



**CITY OF WAUWATOSA**  
7725 WEST NORTH AVENUE  
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### COMMON COUNCIL

Regular Meeting, Tuesday, April 21, 2009

**PRESENT:** Aids. Stepaniak, Walsh, Birschel, Dennik, Ewerdt, Hanson, Herzog, Jay, Krol, McBride, Meaux, Nikcevich, Organ – 13

**EXCUSED:** Ald. Donegan

**ALSO PRESENT:** Mr. Archambo, City Administrator; Ms. Aldana, Asst. City Attorney; Mr. Braier, Finance Director; Mr. Kappel Public Works Director; Police Chief Weber; Mr. Wehrley, City Engineer; Ms. Welch, Community Development Director; Mr. Beix, Epidemiologist, Health Dept.; Ms. Miller-Carter, Asst. City Attorney; Ms. Van Hoven, Deputy City Clerk; Ms. Steinke, Municipal Clerk

Mayor Didier in the Chair

The Mayor called the meeting to order at 7:44 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 – 13

### OLD BUSINESS

The following item was held after a public hearing on March 17, 2009:

### ORDINANCE O-09-07

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF WAUWATOSA BY REZONING THE PROPERTIES LOCATED AT 1234 N. 62<sup>ND</sup> STREET FROM AA LIGHT MANUFACTURING DISTRICT TO BUSINESS PLANNED DEVELOPMENT DISTRICT

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

Part I. The Official Zoning Map of the City of Wauwatosa is hereby amended to reflect the following change:

All except the E 92.20 of Lots 3 & 4 of Assessors Plat no 11 in The SE ¼ of Section 7, Town 7 North, Range 21 East, in the City of Wauwatosa, County of Milwaukee, State of Wisconsin are Rezoned From AA Light Manufacturing District to Business Planned Development District.

Part II. The City Administrator is hereby directed to change the Official Zoning Map of the City of Wauwatosa to conform to the provisions of the Ordinance, and said Map is declared amended accordingly.

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

It was moved by Ald. Herzog, seconded by Ald. Stepaniak to adopt the foregoing ordinance. Ayes: 12, Noes: 0, Present: 1 (Dennik)

### **APPOINTMENTS BY THE MAYOR**

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

Appoint – Steve Berg, 139 N. 88<sup>th</sup> Street and John Schroeder, 6919 Cedar Street (terms ending 4/30/2012)

Reappoint – Richard Bachman, 2229 N. 115<sup>th</sup> Street (term ending 4/30/2012)

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

Reappoint – Peter Subotich, 2557 N. 82<sup>nd</sup> Street and Elizabeth Meyer, 6432 Upper Parkway North (terms ending 4/30/2012)

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

Reappoint – Marlyn Spear, 2335 N. 89<sup>th</sup> Street (term ending 4/30/2012)

#### **City Plan Commission:**

Appoint – Gloria Stearns, 1815 N. 116<sup>th</sup> Street and Chris Jackson, 7704 W. Wisconsin Avenue (terms ending 4/30/2012)

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

Reappoint – Robert Peeples, 2562 Wauwatosa Avenue (term ending 4/30/2014)

It was moved by Ald. Krol, seconded by Ald. Birschel to concur with the foregoing appointments. -13

#### **Aldermanic Selection Committee for the 8<sup>th</sup> District vacant seat:**

Ald. Peter Donegan

Ald. Jacqueline Jay

Ald. Robert Dennik

Ald. Jill Organ

Ald. Don Birschel

### **APPLICATIONS, COMMUNICATIONS, ETC.**

1. Wauwatosa Water Utility Statement of Receipts and Disbursements for the period ending March 31, 2009  
**Place on file**
2. City of Wauwatosa Bank Reconciliation of Depository Accounts for the period ending March 31, 2009  
**Place on file**

**APPLICATIONS, COMMUNICATIONS, ETC.**

3. City of Wauwatosa Statement of Financial Condition for the period ending March 31, 2009  
**Place on file**
4. Letter from the Public Service Commission regarding a Strategic Energy Assessment for the years January 1, 2008 through December 31, 2014  
**Place on file**
5. Notice of Claims: Richard & Maribeth Meeusen, W289 N3414 Lost Creek Court, Pewaukee, John P. Casanova, 2855 N. 117<sup>th</sup> Street, Wauwatosa  
**City Attorney**
6. Wauwatosa Revolving Loan Fund Corporation, Financial Statements for the period ending December 31, 2008 and 2007  
**Place on file**
7. Letters from John Picciurro, The Baby Grand, 11302 W. Blue Mound Road, Wauwatosa, and Gerald M. Pfeifer, 2000 W. National Avenue, Milwaukee, regarding Mr. Pfeiffer's request for reconsideration of his Operator License denial  
**Place in existing file**
8. Proclamation from Mayor Didier and Tosa United in support of "Parents Who Host, Lose the Most: Don't be a party to underage drinking" Week/Month  
**Place on file**

