



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, April 7, 2009

PRESENT: Alds. Walsh, Birschel, Dennik, Donegan, Ewerdt, Hanson, Jay, Krol, McBride, Nikcevich, Organ, Stepaniak -12

EXCUSED: Alds. Herzog and Meaux

ALSO PRESENT: Mr. Archambo, City Administrator; Ms. Aldana, Asst. City Attorney; Mr. Braier, Finance Director; Mr. Kappel, Public Works Director; Ms. Welch, Community Development Director; Police Chief Weber; Mr. Wehrley, City Engineer; Dr. Kreuser, Health Officer; Mr. Beix, Epidemiologist; 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.

Brownie Troop #3043 from Madison School led the pledge of allegiance.

Public Works Director Bill Kappel was recognized for his selection by the American Public Works Association as one of the 2009 top Ten Public Works Leaders of the Year.

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 Parks and Forestry Commissioners

Steve Berg, 139 N. 88th Street

John Schroeder, 6919 Cedar Street

(terms end 4/30/2012)

Richard Bachman, 2229 N. 115th Street

(term ends 4/30/2012)

Board of Zoning Appeals

Peter Subotich, 2557 N. 82nd Street (full member)

Elizabeth Meyer, 6432 Upper Parkway North (1st alternate)

(terms end 4/30/2012)

Board of Public Debt Commissioners

Marlyn Spear, 2335 N. 89th Street
(term ends 4/30/2012)

City Plan Commission

Gloria Stearns, 1815 N. 116th Street
Chris Jackson, 7704 W. Wisconsin Avenue
(terms to end 4/30/2012)

Police and Fire Commission

Robert Peeple, 2562 Wauwatosa Avenue
(term ends 4/30/2014)

Foregoing appointments ordered held as this was the first reading.

APPLICATIONS, COMMUNICATIONS, ETC.

1. City of Wauwatosa Bank Reconciliation of Depository Accounts for the period ending February 28, 2009
Place on file
2. Notice of Claims: Patricia Boyd, 1125 Lone Tree Road, Elm Grove; David P. Swanson, 7235 W. Wells Street, Wauwatosa; Glen Slonac, 13690 W. Maple Ridge Road, New Berlin; Theresa Garner, P.O. Box 72, Milwaukee; Deann Crawford, 7900 Harwood Avenue, Wauwatosa; Robin E. Moon, 250 N. 113th Street, Wauwatosa
City Attorney
3. Conditional Use application in the Parks & Open Space District for a dog exercise area on a 1.2 acre portion of Currie Park located at 3535 N. Mayfair Road, Sue Black, applicant
Plan Commission, Community Development Committee
4. Conditional Use application in the Village Trade District for outdoor dining located at 7610 Harwood Avenue, Andrew Schneider, Le Reve, Applicant
Plan Commission, Community Development Committee
5. Conditional Use application in the Trade District for outdoor seating in front of the café located at 7203 W. North Avenue, Theo and Helen Tselentis, applicants
Plan Commission, Community Development Committee
6. Conditional Use application in the AA Business District for a martini lounge located at 418 N. Mayfair Road, Myren D. Grosenick, applicant
Plan Commission, Community Development Committee
7. Conditional Use application in the AA Light Manufacturing District for an ambulance garage and sub-station located at 11829 W. Ripley Avenue, Chris Anderson, Bell Ambulance, applicant
Plan Commission, Community Development Committee
8. Conditional Use application in the AAA Single Family Residence District for an AT&T fiber conversion cabinet located at 4639 N. 92nd Street, Nancy K. Pinter and Chad Karwedsky, applicants
Plan Commission, Community Development Committee
9. Application for a Land Division by Certified Survey Map of property in the AA Single Family Residence District located at 12237 Watertown Plank Road, Paul and Teresa Jennings, applicants
Plan Commission, Community Development Committee

