



CITY OF WAUWATOSA  
MEMORIAL CIVIC CENTER  
7725 WEST NORTH AVENUE  
WAUWATOSA, WI 53213  
Telephone: (414) 479-8917  
Fax: (414) 479-8989

**COMMON COUNCIL**  
**Regular Meeting, Tuesday, April 1, 2008**

PRESENT: Alds. Stepaniak, Birschel, Didier, Donegan, Ewerdt, Grimm, Hanson, Herzog, Krill, Krol, Maher, Purins -12

EXCUSED: Alds. Treis, Becker, Meaux, Minear

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 Capt. Weiss; Fire Chief Redman; Dr. Kreuser, Health Officer; Ms. Ledesma, City Clerk; Ms. Van Hoven, Deputy City Clerk

Mayor Estness in the Chair

The Mayor called the meeting to order at 7:30 p.m.

It was moved by Ald. Grimm, seconded by Ald. Didier that the reading of the minutes of the last regular meeting be dispensed with and they be approved as printed. -12

**PUBLIC HEARING**

The first item of a business was a public hearing to consider the following streets proposed for improvement in 2008:

<u>Street &amp; Location</u>	<u>Ald.</u> <u>Dist.</u>	<u>Exist &amp;</u> <u>(Prop.)</u> <u>Width</u>	<u>Pavement</u> <u>Construction</u> <u>Type</u>	<u>Assessed</u> <u>Sidewalk</u> <u>Work</u>
W. Hadley Street – N. 117 <sup>th</sup> Street to N. 124 <sup>th</sup> Street	6,7	30'	C – Asph	No
Mayfair Court – N. 117 <sup>th</sup> Street to cul-de-sac	6	30'	C – Asph	No

Proof of publication is in the file.

The Mayor inquired whether anyone of the public present wished to be heard in favor of, or in opposition to the proposed project, or had any comments or questions.

John Zabors, 2772 Mayfair Court, stated that he and his neighbors have met with City Engineer Bill Wehrley and have a better understanding of the project. Neighbors' concerns have been duly noted and their major question now is how long the street will be torn up. They do agree that the work needs to be done.

Mr. Kappel stated that utility work will be performed first; it will consist of trenches that will be temporarily restored. The road work itself will last 6-8 weeks.

The public hearing was declared closed. Ordered held to the April 15, 2008 Common Council meeting.

### **APPOINTMENTS BY THE MAYOR**

#### **Board of Public Debt Commissioners**

James Maloney, 9419 Ridge Boulevard  
Joel Simpson, 130 N. 89th Street  
(terms end 4/30/11)

#### **Senior Commission**

Eileen Hayes, The Lutheran Home, 7500 W. North Avenue  
Judy Parmeter, 8143 Richmond Court  
(terms end 4/30/11, both reappointments)  
Diane Euting, 2404 N. 66th Street  
(term ends 4/30/10, reappointment)

#### **Board of Park and Forestry Commissioners**

Howard Baszynski, 8205 Chestnut Street  
(term ends 4/30/11, reappointment)

#### **Board of Zoning Appeals**

James O'Connell, 2550 N. 85th Street  
William Pennoyer, 11222 W. Congress Street  
Brian Randall, 2602 N. 88th Street  
(terms end 4/30/11, all reappointments)  
Elizabeth Bruderle-Baran, 2208 N. 72nd Street  
Thomas Pluster, 2853 N. 122nd Street  
(terms end 4/30/11)

#### **Plan Commission**

John Albert, 1922 N. 122nd Street  
David Perhach, 11637 W. Clarke Street  
(terms end 4/30/11, reappointments)

Foregoing appointments ordered held as this was the first reading.

#### **Board of Parks and Forestry Commissioners**

Tom Ertel, 7440 Oakhill Avenue  
Jill Gaertner, 6829 Terrace Court  
George Haas, 7425 W. Garfield Avenue  
(Terms end 4/30/10, all reappointments)

#### **Police and Fire Commission**

Marna Tess-Mattner, 1542 Upper Parkway South  
(Term ends 4/30/13)

It was moved by Ald. Maher, seconded by Ald. Krill to concur with the foregoing appointments. 11-1 (Grimm, for the Gaertner reappointment only) -12 on the balance of the reappointments.

