



CITY OF WAUWATOSA
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COMMON COUNCIL

Regular Meeting, Tuesday, November 17, 2009

PRESENT: Alds. Jay, Krol, McBride, Meaux, Nikcevich, Organ, Stepaniak, Walsh, Wilke, Berdan, Birschel, Dennik, Donegan, Ewerdt, Hanson, Herzog -16

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; Dr. Kreuser, Health Officer; Mr. Wojcehowicz, Water Utility Supt.; Ms. Aldana, HR Director/Asst. City Attorney; Fire Chief Redman; Ms. Nielsen, Nursing Supervisor; Ms. Ledesma, City Clerk; Ms. Van Hoven, Deputy City Clerk

Mayor Didier in the Chair

The Mayor called the meeting to order at 7:32 p.m.

Terry Wolfe was honored for his years of volunteer service to the city. Mr. Wolfe has served on the Police and Fire Commission since 1986 – many years as chair – and served on the Youth Commission from 1981 – 1987, and on the Board of Zoning Appeals from 1984 – 1988. He was presented with a proclamation by the Mayor and Common Council President Krol, and with plaques by Fire Chief Redman, Police Chief Weber, and Local 1923 President Hank Wendt. Police and Fire Commissioner Joseph Alioto voiced his appreciation to Mr. Wolfe for mentoring him and other new members of the Commission over the years.

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. -16

OLD BUSINESS

The following item was held after a public hearing on November 3, 2009:

RESOLUTION R-09-248

WHEREAS, a summary of the proposed budget for the year 2010 has been published in the official newspaper of the City on October 8, 2009, together with the notice of public hearing on the proposed budget to be held on November 3, 2009; and

WHEREAS, said public hearing was held at the time and place stated in said notice and opportunity given to everyone present who desired to be heard on the proposed 2010 budget;

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Wauwatosa THAT pursuant to said hearing as follows:

1. That the departmental balances, if any, in the general appropriations account shall, on December 31, 2009 revert to the Unappropriated General Fund Balance, except for the following:

<u>Account No.</u>	<u>Account Title</u>
113	Youth Commission
114	Historic Preservation Commission
211-5980-015	Restitution – Crime Prevention
211-5980-020	Police-Expenditures from Donations
211-5980-060	Federal Reimbursement Program
211-5980-061	Drug Prevention & Educ. Fund
211-5980-150	Drug Asset Forfeiture
211-5980-155	DCI Task Force Forfeiture
221-5980-015	Fire Expenditures from Donations
223	Fire Equipment Reserve
421-5980-015	Health – Expenditures from Donations
421-5980-030	Health – Senior Commission
522	July Fourth
551-5980-015	Parks – Expenditures from Donations
551-5980-016	Parks – Expend. From Donations – Sr. Center

2. That there be and there is hereby appropriated for the various City purposes for the year 2009, the amounts as shown in the attached estimated 2009 budget and for the year 2010, the amounts shown in the attached proposed budgets and the Capital Improvement Program as amended by the Budget Committee.
3. That the revenues and expenditures for the Debt Service Fund, Special Revenue Funds, Proprietary Funds, and Insurance Reserve Funds are also approved as amended.
4. That the 5 – Year Capital Improvement Program is approved as amended.
5. That the Water Utility Fund is approved as amended.
6. That the position distribution be amended to reflect those positions created or abolished by the budget.
7. That the 2010 consolidated fee schedule is hereby approved as recommended by the Budget Committee during the budget review process and made available for public review at the office of the City Clerk,

BE IT FURTHER RESOLVED THAT the sum of \$ 35,827,935.00 be and it is hereby levied and assessed upon all of the taxable property, both real and personal, in the City of Wauwatosa, assessed for taxation in said City for the year 2010 for City purposes.

It was moved by Ald. Ewerdt, seconded by Ald. Organ to approve the foregoing resolution –

It was moved by Ald. Walsh, seconded by Ald. Jay to amend the resolution, decreasing the Public Works Wages and Overtime account by \$11,000 that would have been used for overtime pay for the Watchperson position. Roll call vote, Ayes 4 (Jay, Meaux, Walsh, Birschel), Noes 12. –Motion failed.

Roll call vote on original motion, Ayes 16.

APPOINTMENTS BY THE MAYOR

Library Board

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

Foregoing appointment ordered held as this was the first reading.

