



CITY OF WAUWATOSA
MEMORIAL CIVIC CENTER
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COMMON COUNCIL

Regular Meeting, Tuesday, March 17, 2009

PRESENT: Alds. Birschel, Dennik (7:35 p.m.), Donegan, Ewerdt, Hanson, Herzog, Jay, Krol, McBride, Meaux, Nikcevich, Organ, Walsh -13

EXCUSED: Ald. Stepaniak

ALSO Mr. Archambo, City Administrator; Ms. Aldana, Asst. City Attorney/HR Director; Mr. Braier, Finance Director; Ms. Welch, Community Development Director; Police Chief Weber; 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.

Members of the Wauwatosa West High School "We Are The People" class were honored for their first place finish in state competition, and were further acknowledged for their upcoming trip to Washington DC to participate in national competition in April.

APPOINTMENT OF 8TH DISTRICT ALDERPERSON

RESOLUTION R-09-67

BE IT RESOLVED, by the Common Council of the City of Wauwatosa, THAT the rules of the Common Council be suspended for the purpose of appointing Robert R. Dennik as Alderman of the Eighth Aldermanic District of the City of Wauwatosa for a term ending in April, 2010.

It was moved by Ald. Herzog, seconded by Ald. Birschel to nominate Robert R. Dennik to the 8th District seat formerly held by Tom Treis. 11-1 (McBride)

City Clerk Carla Ledesma swore in Robert Dennik as 8th District Alderman. -13

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

PUBLIC HEARING

The first item of business was a public hearing to consider the proposed rezoning of property at 1234 N. 62nd Street from AA Light Manufacturing District to Business Planned Development District.

Proof of publication is in the file.

In a meeting held on February 9, 2009, the City Plan Commission recommended approval of the request.

The Mayor inquired whether anyone of the public present wished to be heard in favor of the proposal.

Ryan Schultz and Brett Haney, HSI Properties LLC, 500 W. Silver Spring Drive, Glendale, spoke in favor of the proposal. Gene Guskowski, AG Architects, 1414 Underwood Avenue, project architect, was also present.

Mr. Schultz highlighted the merits of the project, noting that this project is a redevelopment opportunity for the former Derse property. When designing the building, consideration was given to the site and surrounding uses; Art Deco elements of the former Derse building have been expressed in the building's design and should integrate well with the neighborhood. The development will be urban-looking and will feature high-end finishes and natural materials, meeting market demand in this area. Some unique storm water designs will be implemented; the project itself abides by the provisions set forth in the adopted Land Use Plan. Planned density is lower than The Reserve to the south, or Serafino Square or the Overlook apartments. Care was taken to avoid over-crowding of the site.

While the Derse property paid approximately \$50,000 in property taxes annually, it is estimated that The Enclave, when completed, will generate over \$350,000 annually in property taxes.

There have been many meetings with neighbors to address their concerns. Setbacks have been significantly increased along Martin Drive. As well, more green space has been provided within the site. Tenant parking will be housed within the building. There will be tremendous opportunity for pedestrian access around the building and into the heart of the Village. Additionally, a traffic study has just been completed. Results indicate that once The Enclave is built out, there will be a net reduction in traffic on N. 62nd Street.

Mr. Schultz added that he and Mr. Haney are local people who intend to develop, manage, and own this development. Investors are local investors. Mr. Haney added that this property has been in Derse's and his family's ownership for over 20 years and he is committed to producing a quality development.

Bob Ornst, 6222 W. State Street, stated that he has been in business on State Street for over 38 years. It appears that The Enclave will be a very classy development and he is supportive of the project moving forward. The proposed high-end apartments make sense for the area and the rent that will be charged should discourage a transient population. Manufacturing uses or individual dwelling units are not appropriate for this site, and the condominium market is very depressed at present.

The Mayor inquired whether anyone of the public present wished to be heard in opposition to the proposal.

Gary Kandziora, 6124 W. Martin Drive, stated he is not opposed to apartments being constructed across the street, but is concerned with the size of the building and the additional traffic the residents of those apartments may generate. Mr. Kandziora noted that the former Western Metals property to the west is still vacant; it was rezoned with an eye towards redevelopment as well, but that has yet to

occur. In the meantime, residents contend with the barren, dusty property. He expressed concern that the same fate could await this property.

The Mayor inquired whether any one of the public present wished to be heard either for or against the proposed ordinance or had any comments or questions.

Robert Lenz, 6020 Martin Drive, expressed concern that projects, once started, are actually completed. He also inquired whether MMSD is aware that a storm water tunnel runs under the former Derse property, and that the tunnel overflowed during the 1997 flood. Mr. Lenz applauded the proposal to install traffic lights at the intersection of N. 62nd and W. State Streets. He inquired whether a walking trail would be constructed along Schoonmaker Reef, and whether that same trail will simply dead-end in a parking lot to the west.

