



CITY OF WAUWATOSA
7725 WEST NORTH AVENUE
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COMMON COUNCIL
Regular Meeting, Tuesday, January 5, 2010

PRESENT: Alds. Ewerdt, Hanson, Herzog, Jay, Krol, McBride, Meaux (7:52 p.m.), Nikcevich, Organ, Walsh, Wilke, Berdan, Birschel, Dennik, Donegan -15

EXCUSED: Ald. Stepaniak

ALSO PRESENT: Mr. Archambo, City Administrator; Mr. Kesner, City Attorney; Mr. Braier, Finance Director; Ms. Welch, Community Development Director; Ms. Aldana, HR Director/Asst. City Attorney; Police Chief Weber; Mr. Wojcehowicz, Water Utility Supt.; Ms. Murphy, Library Director; Ms. Ledesma, City Clerk; Ms. Van Hoven, Deputy City Clerk

Mayor Didier in the Chair

The Mayor called the meeting to order at 7:50 p.m.

It was moved by Ald. McBride, seconded by Ald. Organ 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

Senior Commission

Mary Ann Hamill, 8017 Stickney Avenue
(term ends 4/30/12)

It was moved by Ald. Krol, seconded by Ald. Birschel to concur with the foregoing appointment. -14

APPLICATIONS, COMMUNICATIONS, ETC.

1. Letter from William Drewry Olmsted, 7423 Wellauer Drive, opposing any building on or near the gathering place of the Monarch butterfly on the County Grounds
Public Works Director, Community Development Director

2. Conditional Use application in the AA Business District for expanded outdoor dining at 7342 W. State Street, Shannon Russell, applicant
City Plan Commission, Community Development Committee
3. Request by the Historic Preservation Commission for local historic district designation for portions of Wauwatosa Avenue from roughly Warren Avenue to Watson Avenue and for approval of a district preservation plan
City Plan Commission, Community Development Committee
4. Conditional Use application in the Trade District for 24-hour daily operation for Snap Fitness, 7226 W. North Avenue, Leon Krueger WAM Fitness Inc., and Pete Venturi, applicants
City Plan Commission, Community Development Committee
5. \$50 donation to the Police Community Support Division from H. J. Jaskulski, 7104 Breezy Point Road, Wind Lake
Place on file
6. Request by William Poule, The Club Tap, 8828 W. North Avenue, for an extension of his license to include the rear parking lot for two events on February 14, 2010 and on June 5 -6, 2010
Legislation, Licensing & Communications Committee

(Ald. Meaux present 7:52 p.m.) -15

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

ORDINANCE

AN ORDINANCE CREATING SECTION 6.08.095 OF THE WAUWATOSA MUNICIPAL CODE PROHIBITING THE ISSUANCE OF CLASS ‘A’ BEER OR ‘CLASS A’ LIQUOR LICENSES TO ESTABLISHMENTS WHICH ALSO SELL GASOLINE FOR TRANSPORTATION PURPOSES

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

Part I. Section 6.08.095 of the Wauwatosa Municipal Code is hereby created to read as follows:

6.08.095 Limitation on issuance of Class “A” Beer or “Class A” Liquor licenses
No retail Class “A” license for the sale of fermented malt beverages in original packages or containers, or “Class A” license for the sale of intoxicating liquor in original packages or containers, may be issued by the Common Council of the City of Wauwatosa for any establishment or premises which also engages in the sale of gasoline or other motor fuels for the purpose of transportation on the public roads of the State of Wisconsin.

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

It was moved by Ald. Birschel, seconded by Ald. Nikcevich to adopt the foregoing ordinance –

It was moved by Ald. Meaux to refer the matter back to committee for further discussion. –Motion failed for lack of a second.

Roll call vote on original motion, Ayes 6 (Krol, McBride, Meaux, Nikcevich, Organ, Birschel), Noes 9. Motion failed.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

ORDINANCE O-10-01

AN ORDINANCE CREATING CHAPTER 13.10 OF THE CODE OF THE CITY OF WAUWATOSA PERTAINING TO CROSS CONNECTION CONTROL

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

Part I. Chapter 13.10 of the Code of Ordinances for the City of Wauwatosa is hereby created to read in its entirety as follows:

Chapter 13.10 CROSS CONNECTION CONTROL

Section 13.10.010 DEFINITIONS

“Backflow” – the unwanted reverse flow of liquids, solids or gases.

“Back pressure” – a pressure greater than the supply pressure that may cause backflow.

“Back Siphonage” – the creation of a backflow as a result of negative pressure.

“Cross Connection” – a connection or potential connection between any part of the municipal water supply system and the piping from another environment in a manner that, under any circumstances, would allow substances from the other environment to enter the municipal water supply system by means of back siphonage or back pressure.

“Cross Connection Control Device” – any mechanical device which automatically prevents backflow from a contaminated source into a potable water supply system.

“High Hazard” – a situation where the municipal water supply system could be contaminated with a toxic substance or solution so as to make the water unsuitable for the designated use.

“Low Hazard” – a situation where the municipal water supply system could be contaminated with a non-toxic substance or solution so as to make the water unsuitable for the designated use.

“Municipal Water Supply” – The municipal water supply system owned and operated by the Wauwatosa Water Utility.

“Potable” – relating to water that does not contain objectionable pollution, contamination, minerals, or infective agents and is considered satisfactory for domestic consumption.

Section 13.10.020 CROSS CONNECTIONS PROHIBITED

- (a) No person shall establish or permit to be established or maintain or permit to be maintained any cross-connection.
- (b) No person shall remove or permit to be removed a cross-connection control device.
- (c) No person shall establish an interconnection whereby potable water from a private, auxiliary or emergency water supply, or any water supply other than the municipal water supply may enter the municipal supply, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the Wauwatosa Water Utility and by the Wisconsin Department of Natural Resources in accordance with Section NR 811.09, Wisconsin Administrative Code.