**FROM THE COMMITTEE ON LEGISLATION, LICENSING & COMMUNICATIONS**

**RESOLUTION R-09-082**

WHEREAS, Michelle M. Aldana, 2420 S. Wentworth Avenue, Milwaukee, WI, has applied for an operator's license in conjunction with her employment at Eddie Martini's, 8612 Watertown Plank Road, Wauwatosa, WI;

NOW, THEREFORE, BE IT RESOLVED THAT Michelle M. Aldana, 2420 S. Wentworth Avenue, Milwaukee, WI, is hereby issued an operator's license for the period ending June 30, 2009.

**FROM THE COMMITTEE ON LEGISLATION, LICENSING & COMMUNICATIONS**

**RESOLUTION R-09-083**

WHEREAS, Eric J. Truss, 1433 S. 86<sup>th</sup> Street, West Allis, WI, has applied for an operator's license in conjunction with his employment at Noodles & Company, 7700 W. State Street, Wauwatosa, WI;

NOW, THEREFORE, BE IT RESOLVED THAT Eric J. Truss, 1433 S. 86<sup>th</sup> Street, West Allis, WI, is hereby issued an operator's license for the period ending June 30, 2009.

**FROM THE COMMITTEE ON LEGISLATION, LICENSING & COMMUNICATIONS**

**ORDINANCE O-09-05**

**AN ORDINANCE CREATING SECTION 8. OF THE CODE OF THE CITY OF WAUWATOSA PERTAINING TO HEALTH AND SANITATION**

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

The following sections of the Code of the City of Wauwatosa are hereby created to read as follows:

The following sections of the Code of the City of Wauwatosa are hereby deleted and renumbered to read as follows:

**Section 8.02.010 Administrative Code Adopted.**

The following enumerated sections of the Wisconsin Administrative Code pertaining to health are hereby and by reference made a part of this code as though fully set forth herein. Any future amendments, revisions and modifications of the Administrative Code incorporated herein are intended to be made a part of this chapter.

DHS 172	Safety, Maintenance and Operation Public Swimming Pools
DHS 175	Recreational and Education Camps
DHS 178	Campgrounds
DHS 195	Hotels, Motels and Tourist Rooming Houses
DHS 196	Restaurants
DHS 197	Bed and Breakfast Establishments
DHS 198	Vending of Food
ATCP 74	Retail Food Establishment: Local Government Regulations
ATCP 75	Retail Food Establishments
COMM 90	Design and construction of Public Swimming Pools & Water Attractions
ATCP 13	Rabies

**Section 8.08 Dangers to Health.**

**Section 8.08.070 Interference with Health Officer.**

No person shall resist or obstruct the Health Officer while he or she is in the discharge of any duty. No person shall refuse or neglect to obey any direction given by the Health Officer in matters pertaining to his or her duties.

**Section 8.08.090 Contagious Diseases - Report.**

It shall be the duty of every physician residing or practicing within the limits of the City to make a report to the Health Officer of any case of small pox, diphtheria, scarlet fever, typhoid fever, Asiatic cholera, or other dangerous or contagious disease that he/she may be called upon to attend professionally within the City limits and any physician who neglects or refuses to make report is herein required within 24 hours of the time when he/she visits and ascertains any case or disease such as herein mentioned shall be subject to the general penalty provisions of the Code.

Section 8.08.120 Contagious Diseases- Burial of Infected Deceased Persons.

No one having charge or control of any schoolhouse or church, or of any room or building used for school or church purposes, or for any public assembly in this city, shall permit the body of any person dead from smallpox, diphtheria, scarlet fever, Asiatic cholera, or other dangerous contagious diseases to be taken into such building or room for the purpose of holding funeral services over such body; and no sexton, undertaker or other person having charge or direction of the burial of any body dead from any of these diseases herein mentioned shall permit the casket or coffin containing such body to be opened in the presence of any child; neither shall any child be permitted to act as pall bearer or carrier at any such funeral; and the health officer shall have power to prevent the attendance at the funeral or burial of any person dead from dangerous contagious diseases of all persons other than those necessary for the interment of such body; and any person who violates any of the provisions of this section shall be subject to the general penalty provisions of the code.

