



**CITY OF WAUWATOSA**  
MEMORIAL CIVIC CENTER  
7725 WEST NORTH AVENUE  
Telephone: (414) 479-8917  
Fax: (414) 471-8989

**COMMON COUNCIL**  
**Regular Meeting, Tuesday, May 15, 2007**

**PRESENT:** Alds. Becker, Birschel, Didier, Donegan, Ewerdt, Grimm, Hanson, Herzog, Krill, Krol, Maher, Meaux (8:04 p.m.); Minear, Purins, Stepaniak - 15

**EXCUSED:** Ald. Treis

**ALSO** J. Archambo, City Admin.; A. Kesner, City Attorney; W. Kappel, Dir. of Public Works;  
**PRESENT:** R. Braier, Finance Dir.; B. Weber, Police Chief; N. Welch, Comm. Dev. Dir.;  
B. Aldana, Asst. City Atty/Personnel Dir.; B. Williams, Deputy City Clerk; E. Steinke,  
Recording Clerk

Mayor Estness in the Chair.

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

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 - 14

**APPOINTMENTS BY THE MAYOR**

Design Review Board B

Patricia Bohach, 4284 Raymir Place  
James Olson, 7707 Harwood Avenue  
Nick Lougrin, 2415 N. 82nd Street  
(Terms end 12/31/08)  
Tim Brunow, 1938 N. 86th Street (alternate)  
(Term ends 12/31/09)

Director of Human Resources, Grade 19, Step 13

Beth Thorson Aldana (effective May 1, 2007)

Acting City Assessor

Robert Lenski (effective May 1, 2007)

Moved by Ald. Birschel, seconded by Ald. Krol

**APPLICATIONS, COMMUNICATIONS, ETC.**

1. City of Wauwautosa Bank Reconciliation of Depository Accounts as of March 31, 2007; and Investment Summary as of April 30, 2007  
**Place on file**
2. Request for a Street Festival Permit from Sts. Constantine & Helen Greek Orthodox Church, 2160 Wauwatososa Avenue, for June 8-10, 2007  
**Committee on Community Development**
3. Wauwatososa Water Utility Statement of Receipts & Disbursements as of April 30, 2007  
**Place on file**
4. Notices of Claim: Liberty Mutual Insurance Company for Jean Duerst  
Chris Leffler, 7208 W. State St.  
Todd & Kate Easton, 2431 N. 65th Street; Kyle & Beth Waters, 2424 N. 65th Street;  
Brad & Kathy Stokke, 2413 N. 65th Street  
Notice of Lawsuit: Attorney Timothy J. Murphy for Melissa and William Ustruck, 2627 N. 72nd Street  
**City Attorney**
5. Auditor's report and financial statements of the Wauwatososa Revolving Loan Fund Corporation for period ending December 31, 2006  
**Place on file**
6. Auditor's report and financial statements for the Village of Wauwatososa Business Improvement District for year ending December 31, 2006 and 2005  
**Committee on Budget & Finance**
7. Notice of Claim: Gregory A. Stano, 4430 N. 108th Street  
**City Attorney**
8. Conditional Use application to operate a yoga studio at 7111 W. Center Street  
**Plan Commission, Committee on Community Development**
9. Letter from Helmut Toldt, Toldt Development, Inc., informing the city of Toldt Development's continued interest to purchase and develop the public works site south of Walnut Road  
**Director of Community Development**

**FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT FOR INTRODUCTION**

1. Ordinance repealing and recreating Chapter 24.47 of the Zoning Code pertaining to Floodplain Districts  
**Re-refer to originating committee**
2. Ordinance creating Section 15.29 of the City Code regarding public safety radio communications in public and private buildings  
**Re-refer to originating committee**

**FROM THE COMMITTEE ON EMPLOYEE RELATIONS**

**ORDINANCE O-07-10**

AN ORDINANCE AMENDING WAUWATOSA CODE SECTION 2.59.040 RECLASSIFYING THE POSITION OF STORM WATER SPECIALIST

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

Part I. The table of FLSA Exempt positions in Wauwatosa Code Section 2.59.040 is hereby amended as follows:

The position of “Storm Water Specialist Engineer” designated as Grade 9 is hereby retitled as “Storm Water Engineer” and classified as Grade 12

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

**FROM THE COMMITTEE ON EMPLOYEE RELATIONS**

**RESOLUTION R-07-110**

BE IT RESOLVED, by the Common Council of the City of Wauwatosa THAT it hereby approves the restructuring of the police department by eliminating the Operations Lieutenant position and creating an Administrative Sergeant position with the position distribution list amended accordingly.

