



CITY OF WAUWATOSA
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COMMON COUNCIL
Regular Meeting, Tuesday, September 15, 2009

PRESENT: Alds. Nikcevich, Organ, Walsh, Wilke, Berdan, Birschel, Dennik, Ewerdt, Hanson, Herzog, Jay, McBride, Meaux -13

EXCUSED: Alds. Stepaniak, Donegan, Krol

ALSO PRESENT: Mr. Kesner, City Attorney; Ms. Welch, Community Development Director; Police Capt. Weiss; Mr. Wojcehowicz, Water Utility Supt.; Mr. Beix, Health Dept.; Ms. Aldana, Asst. City Atty./HR Director; Ms. Ledesma, City Clerk; Ms. Van Hoven, Deputy City Clerk

Mayor Didier in the Chair

The Mayor called the meeting to order at 7:30 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. -13

PUBLIC HEARING

The first item on the agenda was a public hearing to consider the proposed rezoning of 431 N. 108th Street from AA Single Family Residence District to Off-Street Parking District.

The Mayor explained that each proposed rezoning would be considered a separate public hearing; however it is understood that both proposals are related inasmuch as the intent of both rezoning requests is to provide additional parking for Mo's Irish Pub, 10842 W. Blue Mound Road.

Proof of publication is in the file.

In a meeting held on July 13, 2009, the City Plan Commission recommended approval of the request.

The Mayor inquired whether anyone of the public present wished to be heard in favor of the proposal.

John Vassallo, 730 N Plankinton Avenue, Milwaukee, owner of Mo's Irish Pub, stated that he is very happy having located his restaurant in Wauwatosa, and with the reception he has received. Since the

opening of the restaurant there have been challenges with providing adequate parking. (The restaurant did meet required parking space requirements when it opened.) To address the ongoing need for additional parking, the former Pizza Hut restaurant property was acquired. When it became evident that additional relief was still needed, investors were eventually found who are willing to acquire the properties at 431 and 443 N. 108th Street, seek rezoning to Off-Street Parking District, and raze the buildings thereon in order to create more parking. This latest proposal will bring the number of available stalls close to 180.

Joe Mundschau, 6425 W. Wisconsin Avenue, voiced support for the proposal, noting that additional parking will actually reduce Mo's overall footprint by reducing on-street parking that is now encroaching into neighborhoods.

Jeff Roznowski, 2609 N. 82nd Street, urged passage of the rezoning, stating that Mo's is a tremendous business that draws from a wide area. It brings people into Wauwatosa and fosters economic development. The restaurant is a victim of its own success and continues to make efforts to address parking needs. Mr. Vassallo is involved in the community and the restaurant supports many community events.

Suzanne Anderson, 11725 W. Clarke Street, a Mo's employee, voiced support for the rezoning requests as it will alleviate much of the parking that is trickling into surrounding neighborhoods.

Kurt Kostrzewa, 6616 Hillside Lane, a Mo's employee, stated that the restaurant is a good employer and makes many contributions to charities. It served as an unofficial meeting place for those involved in the aftermath of a nearby home explosion. Many employees are parking over three blocks away in order to save parking spaces for the patrons; having closer parking will benefit all.

Pat Ebert, 537 N. 108th Place, noted that she initially opposed the proposal to rezone the properties and raze the houses for additional parking. However, after further review, the creation of additional parking would eliminate much of the street parking on surrounding streets. While she is six doors away from the restaurant, she acknowledged that creating the parking lots *will* be a difficult adjustment for the residents immediately adjacent. Her grandson works at the restaurant, which is a good employer.

Seven other individuals registered in favor of the proposal, but did not speak: Kristina Mikkelsen, 7211 St. James Street, Devon Hassinger, 6120 W. Wright Street, Andy Small, 2542 N. 53rd Street, Milwaukee, Robina Reddie, 11205 W. Blue Mound Road, Cecil McGrew, 6100 W. State Street, Katie Eycklendt, 7352 Harwood Avenue, and James Valentine, 541 N. 111th Street.

The Mayor inquired whether anyone of the public present wished to be heard in opposition to the proposed rezoning.

Ana Sanchez, 442 N. 109th Street, stated that she will be living immediately adjacent to the parking lot, if created. Generally, there is adequate parking available for patrons now, since their turn-over occurs at approximately two-hour intervals. Employees, however, park for much longer periods. She asked the council to imagine how it would feel after living in one's home for nine years to find out that a parking lot may be constructed right next door. While Mr. Vassallo is a very nice person, perhaps the city ought to have questioned more thoroughly how much parking his business would need. Young children should not have to be exposed to improper language and behavior right

outside the bedroom window. Residents are seeing activities, hearing things, and finding articles of clothing that they should not be seeing, hearing, or finding.

