



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, September 16, 2008

PRESENT: Alds. Meaux, Nikcevich, Organ, Purins, Stepaniak, Treis, Walsh, Birschel, Donegan, Ewerdt, Hanson, Herzog, Jay, Krol, Maher, McBride -16

ALSO PRESENT: Mr. Archambo, City Administrator; Ms. Aldana, Asst. City Attorney; Mr. Braier, Finance Director; Mr. Wehrley, City Engineer; Ms. Welch, Community Development Director; Police Capt. Sutter; Mr. Rusch, Admin. Asst.; 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. -16

OLD BUSINESS

The following item was held after the public hearing on September 2, 2008:

ORDINANCE O-08-19

AN ORDINANCE AMENDING CHAPTER 24.47.050 FLOODPLAIN DISTRICT OFFICIAL MAPS AND REVISIONS

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

Part I. Chapter 24.47.050 Floodplain District Official Maps & Revisions is hereby amended to read as follows:

Chapter 24.47.050 FLOODPLAIN DISTRICT OFFICIAL MAPS & REVISIONS

B. Official Maps & Revisions

The boundaries of all floodplain districts are designated as floodplains or A-Zones on the maps listed below and the revisions in the City of Wauwatosa Floodplain Appendix. Any change to the base flood elevations (BFE) in the Flood Insurance Study (FIS) or on the Flood Insurance Rate Map (FIRM) must be reviewed and approved by the DNR and FEMA before it is effective. No changes to regional flood elevations (RFEs) on non-FEMA maps shall be effective until

approved by the DNR. These maps and revisions are on file in the office of Community Development of the City of Wauwatosa. If more than one map or revision is referenced, the most restrictive information shall apply.

OFFICIAL MAPS: The official map is maintained by the city and is issued by FEMA. It is known as Flood Insurance Rate Map (FIRM) panel numbers 55079C0052E, 55079C0056E, 55079C0058E, 55079C0062E, 55079C0064E, 55079C0066E, 55079C0067E, 55079C0068E, 55079C0069E, 55079C0086E, dated September 26, 2008, with corresponding profiles based on Flood Insurance Study (FIS).

Part II. This Ordinance shall take effect and be in force from and after its passage and publication.

It was moved by Ald. Herzog, seconded by Ald. Birschel to adopt the foregoing ordinance. -16

APPOINTMENTS BY THE MAYOR

Community Development Block Grant Board
Fran McLaughlin, 1837 N. 84th Street

Foregoing appointments ordered held as this was the first reading.

Community Development Block Grant Board
Michael Yamat, 9102 Stickney Avenue
Alvaro Garcia-Velez, 613 N. 72nd Street

Board of Health
Chris Shaw, PhD, FNP, 2353 Lefebber Avenue
(Term expires 12/31/12)

It was moved by Ald. Maher, seconded by Ald. Birschel to concur with the foregoing appointments. -16

APPLICATIONS, COMMUNICATIONS, ETC.

1. Notice of Claims: Julie W. Raaum, 2456 N. 85th Street; WE Energies, P.O. Box 1132, Milwaukee, letter regarding the status of their claim; David and Anne Urban, 1800 N. 74th Street; Terry and Beth Nortrup, 4406 N. 108th Street
City Attorney
2. Summons and Complaint: Wheaton Franciscan Healthcare, 400 W. River Woods Parkway, Glendale, WI (2 claims); Annunciation Greek Orthodox Foundation, Inc., 9400 W. Congress Street; Edgerton Contractors, Inc., 6466 S. 13th Street, Oak Creek;
City Attorney
3. Wauwatosa Water Utility Statement of Receipts and Disbursements for the period ending August 31, 2008
Place on file
4. City of Wauwatosa Statement of Financial Condition for the period ending August 31, 2008
Place on file

5. City of Wauwatosa Investment Summary for the period ending August 31, 2008
Place on file
6. Letter from Ald. Stepaniak in opposition to the elimination of tax levy funding support from the 2009 Executive Budget for the Wauwatosa Economic Development Corporation
Budget Committee
7. Memo from Sgt. Jeff Farina regarding a \$35 donation to the Police Community Support Division from the Wisconsin Department of Health and Family Services
Place on file