Citizens with Disabilities Committee

Margaret Tate-Techtmann, 7203 W. Center Street
Macey Lyons, 1000 N. 92nd Street
(Terms end 12/31/2012)

Village Business Improvement District

Kent Ehley, 7437 Kenwood Avenue
Keith Trafton, 6005 W. Martin Drive
Gordon Goggin, 158 N. Water Street
Bob Frederickson, 7615 W. State Street
Robert Kuesel, 773 N. Van Buren
Sean Phelan, P.O. Box 731
Jeff Roznowski, 2609 N. 82nd Street
(Terms end 12/31/2012)

It was moved by Ald. Krol, seconded by Ald. Dennik to concur with the foregoing appointments. -16

APPLICATIONS, COMMUNICATIONS, ETC.

1. Wauwatosa Water Utility Statement of Receipts and Disbursements for the period ending October 31, 2009

Place on file

2. Notice of Claim: Mark and Renee Dergin, 856 N. 117th Street
City Attorney
3. City of Wauwatosa Statement of Financial Condition and Investment Summary for the period ending October 31, 2009
Place on File

FROM THE COMMITTEE ON EMPLOYEE RELATIONS FOR INTRODUCTION

1. Ordinance amending Section 2.13 of the city code to authorize the position of Director of Economic Development in the unclassified system
Re-referred to the originating committee

FROM THE COMMITTEE ON TRAFFIC AND SAFETY

RESOLUTION R-09-249

WHEREAS, at the meeting of June 30, 2009, the Traffic and Safety Committee instituted a 90 day trial by placing stop signs for traffic on North 72nd Street at Grand Parkway and North 74th Street at Wellauer Drive; and

WHEREAS, the Department of Public Works has reported that there were no accidents during the 90 day trial of stop signs and that the stop signs have been well liked by the neighborhood;

NOW, THEREFORE, BE IT RESOLVED THAT the official stop sign map of the City of Wauwatosa shall hereby be amended by adding the installed stop signs on North 72nd Street at Grand Parkway and North 74th Street at Wellauer Drive in the City of Wauwatosa.

It was moved by Ald. Meaux, seconded by Ald. McBride
to approve the foregoing resolution. -16

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-09-250

WHEREAS, Kevin T. Mitschke, 2136 N. 62nd Street, Wauwatosa, WI, has applied for an operator's license in conjunction with his employment at Aldi, 12120 W. Burleigh, Wauwatosa, WI ; and

NOW, THEREFORE, BE IT RESOLVED THAT Kevin T. Mitschke, 2136 N. 62nd Street, Wauwatosa, WI, is hereby issued an operator's license for the period ending June 30, 2010.

It was moved by Ald. Birschel, seconded by Ald. Nikceovich
to approve the foregoing resolution. -16

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-09-251

WHEREAS, Brian S. Jablonowski, agent for Walgreen Company, 2275 N. Mayfair Road, Wauwatosa WI; Michael P. Matt, agent for Walgreen Company, 10800 W. Capitol Drive; Deborah J. Schuyler, agent for Walgreen Company, 2656 Wauwatosa Avenue; and Sheila M. Jilot, agent for Walgreen Company, 6600 W. State Street, have applied for Class A beer and Class A liquor licenses;

NOW, THEREFORE, BE IT RESOLVED THAT Class A beer and Class A liquor licenses be awarded to the above agents for the Walgreen Company stores in Wauwatosa, WI, for the period ending June 30, 2010.

It was moved by Ald. Birschel, seconded by Ald. Nikcevich to approve the foregoing resolution. –

It was moved by Ald. Nikcevich, seconded by Ald. McBride to amend the motion by referring to the Community Development Committee the review of regulations and standards for licensing packaged liquor outlets. Roll call vote, Ayes 7 (Krol, McBride, Meaux, Nikcevich, Stepaniak, Wilke, Donegan), Noes 9. –Motion failed.

Roll call vote on original motion, Ayes 12, Noes 3 (McBride, Meaux, Stepaniak), Present 1 (Berdan)

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-09-253

WHEREAS, John Zinda and Yin Wang have applied for a Conditional Use in the AA Business District at 737 N. Mayfair Road for a massage therapy establishment, 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 John Zinda and Yin Wang for a massage therapy establishment in the AA Business District at 737 N. Mayfair Road subject to the following conditions:

- 1) hours of operation 10:30 a.m. to 9:00 p.m. Monday through Saturday, and
- 2) obtaining all necessary licenses and permits.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-09-254

WHEREAS, Thomas Kruse has applied for a Conditional Use in the AA Business District at 2380 N. 124th Street for a massage therapy establishment, 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 Thomas Kruse for a massage therapy establishment in the AA Business District at 2380 N. 124th Street subject to the following conditions:

