



CITY OF WAUWATOSA
MEMORIAL CIVIC CENTER
7725 WEST NORTH AVENUE
WAUWATOSA, WI 53213
Telephone: (414) 479-8917
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COMMON COUNCIL

Regular Meeting, Tuesday, June 16, 2009

PRESENT: Alds. Berdan, Birschel, Dennik, Donegan, Ewerdt, Hanson, Herzog, Jay, Krol, Meaux, Nikcevich, Organ, Stepaniak, Walsh, Wilke -15

EXCUSED: Ald. McBride

ALSO PRESENT: Mr. Archambo, City Administrator; Mr. Kesner, City Attorney; Mr. Braier, Finance Director; Mr. Kappel, Public Works Director; Ms. Szudy, City Planner; Police Capt. Weiss; Mr. Rusch, Intern; Ms. Ledesma, City Clerk; Ms. Van Hoven, Deputy City Clerk

Mayor Didier in the Chair

The Mayor called the meeting to order at 7:45 p.m.

APPOINTMENT OF 8TH DISTRICT ALDERMAN

RESOLUTION R-09-148

BE IT RESOLVED, by the Common Council of the City of Wauwatosa, THAT the rules of the Common Council be suspended for the purpose of appointing Jason G. Wilke as Alderman of the Eighth Aldermanic District of the City of Wauwatosa for a term ending in April, 2010.

It was moved by Ald. Birschel, seconded by Ald. Dennik to appoint Jason G. Wilke as 8th District Alderman. -14

City Clerk Carla Ledesma administered the oath of office to Mr. Wilke.

(Ald. Wilke present) -15

It was moved by Ald. Organ, seconded by Ald. Hanson that the reading of the minutes of the last regular meeting be dispensed with and they be approved as printed. -15

APPOINTMENTS BY THE MAYOR

Civic Celebration Commission
Dan Zarwell, 2135 N. 62nd Street

Bill Berdan, 2049 N. 114th Street
Sherryl Wedel, 6131 Washington Circle
Robert Brunow, 10401 W. Vienna Avenue
Judy Randall, 317 N. 89th Street
(Terms end 12/30/13)

Board of Examiners and Appeals

Robert Ornst, Jr., 6526 Hillcrest Drive
J. Travers Price, 8626 Jackson Park Boulevard
Charles E. Millman, 2250 N. 72nd Street
(Terms end 5/30/11)

Board of Review

Joe Duffey, 726 Windsor Court
(Term ends 6/30/10)
Jim Benz, 2504 N. 83rd Street
(Term ends 6/30/12)

Library Board

Ann Marie Perhach, 11637 W. Clarke Street
Peter Holtz, 2650 N. 89th Street
Maureen Klein, 1816 Alta Vista Avenue
(Terms end 6/30/12)

Foregoing appointments ordered held as this was the first reading.

APPLICATIONS, COMMUNICATIONS, ETC.

1. City of Wauwatosa Investment Summary for the period ending May 31, 2009
Place on file
2. Notice of Claim: Walter D. Repinski, 12885 W. North Lane, New Berlin
City Attorney
3. Wauwatosa Water Utility Statement of Receipts and Disbursements for the period ending May 31, 2009
Place on file
4. Statement of Financial Condition for the period ending May 31, 2009
Place on file
5. Bank Reconciliation of Depository Accounts as of May 31, 2009
Place on file

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT FOR INTRODUCTION

1. Ordinance amending Chapter 24 of the Code to rezone a portion of 1530 Church Street from BB Two Family Residence District to Village Trade District
Re-referred to originating committee

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-09-135

WHEREAS, Michael E. Jamel, 1307A N. 67th Street, Wauwatosa, WI, applied for an operator's license in conjunction with his employment at AMF Bowlero, 11737 W. Burleigh, Wauwatosa; and

WHEREAS, the Committee on Legislation, Licensing & Communications reviewed the applicant's criminal history and inquired about past offenses during its meeting on June 9, 2009; and

