



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, January 20, 2009

PRESENT: Alds. Walsh, Birschel, Donegan, Ewerdt, Hanson, Herzog, Jay, McBride, Meaux, Nikcevich, Organ, Purins, Stepaniak -13

EXCUSED: Alds. Krol and Maher

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; Fire Chief Redman; Mr. Wehrley, City Engineer; Mr. Rusch, Adminis. Intern; 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.

Boy Scout troop #47 led the pledge of allegiance.

It was moved by Ald. McBride, seconded by Ald. Organ that the reading of the minutes of the last two meetings be dispensed with and they be approved as printed. -13

OLD BUSINESS

The following was held after the special Common Council meeting on January 13, 2009:

RESOLUTION

WHEREAS, at the Special Meeting of the Wauwatosa Common Council on January 13, 2009, the Council discussed potential changes to the longstanding process of selecting individuals to fill vacancies on the Common Council in advance of the election to fill the vacant seat;

NOW, THEREFORE, BE IT RESOLVED THAT in advance of receiving applications and conducting interviews for candidates to fill vacant aldermanic seats, the Common Council shall enhance the list of questions being asked and the information requested of the applicants, provided that any questions or requests are judged to be legal, relevant and germane to the process;

BE IT FINALLY RESOLVED THAT this item shall not be effective during the process of interviewing applicants for the current opening in the Eighth District Aldermanic seat, but shall be effective in advance of the next aldermanic selection process, whenever such vacancy may occur.

It was moved by Ald. Purins, seconded by Ald. Nikceovich to approve the foregoing resolution. –

It was moved by Ald. Hanson, seconded by Ald. Stepaniak to amend the resolution to provide that the use of the enhanced list of questions be effective with the current Eighth District vacancy. Roll call, Ayes 7, Noes 6 (Birschel, Jay, McBride, Nikceovich, Organ, Purins).

Roll call vote on motion as amended, Ayes 11, Noes 2 (Birschel, Jay).

The amended resolution is as follows:

RESOLUTION R-09-20

WHEREAS, at the Special Meeting of the Wauwatosa Common Council on January 13, 2009, the Council discussed potential changes to the longstanding process of selecting individuals to fill vacancies on the Common Council in advance of the election to fill the vacant seat;

NOW, THEREFORE, BE IT RESOLVED THAT in advance of receiving applications and conducting interviews for candidates to fill vacant aldermanic seats, the Common Council shall enhance the list of questions being asked and the information requested of the applicants, provided that any questions or requests are judged to be legal, relevant and germane to the process;

BE IT FINALLY RESOLVED THAT this change in procedure shall take effect immediately and shall be utilized during the process of selecting a replacement for the current vacant seat in the Eighth Aldermanic District of the City of Wauwatosa.

OLD BUSINESS

The following was held after the special Common Council meeting on January 13, 2009:

RESOLUTION

WHEREAS, at the Special Meeting of the Wauwatosa Common Council on January 13, 2009, the Council discussed potential changes to the longstanding process of selecting individuals to fill vacancies on the Common Council in advance of the election to fill the vacant seat;

NOW, THEREFORE, BE IT RESOLVED THAT when the Aldermanic Selection Committee starts conducting interviews of candidates for filling vacant aldermanic seats, such interviews shall be conducted at Wauwatosa City Hall and shall be recorded on video in a manner similar to other regular Committee meetings of the Common Council;

BE IT FURTHER RESOLVED THAT unless such recorded interviews require editing to remove inappropriate content, such recorded interviews shall be recorded to DVD or other appropriate video format for review by Common Council members prior to final Council vote on the appointment;

BE IT FURTHER RESOLVED THAT such recorded interviews shall be broadcast on the Wauwatosa Government channel on a regular basis in advance of the meeting at which the Common Council votes on the appointment;

BE IT FINALLY RESOLVED THAT this change in procedure shall take effect immediately and shall be utilized during the process of selecting a replacement for the current vacant seat in the Eighth Aldermanic District of the City of Wauwatosa.

It was moved by Ald. Nikcevich, seconded by Ald. Purins to approve the foregoing resolution. –

It was moved by Ald. Meaux, seconded by Ald. Birschel to amend the resolution to provide that interviews with aldermanic candidates be recorded and held in open session, and that a copy of the interviews be available in the library and to all Common Council members for review prior to appointment of the candidate. Roll call vote, Ayes 7, Noes 6 (Walsh, Donegan, McBride, Nikcevich, Purins, Stepaniak).

Roll call vote on motion as amended, Ayes 13.