FROM THE COMMITTEE ON EMPLOYEE RELATIONS FOR INTRODUCTION

1. Ordinance amending Chapter 2.59.040 of the city code reclassifying the traffic & electrical supervisor to superintendent
Re-referred to originating committee

FROM THE COMMITTEE ON EMPLOYEE RELATIONS

RESOLUTION R-08-188

WHEREAS, the Human Resources Director is recommending conducting an RFP to outsource administration of Section 125 Plans due to increased level of participants and complexity of legal compliance issues, among other reasons;

NOW, THEREFORE, BE IT RESOLVED THAT the Human Resources Director is authorized to conduct an RFP for administration of Section 125 Plans.

It was moved by Ald. Purins, seconded by Ald. Krol
to approve the foregoing resolution. -16

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-08-172

WHEREAS, Laysa Lopez, 1568 W. Goldcrest Avenue, Milwaukee, WI, applied for an operator's license in conjunction with her employment at The Cheesecake Factory, Wauwatosa; and

WHEREAS, on the police form accompanying her application for an operator's license she could not recall all her convictions; and

WHEREAS, a background investigation revealed a previous conviction for theft which was not disclosed on the application; and

WHEREAS, the lack of integrity and honesty reflected in this omission of information regarding previous convictions is substantially related to the responsibilities in the City of Wauwatosa;

NOW, THEREFORE BE IT RESOLVED THAT the operator's license application of Laysa Lopez is hereby denied;

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

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-08-173

WHEREAS, Laurie A. Farrell, 905 S. 85th Street, West Allis, WI, has applied for an operator's license in conjunction with her employment at Vino 100, 1442 B Underwood Avenue, Wauwatosa, WI;

NOW, THEREFORE, BE IT RESOLVED THAT Laurie A. Farrell is hereby issued an operator's license for the period ending June 30, 2009, contingent upon a review of her record in six months;

BE IT FURTHER RESOLVED THAT the Wauwatosa Police Department is directed to review Ms. Farrell'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-08-174

WHEREAS, the Wauwatosa School District has applied for a fireworks user's permit for the purposes of conducting a fireworks display at Wauwatosa West High School on October 3, 2008; and

WHEREAS, the Committee on Legislation, Licensing and Communications has reviewed their request;

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Wauwatosa THAT the Clerk be authorized to issue a firework user's permit to the Wauwatosa School District for the purpose of conducting a firework's display on October 3, 2008, at Wauwatosa West High School at a specific location to be designated by the Wauwatosa Fire Chief, subject to all applicable laws and permit conditions, and subject further to all of the following:

- Receipt by the City Clerk of a signed application and appropriate permit fee;
- Receipt by the City Attorney of a Hold Harmless Agreement executed by the Wauwatosa School District in favor of the City of Wauwatosa;
- Receipt by the City Attorney of a Certificate of General Liability Insurance evidencing liability coverage for the fireworks contractor naming the City of Wauwatosa as an additional insured.

It was moved by Ald. Birschel, seconded by Ald. Organ to approve the three foregoing resolutions. -16

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-08-175

WHEREAS, Edward Polito, agent for AT&T, and Catholic Social Services Foundation have applied for a Conditional Use in the AA Institutions District at 1851 N. 60th Street for a pad mounted fiber conversion cabinet, 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 THAT the Common Council of the City of Wauwatosa, Wisconsin hereby grants a Conditional Use to Edward Polito, agent for AT&T and Catholic Social Services Foundation for a pad mounted fiber conversion cabinet in the AA Institutions District at 1851 N. 60th Street subject to the following conditions:

- 1) appropriate landscaping and screening, and
- 2) changing labels posted on cabinets from orange to a less obtrusive white, and
- 3) obtaining all other necessary licenses and permits.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-08-176

