



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 17, 2008 – 7:30 p.m.
(contains corrected R-08-125)

PRESENT: Alds. Walsh, Birschel, Donegan, Hanson, Jay, Krol, McBride, Meaux, Nikceвич, Organ, Purins, Stepaniak -12

EXCUSED: Alds. Ewerdt, Herzog, Maher, 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; Fire Chief Redman; Police Capt. Weiss; 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. -12

APPOINTMENTS BY THE MAYOR

Fire Station Review Team

Ald. Peter Donegan	John Sabinash, Zimmerman Design Group
Ald. Jim Krol	Dean Redman, Fire Chief
Ald. Eric Meaux	Bill Rice, Deputy Fire Chief
Chris Leffler, Village BID President	Steve Harmeyer, Firefighter
Faud Saab, Architect	Peter Havey, Firefighter
John Klett, Zimmerman Design Group	Jim Archambo, City Administrator

The foregoing appointments were submitted for information only.

APPLICATIONS, COMMUNICATIONS, ETC.

1. Notice of Claims: Kathleen Morrison, 1739 N. 69th Street; Joseph Driscoll, 203 N. 112th Street; Patrick Cleaver, 8208 W. Clarke Street
City Attorney
2. Memo from 1st District Alds. Donegan and Nikceвич, and 5th District Alds. Stepaniak and Walsh regarding factors that could effect a substantial increase in private investment and development in East Town - North Avenue between 60th Street and Wauwatosa Avenue
City Administrator, Community Development Dir.

3. E-mail from John Balzer, Wauwatosa Economic Development Corporation (WEDC), 1430 Underwood Avenue, regarding concerns related to the timing of discussions between the city and the WEDC about the redevelopment process in Wauwatosa
Mayor, City Administrator
4. Letter from Lisa A. Mauer, Wauwatosa Economic Development Corporation (WEDC), 1430 Underwood Avenue, regarding concerns related to the timing of discussions between the city and the WEDC about the redevelopment process in Wauwatosa
Mayor, City Administrator
5. Letter from David Ingvaldstad, Acting Dir., Office of Community and Planning and Development, U.S. Department of Housing and Urban Development, 310 W. Wisconsin Avenue, Milwaukee, regarding the city's 2007 Annual Community Assessment
Community Development Dir., City Administrator
6. Wauwatosa Water Utility Statement of Receipts and Disbursements for the period ending May 31, 2008
Place on file
7. City of Wauwatosa Statement of Financial Condition as of May 31, 2008
Place on file
8. Letter from the Insurance Services Office, Inc. 111 N. Canal Street, Chicago regarding their Public Protection Classification survey for the city the result of which was to classify the city as Public Protection Classification 2
Fire Chief, Water Superintendent
9. Letter from Time Warner Cable announcing a plan to effect a complete separation of Time Warner Cable from the "Spin-Off" TWX
City Attorney
10. Notice of Claim: T. Michael Barrett, 12215 W. Blue Mound Road
City Attorney

FROM THE COMMITTEE ON TRAFFIC AND SAFETY

ORDINANCE O-08-14

AN ORDINANCE AMENDING SECTION 11.32.080 OF THE CODE OF THE CITY OF WAUWATOSA ESTABLISHING NO PARKING AT ANY TIME ON A PORTION OF THE EAST SIDE OF NORTH 117TH STREET

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

Part I. The "North 117th Street - east side" portion of the "Schedule of Streets, and Portions," subsection of Section 11.32.080 of the Wauwatosa Municipal Code is hereby amended by deleting the following:

"(c) from a point 170 feet south of West Burleigh Frontage Road to West Burleigh Frontage Road" and replacing it with a new subsection which reads as follows:

"(a) from the Burleigh Frontage Road to a point 235 feet south thereof"

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

FROM THE COMMITTEE ON TRAFFIC AND SAFETY

ORDINANCE O-08-15

AN ORDINANCE AMENDING SECTION 11.32.080 OF THE CODE OF THE CITY OF WAUWATOSA PROHIBITING PARKING ON THE WEST SIDE OF NORTH 91ST STREET BETWEEN NORTH AVENUE AND MEINECKE AVENUE

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

Part I. The “North 91st Street - east side” portion of the Schedule of Streets, and Portions, subsection of Section 11.32.080 of the Wauwatosa Municipal Code is hereby amended by deleting the following:

“(a) from W. North Avenue to the alley north thereof”

Part II. The “North 91st Street – west side” portion of the Schedule of Streets, and Portions subsection of Section 11.32.080 of the Wauwatosa Municipal Code is hereby amended by adding the following:

“(a) from 150 feet north of North Avenue to Meinecke Avenue”

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

It was moved by Ald. Meaux, seconded by Ald. Jay to adopt the two foregoing ordinances. -12

FROM THE COMMITTEE ON EMPLOYEE RELATIONS

ORDINANCE O-08-16

AN ORDINANCE AMENDING CHAPTER 2.59 OF THE WAUWATOSA CODE OF ORDINANCES CREATING A HUMAN RESOURCES GENERALIST GRADE 8 AND ELIMINATING PAYROLL AND BENEFITS MANAGER GRADE 10 EFFECTIVE JULY 14, 2008.