10. Application for a Land Division by Certified Survey Map of property in the Parks & Open Space District located on Underwood Creek Parkway, James Keegan, Milwaukee County Parks, applicant
Plan Commission, Community Development Committee
11. Letter from Dana Jones, Accounting Manger, VISIT Milwaukee, regarding their report on Audited Financial Statements for the Greater Milwaukee Convention & Visitors Bureau, Inc. for the years ending December 31, 2008 and 2007
Place on file
12. City of Wauwatosa Investment Summary for the period ending March 31, 2009
Place on file
13. Letter from Ald. Birschel requesting a review of parking restrictions on N. 115th Street between W. Center and W. Clarke Streets
Public Works Director
14. Petition signed by residents living on N. 89th Street and N. 90th Street between Stickney and Menomonee River Parkway requesting a review of alley work done in 2008
Public Works Director

FROM THE COMMITTEE ON LEGISLATION, LICENSING & COMMUNICATIONS FOR INTRODUCTION

1. Ordinance amending Chapter 8 of the city code pertaining to health and sanitation
Re-referred to originating committee
2. Ordinance amending Chapter 9 of the city code pertaining to the regulation of animals
Re-referred to originating committee

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-09-68

WHEREAS, Angela C. Verberne, 2479A N. 68th Street, Wauwatosa, WI, has applied for an operator's license in conjunction with her employment at Juniper 61, 61st and North Avenue, Wauwatosa, WI;

NOW, THEREFORE, BE IT RESOLVED THAT Angela C. Verberne is hereby issued an operator's license for the period ending June 30, 2009.

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-09-69

WHEREAS, Nicholas D. McDonald, W219 S7594 Crowbar Drive, Muskego, WI, has applied for an operator's license in conjunction with his employment at JoJo's Martini Lounge, 417 N. Mayfair Road, Wauwatosa, WI;

NOW, THEREFORE, BE IT RESOLVED THAT Nicholas D. McDonald is hereby issued an operator's license for the period ending June 30, 2009.

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-09-70

WHEREAS, William Poull of the Club Tap, 8828 W. North Avenue, has requested a temporary extension of the licensed premises to include the parking lot of his business on May 30 and 31, 2009, for his annual corn roast;

NOW, THEREFORE, BE IT RESOLVED THAT the licensed premises of the Club Tap be extended to include the parking area in the rear of the building on May 30 and 31st, 2009, between the hours of 12:00 and 8:00 PM with live music from 1:00 – 6:00 PM, on the condition that refuse resulting from the event will be thoroughly cleaned by the premises owner.

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-09-71

WHEREAS, Rob Messinger of Hector's-A Mexican Restaurant, 7118 W. State Street, Wauwatosa, WI, has requested a temporary extension of the licensed premises to include the parking lot on June 18, 2009, for their 20th anniversary;

NOW, THEREFORE, BE IT RESOLVED THAT the licensed premises of Hector's-A Mexican Restaurant be extended to include the parking lot of the building on June 18, 2009, between the hours of 5:00 p.m. and 10:00 p.m., with live music from 6:00 p.m. – 10:00 p.m.;

BE IT FURTHER RESOLVED THAT the proprietors of Hector's shall perform garbage cleanup on neighboring properties resulting from the outdoor event and will cooperate with any requested noise abatement.

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-09-72

WHEREAS, CDM Hospitality, Inc., d/b/a Jo Jo's Martini Lounge, 418 N. Mayfair Road, Wauwatosa, WI, has applied for a Class B beer and Reserve Class B liquor license;

NOW, THEREFORE, BE IT RESOLVED THAT a Class B beer and Reserve Class B liquor license be awarded to CDM Hospitality, Inc., d/b/a Jo Jo's Martini Lounge, 418 N. Mayfair Road, Wauwatosa, WI, for the period ending June 30, 2009;

BE IT FURTHER RESOLVED THAT an economic development grant in the sum of \$9,875.00 pursuant to Section 6.08.475 of the Wauwatosa Municipal Code be and hereby is granted.