The amended resolution is as follows:

RESOLUTION R-09-21

WHEREAS, at the Special Meeting of the Wauwatosa Common Council on January 13, 2009, the Council discussed potential changes to the longstanding process of selecting individuals to fill vacancies on the Common Council in advance of the election to fill the vacant seat;

NOW, THEREFORE, BE IT RESOLVED THAT when the Aldermanic Selection Committee starts conducting interviews of candidates for filling vacant aldermanic seats, such interviews shall be conducted at Wauwatosa City Hall and shall be recorded on video in a manner similar to other regular Committee meetings of the Common Council;

BE IT FURTHER RESOLVED THAT unless such recorded interviews require editing to remove inappropriate content, such recorded interviews shall be recorded to DVD or other appropriate video format for review by Common Council members prior to final Council vote on the appointment;

BE IT FINALLY RESOLVED THAT this change in procedure shall take effect immediately and shall be utilized during the process of selecting a replacement for the current vacant seat in the Eighth Aldermanic District of the City of Wauwatosa.

OLD BUSINESS

The following was held after the special Common Council meeting on January 13, 2009:

RESOLUTION R-09-22

WHEREAS, at the Special Meeting of the Wauwatosa Common Council on January 13, 2009, the Council discussed potential changes to the longstanding process of selecting individuals to fill vacancies on the Common Council in advance of the election to fill the vacant seat;

NOW, THEREFORE, BE IT RESOLVED THAT when the Selection Committee for the replacement of a vacant Common Council seat has completed its final interviews and made a recommendation to the entire Wauwatosa Common Council for an individual to fill such vacant aldermanic seat, not less than one week shall pass between the date of the final interviews and recommendation of the Selection Committee to the date on which the Common Council is asked to vote on appointing the individual to the vacant aldermanic seat;

BE IT FURTHER RESOLVED THAT this change in procedure shall take effect immediately and shall be utilized during the process of selecting a replacement for the current vacant seat in the Eighth Aldermanic District of the City of Wauwatosa.

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

APPOINTMENTS BY THE MAYOR

Board of Health

Dr. John Dunn, 7200 Maple Terrace
(term ends 12/31/13)

Design Review Board A

Mike Stanislaus, 2629 N. 67th Street
(term ends 12/31/10)

Foregoing appointments ordered held as this was the first reading.

Historic Preservation Commission

Janel Ruzicka, 2127 N. 74th Street (reappointment)
Gene Guskowski, 1035 Laurel Court (reappointment)
(term ends 11/30/11)

Design Review Board B

Robert Sebastian, 2431 N. 115th Street
(term ends 12/31/10)

Board of Health

Cheryl Davies, 154 N. 89th Street
(term ends 12/31/12)

It was moved by Ald. McBride, seconded by Ald. Walsh to concur with the foregoing appointments.

Aldermanic Selection Committee

Ald. Tom Herzog, Chair
Ald. Peter Donegan
Ald. Craig Maher
Ald. Tim Hanson
Ald. Eric Meaux

Foregoing provided for information only.

APPLICATIONS, COMMUNICATIONS, ETC.

1. Wauwatosa Water Utility Statement of Receipts and Disbursements for the period ending December 31, 2008
Place on file
2. Notices of Claim: Gary Sierzchulski, 2165 N. 65th Street; WE Energies, 333 W. Everett Street, Milwaukee; Yuriy V. Shteynbuk, 5609 W. North Avenue, Milwaukee; John E. Hafemeister, 8220 W. Lisbon Avenue, Milwaukee; Michael Schmidt, 2005 N. Oak Grove Road, Oconomowoc
City Attorney
3. City of Wauwatosa Investment Summary for the period ending December 31, 2008
Place on file
4. E-mails in support of the Conditional Use for Café Hollander, 7707 Harwood Avenue:
Kevin Keyes, 2121 N. 83rd Street
Peter and Mary Diotte, 1756 N. 59th Street
Alex Ng, 8613 Stickney Avenue
Tom Winkel, 1812 N. 74th Street
Jim Wenzler, 1526 Ridge Court
Kristin Walters, 1937 N. 73rd Street
Jeff Sohns, 1248 N. 68th Street
Mary Muetze, 2408 Lefebber Avenue
Dan and Kathleen Romfoe, 2320 N. 71st Street
Aimee Krahn, 8131 Brookside Place
Phillip Pepler, 1934 Underwood Avenue
Meg Miller, 2466 N. 72nd Street
Laura Taylor, 7044 Maple Terrace
Mary and Gregg Collins, 2615 N. 68th Street
Joe Luedtke, 2252 Menomonee River Pkwy.
Dylan Mann, 2530 N. 85th Street
Steve Farr, 2550 Lefebber Avenue
Leah Donovan, 2436 N. 69th Street
Mario Powell, MD, 6170 Washington Circle
Jeffrey & Alexia Wilhelm, 2405 Lefebber Ave.
Richard Janisch, 2223 Wauwatosa Avenue
Tom and Carol Long, 2110 N. 62nd Street
Add to existing file
5. Memo from Mayor Didier and Common Council President Krol regarding recommendation on sick leave and wage mandates
City Administrator, City Attorney, Human Resources Director
6. E-mail from Linda Flood, 4512 N. 105th Street, expressing concerns pertaining to the transparency of aldermanic selection process
Mayor, City Administrator, City Attorney
7. E-mail from Vicky Ostry, 1409 N. 64th Street regarding videotaping aldermanic candidate interviews
Add to existing file