Section 8.10 Human Health Hazard.

Section 8.10.010 Definitions.

“Human health hazard” means a substance, activity, or condition that is known to have potential to cause acute or chronic illness or death; to endanger life; to generate or spread infectious diseases; or otherwise injuriously affect the health of the public if exposure to the substance, activity or condition is not abated.

Section 8.10.090 (4). Designation of Dwelling as Human Health Hazard:

A dwelling because of its condition has been implicated as the source of a confirmed case of lead poisoning or asbestos or mold or other human health hazard that the species of mold have not yet been determined and no thresholds have been set. Usually other habitability issues bring mold to the attention of the Health Department.

8.28.010. Depositing garbage and rubbish prohibited.

It is unlawful for any person, firm, or corporation, or for any officer, member, agent, servant, or employee of any firm or corporation to place, throw, or leave any slops, dirty water, or other liquid of offensive smell, or otherwise nauseous or unwholesome, or any dead carcass, carrion, meat, fish, entrails, manure, or other nauseous or unwholesome matter or substance, or any rubbish, ashes, paper, dirt, stones, bricks, manure, tin cans, boxes, barrels, or other substances whatsoever or to place any circulars, handbills, cards, posters, dodgers, or other printed or advertising matter, or to drain or pour, or to permit to drain or flow, oil, kerosene, benzene, or other similar oil or oily substance or liquid, in or upon any sidewalk, street, alley, or other public place, park or ground, or river or waterway within the city of Wauwatosa.

Section 8.29.080 Throwing Rubbish Into the Menomonee River should be stricken.

Section 8.32.050 Food.

- A. Food Supplies. 1. General. Food shall be:
  - a. Free from spoilage, filth or contamination
  - b. Not adulterated
  - c. Shall otherwise be safe for human consumption. Food shall be obtained from sources that comply with all laws relating to food, food handling, food processing and labeling. The use of food in hermedically-sealed containers not prepared in approved food processing establishment is prohibited.

- B. Food Code. Chapter HFS 1.200 of the Wisconsin Administrative Code is adopted by reference as though fully set forth herein.

Privies. Section 8.52.010 Abatement. be deleted in its entirety.

#### Section 8.56 Pest Control.

##### Section 8.56.010 Definitions.

- A. "Hardware cloth" means wire screening of such thickness and spacing as to afford reasonable protection against the entrance of rats and mice.
- B. "Owner, manager or tenant." Whenever any person or persons shall be in actual possession as tenant of, or have charge, care, or control of any property within the city as executor, administrator, trustee, guardian, or agent, such person or persons shall be deemed and taken to be the owner or owners of such property within the true intent and meaning of this chapter and shall be bound to comply with the provisions of this chapter to the same extent as the owner, and notice to any such person of any order or decision of the health commissioner shall be deemed and taken to be a good and sufficient notice, as if such person or persons were actually the owner or owners of such property, except that whenever an entire premises or building is occupied as a place of business, such as a store, factory, warehouse, rooming house, junk yard, lumber yard, or any other business under a single management, the person, firm, or corporation in charge of such business shall be considered the owner or manager.
- C. "Rat harborage" means any place where rats can live and nest without fear of frequent molestation or disturbance.
- D. "Rat-proof container" is a container constructed of concrete or metal, or the container shall be lined with metal or other material that is impervious to rats, and openings into the container such as doors shall be tight fitting to prevent the entrance of rats.
- E. "Rat-proofing" consists of closing openings in building foundations and openings under and around doors, windows, vents, and other places which could provide means of entry for rats, with concrete, sheet iron, hardware cloth, or other types of rat-proofing material approved by the health officer.

##### Section 8.56.050 Rat -Proofing.

- A. It shall be the duty of the owner, manager or tenant of any building in the city of Wauwatosa to make such building reasonably rat-proof, to replace broken basement windows, and when necessary, to cover the basement window openings with hardware cloth or other suitable material for preventing rats from entering the building through such window openings.
- B. The owner, manager, or tenant of any premises upon which sheds, barns, coops, or similar buildings are located shall eliminate the rat harborages from within and under such buildings by rat-proofing, raising the buildings above the ground, or by some other suitable method, or such sheds, barns, coops, or other buildings shall be razed as deemed necessary by the health officer. All premises shall be kept free from insect, rodent and other pest infestation. Whenever insect, rodents, or other pests are found they shall be promptly exterminated or removed by an approved process that will not be injurious to human health. After extermination or removal, proper precautions shall be taken to prevent reinfestation.