Ron Fehn, 432 N. 109th Street, lives directly behind the property in question. His parents purchased this home in 1972. Mr. Fehn echoed Ms. Sanchez's remarks, and opined that this decision could be precedent-setting. While it is inconvenient for the neighborhood to have cars parked on the street on a daily basis, it is more of an imposition to ask people to live next to a parking lot all day, every day.

Philip Helwig, 829 N. 109th Street, opined that the rezoning could be precedent-setting inasmuch as it means encroachment of a business into a residential neighborhood. Mr. Vassallo thought the acquisition of the Pizza Hut property would solve the parking problem; now it is thought the acquisition of these two properties will solve the parking problem. What happens if Mr. Vassallo comes back in two or three years because the problem wasn't solved? What negative impact does this have on the neighborhood? Mr. Helwig noted that commercial property between 530 and 580 on N. 109th Street is available for sale; might that be a viable option instead for more parking?

Catherine Pinto, 511 N. 108th Place, spoke on behalf of her husband and five children. Unlike Mr. Vassallo, she does not have a website on which to garner support for a proposal, nor can she send e-mail blasts for the same purpose. Unlike some public officials, she has not held a fundraiser at the restaurant or invited her elected representative over. The city notes that its mission is "to provide services that are essential or that enhance the quality of life in the community." She and her family live one house away (from the proposed rezoning). Mo's is not 'essential' nor does it 'enhance the quality of life' for her and her family. The rezoning will negatively impact her family. She asked that the council consider a compromise such as that proposed by the Plan Commission (to rezone only 431 and *not* 443 N. 108th Street).

Cindy Albee, 11121 W. Wisconsin Avenue, noted that Wauwatosa is supposed to be a "city of homes." But discussion is underway to demolish two of those homes. People have lived in this neighborhood for many years; even those who have since moved away still speak fondly of this area. While she is glad Mr. Vassallo's business is doing well, tearing down two homes means encroachment of that business into the neighborhood. There are businesses on the east side of N. 108th Place. Can't additional parking be found there instead? What will rezoning do to the values of surrounding residential properties?

Three other individuals registered in opposition to the proposal, but did not speak: Carlos Pinto, 511 N. 108th Place, Joanne Stingl, 609 N. 109th Street, and Maria Sanchez, 442 N. 109th Street.

The Mayor inquired whether anyone of the public present had any questions or comments concerning the proposal.

Mary Dettmann, 518 N. 109th Street, addressed her concerns at length, noting she was not necessarily opposed to, or in favor of the proposal. She stated that she appreciates the concerns expressed by those residents who would be immediately adjacent to the proposed parking lot. She and her family have lived in the neighborhood for 35 years. The past 2 ½ - 3 years have been characterized by frustration and aggravation since Mo's opened. North 109th Street is commonly referred to as "employees' row" since employees park there all day long. They don't all park near the zoo and walk to work from there. Residents' guests have nowhere to park in the evening. She suggested that efforts be renewed to use the Tri-City Bank lot or 'the municipal lot' (a misconception; the city does not own a parking lot in this area). The parking arrangement with

Wheaton Franciscan has been rescinded. Years ago, Mr. Vassallo had a rule that employees not park on the streets; could this rule be reinstated? How long will Mr. Vassallo continue to pay the equivalent of residential taxes on these properties if they become parking lots? Would this request be the end of residential demolitions? The neighborhood is basically safe, except for speeding vehicles. If parking lots are created, can snow removed from the lots not be placed in the streets?

The public hearing was declared closed. Ordered held to the next Community Development Committee meeting on September 29, 2009.

PUBLIC HEARING

The second item on the agenda was a public hearing to consider the proposed rezoning of 443 N. 108th Street from AA Single Family Residence District to Off-Street Parking District.

Proof of publication is in the file.

In a meeting held on July 13, 2009, the City Plan Commission did not recommended approval of the request.

The Mayor reiterated that both proposals are related inasmuch as the intent of both rezoning requests is to provide additional parking for Mo's Irish Pub, 10842 W. Blue Mound Road. The comments in favor of, against, and questions regarding this request are largely reflected in the comments listed under the public hearing for 431 N. 108th Street.

There were no additional comments in favor of the proposal from anyone of the public present.