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-09-07

WHEREAS, Shane K. Butts, 2966 N. 80th Street, Milwaukee, WI, has applied for an operator's license for the City of Wauwatosa, WI;

NOW, THEREFORE, BE IT RESOLVED THAT Shane K. Butts, 2966 N. 80th Street, Milwaukee, WI, is hereby issued an operator's license for the period ending June 30, 2009.

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

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-09-08

WHEREAS, Corey Schultz, agent for Dave & Buster's of Wisconsin, Inc., d/b/a Dave & Buster's, 2201 and 2215 N. Mayfair Road, Wauwatosa, WI, has applied for a Class B Beer and Reserve Class B Liquor license for its new location;

NOW, THEREFORE, BE IT RESOLVED THAT a Class B Beer and Reserve Class B Liquor license be awarded to Corey Schultz, agent for Dave & Buster's of Wisconsin, Inc., d/b/a Dave & Buster's, 2201 and 2215 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 \$9,500.00 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. Herzog to approve the foregoing resolution. 12-1 (Hanson)

FROM THE COMMITTEE ON TRAFFIC AND SAFETY

RESOLUTION R-09-09

WHEREAS, the Committee on Traffic & Safety previously approved a 90-day trial of stop sign options at the intersection of N. 70th Street and Maple Terrace in the City of Wauwatosa; and

WHEREAS, the trial of the four-way stop at this intersection appears to have been most successful and received positive comments from the community;

NOW, THEREFORE, BE IT RESOLVED THAT the official stop sign map of the City of Wauwatosa created pursuant to Section 11.16.025 of the Wauwatosa Municipal Code is hereby amended by indicating the four-way stop at the intersection of N. 70th Street and Maple Terrace in the City of Wauwatosa, and such four-way stop shall remain in place until further amended by the Common Council of the City of Wauwatosa.

It was moved by Ald. McBride, seconded by Ald. Meaux to approve the foregoing resolution. -13

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-09-10

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 subdivision in the Business Planned Development District on the southwest corner of 113th Street and Walnut Road. A subdivision plat to be reviewed and approved by the State of Wisconsin Department of Administration described as follows:

All of Lot 2 of Certified Survey Map No. ____, being a part of the Northeast ¼ of the Southeast ¼ 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-09-11

WHEREAS, Sean Phelan, 7707 Harwood LLC, has applied for a Conditional Use in the Village Trade District at 7707 Harwood Avenue for a restaurant with outdoor seating 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 Sean Phelan, 7707 Harwood LLC, for a restaurant with outdoor seating in the Village Trade District at 7707 Harwood Avenue subject to the following conditions:

- 1) hours of operation from 7:00 a.m. to 2:00 a.m. Monday through Friday and 9:00 a.m. to 2:00 a.m. Saturday and Sunday, and
- 2) execution of encroachment and lease agreements, and
- 3) obtaining any required licenses and permits.

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

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-09-12

WHEREAS, the Milwaukee Metropolitan Sewerage District has notified the City of increases in sewer user charge rates in the 2009 operation and maintenance budget; and

WHEREAS, current rates charged to users in the City of Wauwatosa are not sufficient to pay that portion of the expenses related to sewer user rates charged by the Milwaukee Metropolitan Sewerage District in addition to the expenses required to maintain the local sewers within the City of Wauwatosa;

NOW, THEREFORE, BE IT RESOLVED THAT the recommendation of the Finance Director for an increase in 2009 sanitary sewer rates, as reflected in his memorandum of January 7, 2009, a copy of which is attached hereto, is hereby approved.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-09-13

WHEREAS, the 2009 adopted budget for the City of Wauwatosa reflects an increase in revenue for the stormwater management fee from \$3.50 to \$4.62 per Equivalent Residential Unit (ERU); and

WHEREAS, Section 18.01.050 A. of the Wauwatosa Municipal Code provides that the Common Council shall, by resolution, establish the rates for stormwater management fees;

NOW, THEREFORE, BE IT RESOLVED THAT pursuant to Section 18.01.050 A. of the Wauwatosa Municipal Code, Stormwater User Fees are hereby established effective January 1, 2009 at the rate of \$4.62 per ERU per month or \$13.86 per ERU per quarter.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-09-14

WHEREAS, the Wauwatosa Fire Department in 2008 applied for the Assistance to Firefighters Grant from the Federal Emergency Management Agency for the purchase of extrication equipment in the sum of \$43,000.00; and

WHEREAS, a \$43,000.00 award included \$38,700.00 of grant revenue from FEMA with \$4,300.00 in matching local funds; and

WHEREAS, FEMA has awarded the 2008 Assistance to Firefighters Grant to the Wauwatosa Fire Department in the above amount;

NOW, THEREFORE, BE IT RESOLVED THAT the 2008 Assistance to Firefighters Grant award of \$38,700.00 in Federal funds is hereby accepted and \$4,300.00 in local funds be provided as the local match, with funds to be obtained from a savings balance in the Capital Projects Fund.