##### Section 8.56.060. Rat Harborage. Inspection.

It shall be the duty of the health officer or the health inspector under his or her direction, to investigate all reported rat harborages and also in his or her regular food inspection calls to inspect the premises for potential rat harborages and feeding places.

Section 8.56.070 Pest Infestation and Extermination.

All premises shall be kept free from insect, rodent and other pest infestation. Whenever insect, rodents, or other pests are found they shall be promptly exterminated or removed by an approved process that will not be injurious to human health. After extermination or removal, proper precautions shall be taken to prevent reinfestation.

Delete reference to insect to comport with WI Stat. sec. 94.701(3) which provides that a political subdivision may not prohibit the use of or otherwise regulate pesticides.

Section 8.90.040. Safety and Maintenance.

Chapter HFS 172 of the Wisconsin Administrative Code is adopted by reference as though fully set forth herein.

Section 8.90.050 B. Suspension or Revocation of License.

When the City Health Officer suspends a license and orders a pool closed, he/she shall issue a written order to be served on the licensee either personally or by registered or certified mail. Such notice shall state the license has been suspended, the specific reason for the suspension, the corrective action necessary, and may order the pool to be closed until corrections are made. The Health Officer is authorized to post a sign at the pool with the following wording: "Closed For Swimming By Order Of The Wauwatosa Health Department."

**FROM THE COMMITTEE ON LEGISLATION, LICENSING & COMMUNICATIONS**

**ORDINANCE O-09-06**

**AN ORDINANCE CREATING SECTION 9.04 OF THE CODE OF THE CITY OF WAUWATOSA PERTAINING TO REGULATION OF ANIMALS**

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

The following sections of the Code of the City of Wauwatosa are hereby created to read as follows:

The following sections of the Code of the City of Wauwatosa are hereby deleted and renumbered to read as follows:

9.04.050. Beekeeping for Research, Medicinal and Educational Purposes moved to and renumbered as Section 9.08.020 B entitled *Bees Prohibited*.

9.04.040 B.1. Rabies Control

Rabies vaccination required for cats, dogs, and ferrets.

1. Requirement. The owner of a cat, dog, or ferret shall have the cat, dog, or ferret vaccinated against rabies by a veterinarian within 30 days after the animal reaches 5 months of age and revaccinated within 1 year after the initial vaccination. If the owner brings the animal into the City after the animal has reached 5 months of age, the owner shall have the cat, dog, or ferret vaccinated against rabies within 30 days after the cat, dog or ferret is brought into the City, unless the cat, dog or ferret has been vaccinated as evidenced by a current Certificate of Rabies Vaccination from this State or another State. The owner shall have the cat, dog or ferret revaccinated against rabies by a veterinarian before the date the

immunization expires as stated on the Certificate of Vaccination or for cats and dogs, if no date is specified within 3 years after the previous vaccination.

9.04.040 (3) Health Risk to Humans:

If an animal is ordered to be quarantined because there is no reason to believe that the animal bit a person, the custodian of the isolation facility or the owner shall keep the animal under strict isolation under the supervision of a veterinarian or a certified rabies observer for at least 10 days after the incident.

It was moved by Ald. Birschel, seconded by Ald. Hanson to approve the two foregoing resolutions and to adopt the two foregoing ordinances – 13

**FROM THE COMMITTEE ON LEGISLATION, LICENSING & COMMUNICATIONS**

TO THE COMMON COUNCIL, CITY OF WAUWATOSA

The Committee on Legislation, Licensing & Communications, to whom was referred the matter of the reconsideration of the operator license denial for Gerald M. Pfeifer, 2000 W. National Avenue, Milwaukee, sends this matter to the Common Council without recommendation.

Dated this 14<sup>th</sup> day of April, 2009.

It was moved by Ald. Birschel, seconded by Ald. Nikceovich to re-refer this item back to the committee – 13

**FROM THE COMMITTEE ON EMPLOYEE RELATIONS**

TO THE COMMON COUNCIL, CITY OF WAUWATOSA

The Committee on Employee Relations to whom was referred the matter of a proposed salary reduction for Council members, recommends to the Common Council that the matter be accepted and placed on file.

