



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, July 15, 2008

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

EXCUSED: Alds. Stepaniak, Treis, Ewerdt, Meaux

ALSO PRESENT: Mr. Archambo, City Administrator; Mr. Kesner, City Attorney; Ms. Plass, Acctg. Manager; Mr. Kappel, Public Works Director; Ms. Welch, Community Development Director; Police Chief Weber; Police Capt. Weiss; Ms. Aldana, Asst. City Attorney/ Human Resources Director; Ms. Ledesma, City Clerk; Ms. Steinke, Recording Clerk

Mayor Didier in the Chair

The Mayor called the meeting to order at 7:35 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

Board of Examiners and Appeals

Deputy Fire Marshal Patrick Nook, 2515 N. 111th Street
Richard Bachman, 2229 N. 115th Street (reappointment)
Robert Lex, 7420 W. State Street #2 (reappointment)
Steve Jung, 844 N. 73rd Street
(terms end 5/30/10)

Citizen's Advisory Capitol Improvements Committee

James H. Kasdorf, 2634 N. 84th Street (reappointment)
George Becker, 1626 N. 71st Street
(terms end 6/30/11)

Library Board

Mary Newton, 6548 Washington Circle (reappointment)
Jane Carroll, 251 N. 116th Street
(terms end 6/30/11)

Historic Preservation Commission

Brian Faltinson, 2209 N. 62nd Street
(term ends 11/30/11)

Charlie Mitchell, 7525 Oakhill
(term ends 11/30/10)

It was moved by Ald. Birschel, seconded by Ald. Krol
to concur with the foregoing appointments. -12

APPLICATIONS, COMMUNICATIONS, ETC.

1. Wauwatosa Water Utility Statement of Receipts and Disbursements for the period ending June 30, 2008
Place on file
2. Letter from David I. Maurstad, Federal Emergency Management Agency (FEMA) regarding implementation of floodplain management measures in order to participate in the National Flood Insurance Program (NFIP)
Community Development Director
3. City of Wauwatosa Investment Summary for the period ending June 30, 2008
Place on file
4. Letter from Marjorie Stahl, Milwaukee Metropolitan Sewerage District (MMSD) regarding the 2007 Comprehensive Annual Financial Report and Proceedings of the 2007 Commission meetings
Place on file
5. Memo from Sgt Farina regarding a donation of \$14,000 given by the Wauwatosa Neighborhood Watch Steering Committee to benefit the Wauwatosa Police Department's Harley Davidson Motor Patrol Unit
Place on file
6. Notice of Claims: Bruce J. Angeli, 3708 Hillview Court, Hubertus; Jane Jindra, 11726 W. Walnut Road; Froedtert Memorial Lutheran Hospital, Inc., 9200 W. Wisconsin Avenue, Milwaukee
City Attorney
7. Amended Summons and Complaint, HomeQ Servicing Corp. vs. Theodore and Sharon Fischer-Toerpe, regarding foreclosure of mortgage
City Attorney

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT FOR INTRODUCTION

1. Ordinance amending the Zoning Code by rezoning property at 1701/1801 N. Mayfair Road from AA Light Manufacturing District to AA Business District
Re-referred to originating committee
2. Ordinance amending Chapter 24.47 of the Zoning Code pertaining to Floodplain Districts adopting new flood insurance rate maps
Re-referred to originating committee

FROM THE COMMITTEE ON EMPLOYEE RELATIONS

RESOLUTION R-08-133

WHEREAS, a review of the City's current life insurance costs was undertaken in the Human Resources Department; and

WHEREAS, proposals from two other life insurance providers as well as negotiation of a possible new rate with the City of Wauwatosa's current life insurance provider, Anthem, resulted in a rate which would allow the City to retain its current life insurance coverage levels while reducing its life insurance cost by 50% annually with rates guaranteed through the year 2010;

NOW, THEREFORE, BE IT RESOLVED THAT appropriate City officials are hereby authorized to enter into a new contract with Anthem Life for the purposes of providing life insurance coverage for employees at the current coverage level, as more particularly described in the memorandum of the Health and Productivity Coordinator dated July 3, 2008, and provided to the Employee Relations Committee at its meeting on June 8, 2008.

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

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-08-134

WHEREAS, Sara Jonas, agent for Juniper 61 LLC, d/b/a Juniper 61, 6030 W. North Avenue 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 Sara Jonas, agent for Juniper 61 LLC, d/b/a Juniper 61, 6030 W. North Avenue, Wauwatosa, WI, for the period ending June 30, 2008.

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-08-135

WHEREAS, Matthew P. Beckwith, 3995 S. Woodhill Lane, New Berlin, WI, has applied for an operator's license in conjunction with his employment at the Cheesecake Factory, 2350 N. Mayfair Road, Wauwatosa, WI;

NOW, THEREFORE, BE IT RESOLVED THAT Matthew P. Beckwith is hereby issued an operator's license for the period ending June 30, 2009.

