



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, December 16, 2008

PRESENT: Alds. Hanson, Jay (7:40 p.m.), Krol, McBride, Nikceovich, Organ, Purins, Stepaniak, Walsh, Birschel, Donegan -11

EXCUSED: Alds. Ewerdt, Herzog, Maher, Meaux

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; Ms. Aldana, Asst. City Attorney/HR Director; Dr. Kreuser, Health Officer; Fire Chief Redman; Ms. Ledesma, City Clerk; Ms. Van Hoven, Deputy City Clerk

Mayor Didier in the Chair

The Mayor called the meeting to order at 7:34 p.m.

Mayor Didier offered condolences on behalf of the City of Wauwatosa to the family of Ald. Tom Treis who passed away on December 10, 2008. A moment of silence was observed in his memory.

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. -10

OLD BUSINESS

The first order of business was the following ordinance which was held after a public hearing on December 2, 2008:

ORDINANCE O-08-32

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

AN ORDINANCE CREATING CHAPTER 24.05 ADOPTING THE COMPREHENSIVE PLAN

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

Part I. Chapter 24.05 of the Wauwatosa Municipal Code, to be titled "Comprehensive Plan" is hereby created.

Part II. Section 24.05.010 of the Wauwatosa Municipal Code is hereby created to read as follows:

The document titled, "City of Wauwatosa Comprehensive Plan, 2008-2030" is hereby adopted as the Comprehensive Plan of the City of Wauwatosa pursuant to Section 66.1001(4)(c) of the Wisconsin Statutes and as the Master Plan pursuant to Section 62.23(3) of the Wisconsin Statutes. The document, as certified in its current form, shall be available for review at the Department of Community Development and in the office of the City Clerk.

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

(Ald. Jay present 7:40 p.m.) -11

The second order of business was the following resolution which was held after a public hearing on December 2, 2008:

RESOLUTION R-08-241

WHEREAS, the Common Council of the City of Wauwatosa, Wisconsin, held a public hearing at the Council Chambers in the City Hall at 7:30 p.m. Local Time, on the 2nd day of December, 2008 for the purpose of hearing all interested persons concerning the preliminary resolution and report of the Board of Public Works on the proposed improvement by repaving of the following streets. Sidewalk replacement cost, on those streets so indicated, is included in the assessment rate for the paving work.

<u>Street & Location</u>	<u>Ald. Dist.</u>	<u>Exist & (Prop.) Width</u>	<u>Pavement Construction Type</u>	<u>Assessed Sidewalk Work</u>
N. 68 th St. from Mt. Vernon Ave. to W. Blue Mound Rd.	4	34'	A-Conc.	Yes
N. 68 th St. from W. State St. to Menomonee River	4	Varies	A-Conc.	No
N. 86 th St. from W. Wright St. to north city limit	6	30'	B-Asph.	Yes
Auburn Ave. from N. 70 th St. to N. 72 nd St.	4	30'	A-Conc.	Yes
W. Blue Mound Rd. from USH 45 to N. Mayfair Rd.	3	35'-24'-35'	C-Asph.	No
Kinsman St. from west end to N. 68 th St.	4	24'	A-Conc.	Yes
W. Meinecke Ave. from N. 81 st St. to Swan Blvd.	6	30'	B-Asph.	Yes
W. Ruby Ave. from N. 100 th St. to N. 106 th St.	8	30'	C-Asph.	No
Wauwatosa Ave. from W. Center St. to beyond north city limit	5	36'	A-Conc.	Yes
Alley - W. Center St.-Ridge Blvd. / Swan Blvd. - 93 rd St.	6	20'	A-Conc.	No
Alley - W. Meinecke Ave. - W. North Ave. / N. 66 th St. - 100ft. east	5	20'	C-Asph.	No

Original Construction: New (Conc.) or (Asph.) Grading, placing new concrete curb and gutter, and concrete or asphalt pavement surface (as indicated) on a new stone or asphalt base.

Reconstruction: Type "A" (Asph.) or (Conc.) Completely removing existing curb and gutter and existing pavement, placing new concrete curb and gutter (excluding alleys), and asphalt or concrete pavement surface on a new base.