Dated this 14<sup>th</sup> day of April, 2009.

It was moved by Ald. Ewerdt, seconded by Ald. Krol to place this item on file. Ayes: 12, Noes: 1 (McBride)

**FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT**

**RESOLUTION R-09-085**

BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin THAT permission be and the same is hereby granted to Paul and Teresa Jennings for a Land Division by

Certified Survey Map in the AA Single Family Residence District at 12237 Watertown Plank Road. These parcels are more particularly described as follows:

Certified Survey Map No. , being a division of Lot 1 of Certified Survey Map No. 6221 located in part of the Northwest ¼ of the Northwest ¼ of Section 30, in Township 7 North, Range 21 East in the City of Wauwatosa, County of Milwaukee, State of Wisconsin.

All in accordance with the application 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-09-086**

BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin THAT permission be and the same is hereby granted to James Keegen, Milwaukee County Parks for a Land Division by Certified Survey Map in the Parks and Open Space District at approximately 1500 Underwood Creek Parkway. These parcels are more particularly described as follows:

Certified Survey Map No. , being a division of Southwest ¼ of the Northwest ¼ and Northwest ¼ and Southwest ¼ of the Southwest ¼ of Section 20, in Township 7 North, Range 21 East in the City of Wauwatosa, County of Milwaukee, State of Wisconsin.

All in accordance with the application 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-09-087**

WHEREAS, Sue Black, Milwaukee County Parks, has applied for a Conditional Use in the Parks and Open Space District at 3535 N. Mayfair Road for a dog exercise area, 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 Sue Black, Milwaukee County Parks, for a dog exercise area in the Parks and Open Space District at 3535 N. Mayfair Road.

**FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT**

**RESOLUTION R-09-088**

WHEREAS, Andrew Schneider has applied for a Conditional Use in the Village Trade District at 7610 Harwood Avenue for outdoor dining, 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 Andrew Schneider for outdoor dining in the Village Trade District at 7610 Harwood Avenue subject to the following conditions:

- 1) hours of operation 6:00 a.m. to midnight daily, and
- 2) approval of an encroachment agreement for use of the public right-of way, and
- 3) obtaining all necessary licenses and permits.

**FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT**

**RESOLUTION R-09-089**

WHEREAS, Myren Grosenick and Joseph Fugarino have applied for a Conditional Use in the AA Business District at 418 N. Mayfair Road for a martini bar, 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 Myren Grosenick and Joseph Fugarino for a martini bar in the AA Business District at 418 N. Mayfair Road subject to the following conditions:

- 1) hours of operation 11:00 a.m. to 2:00 a.m. Monday through Friday and 11:00 a.m. to 2:30 a.m. Saturday and Sunday, and
- 2) obtaining all necessary licenses and permits.

**FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT**

**RESOLUTION R-09-091**

WHEREAS, the City of Wauwatosa is a community that celebrates its parks and neighborhoods; and

WHEREAS, working together to protect these natural, social and economic resources is essential to the continued quality of life of the residents and visitors of this community; and

WHEREAS, the Common Council recently established an Energy Committee to pursue ways to promote sustainability and environmental responsibility; and

WHEREAS, the 2009 observance of Earth Day provides an opportunity for people to promote environmental stewardship by setting goals and taking actions to lessen the negative impact on the environment; and

WHEREAS, we wish to encourage participation in all area wide activities related to improving our environment throughout the year in order to protect our natural, social and economic resources.

NOW, THEREFORE, BE IT RESOLVED THAT the Common Council of the City of Wauwatosa does proclaim April 22, 2009, as Earth Day and call upon the people of Wauwatosa to join their fellow citizens across the United States in recognizing and participating in this special observance.

It was moved by Ald. Herzog, seconded by Ald. Hanson to approve the six foregoing resolutions – 13

**FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT**

**RESOLUTION R-09-090**

WHEREAS, Ryan Schultz, HSI Properties, LLC, has applied for a preliminary approval of 148 unit apartment building in the Business Planned Development District at 1234 N. 62<sup>nd</sup> Street, 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 preliminary approval to Ryan Schultz, HSI Properties, for a 148 unit apartment building in the Business Planned Development District at 1234 N. 62<sup>nd</sup> Street.