The Mayor inquired whether anyone of the public present wished to be heard in opposition to the proposed request.

Ana Sanchez, 442 N. 109th Street, added one point she'd neglected to mention previously – that if the rezoning are approved, that some of the existing trees be preserved, as they do create a barrier for her property.

Carl Fehn, 432 N. 109th Street, a long-time resident, stated that Mr. Vassallo had indicated that parking concerns would be alleviated with construction of a parking structure on the Pizza Hut property. That didn't happen. Now the 'solution' may be located just twenty feet from his house. Ms. Sanchez is facing the same prospect. How many people would want a parking lot in their back yards?

Ken Masch, 557 N. 108th Place, suggested that available property across the street be considered as an alternate location for additional parking.

John Klippel, 448 N. 109th Street, located diagonally from the proposal, opined that granting this request could be precedent-setting. He acknowledged that there are occasional parking problems, but they are minimal.

The Mayor inquired whether there was anyone of the public present who had any questions or comments.

In response to Pat Ebert's (537 N. 108th Place) question about spot-zoning, Attorney Kesner replied that this proposal did not fit that definition as the properties in question are contiguous.

Ron Fehn, 432 N. 109th Street, inquired about parking ratio requirements for the new Pick 'n Save food store on Mayfair Road in comparison to the parking requirements for Mo's. Attorney Kesner replied that both the former Ground Round (on the current Mo's property) and Mo's Irish Pub met parking requirements. Different parking requirements are based upon expected and average usage and historical data for commercial operations.

John Klippel, 448 N. 109th Street, inquired about the availability of parking near the Tri-City Bank property. Since that property is under private (not city) ownership, Mr. Kesner advised that staff could not answer that question.

The public hearing was declared closed. Ordered held to the next Community Development Committee meeting on September 29, 2009.

APPOINTMENTS BY THE MAYOR

ad hoc Energy Committee

Nicholas Welch, 8624 Stickney Avenue
(term ends 11/1/10)

Foregoing appointment ordered held as this was the first reading.

APPLICATIONS, COMMUNICATIONS, ETC.

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

Place on file

2. Notice of Claim: Kenneth Griffith, 1927 N. Wauwatosa Avenue, Wauwatosa

City Attorney

3. Land Combination by Certified Survey Map in the AA Institutions District at 10000 W. Blue Mound Road, Loren Meyer, MD, Heart Hospital, applicant

Plan Commission, Community Development Committee

4. Summons and Complaint: Ronald L. Collison, 2140 N. 93rd Street, Wauwatosa

City Attorney

5. City of Wauwatosa Statement of Financial Condition and Investment Summary for the period ending August 31, 2009

Place on file

6. E-mails from Bonnie and Chuck Ehler, 11000 Harvard Lane, and Jim and Mary Dettman, 518 N. 109th Street, listing concerns regarding the proposed rezoning of 431 and 443 N. 108th Street

Add to existing file

7. E-mails from Derek De Vry, 10900 W. Blue Mound Road, Patricia Drews, Kurt Zimmerman, Francis Hughes, Jane Mortazavi, James Kasper, Le Ann Kasper, Teryn Janecek, Jake Dehne, Joe Nitz, Marc Blazich, John Albert, Jim Kalland, Mark Natzke, Gary Binter, Rodney Van Bibber,

Jennifer Bond (no addresses given), in support of the proposed rezoning of 431 and 443 N. 108th Street

Add to existing file

8. Letter from Chuck Rohrer, Chair, Energy Policy Subcommittee, Wauwatosa Energy Committee, regarding a proposed energy policy for a more sustainable future for the city

Community Development Committee

9. Letter from Francis J. Hughes, 2517 Pasadena Blvd., supporting proposed rezoning of 431 and 443 N. 108th Street

Add to existing file

10. E-mails in opposition to the proposed rezoning of 431 and 443 N. 108th Street: Jeffery Taylor (no address given); Jim & Mary Dettman, 518 N. 109th Street

Add to existing file

11. E-mails in support of the proposed rezoning of 431 and 443 N. 108th Street: Stated Wauwatosa residents: Briana Jury (no address given); Lisa Frymark (no address given); Brian Blaney (no address given); Ronald Nielson (no address given); Stated not Wauwatosa residents: Missy (no last name, no address given); Kristi Monroe (no address given); Christina Bingham (no address given)

Add to existing file

12. Letter from Joanne E. Stingl, 609 N. 109th Street, Wauwatosa, in opposition to the proposed rezoning of 431 and 443 N. 108th Street, and expressing concerns about the process

Add to existing file

13. Memo from Alderman Meaux requesting a temporary waiver of fees for the Tosa Farmers' Market 4-hour kick-off event

Approval requested under suspension of the rules

It was moved by Ald. Meaux, seconded by Ald. Jay to suspend the rules in order to consider this item. -13

Ald. Meaux explained that in an effort to showcase the community to potential vendors, to encourage their participation in the 2010 market, and to give staff time to develop appropriate applicable license fees for this event, he was requesting the one-time fee waiver.