WHEREAS, Edward Polito, agent for AT&T, and Kenneth and Ann Kerrie Griffith have applied for a Conditional Use in the AA Single Family Residence District at 1927 Wauwatosa Avenue for a pad mounted fiber conversion cabinet, 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 THAT the Common Council of the City of Wauwatosa, Wisconsin hereby grants a Conditional Use to Edward Polito, agent for AT&T and Kenneth and Ann Kerrie Griffith for a pad mounted fiber conversion cabinet in the AA Single Family Residence District at 1927 Wauwatosa Avenue subject to the following conditions:

- 1) appropriate landscaping and screening, and
- 2) changing labels posted on cabinets from orange to a less obtrusive white, and
- 3) obtaining all other necessary licenses and permits.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-08-177

WHEREAS, Edward Polito, agent for AT&T, and E & K Land LLC have applied for a Conditional Use in the AA Business District at 11216 W. Blue Mound Road for a pad mounted fiber conversion cabinet, 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 THAT the Common Council of the City of Wauwatosa, Wisconsin hereby grants a Conditional Use to Edward Polito, agent for AT&T and E & K Land LLC for a pad mounted fiber conversion cabinet in the AA Business District at 11216 W. Blue Mound Road subject to the following conditions:

- 1) appropriate landscaping and screening, and
- 2) changing labels posted on cabinets from orange to a less obtrusive white, and
- 3) obtaining all other necessary licenses and permits.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-08-178

WHEREAS, Edward Polito, agent for AT&T, and Pilgrim Evangelical Lutheran Church Foundation have applied for a Conditional Use in the AA Business District at 6717 W. Center Street for a pad mounted fiber conversion cabinet, 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 THAT the Common Council of the City of Wauwatosa, Wisconsin hereby grants a Conditional Use to Edward Polito, agent for AT&T and Pilgrim Evangelical Lutheran Church Foundation for a pad mounted fiber conversion cabinet in the AA Business District at 6717 W. Center Street subject to the following conditions:

- 1) appropriate landscaping and screening, and
- 2) changing labels posted on cabinets from orange to a less obtrusive white, and
- 3) obtaining all other necessary licenses and permits.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-08-179

WHEREAS, Keith Nygren and Chez Misko, Wisconsin Athletic Club, have applied for a Conditional Use in the Medical Center and Institutions District at 8700 Watertown Plank Road to extend hours of operation to 24 hours per day seven days per week, 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 Keith Nygren and Chez Misko, Wisconsin Athletic Club to extend hours of operation to 24 hours per day seven days per week in the Medical Center and Institutions District at 8700 Watertown Plank Road.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-08-180

WHEREAS, Frederick Rubner and William Schwartz IV have applied for a Conditional Use in the AA Business District at 2500 N. Mayfair Road to operate a Ben & Jerry's kiosk at Mayfair Mall, 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 Frederick Rubner and William Schwartz IV to operate a Ben & Jerry's kiosk at Mayfair Mall in the AA Business District at 2500 N. Mayfair Road.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-08-182

WHEREAS, Helmut Toldt, Toldt Development, Inc., has submitted a preliminary plan for a Business Planned Development on city-owned 18-acre site located at the southwest corner of 113th Street and Walnut Road; and

WHEREAS, these preliminary plans have been reviewed and recommended by the City Plan Commission, the Design Review Board, and the Committee on Community Development; and

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin hereby approves the preliminary plans for a Business Planned Development on city-owned 18-acre site located at the southwest corner of 113th Street and Walnut Road submitted by

Helmut Toldt, Toldt Development, Inc. based upon the plans submitted to the City and the public hearings conducted on this matter and subject to the following conditions:

- 1) plans showing adequate sewer capacity, environmental remediation, and stormwater management subject to approval by the City Engineer;
- 2) parking lot and traffic circulation plans showing adequate access for adjacent businesses subject to approval by the City Engineer;
- 3) plans for water supply to the site subject to approval by the City Water Superintendent;
- 4) building plans designating design and materials recommended by the City Design Review Board;
- 5) emergency vehicle access plan subject to approval by City police and fire departments;
- 6) legal division of the parcel;
- 7) final developer's agreement, including maintenance of the berm, approved by the Common Council;
- 8) provision of pedestrian and bike friendly features;
- 9) inclusion of adjacent businesses in discussions regarding improvements of the 113th and Watertown Plank intersection.

