett, 5106 W. Wells St., Milwaukee, WI applied for an operator's license in conjunction with his employment at the Rosebud Cinema on North Avenue, Wauwatosa, WI; and

WHEREAS, a background investigation revealed the applicant had more than one conviction which he failed to disclose; and

WHEREAS, the circumstances surrounding these previous convictions and his failure to disclose them 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 Brandon Anstett is hereby denied;

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

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-07-101

WHEREAS, Elaine Klein, 1628 N. 52nd Street, Milwaukee, WI, has applied for an operator's license in conjunction with her employment at Leff's Lucky Town, 7208 W. State Street, Wauwatosa, WI;

NOW, THEREFORE, BE IT RESOLVED THAT Elaine Klein is hereby issued an operator's license for the period ending June 30, 2007, contingent upon a review of her record in six months;

BE IT FURTHER RESOLVED THAT the Wauwatosa Police Department is directed to review Ms. Kleins' record six months after issuance of this initial license and report back to the Committee on Legislation, Licensing and Communications if any new significant issues or concerns are revealed at that time.

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-07-102

WHEREAS, Jennifer Vanek, 1440 S. 116th Street, Apt. 16, West Allis, WI applied for an operator's license in conjunction with her employment at Buffalo Wild Wings, 2635 N. Mayfair Road, Wauwatosa, WI; and

WHEREAS, a background investigation revealed the applicant had more than one conviction which she failed to disclose; and

WHEREAS, the circumstances surrounding these previous convictions and her failure to disclose them 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 Jennifer Vanek is hereby denied;

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

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-07-103

WHEREAS, Elena Syrrakos, N50 W14213 Fairmount Avenue, Menomonee Falls, WI, has applied for an operator's license in conjunction with her employment at The Cheesecake Factory, 2350 N. Mayfair Road, Wauwatosa, WI;

NOW, THEREFORE, BE IT RESOLVED THAT Elena Syrrakos, N50 W14213 Fairmount Avenue, Menomonee Falls, WI, is hereby issued an operator's license for the period ending June 30, 2007.

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

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-07-104

WHEREAS, Doug Schmick has applied for a Conditional Use in the AA Business District at 2500 N. Mayfair Road for a restaurant with outdoor dining 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 Doug Schmick for a restaurant with outdoor dining in the AA Business District at 2500 N. Mayfair Road subject to the following conditions:

- 1) hours of operation are Monday through Thursday from 11:00 a.m. to 11:00 p.m., Friday and Saturday 11:00 a.m. to 12:30 a.m., and Sunday 10:00 a.m. to 11:00 p.m., and
- 2) obtaining all necessary licenses and permits.

It was moved by Ald. Herzog, seconded by Ald. Krill to approve the foregoing resolution. -15

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-07-105

WHEREAS, the City Engineer has requested permission to apply for a Wisconsin Department of Natural Resources grant for the purpose of encouraging rain garden installations on properties within the City of Wauwatosa; and

WHEREAS, installation of rain gardens would help manage the volume, rate and quality of storm water runoff throughout the City; and

WHEREAS, grant funds would allow property owners to be reimbursed at the rate of \$4.00 per square foot of approved rain garden constructed; and

WHEREAS, this grant would provide funds for the program during the 2008 and 2009 construction seasons and is similar to a program currently being planned for 2007 pursuant to a grant from the Milwaukee Metropolitan Sewerage District; and

WHEREAS, the grant from the Department of Natural Resources would be in an amount of \$150,000.00, and would require 50% cost share from the City which could be provided in 2008 and 2009 from the Stormwater Management Reserve;

NOW, THEREFORE, BE IT RESOLVED THAT the appropriate City officials are hereby authorized to apply for a Department of Natural Resources Non-point Source Water Pollution Abatement Program grant in the amount of \$150,000.00 with 50% cost share for purposes of rain garden installations in the City of Wauwatosa during 2008 and 2009 construction seasons.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-07-106

