



CITY OF WAUWATOSA
7725 WEST NORTH AVENUE
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COMMON COUNCIL

Regular Meeting, Tuesday, December 1, 2009

PRESENT: Alds. Herzog, Jay, Krol, McBride, Meaux, Nikcevich, Organ, Walsh, Wilke, Berdan Birschel, Dennik, Ewerdt, Hanson -14

EXCUSED: Ald. Donegan

ABSENT: Ald. Stepaniak

ALSO PRESENT: Mr. Archambo, City Administrator; Mr. Kesner, City Attorney; Mr. Braier, Finance Director; Mr. Wehrley, City Engineer; Ms. Welch, Community Development Director; Police Chief Weber; Ms. Aldana, HR Director/Asst. City Attorney; Ms. Ledesma, City Clerk; Ms. Van Hoven, Deputy City Clerk

Mayor Didier in the Chair

The Mayor called the meeting to order at 7:30 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

Library Board

Bill Andrae, 2521 N. 94th Street
(Term ends 6/30/10)

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

APPLICATIONS, COMMUNICATIONS, ETC.

1. **Summons and Complaint**: Sentinel Insurance Co., Ltd., 1 Hartford Plaza, Hartford Conn.
City Attorney
2. Request for Final Planned Development approval for two four-story apartment buildings, 1234 N. 62nd Street, Brett Haney, HSI Residential I, LLC, applicant
City Plan Commission, Community Development Committee

3. Special Use application in the Trade District for a boutique at 6439 W. North Avenue, Latrina Cain, applicant
City Plan Commission
4. Conditional Use application in the AA Business District for a taqueria located at 10849 W. Blue Mound Road, George Duarte, applicant
City Plan Commission, Community Development Committee
5. Notice of Claim: Robert C. Braun, 2160 S. 86th Street, West Allis
City Attorney

FROM THE COMMITTEE ON TRAFFIC & SAFETY FOR INTRODUCTION

1. Ordinance amending Section 11.3.080 of the Code by adding school-day parking restrictions on the west side of N. 115th Street and the east side of N. 114th Street between W. Center and W. Clarke Streets
Re-referred to originating committee

FROM THE COMMITTEE ON BUDGET & FINANCE FOR INTRODUCTION

1. Ordinance amending Section 6.50 of the Code concerning street vending permits
Re-referred to originating committee

FROM THE COMMITTEE ON EMPLOYEE RELATIONS

ORDINANCE O-09-30

AN ORDINANCE REPEALING AND RECREATING SECTION 2.13.010 AND REPEALING SECTION 2.13.020 OF THE WAUWATOSA CODE TO CREATE AN ECONOMIC DEVELOPMENT DIRECTOR POSITION IN THE UNCLASSIFIED SERVICE

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

Part I. Section 2.13.010 is repealed and replaced with:

“The position of economic development director is created and shall be a part of the unclassified service of the city pursuant to the Civil Service Charter Ordinance of the City of Wauwatosa. The position shall be under the supervision and direction of the City Administrator. The salary shall be as set forth in the employment contract between the city and the Economic Development Director, which shall be approved by the Common Council.”

Part II. Section 2.13.020 is hereby repealed.

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

It was moved by Ald. Krol, seconded by Ald. Dennik to adopt the foregoing ordinance. –

It was moved by Ald. McBride, seconded by Ald. Birschel to amend the ordinance to narrow the salary range for the position to between \$70,000 and \$110,000. Roll call vote, Ayes 4 (McBride, Nikceovich, Organ, Birschel), Noes 10. Motion failed.

Roll call vote on original motion, Ayes 12, Noes 2 (Organ, Walsh)

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-09-260

WHEREAS, Maricela Garza, agent for Aldi, Inc., d/b/a Aldi, 12120 W. Burleigh Street, Wauwatosa, WI, has applied for a Class A Beer and Class A liquor license;

NOW, THEREFORE, BE IT RESOLVED THAT a Class A Beer and Class A liquor license be awarded to Maricela Garza, agent for Aldi, Inc., d/b/a Aldi, 12120 W. Burleigh Street, Wauwatosa, WI, for the period ending June 30, 2010.