It was moved by Ald. Herzog, seconded by Ald. Hanson to approve the seven forgoing resolutions. -16

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-08-181

WHEREAS, Terrence Olson, Jr., WE Energies, has applied for a Conditional Use in the Medical Center and Institutions District at 9250 Watertown Plank Road to construct and operate a natural gas fired boiler, 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 Terrence Olson, Jr., WE Energies, to construct and operate a gas fired boiler in the Medical Center and Institutions District at 9250 Watertown Plank Road.

It was moved by Ald. Herzog, seconded by Ald. Hanson to approve the foregoing resolution. 15-0-1 (Herzog)

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-08-183

WHEREAS, the budgeted amount for the purchase of vehicle S-27 in 2008 was \$32,000.00; and

WHEREAS, after spending \$25,600.00 on the chassis, \$6,400.00 remains available for the purchase of a crane to install on the new vehicle; and

WHEREAS, the price for a new crane for the vehicle is \$6,999.00, leaving a \$599.00 shortfall from funds available;

NOW, THEREFORE, BE IT RESOLVED THAT the transfer of \$599.00 from the Fleet Maintenance Reserve Account to the appropriate account to purchase a crane for vehicle S-27 is hereby approved.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-08-184

WHEREAS, the City of Milwaukee has requested and received approval from the State of Wisconsin Department of Transportation for the repaving of Blue Mound Road between US Highway 45 and North Mayfair Road; and

WHEREAS, a portion of this project is within the border of the City of Wauwatosa; and

WHEREAS, the City of Wauwatosa's share of the project is currently estimated to cost approximately \$75,000.00, although the final cost could be higher; and

WHEREAS, the City of Milwaukee will be serving as lead agency for this Wisconsin Department of Transportation project;

NOW, THEREFORE, BE IT RESOLVED THAT the appropriate City officials are hereby authorized to enter into the proposed cost sharing agreement between the City of Milwaukee and the City of Wauwatosa in conjunction with the repaving of West Blue Mound Road between N. Mayfair Road and US Highway 45, for those portions of the project which fall within the boundaries of the City of Wauwatosa, a copy of which agreement is attached hereto and incorporated herein.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-08-185

WHEREAS, the Wisconsin Department of Transportation is scheduled to repave Blue Mound Road between North Mayfair Road and Calhoun Road in the year 2011; and

WHEREAS, the City of Wauwatosa is responsible for a share of the costs of that project between Mayfair Road and 124th Street, currently estimated to be \$473,000.00; and

WHEREAS, as plans are finalized, more accurate costs and project scope information will be obtained as to the City's share of this project;

NOW, THEREFORE, BE IT RESOLVED THAT the appropriate City officials are hereby authorized to enter into the proposed Project Agreement with the State of Wisconsin Department of Transportation for local costs incurred in conjunction with the repaving of Blue Mound Road between Mayfair Road and the Waukesha County line at 124th Street, a copy of which agreement is attached hereto and incorporated herein.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-08-186

BE IT RESOLVED THAT a Fund Transfer in the amount of \$100,000 from the Capital Projects Fund balance to the Street & Alley Reconstruction account is hereby approved.

It was moved by Ald. Maher, seconded by Ald. Walsh to approve the four foregoing resolutions. -16

FROM THE COMMITTEE ON BUDGET AND FINANCE

BILLS AND CLAIMS FOR THE PERIOD 9/3/08 – 9/16/08 --

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 9/3/08 – 9/16/08: \$2,897,295.40

It was moved by Ald. Meaux, seconded by Ald. Maher that each and every one of the accounts of bills and claims be allowed and ordered paid. Roll call vote, Ayes 16

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-08-187

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 Snorek Construction, Inc., for the work of curb ramp installation in various locations on Wisconsin Avenue, N. 68th Street, N. 70th Street, Glenview Avenue, and N. 86th Street, and work incidental thereto under Contract 08-42 at and for their bid price of \$186,580.00, 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. Krol, seconded by Ald. Ewerdt to approve the foregoing resolution. -16

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

cal

Carla A. Ledesma, CMC, City Clerk