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

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-08-136

WHEREAS, Cameryn Roberts and Sarah Jonas have applied for a Conditional Use in the Trade District at 6030 W. North Avenue for a restaurant with outdoor dining and extended hours, 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;

WHEREAS, the Committee on Community Development determined that the proposal for outdoor dining could have a negative affect on the adjacent residential properties.

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 a restaurant with outdoor dining and extended hours in the Trade District at 6030 W. North Avenue subject to the following conditions:

- 1) hours of operation from 8:00 a.m. to 2:30 a.m. on weekends and 8:00 a.m. to 2:00 a.m. on weekdays, and outdoor patio hours of 8:00 a.m. to 11:00 p.m.; and
- 2) consulting with the police department regarding operational suggestions; and
- 3) obtaining all necessary licenses and permits.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-08-137

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, August 5, 2008 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 a property located at 1701/1801 N. Mayfair Road from AA Light Manufacturing District to AA Business 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-08-138

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, August 5, 2008 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 amendment to Chapter 24.47 Floodplain District adopting new flood insurance rate maps.

BE IT 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. Hanson to approve the three foregoing resolutions. -12

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-08-139

WHEREAS, City of Wauwatosa Tax Incremental Financing District #3 (TIF 3) is authorized within its project plan to provide funding for repaving and utility work on State Street in the City of Wauwatosa; and

WHEREAS, bids were submitted on July 10, 2008 for contract 08-02, State Street Repaving and Work Incidental Thereto, the low bid being recommended to the Common Council is the bid of C. W. Purpero, Inc. at the bid price of \$2,007,632.00, which exceeds the current funding available within TIF 3, requiring funds to be borrowed to cover expenses; and

WHEREAS, the condition of State Street is such that it is in the best interest of the City of Wauwatosa to proceed with construction immediately through the use of borrowed funds rather than waiting until sufficient cash has accumulated in the TIF 3 fund to pay for the cost of this construction;

WHEREAS, the City of Wauwatosa Amortization Fund currently has funds available to loan to TIF #3, which can be repaid over a two year period at an interest rate equal to that currently being obtained in the Local Government Investment Pool; and

NOW, THEREFORE, BE IT RESOLVED THAT the City of Wauwatosa Tax Incremental Finance District #3 is hereby authorized to borrow funds on an as-needed basis, not to exceed \$2,000,000.00 from the City of Wauwatosa Amortization Fund, with the loan to be repaid within 2 years at an interest rate equal to that which otherwise would be obtained in the Local Government Investment Pool;

BE IT FURTHER RESOLVED THAT appropriate City officials are hereby authorized to execute all documents necessary to effect the loan between the City of Wauwatosa funds.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-08-140

WHEREAS, the 2008 City of Wauwatosa budget includes a separate sanitary sewer repair account which was initially established to provide for manhole repairs as specifically mandated by the settlement of the City of Wauwatosa with the Wisconsin Department of Justice and the Wisconsin Department of Natural Resources; and

WHEREAS, that settlement limits its repair requirements to specific sections of the City in each calendar year, which was the previously described purpose of the sanitary sewer manhole repair account; and

WHEREAS, ongoing maintenance, operations and recent flood events have revealed other necessary manhole repairs in other parts of the City; and

WHEREAS, the account has sufficient funding for the required repairs as well as those repairs in other locations which may be observed and deemed to be necessary;

NOW, THEREFORE, BE IT RESOLVED THAT a change of purpose within the sanitary sewer manhole repair account established in response to the settlement with the Wisconsin Department of Justice is hereby approved in order to allow funds within said account to be used for manhole repairs, replacement or maintenance on a City-wide basis as necessary.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-08-141

WHEREAS, in response to flooding occurring in June 2008 and in response to Milwaukee Metropolitan Sewerage District's wet weather peak flow performance standards, the City Engineer has requested permission to seek a request for proposals for a System Evaluation and Capacity Assurance Plan (SECAP) and Limited Sanitary Sewer Evaluation Survey (LSSSES) Analysis for portions of various sanitary sewersheds within the City of Wauwatosa; and

WHEREAS, the 6 prioritized areas for these additional investigations in design work are described with more particularity in a July 2, 2008, memo from the City Engineer to the Budget & Finance Committee; and

WHEREAS, the project would also include the reconfiguration of by-pass pump stations to automatically discharge into Metropolitan Interceptor Sewer (MIS) systems when necessary; and

WHEREAS, obtaining proposals would allow the City Engineer to more particularly evaluate the affordability and effectiveness of various possible projects in order to increase performance in preparation of implementation of MMSD's peak flow performance standards;

NOW, THEREFORE, BE IT RESOLVED THAT appropriate City officials are hereby authorized to issue a request for proposals for investigation and design work in the sanitary sewersheds as well as reconfiguration of bypass pump stations as more particularly described in the July 2, 2008, memorandum of the City Engineer as presented to the Committee on Budget & Finance at its meeting of July 8, 2008.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-08-142