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

Part I. Subsection 2.59.040 within Chapter 2.59 “Pay Grades for Nonrepresented Employees” as it relates to “FLSA EXEMPT POSITIONS” is hereby amended to add the following position and pay:

FLSA EXEMPT POSITIONS	GRADE
Human Resources Generalist	8

Part II. Subsection 2.59.040 within Chapter 2.59 “Pay Grades for Nonrepresented Employees” as it relates to “FLSA EXEMPT POSITIONS” is hereby amended to eliminate the following position and pay:

FLSA EXEMPT POSITIONS	GRADE
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Part III. This ordinance amendment shall take effect July 14, 2008.

It was moved by Ald. Purins, seconded by Ald. Krol to adopt the foregoing ordinance. -12

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-08-118

WHEREAS, Patrick J. O'Malley, 5768 S. 23rd Street, Milwaukee, WI, has applied for an operator's license in conjunction with his employment at the Crowne Plaza Hotel, Wauwatosa, WI;

NOW, THEREFORE, BE IT RESOLVED THAT Patrick J. O'Malley is hereby issued an operator's license for the period ending June 30, 2008, contingent upon a review of his record in six months;

BE IT FURTHER RESOLVED THAT the Wauwatosa Police Department is directed to review Mr. O'Malley's record six months after issuance of this initial license and report back to the Committee on Legislation, Licensing and Communications if any new significant issues or concerns are revealed at that time.

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-08-119

WHEREAS, Le Reve Patisserie & Café LLC, d/b/a Le Reve Patisserie & Café, 7610 Harwood Avenue, Wauwatosa, WI, has applied for a Class B beer and Class C wine license;

NOW, THEREFORE, BE IT RESOLVED THAT a Class B beer and Class C wine license be awarded to Le Reve Patisserie & Café LLC, d/b/a Le Reve Patisserie & Café, Wauwatosa, WI, for the period ending June 30, 2008.

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-08-120

WHEREAS, Pitch's Club 113, LLC, d/b/a The Baby Grand, 11302 W. Blue Mound Road, Wauwatosa, WI, has applied for a Class B beer/liquor license;

NOW, THEREFORE, BE IT RESOLVED THAT a Class B beer/liquor license be awarded to Pitch's Club 113, LLC, d/b/a The Baby Grand, Wauwatosa, WI, for the period ending June 30, 2008.

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

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-08-121

WHEREAS, Immanuel Reformed Church and Templo La Hermosa have applied for a Conditional Use in the BB Two Family Residence District at 2557 N. 74th Street and 2554 N. 75th Street for a church and parsonage, 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 Immanuel Reformed Church and Templo La Hermosa for a church and parsonage in the BB Two Family Residence District at 2557 N. 74th Street and 2554 N. 75th Street.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-08-122

WHEREAS, John Hyland, WisVest Corp., has applied for a Conditional Use in the Medical Center and Institutions District at 9250 Watertown Plank Road for the expansion of cooling tower units, 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 Hyland, WisVest Corp. for the expansion of cooling tower units in the Medical Center and Institutions District at 9250 Watertown Plank Road.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-08-123

WHEREAS, John J. Picciurro has applied for a Conditional Use in the AA Business District at 11302 W. Blue Mound Road for a cocktail lounge, 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 J. Picciurro for a cocktail lounge in the AA Business District at 11302 W. Blue Mound Road .

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

ORDINANCE O-08-17

AN ORDINANCE AMENDING THE DEFINITION OF “DESIGNATED OFFENDER” IN SECTION 7.32.030 OF THE WAUWATOSA MUNICIPAL CODE AND REPEALING SECTION 7.32.100 REGARDING A SUNSET FOR RESIDENCY RESTRICTIONS FOR SEX OFFENDERS.

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

Part I. Sections 7.32.030 A., B. and C. of the Wauwatosa Municipal Code are hereby repealed and a new Section 7.32.030 A. is created to read as follows:

A. Designated Offender means:

1. Any person who is required to register under Wis. Stat. §301.45 for any sexual offense against a child, or
2. Any person who is required to register under Wis. Stat. §301.45 and who has been designated a Special Bulletin Notification (SBN) sex offender pursuant to Wis. Stat. §301.46 (2) and (2m).

Part II. Section 7.32.030 D. of the Wauwatosa Municipal Code is hereby renumbered to Section 7.32.030 B.

Part III. Section 7.32.100 of the Wauwatosa Municipal Code is hereby repealed.

