



CITY OF WAUWATOSA
MEMORIAL CIVIC CENTER
7725 WEST NORTH AVENUE
WAUWATOSA, WI 53213
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COMMON COUNCIL
Regular Meeting, Tuesday, May 20, 2008

PRESENT: Alds. Birschel, Hanson, Herzog, Jay, Krol, Maher, McBride, Meaux, Nikcevich, Organ, Purins, Walsh -12

EXCUSED: Alds. Donegan, Ewerdt, Stepaniak and Treis

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; Human Resources Director/Asst. City Attorney Aldana; Ms. Ledesma, City Clerk; Ms. Van Hoven, Deputy City Clerk

Mayor Didier in the Chair

The Mayor called the meeting to order at 7:37 p.m.

It was moved by Ald. Herzog, seconded by Ald. Birschel to appoint Jill Organ as the District Four Alderperson. –

It was moved by Ald. McBride, seconded by Ald. Nikcevich per 2.02.010 d6 of the municipal code to refer the matter of the appointment to a special committee of the Common Council to be chaired and selected by the Common Council President, consisting of five members not on the sub-committee that conducted the candidate interviews on May 19th, and to charge them with the task of reviewing the sub-committee actions and making further recommendations to the Common Council. –

Following lengthy discussion, Ald. McBride withdrew his motion.

Roll call vote on original motion, Ayes 8, Noes 2 (Maher, Nikcevich), Present 1 (McBride)

City Clerk Ledesma swore in Jill M. Organ as Fourth District Alderwoman. -12

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. -12

APPOINTMENTS BY THE MAYOR

Civil Service Commission

John Schapekahm, 653 N. 77th Street
(term ends 9/30/08)

Civic Celebration Commission

Bobby Pantuso, 2414 N. 67th Street
(Term ends 12/31/08)

Foregoing appointments ordered held as this was the first reading.

APPLICATIONS, COMMUNICATIONS, ETC.

1. Wauwatosa Water Utility Statement of Receipts and Disbursements for the period ending April 30, 2008
Place on file
2. Notice of Claim: Courtney Thomey, 2675 N. 113th Street; Wauwatosa Avenue United Methodist Church, 1529 Wauwatosa Avenue; Matthew M. and Jill Karrels, 2723 Ridley Road, Hartland
City Attorney
3. City of Wauwatosa Statement of Financial Condition as of April 30, 2008
Place on file
4. Conditional Use application for a fiber conversion cabinet at 1022 N. 68th Street and 6745 Hillside Lane (easement spans both properties)
Plan Commission, Committee on Community Development
5. Special Use application for a garage with a roof height over 16 feet at 4725 N. 105th Street
Plan Commission
6. Conditional Use application for a Flat Top Grill restaurant at 2751 N. Mayfair Road
Plan Commission, Committee on Community Development
7. Conditional Use application for a church and parsonage at 2557 N. 74th Street and 2554 N. 75th Street
Plan Commission, Committee on Community Development

FROM THE COMMITTEE ON TRAFFIC & SAFETY FOR INTRODUCTION

1. Ordinance amending Chapter 11.36.190 prohibiting left turns into the alley from the parking lot located at 8725 W. North Avenue
Re-refer to originating committee

FROM THE COMMITTEE ON EMPLOYEE RELATIONS

RESOLUTION R-08-94

WHEREAS, recent changes to employee benefit plans allow for additional funds to be deducted from employees' salaries on a pre-tax basis; and

WHEREAS, in order to take advantage of this benefit, the City's flexible spending account, Section 125 Plan for employees requires amendments as described by the Director of Human Resources at the May 13, 2008, meeting of the Committee on Employee Relations and a memo to the Committee dated May 9, 2008;

NOW, THEREFORE, BE IT RESOLVED THAT the proposed amendments to the City's flexible spending account, Section 125 Plan for employees as more fully described in the Human Resource Director's May 9, 2008, memo to the Committee on Employee Relations are hereby approved.

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

FROM THE COMMITTEE ON TRAFFIC AND SAFETY

RESOLUTION R-08-93

WHEREAS, the owner of Wauwatosa Valet Cleaners at 7213 W. Center Street in the City of Wauwatosa has opted not to renew the existing special privilege permit for a loading zone in front of his business at that location;

NOW, THEREFORE, BE IT RESOLVED THAT the special privilege permit for loading zone located at 7213 W. Center Street in the City of Wauwatosa is hereby revoked.