It was moved by Ald. Birschel, seconded by Ald. Meaux to approve the foregoing resolution. -14

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-09-261

WHEREAS, Gregg Elstro, Regional Construction Manager, and Thomas Reid, Project Manager, have applied for a Conditional Use in the AA Business District at 2500 N. Mayfair Road for a Five Guys Burger and Fries restaurant, 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 Gregg Elstro, Regional Construction Manager, and Thomas Reid, Project Manager, for a Five Guys Burger and Fries restaurant in the AA Business District at 2500 N. Mayfair Road subject to the following conditions:

- 1) hours of operation 9:00 a.m. to midnight daily, and
- 2) obtaining all necessary licenses and permits.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-09-262

WHEREAS, Jennifer Wright, Milwaukee Metropolitan Sewerage District (MMSD), has applied for a Conditional Use in the Parks and Open Space District at approximately 805 Honey Creek Parkway for a pumping station emergency generator 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 THAT the Common Council of the City of Wauwatosa, Wisconsin hereby grants a Conditional Use to Jennifer Wright, Milwaukee Metropolitan Sewerage District (MMSD), for a pumping station emergency generator in the Parks and Open Space District at approximately 805 Honey Creek Parkway subject to the following conditions:

- 1) adequate landscaping and screening reviewed by city staff on three sides of the structure,
and
- 2) obtaining any required licenses and permits.

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

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-09-263

WHEREAS, Accidents within the City of Wauwatosa fleet in 2008 required payments to the City of Wauwatosa's self-insured liability funds during 2009 in an amount approximately \$50,000.00 above that previously budgeted for such purposes; and

WHEREAS, such increased costs were not included as part of the re-estimated 2009 City of Wauwatosa budget; and

WHEREAS, sufficient funds are available within the 2009 fleet fuel budget due to a lower than expected fuel price during the 2009 budget year;

NOW, THEREFORE, BE IT RESOLVED THAT the level three transfer of \$50,517.00 from the Fleet Fuel Account to the Fleet Insurance Account for the 2009 budget year is hereby approved.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-09-264

WHEREAS, implementation of 2009 Wisconsin Act 50 by the City of Wauwatosa requires that the City determine prior to January 1, 2010, whether it intends to become a “collector” of consumer electronic devices as that term is defined in Section 287.17(2)(c) of the Wisconsin Statutes; and

WHEREAS, in a memorandum dated November 17, 2009, the Director of Public Works recommended that the City not become a “collector” as defined in the Statute, but rather that the City use all reasonable methods to inform residents of private entities which will accept consumer electronic devices for recycling consistent with the requirements of Act 50;

NOW, THEREFORE, BE IT RESOLVED THAT the City of Wauwatosa does hereby determine that it shall not officially declare itself to be a “collector” of consumer electronic devices pursuant to Section 287.17(2)(c) of the Wisconsin Statutes, and that the City shall use reasonable methods to ensure that residents and schools are aware of this fact and are referred to appropriate private entities which will act as collectors of consumer electronic devices for residents of the City of Wauwatosa;

BE IT FURTHER RESOLVED THAT the Director of Public Works or other City officials are hereby authorized to take whatever additional steps are necessary to comply with 2009 Wisconsin Act 50, consistent with the directives described above.

It was moved by Ald. Ewerdt, seconded by Ald. Walsh
to approve the two foregoing resolutions. -14

FROM THE COMMITTEE ON BUDGET AND FINANCE

BILLS AND CLAIMS FOR THE PERIOD 11/18/09 – 12/01/09 --

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 11/18/09 – 12/01/09: \$2,181,058.84

It was moved by Ald. Meaux, seconded by Ald. Hanson
that each and every account of bills and claims be allowed
and ordered paid. Roll call vote, Ayes 14

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-09-265

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, January 19, 2010 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 special assessments relating to the City's intent to perform street construction work in the City of Wauwatosa.

There being no further business, the meeting adjourned at

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Carla A. Ledesma, CMC, City Clerk