WHEREAS, applicant did not disclose information on his application which indicates a lack of understanding and appreciation of the important requirements of a licensed operator in the City of Wauwatosa;

NOW, THEREFORE BE IT RESOLVED THAT the operator's license application of Michael E. Jamel is hereby denied;

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

It was moved by Ald. Birschel, seconded by Ald. Organ to approve the foregoing resolution. -15

FROM THE COMMITTEE ON TRAFFIC AND SAFETY

ORDINANCE O-09-10

AN ORDINANCE IMPLEMENTING NO PARKING BETWEEN 7:30 A.M. AND 4:30 P.M. IN THE ROOSEVELT SCHOOL DROP-OFF LANE ON NORTH 74TH STREET NORTH OF WEST WRIGHT STREET

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

Part I. The "North 73rd Street – West Side" section of the "Schedule of Streets, and portions" portion of Section 11.32.080 of the Wauwatosa Municipal Code is hereby amended by adding the following provisions:

(h) (z) from West Wright Street to a point 245 feet north thereof (school drop-off area) and

(h) from 245 feet north of West Wright Street to a point 225 feet north thereof

Part II. The "North 74th Street – East Side" section of the "Schedule of Streets, and portions" portion of Section 11.32.080 of the Wauwatosa Municipal Code is hereby amended as follows:

“(s) from West Wright Street to West Center Street” is hereby deleted and the following provisions are hereby added to that section:

“(a) from West Wright Street to a point 55 feet north thereof”

“(h) from a point 55 feet north of West Wright Street to a point 195 feet north thereof (school drop-off zone)”

“(a) from 275 feet north of West Wright Street to West Center Street”

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

FROM THE COMMITTEE ON TRAFFIC AND SAFETY

ORDINANCE O-09-11

AN ORDINANCE AMENDING SECTIONS 11.36.190 AND 11.36.200 OF THE CODE OF THE CITY OF WAUWATOSA PROHIBITING LEFT TURNS AND U-TURN ON A CERTAIN PORTION OF NORTH 124TH STREET

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

Part I. Section 11.36.190 of the Wauwatosa Municipal Code is hereby amended by adding a new paragraph #21 which states as follows:

“On the east side of North 124th Street at the first median opening north of West North Avenue”

Part II. Section 11.36.200 of the Wauwatosa Municipal Code is hereby amended by adding a new paragraph #10 which states as follows:

“On the east side of North 124th Street at the first median opening north of West North Avenue”

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

FROM THE COMMITTEE ON TRAFFIC AND SAFETY

RESOLUTION R-09-136

WHEREAS, the Department of Public Works at the direction of the Committee on Traffic & Safety as performed trial uses of the in-street pedestrian signs along West North Avenue in the City of Wauwatosa since October, 2008; and

WHEREAS, the use of such signs is now included in the Manual on Uniform Traffic Control Devices (MUTCD) as well as State Statutes; and

WHEREAS, additional installations of signs have been requested at numerous locations throughout the City;

NOW, THEREFORE, BE IT RESOLVED THAT the use and installation of in-street pedestrian crossing signs in the City of Wauwatosa is hereby approved under the following conditions:

1. Locations must adhere to MUTCD guidelines;
2. Signs may be installed in May of each year and removed in October of each year;
3. Signs must be installed only on major arterials with significant pedestrian activity;
4. Installation is at the discretion and prioritization of the Director of Public Works only as funding becomes available, although any donations to be utilized for such sign installations may proceed without additional Common Council approval;
5. The Committee on Traffic & Safety recommends creation of a line item in the 2010 budget for such signs, which item may be funded through the 2010 City budget as appropriate.