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

It was moved by Ald. Hanson, seconded by Ald. Nikcevich to approve the three foregoing resolutions and to adopt the foregoing ordinance. -12

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-08-124

WHEREAS, the City of Wauwatosa Fire Department experienced seven vacant firefighter positions since January, 2008; and

WHEREAS, this has provided salary savings but has resulted in excess over-time in the sum of approximately \$80,000.00 for the existing firefighters ; and

WHEREAS, vacancies have resulted in a savings of \$107,000.00 in regular salaries, which did not include savings in fringe benefits estimated to be in the amount of \$60,000.00; and

WHEREAS, the Fire Department has identified a new item of equipment called “stair chairs” which should be installed in each of its ambulances for more effective and safe handling of EMS patients on stairways and in confined spaces, which item will cost \$2,500.00 for each ambulance, for a total of \$10,000.00;

NOW, THEREFORE, BE IT RESOLVED THAT a transfer of funds for the Fire Department Regular Salary Account in the amount of \$90,000.00 is hereby approved;

BE IT FURTHER RESOLVED THAT, of the funds of the Regular Salary Account, \$80,000.00 is to be transferred into the Overtime Account and \$10,000.00 is to be transferred into the Capital Equipment Account for purchases of four stair chairs for the ambulances of the Wauwatosa Fire Department.

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

FROM THE COMMITTEE ON BUDGET AND FINANCE

BILLS AND CLAIMS FOR THE PERIOD 6/4/08 – 6/17/08

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 6/4/08 – 6/17/08: \$2,523,628.49

It was moved by Ald. Meaux, seconded by Ald. Krol 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-08-125

WHEREAS, the City of Wauwatosa is required under its Wisconsin Pollutant Discharge Elimination System (WPDES) permit issued by the Wisconsin Department of Natural Resources to file a Compliance Maintenance Annual Report (CMAR) for its wastewater collection system under Wisconsin Administrative Code NR208; and

WHEREAS, it is necessary to acknowledge that the governing body has reviewed the Compliance Maintenance Annual Report (CMAR); and

WHEREAS, it is necessary to provide recommendations or an action response plan for all individual CMAR section grades of “C” or less and/or an overall grade point average less than 3.00; and

WHEREAS, after receiving an “A” on the one credit financial management section and a “D” on the three credit collection system section, the City of Wauwatosa’s overall grade point average is 1.75;

NOW, THEREFORE BE IT RESOLVED BY THE Common Council of the City of Wauwatosa to accept the 2007 Compliance Maintenance Annual Report (CMAR) and that the following recommendations and actions be immediately taken to address and correct problems and deficiencies of the collection system as identified in the Compliance Maintenance Annual Report (CMAR) in order to maintain compliance with effluent limitations and permit conditions and eliminate Sanitary Sewer Overflows (SSO):

- 1) Continue with the city’s accelerated inflow and infiltration elimination program.
- 2) Continue with its current sanitary sewer collection system operational procedures and make improvements where necessary.
- 3) Initiate additional engineering studies in areas where there may be inadequate capacity.
- 4) Perform orderly and timely repairs and maintenance.
- 5) Add newly identified troubled spots to a monthly maintenance schedule.

BE IT FURTHER RESOLVED THAT the Director of Public Works or his representative is hereby designated to act as the City of Wauwatosa’s authorized representative for administering and submitting the Compliance Maintenance Annual Report and that he is hereby directed to make that submittal.

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-08-126

WHEREAS, the Director of Public Works and the Purchasing Manager were required to issue an emergency purchase order for professional services in an amount not to exceed \$13,400.00 for purposes of providing analysis and design for emergency repairs to the 70th Street bridge over the Menomonee River and analysis for the 68th Street bridge over the Menomonee River; and

WHEREAS, the engineering consultant firm of Graef Anhalt Schloemer was selected to provide the services after the hole had been found because the firm had already been contracted by the City to inspect and service the Harmonee bridge;

NOW, THEREFORE, BE IT RESOLVED THAT the Common Council finds that the need to analyze and design repairs for the 68th and 70th Street bridges over the Menomonee River constitutes an emergency under the purchasing ordinance;

BE IT FURTHER RESOLVED THAT the purchase of professional services from Graef Anhalt Schloemer in the amount described above is hereby approved and the competitive bidding procedure is hereby waived.

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-08-127

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 American Sewer Services, Inc., in the amount of \$1,111,170.70 for the work of sanitary sewer and storm sewer relay, repair, extension and relining portions of N. 73rd Street, N. 74th Street, N. 75th Street, Elm Lawn, Watertown Plank Road, Robertson Street, and the easement north of W. Wisconsin Avenue, and work incidental thereto under Contract 08-03, this being the lowest and best bid. The city-funded budget available for utilities is \$4,984,833.87.

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

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

There being no further business, the meeting adjourned at 7:40 p.m.

cal

Carla A. Ledesma, CMC, City Clerk