Moved by Ald. Purins, seconded by Ald. Krill to approve the foregoing ordinance and resolution - 14

**FROM THE COMMITTEE ON LEGISLATION, LICENSING & COMMUNICATIONS**

**RESOLUTION R-07-111**

WHEREAS, Adam C. Podkomorski, 9050 S. York Court, Oak Creek, WI, applied for an operator’s license conjunction with his employment at P. F. Changs, 2500 N. Mayfair Road, Wauwatosa; and

WHEREAS, Adam C. Podkomorski was requested twice to appear before the Committee on Legislation, Licensing & Communications in conjunction with that application; and

WHEREAS, Mr. Podkomorski failed to appear on April 24, 2007 and May 8, 2007, said failures are conduct which is inconsistent with the activity of responsibly selling alcoholic beverages in the City of Wauwatosa pursuant to the regulations of alcoholic beverage sales by the City of Wauwatosa;

NOW, THEREFORE, BE IT RESOLVED THAT the operator license application for Adam C. Podkomorski is hereby denied.

**FROM THE COMMITTEE ON LEGISLATION, LICENSING & COMMUNICATIONS**

**RESOLUTION R-07-112**

WHEREAS, Alan C. Robinson, 2476 N. Bartlett Avenue, Milwaukee, WI, has applied for an operator's license in conjunction with his employment at Buffalo Wild Wings, 2635 N. Mayfair Road, Wauwatosa, WI;

NOW, THEREFORE, BE IT RESOLVED THAT Alan C. Robinson is hereby issued an operator's license for the period ending June 30, 2007;

BE IT FURTHER RESOLVED THAT the Wauwatosa Police Department is directed to review Mr. Robinson's 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 COMMITTEE ON LEGISLATION, LICENSING & COMMUNICATIONS**

**RESOLUTION R-07-113**

WHEREAS, the Wauwatosa Common Council meeting of August 7, 2007, occurs at the same time as National Night Out festivities at Hart Park in the City of Wauwatosa; and

WHEREAS, many Common Council members feel that it is important to attend the event at Hart Park for National Night Out; and

WHEREAS, Section 2.02.070 of the Wauwatosa Municipal Code allows the Common Council to designate another place of meeting in lieu of City Hall, if necessary; and

WHEREAS, having a Common Council meeting at Hart Park during the National Night Out festivities would have the effect of allowing more citizens to view the proceedings of the Common Council in a public setting;

NOW, THEREFORE, BE IT RESOLVED THAT the August 7, 2007, meeting of the Wauwatosa Common Council shall hereby be conducted at the Muellner Building at Hart Park in the City of Wauwatosa in lieu of holding the meeting at City Hall;

BE IT FURTHER RESOLVED THAT in the event that appropriate accommodation for live broadcast cannot be made at the Hart Park location, the meeting shall be recorded for subsequent video presentation on the government access cable channel as soon as practicable.

Moved by Ald. Krol, seconded by Ald. Maher to approve the foregoing three resolutions - 14

**FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT**

**RESOLUTION R-07-114**

BE IT RESOLVED, by the Common Council of the City of Wauwatosa, THAT a public hearing be held before the Common Council in the Council Chambers at 7:30 P.M. local time on Tuesday, June 19, 2007, in City Hall, in the City of Wauwatosa, Wisconsin, at which time all persons interested, or their agents or attorneys, will be heard concerning a proposed ordinance repealing and recreating chapter 24.47 of the Wauwatosa Municipal Code relating to Zoning In Floodplain areas;

BE IT FURTHER RESOLVED THAT the City Clerk be and is hereby directed to publish the proper notice of such hearing as required by law.

Moved by Ald. Herzog, seconded by Ald. Purins to approve the foregoing resolution - 14

**FROM THE COMMITTEE FROM THE COMMITTEE ON BUDGET & FINANCE**

**RESOLUTION R-07-115**

WHEREAS, the City of Wauwatosa advertised for bids pursuant to State law for the official newspaper for the City's legal publications; and

WHEREAS, at the time that bids were opened on May 1, 2007, the sole bid received was from Community Newspapers, Inc.; and

WHEREAS, the bid received from Community Newspapers, Inc. contained increases from the previous year, but remained consistent with rates currently allowed by State law, and are more particularly described in the memorandum of the City Clerk to the Budget & Finance Committee dated May 2, 2007;

NOW, THEREFORE, BE IT RESOLVED THAT the bid of Community Newspapers, Inc. as the official newspaper of the City of Wauwatosa is hereby approved and accepted as submitted.