It was moved by Ald. meaux, seconded by Ald. McBride to approve the foregoing resolution. - 12

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-08-95

WHEREAS, Rebecca L. Maddison, 1938 Swartz Drive, Waukesha, WI, has applied for an operator's license in conjunction with her employment at Bluemound Gardens, 11703 W. Blue Mound Road, Wauwatosa; and

WHEREAS, Ms. Maddison did not appear in person before the Legislation, Licensing & Communications Committee after having been notified that her presence was required on two occasions; and

WHEREAS, her failure to appear before the Committee is substantially related to the responsibilities of persons holding operators licenses in the City of Wauwatosa;

NOW, THEREFORE, BE IT RESOLVED THAT the operator's license application of Rebecca L. Maddison is hereby denied;

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

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-08-96

WHEREAS, Devinder Sangha, agent for Binnies LLC, d/b/a Breeze Thru Wine & Spirits, 11108 W. Blue Mound Road, Wauwatosa, WI, has applied for a Class B Beer/Liquor license;

NOW, THEREFORE, BE IT RESOLVED THAT Devinder Sangha, agent for Binnies LLC, d/b/a Breeze Thru Wine & Spirits, 11108 W. Blue Mound Road, Wauwatosa, WI, is hereby issued a Class B Beer/Liquor license for the period ending June 30, 2008.

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

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-08-97

WHEREAS, the Director of Public Works reported that a partnership has been formed to coordinate efforts to improve water quality in the southeastern Wisconsin region, and this organization formerly known as the Milwaukee Regional Partnership has been renamed to the Southeastern Wisconsin Watersheds Trust; and

WHEREAS, voluntary partnership in the Southeastern Wisconsin Watersheds Trust would be complementary to other requirements already placed on the City of Wauwatosa as part of requirements for storm water permits with the Department of Natural Resources and as member of the Milwaukee Metropolitan Sewerage District; and

WHEREAS, participation as a member in the Southeastern Wisconsin Watersheds Trust would not require any additional spending beyond that already required by the Department of Natural Resources and MMSD permits;

NOW, THEREFORE, BE IT RESOLVED THAT the appropriate City officials are hereby authorized to execute the proposed Memorandum of Understanding as a voluntary partner in the Southeastern Wisconsin Watersheds Trust, as presented to the Committee on Community Development at its meeting of May 13, 2008.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-08-98

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 to combine the parcels located in the Hart Park area from N. 60th to N. 76th Streets north of the Menomonee River and south of W. State Street in the Parks and Open Space District. A Certified Survey Map to be filed with Milwaukee County Register of Deeds described as follows:

Lots 1, 2, and 3, being a part of the Southwest ¼ of Section 22 and the Northwest ¼ of Section 27, in Township 7 North, Range 21 East, in the City of Wauwatosa, County of Milwaukee, State of Wisconsin, more accurately described by the attached documents.

All in accordance with the survey 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.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-08-99

WHEREAS, Harris Byers and Dennis Lukaszewski, UW-Extension and Sue Black, Milwaukee County, have applied for a Conditional Use in the Conservancy District at approximately 10700 Underwood Parkway for an apiary in the community gardens on the county grounds west of Wil-O-Way, 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 Harris Byers and Dennis Lukaszewski, UW-Extension and Sue Black, Milwaukee County, for an apiary in the community gardens on the county grounds west of Wil-O-Way in the Conservancy District at approximately 10700 Underwood Parkway.

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

FROM THE COMMITTEE ON BUDGET AND FINANCE

ORDINANCE O-08-12

AN ORDINANCE AMENDING WAUWATOSA CODE SECTION 1.12.010(1) TO INCREASE THE MAXIMUM FORFEITURE AMOUNT TO FIVE THOUSAND DOLLARS

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

Part I. Section 1.12.010(1) of the Wauwatosa Municipal Code is hereby amended to read in its entirety as follows:

In any case where there is a violation of a City ordinance for which no penalty is provided, the person violating the same should be subject to a forfeiture of not less than One Dollar (\$1.00), nor more than Five Thousand Dollars (\$5,000.00) for each offense, except as provided in the following subsection.