The above repaving type also includes placing necessary water and sewer service pipes and storm sewer and appurtenances; relaying sanitary sewer and storm sewer as required; relocating existing street lighting system where necessary; constructing new concrete driveway approaches and

replacing concrete sidewalks which are disturbed by other construction, which are defective, or which have a hazard potential.

Repaving: Type “B” (Asph.) Completely removing existing curb and gutter, milling the existing asphalt pavement as required, and placing new concrete curb and gutter and asphalt pavement surface on the existing road base.

The above repaving type also includes placing necessary water and sewer service pipes and storm sewer and appurtenances; relaying sanitary sewer and storm sewer as required; relocating existing street lighting system where necessary; constructing new concrete driveway approaches and replacing concrete sidewalks which are disturbed by other construction, which are defective, or which have a hazard potential.

Repaving: Type “C” (Asph.) Milling the existing pavement as required, repairing curbs (and abutting approaches and sidewalks where necessary), and surfacing with asphalt pavement. Also included is the placing of necessary water and sewer service pipes and storm sewer and appurtenances, and relaying sanitary sewer and storm sewer as required.

and has heard all persons desiring audience at such hearing;

NOW, THEREFORE, BE IT RESOLVED, By the Common Council of the City of Wauwatosa, Wisconsin as follows:

Section 1. That the report of the Board of Public Works in connection with the construction of the above-described permanent public improvement, including preliminary plans and specifications therefore, is hereby adopted and approved.

Section 2. That the Board of Public Works is directed to carry out the work of such permanent improvement in accordance with the report of the Board of Public Works.

Section 3. That payment for said permanent improvement be made by assessing the cost to the property improved as indicated in said report.

Section 4. That the assessments shown on the report, are true and correct and are hereby confirmed.

Section 5. That the owners of the respective parcels of land fronting or abutting the street improvements, on which a public hearing has been held and preliminary assessments have been confirmed, shall have payment of the special assessments scheduled as follows:

(a) Each special assessment and special charge, pursuant to Section 66.0627 of the Wisconsin Statutes, levied in an amount of \$200 or less against any parcel of land in the City of Wauwatosa shall be entered in the tax rolls in one installment.

(b) All assessments will be collected in installments as provided below, except such assessments on property where the owner of the same shall file with the City Clerk within 30 days from date of billing, a written notice that he elects to pay the special assessment on his property to the City Treasurer on or before the next succeeding November 1, unless the election is revoked in writing 30 days prior to November 1. If, after making such election, said property owner fails to make the payment to the City Treasurer, the City Clerk shall place the entire assessment, and applicable interest, on the next succeeding tax roll.

(c) Each special assessment for improvements levied in an amount exceeding \$200 against any parcel of land in the City of Wauwatosa shall be entered in the tax rolls in five equal annual installments of principal together with interest at the rate of twelve percent (12%) per year or the percentage rounded out to the next highest whole percentage number above the interest rate paid by the City for the sale of corporate purpose bonds, which include the project which is the subject of the special assessment, whichever figure is less, on the unpaid balance of said assessment. Individual assessments shall run concurrently except as provided under Section 3.08.040 of the City Code.

(d) Each special assessment levied against any parcel of land in the City of Wauwatosa for the installation of sanitary sewer main or water main or construction of permanent street pavement shall not be entered in the tax roll until all installments of special assessments for sanitary sewer or water main or construction of permanent street pavement levied previously against the same parcel of land have been entered into the tax rolls and have been paid. Such subsequent special assessment shall be deferred and only interest at the rate of twelve percent (12%) per year, or the percentage rounded out to the next highest whole percentage number above the interest rate paid by the City for the issuance of General Obligation Debt, which include the project which is the subject of the special assessment, whichever figure is less, on such subsequent special assessment shall be carried into the tax rolls in addition to the scheduled installments of such prior assessments. After the last installment of such prior special assessment has been entered in the tax rolls, installments of the subsequent special assessment shall, beginning with the next subsequent tax roll, be entered in the tax rolls pursuant to Section 3.08.030 of the City Code.