It was moved by Ald. Meaux, seconded by Ald. Jay to authorize the Health Department to waive fees associated with this one-time kick-off event for the farmers' market. Vendors will be expected to operate in accordance with the Wisconsin food code and applicable city codes. Inspections by the city's registered sanitarians will occur as required. Roll call vote, Ayes 12, Noes 1 (Dennik)

The resolution is as follows:

RESOLUTION R-09-205

WHEREAS, local residents, with the support of local businesses and the Wauwatosa Village Business Improvement District, formed the Tosa Farmers Market (TFM), in an effort reestablish and sustain a local farmers market; and

WHEREAS, such re-occurring activities provide an additional quality of life experience within the City of Wauwatosa, and provide further support for area businesses; and

WHEREAS, TFM has been marketing and coordinating the return of a farmers market to be located in the Municipal parking lot near the newly restored Little Red Store, with a one-time market date on September 26, 2009, scheduled to be a 4-hour event to introduce vendors to the City, demonstrate the market appeal of this location and generate interest and support among residents from the City and beyond; and

WHEREAS, an obstacle to the success of this one-time kickoff event has been the fees currently being required of certain vendors for this very time-limited event, which fee is seen as a barrier to the small vendors targeted for this activity in future years; and

WHEREAS, in order for the City to afford some reasonable flexibility in licensing and regulation as permanent measures are prepared to accommodate the future of this event, it would be in the interest of the City to temporarily waive the current fee for this 4-hour event;

NOW, THEREFORE, BE IT RESOLVED THAT, all Health Department and related City fees for individual vendors and participants in the one-time kickoff event for the Tosa Farmers' Market on September 26, 2009, to be located in the municipal parking lot behind the Little Red Store on Harwood Avenue in the City of Wauwatosa, are hereby waived;

BE IT FURTHER RESOLVED THAT, this resolution is a one-time only exemption of fee payment; and

BE IT FINALLY RESOLVED THAT all vendors must operate in accordance with the Wisconsin food code and all applicable City of Wauwatosa municipal codes, all vendors must be inspected at least once and as needed thereafter by a City of Wauwatosa registered sanitarian, and a City of Wauwatosa registered sanitarian has the authority to enforce City of Wauwatosa Health Department's policies and procedures as they apply to food inspections.

FROM THE COMMUNITY DEVELOPMENT COMMITTEE FOR INTRODUCTION

1. Amendment to the zoning code revising the definition of building height
Re-referred to originating committee
2. Proposed updates to Hart Park rules and proposed field and track use rules
Re-referred to originating committee

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-09-201

WHEREAS, Amanda L. Prochniak, 4032 W. Mill Road, Milwaukee, WI, applied for an operator's license in conjunction with her employment at The Cheesecake Factory on Mayfair Road in Wauwatosa, WI; and

WHEREAS, the applicant did not disclose all prior violations on her application and her failure to disclose them is 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 Amanda L. Prochniak is hereby denied;

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

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-09-202

WHEREAS, Natalie C. Susic, 3252 S. 108th Street, #6, West Allis, WI, has applied for an operator's license in conjunction with her employment at Mo's Irish Pub, 10842 W. Blue Mound Road, Wauwatosa, WI;

NOW, THEREFORE, BE IT RESOLVED THAT Natalie C. Susic, 3252 S. 108th Street, #6, West Allis, WI, is hereby issued an operator's license for the period ending June 30, 2010.

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-09-203

WHEREAS, Michael P. McDonald, 2318 S. 29th Street, Milwaukee, WI, has applied for an operator's license in conjunction with his employment at Café Hollander, 7677 W. State Street, Wauwatosa, WI;

NOW, THEREFORE, BE IT RESOLVED THAT Michael P. McDonald, 2318 S. 29th Street, Milwaukee, WI, is hereby issued an operator's license for the period ending June 30, 2010.