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

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-08-100

WHEREAS, the City of Wauwatosa advertised for bids pursuant to State law for the official newspaper for the City’s legal publications; and

WHEREAS, at the time that bids were opened May, 2008, the sole bid received was from the Journal Sentinel, Inc. for Community Newspapers, Inc.; and

WHEREAS, the bid received from the Journal Sentinel, Inc. for Community Newspapers, Inc. contained increases from the previous year, but remained consistent with rates currently allowed by State law, and are more particularly described in the memorandum of the City Clerk to the Budget & Finance Committee dated May 8, 2008;

NOW, THEREFORE, BE IT RESOLVED THAT the bid of the Journal Sentinel, Inc. for Community Newspapers, Inc. as the official newspaper of the City of Wauwatosa is hereby approved and accepted as submitted.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-08-101

WHEREAS, the City Engineer has informed the Committee on Budget & Finance that he has recommended entering into an agreement with Graef, Anhalt, Schloemer & Associates, Inc. in the amount of \$29,316.28 for Phase I of Harmonee Bridge investigation and design work, as that firm provided the only complete response to the Request for Proposals for this project, and which response is within the range of expected expenditures for such work;

NOW, THEREFORE, BE IT RESOLVED THAT the appropriate City officials are hereby authorized to enter into an agreement with Graef, Anhalt, Schloemer & Associates, Inc. for Phase I of Harmonee Bridge investigation and design work in an amount not to exceed \$29,316.28.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-08-102

WHEREAS, as a result of the excessively harsh storm in February, 2008, the City has been awarded reimbursement funds from the Federal Emergency Management Agency in the amount of \$70,278.41; and

WHEREAS, these funds would allow the purchase of 1,906 tons of salt to be stored at the Public Works yard in preparation for the 2008-09 winter season, while maintaining the ability to reserve up to 4,000 additional tons with current budgeted monies for the season; and

WHEREAS, this purchase amount would not result in a reduction of quality of service from traditional levels in the City of Wauwatosa;

NOW, THEREFORE, BE IT RESOLVED THAT the appropriate City officials are hereby authorized to utilize the Federal Emergency Management Agency Reimbursement Funds for the purchase of 1,906 tons of roadway salt for a total cost of up to \$70,278.41;

BE IT FURTHER RESOLVED THAT the Director of Public Works is hereby authorized to purchase up to an additional 4,000 tons of roadway salt for the 2008-09 winter season at his discretion with existing budgeted funds.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-08-103

WHEREAS, the harsh winter season at the beginning of the year 2008 has depleted much of the balance available in the Roadway Maintenance Cement Account due to the necessity to temporarily patch excessive numbers of potholes during the cold weather; and

WHEREAS, an additional \$9,000.00 allocation is necessary for the purchase of concrete and asphalt to complete summer roadway projects which are to be performed by City staff;

NOW, THEREFORE, BE IT RESOLVED THAT an allocation of \$9,000.00 into the Roadway Maintenance Cement Account for purchase of concrete and asphalt for summer roadway projects from the Reserve for Contingencies is hereby approved.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-08-104

WHEREAS, the City of Wauwatosa’s 2007 carryover budget includes an allocation for up to \$100,000.00 to replace a 1977 auger truck which has become obsolete and not repairable; and

WHEREAS, this truck is utilized by the electrical maintenance department for digging, installation and removal of street light poles; and

WHEREAS, a new “digger derrick” truck would cost an estimated \$130,000.00, which is above the amount of budgeted funds available; and

WHEREAS, a used, reconditioned 1993 Ford F-700 truck with the necessary digger and derrick attachments has become available for \$47,500.00 from Mainka Enterprises in Pewaukee, WI; and

WHEREAS, investigation of the condition of the used “digger derrick” truck has revealed that the condition is very good for purposes of the City’s use and will provide an estimated useful lifespan of at least 15 more years;

NOW, THEREFORE, BE IT RESOLVED THAT officials are hereby authorized to purchase a used 1993 Ford F-700 “digger derrick” truck from Mainka Enterprises of Pewaukee, WI, at a cost not to exceed \$47,500.00.

It was moved by Ald. Maher, seconded by Ald. Krol to adopt the foregoing ordinance and to approve the five foregoing resolutions. -12

FROM THE COMMITTEE ON BUDGET AND FINANCE

BILLS AND CLAIMS FOR THE PERIOD 5/7/08 – 5/20/08 --

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 5/7/08 – 5/20/08: \$1,694,722.28

It was moved by Ald. Meaux, seconded by Ald. Hanson 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-08-105

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 Payne & Dolan, Inc., to reconstruct Hart Park west tennis court, and work incidental thereto, under Contract 08-32, at and for their bid price of \$150,722.00, this being the lowest and best bid.

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

It was moved by Ald. Hanson, seconded by Ald. Herzog to approve the foregoing resolution. -12

There being no further business, the meeting adjourned at 8:30 p.m.

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Carla A. Ledesma, CMC, City Clerk