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

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-09-15

WHEREAS, the Engineering Services Manager and the Director of Public Works have recommended a 5-year Capital Improvement Plan for the years 2009-2013; and

WHEREAS, the 5-year Capital Improvement Plan reviewed by the Committee on Budget & Finance includes \$4.4 million for improvements to facilities at Hart Park in 2009; and

WHEREAS, the 2009-2013 5-year Capital Improvement Plan as written is in the best interests of the City of Wauwatosa;

NOW, THEREFORE, BE IT RESOLVED THAT the 5-year Capital Improvement Plan for the years 2009-2013, as proposed by the Director of Public Works and the Engineering Services Manager, and reviewed by the Committee on Budget & Finance, is hereby approved.

It was moved by Ald. Purins, seconded by Ald. Walsh to approve the foregoing resolution. –

It was moved by Ald. Ewerdt, seconded by Ald. Stepaniak to amend the motion by eliminating \$1.2 million dollars. Roll call vote, Ayes 2 (Ewerdt, Stepaniak), Noes 11. Motion failed.

Roll call vote on original motion, Ayes 11, Noes 2 (Ewerdt, Stepaniak).

FROM THE COMMITTEE ON BUDGET AND FINANCE

BILLS AND CLAIMS FOR THE PERIOD 1/07/09 – 1/20/09 --

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 1/07/09 – 1/20/09: \$3,001,715.20

It was moved by Ald. Meaux, seconded by Ald. Purins 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-09-16

BE IT RESOLVED, by the Common Council of the City of Wauwatosa, THAT permission be and the same is hereby granted to Sean P. Phelan of Phelan Development, 7707 Harwood Avenue, Wauwatosa, WI, to encroach onto City right-of-way, including the Harwood pedestrian bridge, with

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outdoor seating, subject to approval of placement and location by the City Engineer, and also 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-09-17

WHEREAS, the Board of Public Works has accepted the work of Asphalt Resurfacing and work incidental thereto in the City of Wauwatosa under Contract 07-6 and the same is ready for final payment.

NOW, THEREFORE, BE IT RESOLVED by the Board of Public Works of the City of Wauwatosa, Wisconsin as follows:

Section 1. That the work of Asphalt Resurfacing and work incidental thereto portions of N. 116th St., Congress St., Harmonie Ave., Maple Ln., Wauwatosa Ave., Alley-Hill St. – Hawthorne Ave./Glenview Ave.-N. 85th St., Alley-W. Meinecke Ave.-W. North Ave./N. 114th St.-N. 115th St. under Contract 07-6 is hereby accepted.

Section 2. That the proper City officers be and they are hereby authorized and directed to draw and sign a City order in the sum of sixteen thousand, nine hundred seventy-three dollars and twenty-four cents (\$16,973.24) in favor of Payne & Dolan, Inc. as the final payment under said contract, upon receipt of waivers of lien and for labor and materials furnished under said contract, and upon receipt of an affidavit stipulating compliance with wage rate requirements.

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-09-18

BE IT RESOLVED THAT vehicle #P-83, a 1999 Jeep Cherokee police parking enforcement vehicle, is hereby declared surplus property and be disposed of in a manner most beneficial to the City.

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-09-19

WHEREAS, the Milwaukee Metropolitan Sewerage District (MMSD) has requested permission to conduct a mobile household hazardous waste collection event at the Wauwatosa Civic Center parking lot on Saturday, September 12, 2009; and

WHEREAS, several household hazardous waste events have been held at this location in the past, and the Director of the Wauwatosa Library has confirmed that the date does not conflict with any special library functions; and

WHEREAS, MMSD has forwarded a Lease Agreement covering the necessary issues surrounding the use of the Civic Center parking lot on that date;

NOW, THEREFORE, BE IT RESOLVED THAT the City of Wauwatosa Director of Public Works is hereby authorized to execute the proposed Lease Agreement with the Milwaukee Metropolitan Sewerage District for the purpose of allowing MMSD to conduct a mobile household hazardous waste collection event in the Wauwatosa Civic Center parking lot on Saturday, September 12, 2009.

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

There being no further business, the meeting adjourned at 9:23 p.m.

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Carla A. Ledesma, CMC, City Clerk