**FROM THE COMMITTEE FROM THE COMMITTEE ON BUDGET & FINANCE**

**RESOLUTION R-07-116**

WHEREAS, the Wauwatosa Police Department asked the Purchasing Department to obtain bids for a low volume color copier at the Police Department based upon a monthly combined usage estimate of 3500 copies; and

WHEREAS, the State of Wisconsin suppliers contract provides options from 3 different vendors, which were evaluated by the Police Department and Purchasing Manager to compare features versus cost; and

WHEREAS, the Sharp MC-2300N copier offered the best solution when considering features versus costs, and had a monthly operating cost of \$265.22; and

WHEREAS, funds are available in the Police Department's Office Equipment Repairs Account to fund the lease of the equipment for 48 months;

NOW, THEREFORE, BE IT RESOLVED THAT the appropriate City officials are hereby authorized to enter into a contract with OCE, Ltd. for a 48 month rental lease Agreement for a Sharp MC-2300N copier consistent with the bids submitted to the State of Wisconsin, as further described in the May 1, 2007, memorandum of the Purchasing Manager to the Budget & Finance Committee.

Moved by Ald. Stepaniak, seconded by Ald. Maher to approve the two foregoing resolutions -14

**FROM THE COMMITTEE FROM THE COMMITTEE ON BUDGET & FINANCE**

**RESOLUTION R-07-117**

WHEREAS, White Oak Farm has been processing wood, brush, and yard waste at the Wauwatosa Public Works yard for a reduced fee due by utilizing some of the processed materials to produce bagged compost blends, bulk blended mulch and bark/wood chips; and

WHEREAS, in an effort to maintain its favorable price structure for processing materials produced by the citizens of the City of Wauwatosa, White Oak Farm has proposed reselling these processed and bagged materials at the Wauwatosa Public Works yard on a trial basis for the remainder of the 2007 growing season; and

WHEREAS, members of the Committee on Budget & Finance expressed concern about possible competition with local businesses selling similar products and any perceived advantage being provided to one particular company while operating on City property, even though a significant portion of profits from the sale will be provided to charitable organizations;

NOW, THEREFORE, BE IT RESOLVED THAT the request from White Oak Farm to market bagged and bulk yard materials at the Public Works yard on a trial basis during 2007, which materials are produced in part utilizing materials gathered from citizens from the City of Wauwatosa, is hereby approved;

BE IT FURTHER RESOLVED THAT the City Administrator is hereby directed to conduct a study upon conclusion of the one time trial in an attempt to determine whether there is any measurable effect on local businesses selling similar products.

Moved by Ald. Stepaniak, seconded by Ald. Maher to approve the foregoing resolution. Upon a roll call vote, Ayes: 10, Noes: 4

(8:04 p.m. Ald. Meaux arrived -15)

**FROM THE COMMITTEE FROM THE COMMITTEE ON BUDGET & FINANCE**

**RESOLUTION R-07-118**

WHEREAS, the City of Wauwatosa solicited proposals to provide stop loss insurance for the City's self-insured health and dental plans for the period June 1, 2007 through May 31, 2008; and

WHEREAS, of the proposals received, the bid by The Hartford Insurance Company is the most advantageous to the City and fits within current budget allocations;

NOW, THEREFORE, BE IT RESOLVED THAT the contract for stop loss insurance on the City of Wauwatosa's self-insured health and dental plans for the period June 1, 2007 through May 31, 2008 is hereby awarded to Hartford Insurance Company pursuant to the final proposal submitted by Hartford Life Insurance Company.

Moved by Ald. Stepaniak, seconded by Ald. Maher to approve the foregoing resolution -15

**FROM THE COMMITTEE ON BUDGET & FINANCE**

BILLS AND CLAIMS FOR THE PERIOD 5/2/07-5/15/07 --

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 5/2/07-5/15/07: \$1,010,843.62

Moved by Ald. Meaux, seconded by Ald. Maher that each and every one of the accounts of bills and claims be allowed and ordered paid. Upon a roll call vote, Ayes: 15

**FROM THE BOARD OF PUBLIC WORKS**

**RESOLUTION R-07-119**

BE IT RESOLVED, by the Common Council of the City of Wauwatosa, THAT permission be and the same is hereby granted to Jaime and Michael Kristof, 7707 Harwood Avenue, Wauwatosa, WI, to encroach onto City right-of-way with a popcorn wagon at the south end of the Village pedestrian bridge adjacent to 7707 Harwood Avenue, 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 and also with execution of a one-year lease with month-to-month terms thereafter.

**FROM THE BOARD OF PUBLIC WORKS**

**RESOLUTION R-07-120**

BE IT RESOLVED, by the Common Council of the City of Wauwatosa, THAT permission be and the same is hereby granted to Jaime and Michael Kristof, 7707 Harwood Avenue, Wauwatosa, WI, to encroach onto City right-of-way with a popcorn wagon at the south end of the Village pedestrian bridge adjacent to 7707 Harwood Avenue, 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 and also with execution of a one-year lease with month-to-month terms thereafter.

Moved by Ald. Birschel, seconded by Ald. Purins to approve the two foregoing resolutions -15

There being no further business, the meeting adjourned at 8:31 p.m.

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Bernadette A. Williams, Deputy City Clerk