(e) Whenever special assessments are levied against the frontage and side of a corner parcel of land in the City of Wauwatosa for the installation of sanitary sewers or water mains or construction of permanent pavements arising out of the same public works project, such special assessments levied against a corner parcel of land shall be deemed to be two separate special assessments, and the special assessment levied against the frontage of the corner parcel of land shall first be scheduled on the tax rolls for payment as provided in Section 3.08.030 of the City Code and the special assessment levied against the side of the corner parcel of land shall be scheduled on the tax rolls pursuant to (c) above, following such scheduling of the special assessment levied against the frontage of the corner parcel of land.

(f) Notwithstanding the provisions of (c) and (d) above, any owners of parcels of land assessed may at their option elect to pay both the scheduled installments of prior assessments as well as scheduled installments of subsequent special assessments on the same tax rolls as entered on those tax rolls pursuant to Section 3.08.030 of the City Code.

(g) If, after special assessments have been placed on the tax rolls in installments or otherwise, the taxpayer fails to pay the same within the time allowed for payment of general taxes, the same shall become delinquent and shall be treated in the same manner and subject to the same laws as delinquent general property taxes.

Section 6. The properties against which the assessments are proposed are benefited. Such benefits may include, but are not necessarily limited to, enhancement of value or marketability, improved drainage, improved pedestrian safety (walks), improved vehicular access, improved skid resistance and cross sectional elements.

Section 7. The City Clerk is directed to publish this resolution in the Wauwatosa Now, official paper of the City of Wauwatosa.

Section 8. The City Clerk is further directed to mail a copy of this resolution to every property owner within the limits of the assessment district whose name appears on the assessment roll and whose post office address is known, or can with reasonable diligence be ascertained.

It was moved by Ald. McBride, seconded by Ald. Nikcevich to adopt the foregoing ordinance and to approve the foregoing resolution. -11

APPOINTMENTS BY THE MAYOR

Design Review Board A:

Michael Goetz, 610 N. Honey Creek Parkway
Michael Skaleski, 6812 W. Wisconsin Avenue
Christine Westfall, 6171 Washington Circle
Kurt Zimmerman, 556 N. 64th Street
(terms to end 12/31/10)

Design Review Board C:

Dennis Scherr, 2380 N. 100th Street
Fouad Saab, 1630 Church Street
Tom DiSalvo, 2234 N. 115th Street
Tom Olejniczak, 1752 N. 83rd Street
Eli Potkonjak, 8905 Jackson Park Boulevard
(terms to end 12/31/10)

Civil Service Commission:

Kelly Watzka, 2022 N. 71st Street
(term to end 9/30/2011)

Ordered held as this was the first reading.

APPLICATIONS, COMMUNICATIONS, ETC.

1. City of Wauwatosa Investment Summary for the period ending November 30, 2008
Place on file
2. City of Wauwatosa Statement of Receipts and Disbursements for the period ending November 30, 2008
Place on file
3. Notice of Claim: James A. White, 1818 W. Juneau, Milwaukee; Mary Smith, 1229 S. 123 Street, West Allis; Erin Cisewski, 6063 Hargis Street, Los Angeles, CA
City Attorney
4. Request by Karl Ostby, Southeastern Wisconsin Regional Transit Authority, for review of their report on recommendations pertaining to the growing need for a modern, regional transit system
City Engineer, Public Works Director
5. Letter from Gary Heinrichs, Bureau of Watershed Management, Dept. of Natural Resources, 101 S. Webster St., Madison regarding floodplain zoning ordinance approval
Community Development Director

6. City of Wauwatosa Statement of Financial Condition for the period ending November 30, 2008
Place on file
7. Letter from Mark Rider, 2566 N. 65th Street regarding his proposal to move up to four homes from Underwood Avenue to another site or sites in the city
City Engineer, Public Works Director
8. City of Wauwatosa, Bank Reconciliation of Depository Accounts for the period ending November 30, 2008
Place on file
9. E-mail from Ald. Nikcevich regarding a recommendation for changes in the aldermanic selection process
Mayor, City Attorney, City Administrator

FROM THE COMMITTEE ON EMPLOYEE RELATIONS

ORDINANCE O-08-33

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

AN ORDINANCE AMENDING SECTION 2.59.040 PERTAINING TO PAY GRADES FOR FLSA EXEMPT EMPLOYEES

Part I. The “FLSA Exempt Positions” portion of Section 2.59.040 of the Wauwatosa Municipal Code is hereby amended by adding the position “Public Health Manager” at pay Grade 10.