WHEREAS, the City Engineer has requested authority to apply for a Wisconsin Department of Natural Resources Urban Non-point Source and Stormwater grant for catch basin installations; and

WHEREAS, the DNR grant would provide funds for catch basins which would capture and retain potential contaminants and storm water runoff prior to it being discharged into State waterways; and

WHEREAS, the grant would be for the 2008-09 construction seasons; and

WHEREAS, the grant would require a 50% cost share on the part of the City for such catch basin installations;

NOW, THEREFORE, BE IT RESOLVED THAT the appropriate City officials are hereby authorized to apply for a Wisconsin Department of Natural Resources Urban Non-point Source and Stormwater grant for catch basin installations in 2008 and 2009, which would require a 50% cost share on the part of the City if awarded.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-07-107

WHEREAS, the Fire Chief has requested authorization to apply for a 2007 Assistance to Firefighters Grant to install fire sprinkler systems at fire stations #1 and #2; and

WHEREAS, the Assistance to Firefighters Grant will be requested in the total amount of \$120,000.00, 10% of which would be the City's portion of matching funds; and

WHEREAS, upon award and acceptance of the grant, the Common Council will be asked to determine more specifically the source of such matching funds;

NOW, THEREFORE, BE IT RESOLVED THAT the City of Wauwatosa is hereby authorized to apply for a 2007 Assistance to Firefighters Grant to install fire sprinkler systems in Fire Stations #2 and #3, the total cost of which would be \$120,000.00, with 10% being provided as matching funds by the City.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-07-108

WHEREAS, the Wauwatosa Police Department has requested the installation of electrical power and lighting in the newly constructed police garage, as that building was constructed previously without electricity; and

WHEREAS, the Police Complex Jobs Account does not contain sufficient funds for installation of electrical power and lighting, for which the lowest proposal was \$7,315.00;

NOW, THEREFORE, BE IT RESOLVED THAT the Common Council hereby authorizes the transfer of \$7,315.00 from the Municipal Complex Building Repairs Account to the Police Complex Jobs Account to provide the necessary funds to install electrical power and lighting in the new police garage during the year 2007.

It was moved by Ald. Stepaniak, seconded by Al. Krol to approve the four foregoing resolutions. -15

FROM THE COMMITTEE ON BUDGET AND FINANCE

BILLS AND CLAIMS FOR THE PERIOD 4/18/07 – 5/01/07 --

The Committee on Budget and Finance hereby reports to the Common Council that it has examined the accounts of bills and claims and hereby certifies the same as correct and recommends that each of said accounts be allowed and paid.

Total bills and claims for 4/18/07 – 5/01/07: \$11,959,399.92

It was moved by Ald. Meaux, seconded by Ald. Krill that each and every one of the accounts of bills and claims be allowed and ordered paid. Roll call vote, Ayes 15.

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-07-109

WHEREAS, bids received for aggregate seal coating under Contract 07-18 exceed the budgeted amount; and

WHEREAS, the quantities of work must be reduced to bring the total bid price within the budgeted amount of \$187,000.00; and

WHEREAS, upon this reduction, Fahrner Asphalt Sealers, Inc. of Plover, Wisconsin remains the lowest of two bids received.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Wauwatosa THAT the quantities of aggregate seal coating and sweeping contemplated under Contract 07-18 be and are hereby reduced by no less than 5.3%.

BE IT FURTHER RESOLVED THAT the proper city officials be and are hereby authorized and directed to enter into a contract with Fahrner Asphalt Sealers, Inc. of Plover, Wisconsin for aggregate seal coating, and work incidental thereto under Contract 07-18 at and for an adjusted bid price not to exceed \$187,000.00, this being the lowest and best bid.

BE IT FURTHER RESOLVED THAT the surety deposits, if any, be returned to the unsuccessful bidder.

It was moved by Ald. Birschel, seconded by Ald. Grimm
to approve the foregoing resolution. -15

There being no further business, the meeting adjourned at 8:39 p.m.

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Carla A. Ledesma, City Clerk