**APPLICATIONS, COMMUNICATIONS, ETC.**

1. Conditional Use application for the installation of 3 wireless PCS roof antennas and related telecommunications equipment at 10200 W. Blue Mound Road  
**Plan Commission, Committee on Community Development**
2. Special Use application for a garage height over 16 feet at 2378 N. 70<sup>th</sup> Street  
**Plan Commission**
3. Annual report of the Board of Public Debt Commissioners for the year ended December 31, 2007  
**Place on file**
4. City of Wauwatosa Bank Reconciliation of Depository Accounts as of February 29, 2008  
**Place on file**
5. Notice of Claim: Rochelle Rupnick, 2895 S. 152<sup>nd</sup> Street, New Berlin  
**City Attorney**
6. Letter from Delbert F. Reynolds, U.S. Department of Housing and Urban Development regarding approval of the Fiscal Year 2008 Annual Action Plan for the City of Wauwatosa  
**Planning Department**

**FROM THE COMMITTEE ON EMPLOYEE RELATIONS FOR INTRODUCTION**

1. Ordinance amending Section 2.59.040 of the City Code regarding changes in benefits and wages for non-represented employees  
**Re-refer to originating committee**

**FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT FOR INTRODUCTION**

1. Ordinance revising Title 15 of the Code, Buildings and Construction to conform with state and national codes  
**Re-refer to originating committee**

**FROM THE COMMITTEE ON EMPLOYEE RELATIONS**

**RESOLUTION R-08-48**

WHEREAS, certain management and superintendents in positions within the Department of Public Works are vacant or have anticipated retirements which provide an opportunity for restructuring and reorganization utilizing new and existing personnel; and

WHEREAS, the Director of Public Works has proposed reorganization of the Public Works Department which would place the positions of Fleet Superintendent, Parks and Forestry

Superintendent and Operations Superintendent at pay grade 11 and would restructure the duties of those positions as more particularly described in the job descriptions attached in his March 19, 2008, memo to the Employee Relations Committee;

NOW, THEREFORE, BE IT RESOLVED THAT the reorganization of the Public Works Department as described above and in the March 19, 2008, memorandum of the Director of Public Works to the Employee Relations Committee, including the reclassification of the Fleet Superintendent, Parks and Forestry Superintendent and Operations Superintendent at pay grade 11 is hereby approved;

BE IT FURTHER RESOLVED THAT the grade changes for the Fleet Superintendent and Operations Superintendent shall be effective with the hiring of new employees in said positions. The grade change for the Parks and Forestry Superintendent shall become effective on May 7, 2008, or at such time as the repeal of Section 2.59.040 of the Wauwatosa Municipal Code becomes effective, whichever is later.

It was moved by Ald. Purins, seconded by Ald. Stepaniak to approve the foregoing resolution. -12

**FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS**

**RESOLUTION R-08-49**

WHEREAS, Amanda H. Lowney, 2142 N. Palmer Street, Milwaukee, WI, has applied for an operator's license in conjunction with her employment at Firefly, 7754 Harwood Avenue, Wauwatosa, WI;

NOW, THEREFORE, BE IT RESOLVED THAT Amanda H. Lowney is hereby issued an operator's license for the period ending June 30, 2008.

**FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS**

**RESOLUTION R-08-50**

WHEREAS, Tina M. White, 3640 S. Rivershire Dr., #2, Greenfield, WI, applied for an operator's license in conjunction with her employment at Biggs Road House, 1900 N. Mayfair Road, Wauwatosa, WI;

NOW, THEREFORE, BE IT RESOLVED THAT Tina M. White is hereby issued an operator's license for the period ending June 30, 2008;

BE IT FURTHER RESOLVED THAT the Wauwatosa Police Department is hereby directed to conduct a further review of the criminal records concerning Ms. White six months from the date of this license issuance and is directed to report back to the Legislation, Licensing and Communications Committee if any new concerns regarding Ms. White's fitness for this operator's license are found.

It was moved by Ald. Krol, seconded by Ald. Birschel to approve the two foregoing resolutions. -12

**FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT**

**ORDINANCE O-08-06**

AN ORDINANCE AMENDING SECTION 8.12.040 B. OF THE WAUWATOSA MUNICIPAL CODE TO ELIMINATE THE SUNSET DATE FOR HARDSHIP EXCEPTIONS TO THE PROHIBITION ON SMOKING IN RESTAURANTS.

The Common Council of the City of Wauwatosa does hereby ordain as follows:

Part I: Section 8.12.040 B. of the Wauwatosa Municipal Code is hereby amended to read, in its entirety, as follows:

B. An establishment which realizes a loss of gross receipts greater than ten percent as a result of complying with the provisions of this chapter for a ninety to one hundred eighty day period when compared to the same ninety to one hundred eighty day period of the prior year, and demonstrates that it can be reasonably expected that compliance with this chapter will result in a continuing loss of business, may make a request to the common council for an exception. Concurrent with the request, the establishment shall provide to the city a certified report of an independent certified public accountant containing sufficient information to substantiate such loss of gross receipts. The city clerk shall verify the accuracy and interpretation of the report of the independent certified public accountant. This section shall be automatically repealed upon the date on which any statewide law prohibiting smoking becomes effective as to taverns, unless such statewide law, or other applicable law, otherwise requires that this exception be repealed at an earlier date, and all exceptions then in effect shall expire on such date. No new exceptions under this subsection shall be granted after March 1, 2008.