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

FROM THE COMMITTEE ON EMPLOYEE RELATIONS

ORDINANCE O-09-04

AN ORDINANCE AMENDING WAUWATOSA CODE SECTION 2.58.021 RELATING TO EXECUTIVE LEAVE

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

Part I. Section 2.58.021 is hereby deleted in its entirety and recreated to read as follows:

2.58.021 Executive Leave

- A. A full-time exempt employee who is pay range ten or higher at the time of hire may be entitled to five days paid executive leave each calendar year until the employee is eligible for three weeks vacation. The City Administrator shall determine which employees are eligible for executive leave at the time of hire based on whether the employee has a total of seven years of previous management experience or other equivalent factors deemed appropriate by the City Administrator based on the recruitment needs of the city.
- B. A full-time exempt employee who is awarded executive leave under subsection A of this section and is pay range fourteen or higher at the time the employee is eligible for three weeks vacation shall continue to receive five days of paid executive leave until the employee is eligible for five weeks vacation.
- C. Executive leave shall not vest with the employee and shall not be paid out upon separation of employment with the city.

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

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

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-09-73

WHEREAS, the State of Wisconsin increased its license fees for restaurant, food and other establishments after the City’s 2009 budget was established. The state license fee increases increase the amount the City of Wauwatosa will be required to reimburse the state;

NOW, THEREFORE, BE IT RESOLVED THAT the City’s consolidated fee schedule be amended as follows:

Fee Schedule Proposal Title	Section	2008	2009
Bed and Breakfast Local Fee	Fee Res.	\$80.00	\$100.00
Food - Restaurant			
Less than \$10,000		\$150.00	\$175.00
\$10,001 - \$30,000		\$225.00	\$250.00

\$30,001 - \$100,000		\$300.00	\$325.00
\$100,001 - \$200,000		\$375.00	\$425.00
\$200,001 - \$1,000,000		\$450.00	\$500.00
More than \$1,000,000		\$525.00	\$575.00
Food-Restaurant satellite	Fee Res.	\$125.00	\$135.00
Hotels			
1-30 rooms	Fee Res.	\$150.00	\$165.00
31 - 99 rooms	Fee Res.	\$200.00	\$260.00
100 - 199 rooms	Fee Res.	\$250.00	\$330.00
200+ rooms		\$350.00	\$400.00
Rooming House License	Fee Res.	\$80.00	\$100.00

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

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-09-74

WHEREAS, the Wisconsin Department of Transportation is soliciting local transportation projects for funding under the American Recovery and Reinvestment Act (Recovery Act);

WHEREAS, the resurfacing project of West Burleigh Street from east city limits to approximately STH 100 is currently planned to occur after 2009 but would be completed sooner if this funding is received. Accordingly, this project is an appropriate project for Recovery Act funding;

WHEREAS, if accepted as a project, the Recovery Act construction costs could total over \$500,000 of which the City's share could be zero to \$100,000. Design consulting fees are estimated to be less than \$100,000 and would be funded 100% by the City;

NOW, THEREFORE, BE IT RESOLVED THAT the engineering/public works staff is authorized to apply for and accept Recovery Act funding for the resurfacing project of West Burleigh Street from east city limits to approximately STH 100 and that such staff is further authorized to select the appropriate design professional and to execute professional services agreement for the design work;

BE IT FURTHER RESOLVED THAT the 2009 Capital Budget is hereby amended to provide funds for the design work for this project from funds previously allocated to other capital projects as identified by engineering/public works staff.

It was moved by Ald. Ewerdt, seconded by Ald. Organ to approve the foregoing resolution. 10 – 2 (Krol, Jay)

FROM THE COMMITTEE ON BUDGET AND FINANCE

BILLS AND CLAIMS FOR THE PERIOD 3/18/09 – 4/7/09 --

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 3/18/09 – 4/7/09: \$3,084,642.93

It was moved by Ald. Hanson, seconded by Ald. Krol that each and every one of the accounts of bills and claims be allowed and ordered paid. Roll call vote, Ayes 12

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-09-76

WHEREAS, the Purchasing Manager and Special Projects Engineer solicited proposals for boiler and HVAC preventative maintenance services; and

WHEREAS, four vendors submitted proposals and the Purchasing Manager and Special Projects Engineer recommend the proposal of Johnson Controls at a cost in 2009 of \$4,941.67 for boiler work and \$3,887.00 for HVAC service work, the lowest cost proposal received; and

WHEREAS, the other three vendors also responded with acceptable qualifications and service rates, as outlined in the memorandum of the Purchasing Manager dated February 25, 2009, a copy of which is attached hereto,

NOW, THEREFORE, BE IT RESOLVED THAT

- 1) The appropriate City officials are hereby authorized to enter into a three-year agreement, with separate purchase orders issued each year, with Johnson Controls, Inc. for boiler and HVAC preventative maintenance work for a total cost of \$8,828.67; and
- 2) That the three other vendors are hereby pre-qualified to perform repair work on an as needed basis based on price, convenience and availability, if the estimated cost is less than \$8,000.00.