It was moved by Ald. Meaux, seconded by Ald. Jay to adopt the two foregoing ordinances and to approve the foregoing resolution. -15

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-09-137

WHEREAS, Theo and Helen Tselentis have applied for a Conditional Use in the Trade District at 7203 W. North Avenue for the addition of outdoor seating for a 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, and;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin hereby grants a Conditional Use to Theo and Helen Tselentis for outdoor dining for a restaurant in the Trade District at 7203 W. North Avenue subject to the following conditions:

- 1) outdoor patio hours of 6:00 a.m. to 11:00 p.m.; and
- 2) obtaining all necessary licenses and permits.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-09-138

WHEREAS, David Lamb has applied for a Conditional Use in the Trade District at 7225 W. North Avenue for a 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 David Lamb for a restaurant in the Trade District at 7225 W. North Avenue subject to the following conditions:

- 1) hours of operation 7:00 a.m. to 11:00 p.m.; and
- 2) obtaining all necessary licenses and permits.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-09-139

WHEREAS, Cameryn Roberts and Sarah Jonas have applied for a Conditional Use in the Trade District at 6030 W. North Avenue for additional outdoor seating consisting of four tables located under the front awning at an existing 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, and;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin hereby grants a Conditional Use to Cameryn Roberts and Sarah Jonas for additional seating a restaurant with outdoor dining and extended hours in the Trade District at 6030 W. North Avenue subject to the following conditions:

- 1) seating for four tables located under the front awning with outdoor patio hours of 8:00 a.m. to 11:00 p.m.; and
- 2) compliance with conditions previously placed on the operation of this restaurant; and
- 3) obtaining all necessary licenses and permits.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-09-140

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, July 21, 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 rezoning an approximately 20 ft. by 60 ft. portion of 1530 N. Church Street from BB Two Family Residence District to Village Trade District.

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.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-09-141

BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin THAT permission be and the same is hereby granted to the City of Wauwatosa for a Land Combination by Certified Survey Map of a portion of 1530 Church Street in the BB Two Family Residence District and 1531-1615 Underwood Avenue in the Village Trade District. A Certified Survey Map to be filed with Milwaukee County Register of Deeds described as follows:

Being a redivision of Lots 21,22, and part of Lot 23 in Coulthard's subdivision, Lots 11 thru 13 and part of Lots 1,2,and 3 in Assessor's plat no. 23, Lots 3 thru 10 in the resubdivision of Lots 1 to 4, 10 and part of Lot 5 in Greenwood's Subdivision and a part of Lot 9 in Greenwood's Subdivision, all being in the Northeast ¼ of the Southeast ¼ of Section 21, 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.

It was moved by Ald. Herzog, seconded by Ald. Nikceovich to approve the five foregoing resolutions. -15

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-09-142

WHEREAS, the Common Council previously approved application to the Environmental Protection Agency for a Brownfields Assessment Grant to be prepared by the engineering firm of Symbiont; and

WHEREAS, the American Recovery and Reinvestment Act (ARRA) of 2009 provided funding for the grant, and Wauwatosa was one of only two municipalities in the State of Wisconsin awarded the EPA Brownfields Assessment Grant; and

WHEREAS, the proposed grant, was awarded in the amount of \$400,000.00; and

WHEREAS, the proposed expenditures of the 2009 Brownfield Assessment Grant were outlined in a Work Plan presented to the Committee on Budget & Finance at its meeting of June 9, 2009;

NOW, THEREFORE, BE IT RESOLVED THAT the appropriate City officials are hereby authorized to execute and proceed with the proposed uses of the 2009 EECBG (Brownfield Assessment Grant) funds as provided in the Brownfield Assessment Grant Work Plan presented to the Committee on Budget & Finance on June 9, 2009.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-09-143

BE IT RESOLVED, by the Common Council of the City of Wauwatosa THAT the claim filed by Richard Meeusen 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.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-09-144

BE IT RESOLVED, by the Common Council of the City of Wauwatosa, THAT the claim filed by Meghan Deutsch 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.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-09-145

**RESOLUTION AUTHORIZING THE ISSUANCE OF \$9,400,000
GENERAL OBLIGATION PROMISSORY NOTES AND THE ISSUANCE AND SALE OF
\$9,400,000 NOTE ANTICIPATION NOTES, SERIES 2009 IN ANTICIPATION THEREOF**