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-09-204

WHEREAS, Nicholas P. Renz, 116 N. Main Street, Apt. 3, Burlington, WI, has applied for an operator's license in conjunction with his employment at The Cheesecake Factory on Mayfair Road in Wauwatosa, WI;

NOW, THEREFORE, BE IT RESOLVED THAT Nicholas P. Renz, 116 N. Main Street, Apt. 3, Burlington, WI, is hereby issued an operator's license for the period ending June 30, 2010.

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-09-207

WHEREAS, Sarah T. Graham, 4034 S. 77th Street, Milwaukee, WI, has applied for an operator's license in conjunction with her employment at The Cheesecake Factory, 2305 N. Mayfair Road, Wauwatosa, WI;

NOW, THEREFORE, BE IT RESOLVED THAT Sarah T. Graham, 4034 S. 77th Street, Milwaukee, WI, is hereby issued an operator's license for the period ending June 30, 2010.

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-09-208

WHEREAS, George DeGraffenreid Jr., agent for Target Corporation, d/b/a Target Store T-2586, 3900 N. 124th 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 Target Corporation, d/b/a Target Store T-2586, George DeGraffenreid Jr., agent, 3900 N. 124th Street, Wauwatosa, WI, for the period ending June 30, 2010.

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

ORDINANCE O-09-19

AN ORDINANCE AMENDING SECTION 6.08.060 OF THE WAUWATOSA MUNICIPAL CODE TO PROVIDE A SIX MONTH WAITING PERIOD FOR REAPPLICATION BY OPERATOR'S LICENSE APPLICANTS WHO HAVE BEEN DENIED BY THE COMMON COUNCIL

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

Part I. Section 6.08.060 C of the Wauwatosa Municipal Code shall be created to read as follows:

An applicant for an operator's license whose application has been denied by the Wauwatosa Common Council shall not be permitted to reapply or be reconsidered for an operator's license at any time sooner than six months following the date of the denial by the Common Council.

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

It was moved by Ald. Birschel, seconded by Ald. Organ to approve the six foregoing resolutions and to adopt the foregoing ordinance. -13

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION

WHEREAS, Brent J. Dziondziak, 2167 N. 69th Street, Wauwatosa, WI, has applied for an operator's license in conjunction with his employment at Walter's Tap, 6930 W. North Avenue, Wauwatosa, WI;

NOW, THEREFORE, BE IT RESOLVED THAT Brent J. Dziondziak, 2167 N. 69th Street, Wauwatosa, WI, is hereby issued an operator's license for the period ending June 30, 2010.

It was moved by Ald. Organ, seconded by Ald. Hanson to refer this matter back to committee for further consideration as additional information has become available from the police department. -13

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION

WHEREAS, Christopher D. Nelson, 1600 N. 116th Street, #1, Wauwatosa, WI, applied for an operator's license in conjunction with his employment at the Tobacco Outlet, 11712 W. North Avenue, Wauwatosa, WI; and

WHEREAS, a background investigation revealed the applicant had more than one conviction; and

WHEREAS, the circumstances surrounding these previous convictions are substantially related to the responsibilities required of persons holding operator's licenses in the City of Wauwatosa;

NOW, THEREFOE, BE IT RESOLVED THAT the operator's license application of Christopher D. Nelson is hereby denied;

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

It was moved by Ald. Birschel, seconded by Ald. Hanson to refer this matter back to committee for further consideration as additional information has become available. Ayes 10, Noes 3 (Herzog, Dennik, McBride)

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-09-209

WHEREAS, John and Patricia Petroff have applied for a Conditional Use in the AA Business District at 10940 W. Capitol Drive for a Subway 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 John and Patricia Petroff for a Subway restaurant in the AA Business District at 10940 W. Capitol Drive subject to the following conditions:

- 1) hours of operation 7:00 a.m. to 10:00 p.m. daily, and
- 2) obtaining all necessary licenses and permits

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-09-210

WHEREAS, in 2003, the City of Wauwatosa and Wheaton Franciscan Healthcare - SE Wisconsin, Inc. (“Wheaton”), entered into a Boundary Agreement in an effort to protect the residential character of the neighborhood east of the Wisconsin Heart Hospital and Professional Office Building on 99th Street between Wisconsin Avenue and Blue Mound Road in the City of Wauwatosa; and

WHEREAS, at that time, Wheaton committed to maintaining the homes it owned along the east side of 99th Street in their single-family residential character for a period of 20 years; and

WHEREAS, Wheaton has recently indicated that, rather than maintaining ownership of the homes, it would now prefer to sell the single-family residences to a new owner, who could rehabilitate and resell the homes to the individual owners; and