- 1) hours of operation 8:00 a.m. to 8:00 p.m. Monday through Friday and 8:00 a.m. to 12 noon on Saturday, and
- 2) obtaining all necessary licenses and permits.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

ORDINANCE O-09-29

AN ORDINANCE AMENDING PARTS OF SECTION 11.44 PERTAINING TO INOPERABLE MOTOR VEHICLES

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

Part I. Section 11.44.005 of the Wauwatosa Code of Ordinances is hereby created to read as follows:

11.44.005 Purpose and intent. The purpose and intent of this chapter is to eliminate the inappropriate and unnecessary keeping and storage of inoperative motor vehicles and motor vehicle accessories on private property. The city council finds that such keeping and storage is unsightly, unhealthy and unsafe, and contrary to the health, safety and welfare of the residents of the City of Wauwatosa.

Part II. A new subsection "C" is added to Section 11.44.010 of the Wauwatosa Code of Ordinances to read as follows:

C. "Inoperative motor vehicle" means any motor vehicle which satisfies one or more of the following criteria:

1. That is partially dismantled or wrecked;
2. That is not operable;
3. That is unlicensed;
4. That could not be safely or legally operated on a highway;

- 5. That has become a habitat for rodents, vermin or insects;
- 6. That in any other way constitutes a threat to the public health or safety; or
 - 7. That has the appearance of being incapable of legal operation on the public roads of the State of Wisconsin and has not been moved for a consecutive period of more than fourteen days.

Part III. The existing paragraphs in Section 11.44.020 of the Wauwatosa Code of Ordinances are hereby re-labeled as paragraphs “A”, “C” and “D”, respectively.

Part IV. The re-labeled Subsection A. of Section 11.44.020 of the Wauwatosa Code of Ordinances is hereby amended to read as follows:

- A. The parking, storage, or accumulation of any junk motor vehicle of whatsoever kind or parts thereof outside of a building on premises in any zoning district of the city for a period of time exceeding ten days in any one calendar year is prohibited except as permitted in subsections C and D, below.

Part V. Subsection B of Section 11.44.020 of the Wauwatosa Code of Ordinances is hereby created to read as follows:

- B. No person, after notification to remove any inoperative motor vehicle or motor vehicle accessories from any private property has been given pursuant to this chapter, shall move the same to any other private property upon which such storage is not permitted or onto any public highway or other public property for purposes of storage.

Part VI. The last sentence of the new relabeled Subsection C. of Section 11.44.020 of the Wauwatosa Code of Ordinances is hereby amended to read as follows:

The fee shall not be refundable if the request is denied.

Part VII. Section 11.44.025 of the Wauwatosa Code of Ordinances is hereby created to read as follows:

11.44.025 EXCEPTIONS

- A. This section shall not apply to any motor vehicle stored within an enclosed building on the premises of a business enterprise operated in a lawful place and manner, when necessary to the operation of such business enterprise, or in any other storage place maintained in a lawful place and manner, including such vehicles stored in a manner expressly permitted by local zoning rules and regulations.
- B. This chapter shall not apply to any motor vehicle or parts car which is legally stored pursuant to s. 341.266 of the Wisconsin Statutes. However, such storage shall be subject to local zoning rules and regulations.

Part VIII. Section 11.44.035 of the Wauwatosa Code of Ordinances is hereby created to read as follows:

11.44.035 Notice of removal.

- A. Any person found in violation of the provisions of this chapter shall be given written notice by the police department or the Chief Building Official or that person's

designee requiring compliance with the provision of this chapter within 14 days of said notice. The notice shall include a description of the inoperative motor vehicle or motor vehicle accessories, the location or address of the item(s) in violation, and that failure to comply with the provisions of this chapter may result in forfeitures being assessed.

- B. The notice shall inform the violator that removal from the specified location to another location within the city upon which such storage is prohibited and shall subject the person to additional penalties.
- C. Notice is not required for second and subsequent violations occurring within a one-year period of such notice having been given.

Part IX. Section 11.44.040 of the Wauwatosa Code of Ordinances is hereby repealed and recreated to read as follows:

11.44.040 Violation--Penalties.

In addition to other remedies provided by law, the following penalties shall apply to violations of Sections 11.44.005 through 11.44.040:

- A. Any person violating the provisions of this chapter shall upon conviction forfeit not less than \$25 nor more than \$200.
- B. Any person convicted of a second violation of this chapter within a one-year period shall upon conviction forfeit not less than \$100 nor more than \$300.
- C. Any person convicted of a third or subsequent violation of this chapter within a one-year period shall upon conviction forfeit not less than \$200 nor more than \$500.
- D. Each day of violation shall constitute a separate offense, and where there is more than one inoperative vehicle involved, each vehicle constitutes a separate offense.