The public hearing was declared closed. Ordered held to the Community Development Committee meeting on March 31, 2009.

APPOINTMENTS BY THE MAYOR

City Attorney

Alan Kesner, 940 Currie Place

(4-year term beginning July 17, 2009 pursuant to section 20.071(5) of the Charter Ordinances

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

APPLICATIONS, COMMUNICATIONS, ETC.

1. City of Wauwatosa Water Utility Statement of Receipts and Disbursements for the period ending February 28, 2009
Place on file
2. City of Wauwatosa, Investment Summary for the period ending February 28, 2009
Place on file
3. City of Wauwatosa, Statement of Financial Condition, for the period ending February 28, 2009
Place on file
4. Notices of Claim: James B. Arndt, 7626 N. Chadwick Road, Glendale; WE Energies, P.O. Box 1132, Milwaukee
City Attorney
5. Letter from Kathy Ehley, Wauwatosa Historic Preservation Commission, in support of HSI Development's proposal to preserve Schoonmaker Reef
Community Development Director
6. Letter from Gerald M. Pfeifer, 2000 W. National Avenue, Milwaukee, appealing the denial of his operator license
City Attorney

FROM THE COMMITTEE ON EMPLOYEE RELATIONS FOR INTRODUCTION

1. Amendment to Section 2.58.021 of the city code pertaining to executive leave correcting the ordinance so that eligibility is consistent with the intent of executive leave
Re-referred to originating committee
2. Amendment to Section 2.59.030 of the city code relating to future salary increases for non-represented employees
Re-referred to originating committee

FROM THE COMMITTEE ON EMPLOYEE RELATIONS

RESOLUTION R-09-57

WHEREAS, City staff and the Wauwatosa Peace Officers' Association request that the Common Council approve the attached Memorandum of Understanding allowing police officers to convert a maximum of 8.4 hours of unused professional time off into a Retirement Health Care Savings Account; and

WHEREAS, there is no fiscal impact to the City;

NOW, THEREFORE, BE IT RESOLVED THAT the Common Council of the City of Wauwatosa hereby approves the attached Memorandum of Understanding between the Wauwatosa Peace Officers' Association and the City of Wauwatosa.

It was moved by Ald. Krol, seconded by Ald. Ewerdt
to approve the foregoing resolution. -13

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-09-58

WHEREAS, Michael L. Erickson, 11040 W. Wild Wood Lane #F105, Milwaukee, WI, has applied for an operator's license in conjunction with his employment at Buffalo Wild Wings on Mayfair Road in Wauwatosa, WI;

NOW, THEREFORE, BE IT RESOLVED THAT Michael L. Erickson, 11040 W. Wild Wood Lane, #F105, Milwaukee, WI, is hereby issued an operator's license for the period ending June 30, 2009, under the condition that any and all outstanding fines or forfeitures owed to other jurisdictions will be paid in full prior to the license being issued.

It was moved by Ald. Birschel, seconded by Ald. Nikcevich
to approve the foregoing resolution. -13

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-09-59

WHEREAS, Bud Ziebell has applied for a Conditional Use in the AA Business District at 10425 W. North Avenue for a restaurant 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 Bud Ziebell for a restaurant in the AA Business District at 10425 W. North Avenue subject to the following conditions:

- 1) hours of operation from 6:00 a.m. to 5:00 p.m. daily, and
- 2) obtaining any required licenses and permits.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-09-60

WHEREAS, Jennifer Wright, Milwaukee Metropolitan Sewerage District (MMSD), has applied for a Conditional Use in the Parks and Open Space District at approximately 741 Honey Creek Parkway for a pumping station emergency generator 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 Jennifer Wright, Milwaukee Metropolitan Sewerage District (MMSD), for a pumping station emergency generator in the Parks and Open Space District at approximately 741 Honey Creek Parkway subject to the following conditions:

- 1) adequate landscaping and screening, and
- 2) obtaining any required licenses and permits.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-09-61

WHEREAS, Robert Messinger has applied for a Conditional Use in the AA Business District at 7118 W. State Street for extended outdoor dining hours and;

WHEREAS, this request was reviewed and recommended by the City Plan Commission and the Committee on Community Development and determined to be necessary for the public convenience

at that location; located and proposed to be operated in such manner which will protect the public health, safety, and welfare; and was found to be compatible with surrounding uses;

NOW, THEREFORE, BE IT RESOLVED THAT the Common Council of the City of Wauwatosa, Wisconsin hereby grants a Conditional Use to Robert Messenger for extended outdoor dining hours in the AA Business District at 7118 W. State Street subject to the following conditions:

- 1) hours of operation for the outdoor dining from 11:00 a.m. to 11:00 p.m. daily, and
- 2) obtaining any required licenses and permits.