It was moved by Ald. Herzog, seconded by Ald. Hanson to approve the foregoing resolution. Ayes: 12, Noes: 0, Present: 1 (Dennik)

**FROM THE COMMITTEE ON BUDGET & FINANCE**

**RESOLUTION R-09-092**

WHEREAS, the City has placed a priority on redevelopment of the former Roundy's/Kohl's warehouses, now referred to as the Burleigh Triangle;

WHEREAS, in order to further develop this property the City adopted a master plan that resulted in rezoning of the property to Business Planned Development District;

WHEREAS, the City has an opportunity to apply for approximately \$2.8 million in Economic Development Association funds to be used for the construction of a business accelerator on the Burleigh Triangle;

WHEREAS, acceptance of the grant requires a commitment to proceeding with the project within a specified period of time and matching funds that the City could provide through creation of a TIF District with support from CDBG funds;

NOW THEREFORE BE IT RESOLVED THAT City staff is authorized to submit the grant application and, if successful, the City will pursue TIF authorization and implementation steps, which include construction of the accelerator building and necessary infrastructure on the site.

It was moved by Ald. Ewerdt, seconded by Ald. Organ to approve the foregoing resolution. Ayes: 12, Noes: 1 (Dennik)

**FROM THE COMMITTEE ON BUDGET & FINANCE**

**RESOLUTION R-09-093**

WHEREAS, the City of Wauwatosa hereby requests financial assistance under s. 281.65 or 281.66 Wis. Stats., and chs. NR 151, 153, and 155, Wis. Admin. Code, for the purpose of implementing measures to meet nonpoint source water pollution abatement needs in area-wide water quality management plans or with one or more components specified in s. 281.65 or 281.66 Wis. Stats.,

NOW, THEREFORE, BE IT RESOLVED THAT, the City of Wauwatosa hereby authorizes the City Engineer or his designee to act on behalf of the City in the following activities:

- Sign and submit grant application
- Sign a grant agreement between the local government and the DNR
- Submit quarterly and final reports
- Request grant reimbursement
- Sign and submit an Environmental Hazard Assessment form

**FROM THE COMMITTEE ON BUDGET & FINANCE**

**RESOLUTION R-09-096**

WHEREAS, City planning staff requests that existing Community Development Block Grant (CDBG) funds in the amount of \$157,334.35 be reallocated for the purpose of providing money to 2009 Engineering projects that include sanitary/storm sewer and water main repairs in a low/moderate income area; and

WHEREAS, this reallocation will provide funding for sanitary/storm sewer and water main work on Wauwatosa Avenue;

WHEREAS, the CDBG funds used to cover this reallocation equal the amount of the contract and are comprised of remaining balances from completed projects that are closed;

NOW, THEREFORE, BE IT RESOLVED THAT, the proposed reallocation of CDBG funds for the purpose of funding sanitary/storm sewer and water main work on Wauwatosa Avenue.

**FROM THE COMMITTEE ON BUDGET & FINANCE**

**RESOLUTION R-09-094**

WHEREAS, City engineering staff recommends renewing the contract with Graef- USA for construction inspection services to supplement engineering inspection staff; and

WHEREAS, Graef- USA has proposed 2009 rates that are acceptable to the City;

NOW, THEREFORE, BE IT RESOLVED THAT, City staff is authorized to renew the construction inspection service agreement with Graef- 2009 at the proposed 2009 rates.

It was moved by Ald. Ewerdt, seconded by Ald. Organ to approve the four foregoing resolutions – 13

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

**BILLS AND CLAIMS FOR THE PERIOD 4/8/09 – 4/21/09**

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 4/8/09 – 4/21/09: \$1,624,688.55

It was moved by Ald. Meaux, seconded by Ald. Ewerdt that each and every one of the accounts of bills and claims be allowed and ordered paid. Roll call vote, Ayes 13.

**FROM THE BOARD OF PUBLIC WORKS**

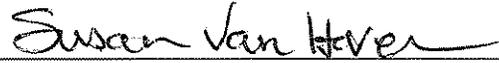
**RESOLUTION R-09-095**

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 C.W. Purpero, Inc. for the work of sanitary sewer repair, relining and water main relay in a portion of Wauwatosa Avenue and work incidental thereto under Contract 09-01 and for their bid price of \$208,582.55, this being the lowest of six bids.

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 foregoing resolution – 13

There being no further business, the meeting adjourned at 8:12 p.m.



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Susan Van Hoven, Deputy City Clerk  
City of Wauwatosa