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-09-77

BE IT RESOLVED, by the Common Council of the City of Wauwatosa, THAT permission be and the same is hereby granted to Philip Kroner and Jean Baker, 7817 Jackson Park Boulevard, Wauwatosa, WI, to encroach onto City right-of-way with an extension of one to two feet from the edge of the retaining wall of his driveway to provide parking for an additional car, 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), and it is also understood that the City would inspect grades before final work is performed.

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-09-78

BE IT RESOLVED, by the Common Council of the City of Wauwatosa, THAT permission be and the same is hereby granted to Mark Rowbottom of Rowbottom Properties, 7700 Harwood Avenue, Wauwatosa, WI, to encroach onto City right-of-way adjacent to the Harwood pedestrian bridge with a fence and gate not to be used for commerce, 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-09-79

WHEREAS, bids received for aggregate seal coating portions of Derby Ave., Courtland Ave., Glendale Ave., Ruby Ave., N. 110th St., Delco Ave., Parkside Dr., Parkside Ct., Harley Davidson Ave., Ruby Ave., Marion St., Hope Ave., Webster Ct., Fiebrantz Ave., N. 111th St., Raymir Cir., Raymir Pl., York Pl., York Ct., Melvina St., Feerick Pl., Vienna Ave., Highwood Ave., Nash St., Sunset Ave., N. 101st St., Park Ridge Ave., N. 102nd St. Hillside Ave., Stewart Ave., Woodward Ave. N. 107th St., Keefe Ave., Townsend St., N. Men. River Pkwy., Knoll Ter., N. 104th St., N. 105th St., N. 106th St., Knoll Blvd., Concordia Ave., Auer Ave., Argonne Dr. under Contract 09-18 exceed the available budget amount; and

WHEREAS, the quantities of work must be reduced to bring the total bid price within the available budget amount of \$186,000.00; and

WHEREAS, upon this reduction, Fahrner Asphalt Sealers, Inc. of Plover, Wisconsin remains the lowest of two bids received.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Wauwatosa THAT the quantities of aggregate seal coating and sweeping contemplated under Contract 09-18 be and are hereby reduced by no less than 3.075%, for a reduction in the contract amount of \$5,900.01.

BE IT FURTHER RESOLVED THAT the proper city officials be and are hereby authorized and directed to enter into a contract with Fahrner Asphalt Sealers, Inc. of Plover, Wisconsin for aggregate seal coating, and work incidental thereto under Contract 09-18 at and for an adjusted bid price not to exceed \$186,000.00, this being the lowest and best bid.

BE IT FURTHER RESOLVED THAT the surety deposits, if any, be returned to the unsuccessful bidder.

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-09-81

WHEREAS, the Water Superintendent reported that a sanitary sewer lateral was damaged by the Water Department in the course of repairing a water main break; and

WHEREAS, Rozga Plumbing and Heating Corporation was hired on a time and materials basis to make the repair and charged \$5,290.93;

NOW, THEREFORE, BE IT RESOLVED THAT the emergency purchase of repair services from Rozga Plumbing is hereby approved.

It was moved by Ald. Dennik, seconded by Ald. Hanson to approve the five foregoing resolutions. -12

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-09-80

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 Triad Constructions, Inc., for the work of Hart Park athletic field improvements, and work incidental thereto, under Contract 09-76 at and for their bid price of \$4,202,905.00, 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. Dennik, seconded by Ald. Hanson to approve the foregoing resolution. 10-1 (Stepaniak), -1 (McBride).

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

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Carla A. Ledesma, CMC, City Clerk