



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 6, 2009

PRESENT: Alds. Donegan, Ewerdt, Hanson, Herzog, Jay, Krol, Maher, McBride, Meaux, Nikcevich, Organ, Purins, Stepaniak, Walsh, Birschel -15

ALSO PRESENT: Mr. Archambo, City Administrator; Mr. Kesner, City Attorney; Mr. Braier, Finance Director; Mr. Kappel, Public Works Director; Mr. Wehrley, City Engineer; Mr. Wojcehowicz, Water Utility Supt.; Police Lt. Jochem; Ms. Ledesma, City Clerk; Ms. Van Hoven, Deputy City Clerk

Mayor Didier in the Chair

The Mayor called the meeting to order at 7:58 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. -15

APPOINTMENTS BY THE MAYOR

Historic Preservation Commission

Janel Ruzicka, 2127 N. 74th Street (reappointment)
Gene Guszkowski, 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)

Foregoing appointments ordered held as this was the first reading.

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 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 end 12/31/10)

Civil Service Commission:

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

It was moved by Ald. Krol, seconded by Ald. Meaux
to concur with the foregoing appointments. -15

APPLICATIONS, COMMUNICATIONS, ETC.

1. Southeastern Wisconsin Regional Planning Commission, Regional Water Supply Plan for December, 2008
Place on file
2. Land Division by subdivision plat application by Toltd Development, Inc., in the Business Planned Development District for property located at the southwest corner of N. 113th Street and Walnut Road
Plan Commission, Committee on Community Development
3. Conditional Use application by Sean P. Phelan, 7707 Harwood LLC, for a restaurant with outdoor seating in the Village Trade District located at 7707 Harwood Avenue
Plan Commission, Committee on Community Development
4. Notice of Claim: No. 1 Chinese Restaurant, 6119 W. North Avenue; Jennie R. Muschinske, 2511 N. 80th Street; Annunciation Greek Orthodox Church Foundation, 9400 W. Congress Street
City Attorney
5. Letter from Mark Trinkl, 10857 W. Wisconsin Avenue, requesting consideration for no parking on the south side of Wisconsin Avenue from 108th Place to 109th Street
Public Work Director

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-09-01

WHEREAS, the Board of Public Works has accepted the work of Concrete Sidewalk Repair and work incidental thereto in the City of Wauwatosa under Contract 08-19 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 Concrete Sidewalk Repair under Contract 08-19 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 twenty-nine thousand four hundred seventy-two dollars and seven cents (\$29,472.07) in favor of Snorek Construction, 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 COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-09-02

WHEREAS, the Board of Public Works has accepted the Wauwatosa Water Utility work at Hart Park and work incidental thereto performed on behalf of the Utility by the contractor for the Milwaukee Metropolitan Sewerage District in the City of Wauwatosa pursuant to the terms of the Intergovernmental Cooperation Agreement 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 completed at Hart Park by the contractor for Milwaukee Metropolitan Sewerage District on behalf of the Wauwatosa Water Utility 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 two-hundred seventy-six thousand three-hundred ninety-eight dollars (\$276,398.00) in favor of Milwaukee Metropolitan Sewerage District as the final payment under the terms of the Intergovernmental Cooperation Agreement, with available funds to be drawn from the Water Utility Capital budget and the balance of necessary funds to be drawn from the Water Utility Surplus.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-09-04

BE IT RESOLVED, by the Common Council of the City of Wauwatosa THAT the claim filed by Pat English 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. Maher, seconded by Ald. Ewerdt to approve the three foregoing resolutions. -15

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-09-03

WHEREAS, officials of the City of Wauwatosa solicited proposals from 11 design firms for the design of Hart Park athletic field improvements, which proposals were received on December 22, 2008; and

WHEREAS, the firm of Graef, Anhalt, Schloemer and Associates submitted a proposal which is in the best interest of the City of Wauwatosa;

NOW, THEREFORE, BE IT RESOLVED THAT the design portion of the contract for the Hart Park Athletic Field Improvements is hereby awarded to Graef, Anhalt Schloemer and Associates, in an amount not to exceed \$152,450.00, consistent with the proposal received December 22, 2008;

BE IT FURTHER RESOLVED THAT the construction administration portion of the proposal by Graef, Anhalt Schloemer and Associates is hereby accepted in an amount not to exceed \$38,320.00, with the option of an additional 15% for changes if necessary;

BE IT FINALLY RESOLVED THAT the appropriate City officials are hereby authorized to enter into a contract with the selected vendor consistent with this resolution and the proposal received.

It was moved by Ald. Maher, seconded by Ald. Stepaniak to refer the matter back to committee. Roll call vote, Ayes 5 (Krol, Maher, Nikceovich, Stepaniak, Birschel), Noes 10. Motion failed.

It was moved by Ald. Krol, seconded by Ald. Donegan to approve the foregoing resolution. Roll call vote, Ayes 13, Noes 2 (Maher, Stepaniak)

FROM THE COMMITTEE ON BUDGET AND FINANCE

BILLS AND CLAIMS FOR THE PERIOD 12/17/08 – 1/6/09

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 12/17/08 – 1/6/09: \$2,290,172.86

It was moved by Ald. Meaux, seconded by Ald. Maher that each and every one of the accounts of bills and claims be allowed and ordered paid. Roll call vote, Ayes 15.

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION

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 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).

It was moved by Ald. Krol, seconded by Ald. Birschel to hold this item until the Common Council meeting(s) at which the Conditional Use application for this property and the liquor license application pertaining to the proposed encroachment for outdoor seating are considered for approval. Roll call vote, Ayes 11, Noes 4 (Donegan, Jay, Meaux, Organ)

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-09-06

BE IT RESOLVED THAT vehicle #P-153, a 2006 Ford Crown Victoria Police Interceptor, is hereby declared surplus property and be disposed of in a manner most beneficial to the City.

It was moved by Ald. Krol, seconded by Ald. Maher to approve the foregoing resolution. -15

There being no further business, the meeting adjourned at 8:45 p.m.

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Carla A. Ledesma, CMC, City Clerk