Part II. Non-codified provision: The City of Wauwatosa Position Distribution List is hereby amended by adding the Public Health Manager position at 1.0 FTE to the Health Department.

Part III. This ordinance shall become effective on and after its date of publication.

It was moved by Ald. Purins, seconded by Ald. Donegan to adopt the foregoing ordinance. -11

FROM THE COMMITTEE ON TRAFFIC AND SAFETY

ORDINANCE O-08-34

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

AN ORDINANCE AMENDING SECTION 11.32.080 OF THE CODE OF THE CITY OF WAUWATOSA PROHIBITING PARKING ON THE WEST SIDE OF NORTH 115TH STREET

Part I. The “North 115th 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:

“(h) from W. Center Street to 130 feet south thereof”

Part II. This ordinance shall become effective on and after its date of publication.

It was moved by Ald. McBride, seconded by Ald. Walsh
to adopt the foregoing ordinance. -11

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

ORDINANCE O-08-35

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

AN ORDINANCE CREATING WAUWATOSA CODE SECTION 15.32.070 B.2. TO PROVIDE FOR A RE-INSPECTION FEE UPON FAILURE TO COMPLY WITH PROPERTY MAINTENANCE ORDERS

Part I. Section 15.32.070 B.2. of the Wauwatosa Municipal Code is hereby created to read as follows:

2. Where additional inspections are made necessary by reason of neglect or work found faulty, defective, or incomplete at the time of inspection, or at the expiration of time permitted in an order of noncompliance, a re-inspection fee may be charged. If the cost of the same is not paid within sixty days, it shall be levied as a special charge against the premises as authorized by Section 66.0627 of the Wisconsin Statutes.

Part II. This ordinance shall become effective on and after its date of publication.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-08-242

BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin THAT permission be and the same is hereby granted to James and Mary Sharon DeGuzman for a Land Combination in the AA Single Family Residence District at 2544 Pasadena Boulevard. These parcels are more particularly described as follows:

Lots 18 and 19 in Block 4 of Glenshire, being a subdivision of part of the SW ¼ of Section 16, Township 7 North, Range 21 East, in the City of Wauwatosa, Milwaukee County, 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 combined.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-08-243

WHEREAS, Peter Skanavis, G11 Group LLC, has applied for a Conditional Use in the AA Business District at 611 N. Mayfair Road for a therapeutic massage therapy establishment 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 Peter Skanavis, G11 Group LLC for a therapeutic massage therapy establishment in the AA Business District at 611 N. Mayfair Road subject to the following conditions:

- 1) Hours of operation 8:00 a.m. to 9:00 p.m. daily, and
- 2) Obtaining any other applicable licenses and permits.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

The Committee on Community Development, to whom was referred *Adding Life to Years II – City of Wauwatosa Senior Transportation Assessment* dated October 2008, recommends to the common council that the matter be placed on file.

Dated this 9th day of December 2008.

Committee on Community Development

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-08-244

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 for a Land Division by Certified Survey Map in the AA Commercial District on the southwest corner of 113th Street and Walnut Road. A Certified Survey Map to be filed with Milwaukee County Register of Deeds described as follows:

Being a part of the South 1/2 of the Northeast 1/2 of Section 19, 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-08-245

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

WHEREAS, these final 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 final 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) final plans showing adequate sewer capacity, environmental remediation, and stormwater management subject to approval by the City Engineer;
- 2) final parking lot and traffic circulation plans showing adequate access for adjacent businesses subject to approval by the City Engineer;
- 3) final plans for water supply to the site subject to approval by the City Water Superintendent;
- 4) final building plans designating design and materials recommended by the City Design Review Board as described in the master plan documents;
- 5) final approval of emergency vehicle access plan by City police and fire departments;
- 6) legal division and completion of sale of the parcel;
- 7) final developer's agreement, including maintenance of the berm, approved by the Common Council.