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

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-09-63

BE IT RESOLVED, by the Common Council of the City of Wauwatosa THAT the claim filed by Michael Schmidt for damages be and the same is hereby denied and placed on file for the reason that no liability exists on the part of the City;

BE IT FURTHER RESOLVED THAT the City Clerk is hereby authorized and directed to notify said claimant of this action of the Common Council as provided by law.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-09-64

BE IT RESOLVED, by the Common Council of the City of Wauwatosa THAT the claim filed by John Hafemeister for damages be and the same is hereby denied and placed on file for the reason that no liability exists on the part of the City;

BE IT FURTHER RESOLVED THAT the City Clerk is hereby authorized and directed to notify said claimant of this action of the Common Council as provided by law.

It was moved by Ald. Ewerdt, seconded by Ald. Donegan to approve the two foregoing resolutions. -13

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-09-62

WHEREAS, THE 2009 City of Wauwatosa Capital Budget provides, in part, that one of the funding sources related to construction projects at Hart Park relies upon proceeds from the potential sale of land at the City of Wauwatosa Public Works yard in the amount of \$1.2 million; and

WHEREAS, the sale of the land at the Public Works yard has not yet concluded, such that these proceeds are unavailable at this time for the 2009 Hart Park Project; and

WHEREAS, the Common Council of the City of Wauwatosa expresses a strong desire to move forward immediately for athletic field improvements at Hart Park in order that the facilities are usable for Fall 2009 sporting events; and

WHEREAS, sufficient funding can be made available to finance the planned 2009 improvements at Hart Park through the application of the remaining surplus from the 2008 Capital Budget, as well as utilization of available City funds, until such funds can be reimbursed through charitable donations, land sale proceeds, or other sources, including 2010 borrowing;

NOW, THEREFORE, BE IT RESOLVED THAT appropriate City officials are hereby authorized to allocate the remaining surplus of approximately \$200,000.00 from the 2008 Capital Projects Fund to reduce the amount of the 2009 Capital Bond issue and to utilize other available funds which may be reimbursed through future revenue sources described above, in order to fund the completion of the planned Hart Park Capital Projects in 2009;

BE IT FURTHER RESOLVED THAT the contingency providing that 2009 Hart Park Capital Projects are to be funded by proceeds from the sale of public works yard property is hereby removed from the 2009 Capital Budget.

It was moved by Ald. Ewerdt, seconded by Ald. Donegan to approve the foregoing resolution. Roll call vote, Ayes 12, Present 1 (McBride)

FROM THE COMMITTEE ON BUDGET AND FINANCE

BILLS AND CLAIMS FOR THE PERIOD 3/4/09 – 3/17/09

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 3/4/09 – 3/17/09: \$1,211,903.21

It was moved by Ald. Meaux, seconded by Ald. Jay 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-09-65

WHEREAS, the Wauwatosa Purchasing Department has requested pre-qualification statements and pricing from water utility repair contractors for 2009 with an option of two additional one-year extensions on an as-needed basis; and

WHEREAS, each of the six contractors and their statements are reflected in the memorandum of the Purchasing Manager dated March 10, 2009, provide different advantages based upon the price, convenience and availability;

NOW, THEREFORE, BE IT RESOLVED THAT each of the six contractors described in the memorandum of the Purchasing Manager are hereby qualified to provide water utility repairs on an as-needed basis for 2009, with an option of two additional one-year extensions, with individual purchases being made on the basis of price, convenience and availability.

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-09-66

WHEREAS, the Wauwatosa Purchasing Department has requested pre-qualification statements and pricing from electrical, plumbing, and elevator contractors for a period of three years to perform minor and emergency repair work estimated to cost \$8,000.00 or less on an as-needed basis; and

WHEREAS, each of the eight contractors and their statements are reflected in the memorandum of the Purchasing Manager dated March 12, 2009, provide different advantages based upon the price, convenience and availability;

NOW, THEREFORE, BE IT RESOLVED THAT each of the eight contractors described in the memorandum of the Purchasing Manager are hereby qualified to provide electrical, plumbing, and elevator emergency/minor repairs estimated to cost \$8,000.00 or less on an as-needed basis for the next three years, with individual purchases being made on the basis of price, convenience and availability.

It was moved by Ald. Krol, seconded by Ald. Birschel to approve the two foregoing resolutions. -13

There being no further business, the meeting adjourned at 8:47 p.m.

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Carla A. Ledesma, CMC, City Clerk