WHEREAS, the City of Wauwatosa Public Works Department has hired a new Operations Superintendent, whose duties as a result of realignment in the department, will require a personally assigned City-owned vehicle; and

WHEREAS, the purchase of a used digger derrick truck during 2008 resulted in significant savings within the Fleet Reserve Account sufficient to purchase an additional vehicle; and

WHEREAS, an appropriate vehicle for this purpose is expected to cost not more than \$18,500.00;

NOW, THEREFORE, BE IT RESOLVED THAT a change of purpose within the Fleet Reserve Account in the amount of \$18,500.00 for purposes of purchasing a new vehicle to be assigned to the Operations Superintendent is hereby approved.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-08-143

WHEREAS, changes in staffing and recent retirements require that the Human Resources Department be located adjacent to the City Attorney's office; and

WHEREAS, the location of these two departments in adjacent space is consistent with the long-term plans for reconfiguration of City Hall working space; and

WHEREAS, these changes are necessary in part due to the increasingly active oversight of health insurance funding which has resulted in significant savings to the Health and Life Reserve Funds to the City of Wauwatosa; and

WHEREAS, it is anticipated that up to \$15,000.00 and construction costs will be necessary to facilitate this move, in addition to other funds which are available,

NOW, THEREFORE, BE IT RESOLVED THAT a level 3 fund transfer in the amount of \$15,000.00 from the Health and Life Reserve funds to the Municipal Complex Account for purposes of construction costs related to reconfiguration of office space for the Human Resources Department and the City Attorney's office is hereby approved.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-08-144

WHEREAS, City of Wauwatosa Parcel #384-009-01 owned by Learsi Wisconsin, LLC, located at 6700 W. State Street in the City of Wauwatosa was assessed for tax year 2007 at a total value of \$7,541,500.00; and

WHEREAS, the property owner before the Board of Review, claimed the appropriate assessed value of the property should be no higher than \$3,308,400.00, which would require a refund of \$88,407.72 from property taxes paid by the property owner for 2007; and

WHEREAS, the property owner has sought all appropriate reviews prior to filing a lawsuit in Milwaukee County Circuit Court; and

WHEREAS, the City Assessor and the property owner have now agreed that the appropriate assessed value for the property for 2007 should be reduced to \$6,700,000.00, which value is incorporated into a proposed settlement in the matter of Learsi Wisconsin LLC v. City of Wauwatosa, Milwaukee County Case No. 08CV008272; and

WHEREAS, since the property is located within Tax Incremental Financing District #3, and all of the value adjustment is within the amount of the tax increment applicable to the property, any refund of taxes is payable entirely within the funds of Tax Incremental Financing District #3, which refund would be \$16,854.96 plus interest;

NOW, THEREFORE, BE IT RESOLVED THAT appropriate City officials of the City of Wauwatosa are hereby authorized to enter into a settlement in the matter of Learsi Wisconsin LLC v. City of Wauwatosa, Milwaukee County Circuit Court Case No. 08CV008272, assessing the property for 2007 at a value of \$6,700,000.00 and providing for a refund of excessive taxes paid, which refund shall be payable from the funds of TIF #3.

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

FROM THE COMMITTEE ON BUDGET AND FINANCE

BILLS AND CLAIMS FOR THE PERIOD JULY 7 – JULY 15, 2008 --

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 July 7-15, 2008: \$2,618,152.01

It was moved by Ald. Maher, seconded by Ald. Purins
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-08-145

BE IT RESOLVED, by the Common Council of the City of Wauwatosa, THAT permission be and the same is hereby granted to Joyce Meinecke, 2517 N. 82nd Street, Wauwatosa, WI, to encroach onto City right-of-way with plantings between the curb and sidewalk and assuming liability for the existing City tree on the right-of-way with the understanding that the tree will be assessed annually and removed if deemed necessary, subject to the applicant(s) executing unto the City of Wauwatosa an indenture setting forth the terms, provisions and conditions relating to the granting of the aforesaid permission by said City to said applicant(s).

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-08-146

BE IT RESOLVED, by the Common Council of the City of Wauwatosa, THAT permission be and the same is hereby granted to Geraldine Kelnhofer, 2089 N. 89th Street, Wauwatosa, WI, to encroach onto City right-of-way with stone retaining walls as described in the survey on file at

the City of Wauwatosa, subject to the applicant(s) executing unto the City of Wauwatosa an indenture setting forth the terms, provisions and conditions relating to the granting of the aforesaid permission by said City to said applicant(s).

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-08-147

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 C. W. Purpero, Inc., for the work of repaving W. State Street from N. 68th Street to the east city limit and work incidental thereto under Contract 08-2, State Street Repaving, at and for their bid price of \$2,007,632, this being the lowest and best of two bids (amount budgeted \$1,575,000) and

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

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

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

cal

Carla A. Ledesma, CMC, City Clerk