WHEREAS, the above process cannot be accomplished unless there is an amendment to the Boundary Agreement, which is reflected in the “Restated and Amended Boundary Agreement” presented to the Committee on Community Development at its meeting on September 8, 2009; and

WHEREAS, the “Restated and Amended Boundary Agreement” would include a provision to maintain the residential character of the neighborhood until at least the year 2023;

NOW, THEREFORE, BE IT RESOLVED THAT appropriate City officials are hereby authorized to execute the “Restated and Amended Boundary Agreement” with Wheaton Franciscan Healthcare – SE Wisconsin, Inc., in a form substantially similar to that presented to the Committee on Community Development at its meeting on September 8, 2009, a copy of which is attached hereto and incorporated herein.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-09-211

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, October 20, 2009 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 a proposed ordinance amending Chapter 24.02.090 regarding the definition of building height.

BE IF FURTHER RESOLVED THAT the City Clerk be and is hereby directed to publish the proper notices of said hearing as required by law.

It was moved by Ald. Herzog, seconded by Ald. Meaux
to approve the three foregoing resolutions. -13

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-09-212

WHEREAS, the Milwaukee Water Works has received approval from the Wisconsin Public Service Commission to increase water rates charged to all of its customers, including the Wauwatosa Water Utility; and

WHEREAS, the Wisconsin Public Service Commission, on July 9, 2009, approved the request of the Wauwatosa Water Utility to pass this increase in Milwaukee's water rates through to customers of the Wauwatosa Water Utility; and

WHEREAS, the rate increase would cover the increased costs of purchased water from Milwaukee provided to customers of the Wauwatosa Water Utility;

NOW, THEREFORE, BE IT RESOLVED THAT the pass through rate increase for the Wauwatosa Water Utility approved by the Wisconsin Public Service Commission as a rate adjustment is hereby approved and implemented in billing to customers of the Wauwatosa Water Utility effective November 1, 2009.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-09-213

WHEREAS, the City of Wauwatosa Water Utility requires the use of diesel power emergency backup generators to be available at all times; and

WHEREAS, the Purchasing Department solicited proposals for a three-year maintenance contract on diesel powered emergency backup generators currently utilized by the Wauwatosa Water Utility; and

WHEREAS, Cummins N-Power, LLC, provided a proposal at a cost of \$1,679.00 annually, which is the lowest of the proposals received;

NOW, THEREFORE, BE IT RESOLVED THAT City officials are hereby authorized to enter into an Agreement with Cummins N-Power, LLC, for a three-year maintenance contract for two diesel powered emergency backup generators in the Water Utility consistent with the proposal received on September 1, 2009.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-09-214

WHEREAS, the City of Wauwatosa Fire Department is required to purchase vehicle lift equipment for the maintenance area of Fire Station #1; and

WHEREAS, the recommended equipment would be available at a price of \$65,193.77 from Mohawk Lifts of Amsterdam, NY, under the State of Wisconsin contract, and

WHEREAS, Mohawk Lifts has indicated to the City of Wauwatosa that it has available a “demonstration” model of the lift described above which was used previously at trade shows, which it can sell to the City for a price of \$54,956.21, but the purchase of the demonstration model would require a waiver of the competitive bidding process;

NOW, THEREFORE, BE IT RESOLVED THAT City of Wauwatosa officials are hereby authorized to purchase a demonstration model from Mohawk Lifts as described in the memorandum from the Fire Chief dated September 3, 2009, at a price of \$54,956.21, and that the competitive bidding process is hereby waived for this purchase.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-09-215

WHEREAS, the City has received one proposal in the amount of \$792,681.00 from United Healthcare for a stop loss contract from 10/1/09 to 10/1/10; and

WHEREAS, the City’s consultants continue to market the stop loss contract in an attempt to obtain a lower bid prior to the renewal date;

NOW, THEREFORE, BE IT RESOLVED THAT the proper City officials are authorized to enter into a contract for stop loss insurance in an amount of \$792,681.00 or a lesser amount if a qualified lower proposal is received prior to the renewal date.

It was moved by Ald. Ewerdt, seconded by Ald. Berdan
to approve the four foregoing resolutions. -13

FROM THE COMMITTEE ON BUDGET AND FINANCE

BILLS AND CLAIMS FOR THE PERIOD 9/2/09 – 9/15/09 --

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 9/2/09 – 9/15/09: \$3,497,220.17

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 13

There being no further business, the meeting adjourned at 8:40 p.m.

cal

Carla A. Ledesma, CMC, City Clerk