Part II: This ordinance shall become effective on and after its date of publication.

It was moved by Ald. Herzog, seconded by Ald. Krill  
to adopt the foregoing ordinance. -12

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

**RESOLUTION R-08-51**

WHEREAS, the Wauwatosa Fire Department has requested approval to apply for a 2008 Assistance to Firefighters Grant administered through the Federal Emergency Management Agency to purchase a replacement emergency extrication equipment at a total cost of \$80,000.00, which grant would require 10% matching funds from the City of Wauwatosa;

NOW, THEREFORE, BE IT RESOLVED THAT the Wauwatosa Fire Department is hereby authorized to apply for an Assistance to Firefighters Grant in the amount of \$72,000.00 for the purpose of replacing all of the emergency extrication equipment to be utilized by the Wauwatosa Fire Department.

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

**RESOLUTION R-08-52**

WHEREAS, the 2007-08 winter has been particularly demanding in regard to the amount of road salt required by the Department of Public Works to maintain safety on the streets of the City of Wauwatosa; and

WHEREAS, the Common Council previously approved contingency funds for the purchase of an additional 1,090 tons of road salt, but upon delivery approximately 150 additional tons of road salt were delivered, which the City has the option of purchasing at the price of \$34.14 per ton, well below the current market price for road salt this winter season;

NOW, THEREFORE, BE IT RESOLVED THAT \$5,099.00 is hereby allocated from the Reserve for Contingencies to provide for the purchase of approximately 150 extra tons of road salt which was previously delivered to the City of Wauwatosa.

It was moved by Ald. Stepaniak, seconded by Ald. Purins to approve the two foregoing resolutions. 12

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

BILLS AND CLAIMS FOR THE PERIOD 3/19/08 – 4/1/08 --

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 3/19/08 – 4/1/08: \$1,703,330.78

It was moved by Ald. Krill, seconded by Ald. Birschel that each and every one of the accounts of bills and claims be allowed and ordered paid. Roll call vote, Ayes 12

**FROM THE BOARD OF PUBLIC WORKS**

**RESOLUTION R-08-53**

BE IT RESOLVED by the Common Council of the City of Wauwautosa that the proper city officials be and they are hereby authorized and directed to enter into a contract with Snorek Construction, Inc., for the work of concrete sidewalk repair and work incidental thereto under Contract 08-19 at and for their bid price of \$336,568, this being the lowest and best bid.

BE IT FURTHER RESOLVED that \$26,568 be allocated from the Unallocated Capital Projects Funds balance to the project account.

BE IT FURTHER RESOLVED that the surety deposits, if any, be returned to the unsuccessful bidders.

**FROM THE BOARD OF PUBLIC WORKS**

**RESOLUTION R-08-54**

BE IT RESOLVED by the Common Council of the City of Wauwatosa that the proper city officials be and they are hereby authorized and directed to enter into a contract with Visu-Sewer Clean & Seal, inc., for the work of reconstruction of fully deteriorated sewers using a structural C.I.P.P. relining process on portions of W. Hadley Street, W. Locust Street, Mayfair Court, the east/west alley north of W. Capitol Drive, and work incidental thereto, under Contract 08-01B at and for their bid price of \$115,157.09.

**FROM THE BOARD OF PUBLIC WORKS**

**RESOLUTION R-08-55**

BE IT RESOLVED by the Common Council of the City of Wauwatosa that the proper city officials be and they are hereby authorized and directed to enter into a contract with Graham & Associates, LLC, for the work of sanitary sewer, storm sewer and water main relay, repair and extension on portions of W. Hadley Street, N. Park Drive, W. Locust Street, N. 121st Street, Mayfair Court, the east/west alley north of W. Wells Street, the north/south alley east of N. 65th Street, the north/south alley east of N. 90th Street, the east/west alley south of Jackson Park Boulevard, the north/south alley west of N. Mayfair Road, the east/west alley north of W. Capitol Drive, and work incidental thereto, under Contract 08-01A at and for their bid price of \$548,056.40.

BE IT FURTHER RESOLVED that the surety deposits, if any, be returned to the unsuccessful bidders.

It was moved by Ald. Birschel, seconded by Ald. Krol  
to approve the three foregoing resolutions. -12

Mayor Estnes thanked outgoing council member Krill for his service to the city, and also in absentia, Ald. Minear.

There being no further business, the meeting adjourned at 7:45 p.m.

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Carla A. Ledesma, CMC, City Clerk