WHEREAS, the Common Council of the City of Wauwatosa, Milwaukee County, Wisconsin (the "City") hereby finds and determines that it is necessary, desirable and in the best interest of the City to raise funds for the purpose of paying the cost of constructing and equipping a new fire station (the "Project"), and there are insufficient funds on hand to pay said costs;

WHEREAS, the Common Council hereby finds and determines that the Project is within the City's power to undertake and therefore serves a "public purpose" as that term is defined in Section 67.04(1)(b) of the Wisconsin Statutes;

WHEREAS, cities are authorized by the provisions of Chapter 67, Wisconsin Statutes, to borrow money and to issue general obligation promissory notes for such public purposes;

WHEREAS, it is the finding of the Common Council that it is necessary, desirable and in the best interest of the City to authorize the issuance of and covenant to issue general obligation promissory notes (the "Securities") to provide permanent financing for the Project;

WHEREAS, the Securities have not yet been issued or sold;

WHEREAS, cities are authorized by the provisions of Section 67.12(1)(b), Wisconsin Statutes, to issue note anticipation notes in anticipation of receiving the proceeds from the issuance and sale of the Securities; and

WHEREAS, it is the finding of the Common Council that it is necessary, desirable and in the best interest of the City to authorize the issuance and sale of note anticipation notes pursuant to Section 67.12(1)(b), Wisconsin Statutes (the "Notes"), in anticipation of receiving the proceeds from the issuance and sale of the Securities, to provide interim financing to pay the cost of the Project.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City that:

Section 1. Authorization of Securities. The City hereby authorizes the issuance and declares its intention and covenants to issue the Securities pursuant to the provisions of Chapter 67, Wisconsin Statutes, in an amount sufficient to retire any outstanding note anticipation notes issued for the purpose of paying the cost of the Project.

Section 2. Authorization of the Notes. In anticipation of the sale of the Securities, for the purpose of paying the cost of the Project, there shall be borrowed pursuant to Section 67.12(1)(b), Wisconsin Statutes, the principal sum of NINE MILLION FOUR HUNDRED THOUSAND DOLLARS (\$9,400,000) from a purchaser to be determined by subsequent resolution of the Common Council (the "Purchaser").

Section 3. Sale of the Notes. To evidence such indebtedness, the Mayor and City Clerk are hereby authorized, empowered and directed to make, execute, issue and sell to the Purchaser for, on behalf of and in the name of the City, the Note aggregating the principal amount of NINE MILLION FOUR HUNDRED THOUSAND DOLLARS (\$9,400,000).

Section 4. Terms of the Notes. The Notes shall be designated "Note Anticipation Notes, Series 2009"; shall be in the denomination of \$5,000 or any integral multiple thereof; shall be numbered 1 and upward; shall be dated, and shall mature in the years and principal amounts as specified by subsequent resolution of the Common Council.

Section 5. Award of the Notes. At a subsequent meeting, the Common Council shall consider taking further action to provide the details of the Notes and to award the Notes to the Purchaser.

Section 6. Conflicting Resolutions; Severability; Effective Date. All prior resolutions, rules or other actions of the Common Council or any parts thereof in conflict with the provisions hereof shall be, and the same are, hereby rescinded insofar as the same may so conflict. In the event that any one or more provisions hereof shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions hereof. The foregoing shall take effect immediately upon adoption and approval in the manner provided by law.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-09-146

RESOLUTION AUTHORIZING THE BORROWING OF \$5,300,000; AND PROVIDING FOR THE ISSUANCE AND SALE OF TAXABLE GENERAL OBLIGATION PROMISSORY NOTES (BUILD AMERICA BONDS – DIRECT PAYMENT) THEREFOR

WHEREAS, the Common Council of the City of Wauwatosa, Milwaukee County, Wisconsin (the "City") hereby finds and determines that it is necessary, desirable and in the best interest of the City to raise funds for the purpose of paying the cost of various public improvements included in the City's 2009 Capital Project Plan, including repairing and upgrading streets, parks, storm and sanitary sewers (the "Project"), and there are insufficient funds on hand to pay said costs;