Section 13.10.030 INSPECTION PROGRAM

The Wauwatosa Water Utility shall have the power and authority to inspect all properties served by the public water system where cross-connections with the public water system are deemed possible. The frequency of inspections and re-inspections based on potential health hazards involved shall be as established by the Wauwatosa Water Utility and shall be in accordance with Section NR 811.09, Wisconsin Administrative Code.

Section 13.10.040 RIGHT OF ENTRY

A representative of the Wauwatosa Water Utility shall have the power and authority at all reasonable times, for any proper purpose, to examine any property served by a connection to the public water system of the City of Wauwatosa for cross-connections. If entry is refused, such representative may obtain a special inspection warrant under Section 66.0119, Wisconsin Statutes. A copy of any testing conducted on any backflow preventer shall be provided to the Wauwatosa Water Utility.

Section 13.10.050 OWNER'S RESPONSIBILITY

The owner of any property served by the municipal water system shall, upon request of an inspector, furnish any pertinent knowledge or information that the owner may have regarding the piping system on the owner's property.

Section 13.10.060 DISCONNECTION OF WATER SERVICE

The Utility is hereby authorized and directed to discontinue water service to any property wherein any connection in violation of this section exists and to take such other precautionary measures deemed necessary to eliminate any damage or contamination of the public water system. Water service shall be discontinued if the means of backflow prevention required by the Utility is not installed, tested, maintained, and repaired in compliance with this ordinance and Wisconsin Administrative Code NR 811 or if it is found that the means of backflow prevention required by this ordinance has been removed or bypassed. Water service shall be discontinued only after reasonable notice and opportunity for hearing.

Section 13.10.070 EMERGENCY DISCONNECTION

If it is determined by the Utility that a cross-connection or emergency endangers public health, safety or welfare and requires immediate action, service may be immediately discontinued. The owner,

lessee, or occupant shall have an opportunity for hearing before the Board of Public Works, within 14 days of such emergency discontinuance.

Section 13.10.080 RECONNECTION OF SERVICE

Water service to any property discontinued under the provisions of this ordinance shall not be restored until the cross-connection has been eliminated or a backflow prevention device approved by the Utility has been installed in compliance with the provisions of this section. The Utility shall charge fees as approved by the State of Wisconsin Public Service Commission for the reconnection of the water service.

Section 13.10.090 FAILURE TO COMPLY WITH NOTICE

If the owner or occupant fails to discontinue the cross-connection after reasonable notice, the Water Superintendent shall, in addition to discontinuing water service to the premises, inform the Wauwatosa Health Department and the Chief Building Inspector that the owner or occupant has failed to comply with the notice.

Section 13.10.100 PENALTY

In addition to other remedies provided above, violations of this chapter shall be subject to the General Penalty provisions of this code.

Section 13.10.110 WISCONSIN ADMINISTRATIVE CODE

Wisconsin Administrative Comm 82 is hereby adopted, except any penalty provisions therein, Wisconsin Administrative Code NR 811 is hereby adopted.

Section 13.10.120 PLUMBING CODES

This section does not supersede the State of Wisconsin Plumbing Code, Comm 81-87, or the City of Wauwatosa Plumbing Code contained in Chapter 15 of the Wauwatosa Municipal Code, but is supplementary to them.

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

It was moved by Ald. Herzog, seconded by Ald. Dennik
to adopt the foregoing ordinance. -15

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-10-02

WHEREAS, the City self-insures its statutory worker's compensation liability and in recent years has had a self-insured retention of \$350,000 per occurrence; and

WHEREAS, the City's worker's compensation administrator has solicited and received quotes for excess insurance coverage for amounts exceeding the self-retained limit;

WHEREAS, staff and the City's worker's compensation administrator recommend that the City accept the proposal from Safety National Casualty Corporation to increase the self-retained limit from \$350,000 to \$400,000 with a premium of \$39,015 for 2010 and broker's fees of \$3,814 for a total cost of \$42,829.

WHEREAS, Safety National's quote proposes to increase the self-retained limit but maintains the premiums at the same level as 2009;

NOW, THEREFORE, BE IT RESOLVED THAT, the proper City officials are hereby authorized to enter into a contract with Safety National Casualty Corporation for worker's compensation excess insurance coverage for a total amount of \$42,829 for 2010 with a self-retained limit of \$400,000.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-10-01

WHEREAS, the Wauwatosa Public Library Director has forwarded a memo indicating that the library staff is in need of additional assistance to maintain order in the library during certain times on school days, which assistance was not anticipated at the time of preparation for the 2010 budget process; and

WHEREAS, the Wauwatosa Public Library Board has requested additional funding to allow staffing at certain times on school days; and

WHEREAS, as additional part-time Library Staff Assistant may be hired for the necessary times at a cost of \$5,765.00 for the 2010 budget year;

NOW, THEREFORE, BE IT RESOLVED THAT, the amount of \$5,765.00 is hereby allocated to the 2010 Library Budget for the City of Wauwatosa, with funds to be drawn from the Reserve for Contingencies, for the purpose of funding an additional part-time library staff assistant as described in the memorandum of the Library Director dated December 22, 2009.

It was moved by Ald. Ewerdt, seconded by Ald. Krol
to approve the two foregoing resolutions. -15

FROM THE COMMITTEE ON BUDGET AND FINANCE

BILLS AND CLAIMS FOR THE PERIOD 12/16/09 – 1/05/10 --

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 12/16/09 – 1/05/10: \$3,640,665.61

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

There being no further business, the meeting adjourned at 8:20 p.m.

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Carla A. Ledesma, CMC, City Clerk