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

It was moved by Ald. Herzog, seconded by Ald. Hanson to approve the two foregoing resolutions and to adopt the foregoing ordinance. -16

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-09-252

BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin THAT permission be and the same is hereby granted to John A. Vasallo, Kosmos, LLC, for a Land Combination by Certified Survey Map at 431 and 443 N. 108th Place in the Off Street Parking District. A Certified Survey Map to be filed with Milwaukee County Register of Deeds described as follows:

Lots 15,16, and 17, in Block 1, together with the southerly half of the vacated alley adjoining said lots in University Lawns, being a subdivision of part of the Southeast ¼ of Section 30, in Township 7 North, Range 21 East, 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 and final transfer of property to common ownership.

It was moved by Ald. Herzog, seconded by Ald. Hanson to approve the foregoing resolution. Ayes 14, Noes 2 (Meaux, McBride).

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-09-255

WHEREAS, the Common Council previously approved a contract with Short Elliott Hendrickson, Inc. to provide design services related to the Burleigh Street resurfacing project in 2010; and

WHEREAS, additional changes are required to the scope of the design services in order to meet the needs of the project, which additional costs exceed 15% of the previously authorized expenditure for this project;

NOW, THEREFORE, BE IT RESOLVED THAT appropriate City staff are hereby authorized to amend the existing agreement with Short Elliott Hendrickson, Inc. in an additional amount up to \$16,000.00 for additional design and services on the Burleigh Street resurfacing project scheduled for the 2010 construction season.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-09-257

BE IT RESOLVED THAT the following are approved as health and dental rates for 2010:

<u>Plan</u>	<u>2010 Rates</u>
<u>Health Insurance</u>	
Choice Plus-Single	\$604.45
Choice Plus-Family	\$1,511.15
Choice-Single	\$550.78
Choice-Family	\$1,378.22
<u>Dental Insurance</u>	
Humana Single	\$33.84
Humana Family	\$109.61
Care Plus Single	\$31.49
Care Plus Family	\$99.38

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-09-258

BE IT RESOLVED, by the Common Council of the City of Wauwatosa THAT the claim filed by Karen Larson 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;

BE IT RESOLVED THAT the City Clerk is hereby authorized and directed to notify said claimant of this action of the Common Council as provided by law.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-09-259

BE IT RESOLVED, by the Common Council of the City of Wauwatosa THAT the claim filed by Gloria Lange 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;

BE IT FURTHER RESOLVED THAT the City Clerk is hereby authorized and directed to notify said claimant of this action of the Common Council as provided by law.

It was moved by Ald. Ewerdt, seconded by Ald. Dennik
to approve the four foregoing resolutions. -16

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-09-256

WHEREAS, the City anticipates significant turnover in the command staff of the fire department in the next one to five years; and

WHEREAS, it has been approximately 15 years since the last comprehensive review of the department; and

WHEREAS, the City desires to look for opportunities to maximize efficiencies in all departments; and

WHEREAS, International City/County Management Association (ICMA) is uniquely qualified to conduct such a review; and

WHEREAS, sufficient funds are proposed in the 2009 re-estimated budget and the 2010 budget;

NOW, THEREFORE, BE IT RESOLVED THAT City staff is authorized to enter into a contract for professional services with ICMA to conduct an organizational review of the fire department for an amount not to exceed \$65,000.00, with \$26,350.00 authorized out of funds in the re-estimated 2009 budget and the rest out of funds in the 2010 budget.

It was moved by Ald. Ewerdt, seconded by Ald. Dennik to approve the foregoing resolution. Roll call vote, Ayes 11 Noes 5 (Meaux, Nikcevich, Stepaniak, Walsh, Hanson)

FROM THE COMMITTEE ON BUDGET AND FINANCE

BILLS AND CLAIMS FOR THE PERIOD 11/4/09 – 11/17/09 --

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 11/4/09 – 11/17/09: \$2,432,579.67

It was moved by Ald. Meaux, seconded by Ald. Ewerdt that each and every account of bills and claims be allowed and ordered paid. Roll call vote, Ayes 16.

There being no further business, the meeting adjourned at 9:07 p.m.

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Carla A. Ledesma, CMC, City Clerk