WHEREAS, the general nature and location of each element of the Project is set forth in the City's Capital Project Plan which is incorporated herein by this reference;

WHEREAS, the Common Council hereby finds and determines that the Project is within the City's power to undertake and therefore serves a "public purpose" as that term is defined in Section 67.04(1)(b) of the Wisconsin Statutes;

WHEREAS, cities are authorized by the provisions of Section 67.12(12) of the Wisconsin Statutes to borrow money and to issue general obligation promissory notes for such public purposes;

WHEREAS, it is the finding of the Common Council that it is desirable and in the best interest of the City to take the steps necessary to irrevocably designate the general obligation promissory notes to be qualified "Build America Bonds - Direct Payment" within the meaning of Subsection 54AA(g) of the Internal Revenue Code of 1986, as amended (the "Code") and the applicable regulations promulgated under the Code (the "Regulations") so that the City may claim refundable credits with respect to each interest payment on the general obligation promissory notes, payable to the City by the Secretary of the United States Department of the Treasury ("Treasury");

WHEREAS, because the Common Council will designate the general obligation promissory notes to be qualified Build America Bonds - Direct Payment, the interest on the general obligation promissory notes will be includible in gross income for federal income tax purposes under Subsection 54(f)(1) of the Code; and

WHEREAS, the Common Council of the City hereby finds and determines that Taxable General Obligation Promissory Notes (Build America Bonds - Direct Payment) (the "Notes") in the amount of \$5,300,000 should be issued, and it is now necessary and desirable to authorize their issuance and sale.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City that:

Section 1. Authorization of the Notes. For the purpose of paying the cost of the Project, there shall be borrowed pursuant to Section 67.12(12) of the Wisconsin Statutes, the principal sum of FIVE MILLION THREE HUNDRED THOUSAND DOLLARS (\$5,300,000) from a purchaser to be determined by subsequent resolution of the Common Council (the "Purchaser").

Section 2. Sale of the Notes. To evidence such indebtedness, the Mayor and City Clerk are hereby authorized, empowered and directed to make, execute, issue and sell to the Purchaser for, on behalf of and in the name of the City, the Notes aggregating the principal amount of FIVE MILLION THREE HUNDRED THOUSAND DOLLARS (\$5,300,000).

Section 3. Terms of the Notes. The Notes shall be designated "Taxable General Obligation Promissory Notes (Build America Bonds - Direct Payment)"; shall be in the denomination of \$5,000 or any integral multiple thereof; shall be numbered 1 and upward; shall be dated, and shall mature in the years and principal amounts as specified by subsequent resolution of the Common Council.

Section 4. Award of the Notes. At a subsequent meeting, the Common Council shall consider taking further action to provide the details of the Notes; to award the Notes to the Purchaser; and to levy a direct annual irrevocable tax sufficient to pay the principal of and interest on the Notes as the same becomes due as required by law.

Section 5. Conflicting Resolutions; Severability; Effective Date. All prior resolutions, rules or other actions of the Common Council or any parts thereof in conflict with the provisions hereof shall be, and the same are, hereby rescinded insofar as the same may so conflict. In the event that any one or more provisions hereof shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions hereof. The foregoing shall take effect immediately upon adoption and approval in the manner provided by law.

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

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-09-147

BE IT RESOLVED THAT staff is hereby authorized complete and submit an application for Energy Efficiency Community Block Grant funds, and if awarded, shall utilize the funds to perform an energy study, make lighting improvements in City Facilities, and further energy efficiency in the community.

It was moved by Ald. Ewerdt, seconded by Ald. Walsh
to approve the foregoing resolution. 14-1 (Jay)

FROM THE COMMITTEE ON BUDGET AND FINANCE

BILLS AND CLAIMS FOR THE PERIOD 6/3/09 – 6/16/09 --

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 6/3/09 – 6/16/09: \$3,754,212.86

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

There being no further business, the meeting adjourned at 7:55 p.m.

cal

Carla A. Ledesma, CMC, City Clerk