It was moved by Ald. Hanson, seconded by Ald. Krol to adopt the foregoing ordinance, and to approve the four foregoing resolutions and one foregoing report. -11

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-08-246

WHEREAS, since January 1, 2007, each municipal Fire Department which provides paramedic services in Milwaukee County has been responsible for billing services rendered through a paramedic system coordinated by Milwaukee County and intended to be uniform throughout all areas of the County; and

WHEREAS, the Milwaukee County Association of Fire Chiefs has studied billing rates used in Milwaukee County and comparable rates charged by other providers in Wisconsin and found that adjustment to the current rates charged to Milwaukee are supported as reasonable and customary which will be changed uniformly throughout the County of Milwaukee;

NOW, THEREFORE, BE IT RESOLVED THAT fees for certain paramedic services provided by the City of Wauwatosa's Fire Department are hereby changed as follows:

- Basic Life Support (BLS) mileage be revised from \$12.00 to \$14.00 per mile,
- BLS supplies shall be revised from \$40.00 to \$50.00
- and the fee for oxygen and supplies shall be revised from \$20.00 to \$75.00;

BE IT FURTHER RESOLVED THAT these revised fees shall be reflected in the Consolidated Fee Schedule and the schedule shall be amended such that these fees shall take effect on January 1, 2009.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-08-247

WHEREAS, the Director of Public Works has requested a change of purpose and carryover to the 2009 funds for a GIS- based pole inventory;

NOW, THEREFORE, BE IT RESOLVED THAT the request of the Director of Public Works for a change of purpose in carryover to 2009 for funds to begin a GIS- based light pole inventory is hereby denied.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-08-248

WHEREAS, various City departments have filed forms with the Finance Director requesting that specific funds within various accounts be carried over from the 2008 to the 2009 budget year; and

WHEREAS, those forms were provided to the Committee on Budget & Finance at its December 9, 2008, meeting and are available for review in the office of the City Clerk;

NOW, THEREFORE, BE IT RESOLVED THAT the carryover request presented to the Budget & Finance Committee at its December 9, 2007, meeting and further retained in the files of the City Clerk and the Finance Director are hereby approved for carryover into the 2009 budget year.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-08-249

WHEREAS, the City Attorney's office has requested a transfer from the Reserve for Contingencies for funding for litigation costs related to the matter of Covenant Healthcare v. City of Wauwatosa in the amount of \$23,721.08;

NOW, THEREFORE, BE IT RESOLVED THAT the amount of \$23,721.08 is hereby transferred from the Reserve for Contingencies to the City Attorney's Sundry Contractual Services Account for Tax Exempt Litigation to fund immediate and known litigation expenses in the matter of Covenant Healthcare v. City of Wauwatosa.

It was moved by Ald. Purins, seconded by Ald. Donegan to approve the four foregoing resolutions. -11

FROM THE COMMITTEE ON BUDGET AND FINANCE

BILLS AND CLAIMS FOR THE PERIOD 12/3/08 – 12/16/08 --

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 12/3/08 – 12/16/08: \$2,941,265.07

It was moved by Ald. Krol, seconded by Ald. Organ
that each and every one of the accounts of bills and claims
be allowed and ordered paid. Roll call vote, Ayes 11

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-08-250

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 Outdoor Lighting Construction Company for the work of signal improvements, Divisions A, B, and C and work incidental thereto under Contract 08-13 in the amount of \$373,655.07, this being the lowest and best bid.

WHEREAS the 2009 Capital Improvements budget has no yet been approved,

BE IT FURTHER RESOLVED that funds from the 2009 Traffic Signal Improvements budget and Safety Enhancements budget be approved and utilized to fund the work.

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. -11

There being no further business, the meeting adjourned at 7:54 p.m.

cal

Carla A. Ledesma, CMC, City Clerk