



CITY OF WAUWATOSA
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COMMON COUNCIL
Regular Meeting, Tuesday, March 2, 2010

PRESENT: Alds. Berdan, Birschel, Dennik, Donegan, Ewerdt, Hanson, Herzog, Jay, Krol, McBride, Meaux, Nikceovich, Organ, Stepaniak, Walsh, Wilke -16

ALSO PRESENT: Mr. Archambo, City Administrator; Ms. Aldana, Asst. City Attorney/HR Director; Mr. Braier, Finance Director; Mr. Kappel, Public Works Director; Ms. Welch, Community Development Director; Police Capt. Weiss; Asst. Fire Chief Carberry; Ms. Ledesma, City Clerk; Ms. Steinke, Recording Clerk

Mayor Didier in the Chair

The Mayor called the meeting to order at 7:38 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. -16

APPLICATIONS, COMMUNICATIONS, ETC.

1. Letter from John H. Schroeder, Calvary Memorial United Church of Christ, 4515 N. Mayfair Road, requesting a tax refund due to their tax exempt status
City Assessor
2. Financial Statements for the period ending January 31, 2010
Place on file
3. Conditional Use request in the Parks and Open Space District for a pool, bath house, and concessions at Hoyt Park, 1800 Swan Blvd., Geoff Hurtado, Irgens Development, and Denise Lindberg, Friends of Hoyt Park and Pool, Inc., applicants
Plan Commission, Community Development Committee
4. Conditional Use request in the AA Light Manufacturing District to install antennas on an existing tower at 1400 N. 113th Street, Robert Hill, Clear Wireless, LLC applicant
Plan Commission, Community Development Committee
5. Conditional Use request in the Medical Center and Institutions District to install antennas on an existing water tower at 9050 Watertown Plank Road, Rosemarie Barrette, Clear Wireless, LLC, applicant
Plan Commission, Community Development Committee
6. Conditional Use request in the AAA Single Family Residence District to install antennas on an existing cell tower at 11100 W. Center Street, Frank Dobbs, Clear Wireless, LLC, applicant
Plan Commission, Community Development Committee

7. Request for a Preliminary Planned Development and Change of Zoning in the Medical Center and Institutions District and the Research Park Planned Development District in the northeast corner of Hwy 45 and Watertown Plank Road for the UWM Innovation Park, Curtis A. Stang, UWM Innovation Park, LLC and Craig Dillman, Milwaukee County, applicants
Plan Commission, Community Development Committee
8. Request for a Land Division by Certified Survey Map on the northeast quadrant of the Milwaukee County Grounds, Milwaukee County, applicant
Plan Commission, Community Development Committee
9. Request for a Change of Zoning from Medical Center and Institutions District to Conservancy District on the northeast quadrant of the Milwaukee County Grounds, James Keegen , Milwaukee County Parks Department, applicant
Plan Commission, Community Development Committee
10. E-mail from Joe R. DeRose regarding State Review Board approval for the city's request for \$7,200 to produce a National Register nomination for the Wauwatosa Avenue Historic District
Place on file

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT FOR INTRODUCTION

1. Ordinance amending Sections 15.02 and 15.06 of the Code, Board of Building and Fire Code Appeals
Re-refer to originating committee

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-10-28

WHEREAS, Ginza PZW Corp., d/b/a Ginza Sushi Bar, 2727A 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 Ginza PZW Corp., d/b/a Ginza Sushi Bar, 2727A N. Mayfair Road, Wauwatosa, WI, for the period ending June 30, 2010;

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. Dennik to approve the foregoing resolution -16

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-10-27

WHEREAS, Alex Marlis of Sts. Constantine and Helen Greek Orthodox Church at 2160 Wauwatosa Avenue has applied for a street festival permit for the church's annual festival on June 11-13, 2010; and

WHEREAS, the Committee on Community Development recommends issuance of a permit subject to certain conditions;

1. The permit shall be valid only for conduct of Grecian Festival 2010.
2. The festival shall be conducted on June 11 through 13, 2010. Hours of operation shall be June 11th 4:00 p.m. to 10:00 p.m.; June 12th Noon to 10:00 p.m.; and June 13th Noon to 10:00 p.m.
3. The permittee shall pay all costs incurred by the City for this event.
4. Noise associated with music and exhibits shall not be excessive as that term is defined by Section 7.48.040 of the Wauwatosa Municipal Code. The City in its sole discretion shall determine whether noise associated with the festival is excessive and upon request of the City the permittee shall immediately reduce the volume of said noise.
5. The permittee shall be responsible for removing all refuse associated with the event. Failure of the permittee to do so will result in additional charges by the City.
6. No carnival rides will be used.
7. Live music is permitted on Saturday, June 12th and Sunday, June 13th from 3:30 p.m. to 9:30 p.m.
8. The Police Department will develop a plan to eliminate parking on one side of the streets in the immediate area, as appropriate.
9. The church shall be responsible to provide and install signs directing patrons to the City Hall parking lot and to M & I Wauwatosa State Bank; the church parishioners shall be encouraged to park in the City Hall parking lot; a mechanism will be established to make announcements at the festival if a driveway is reported to be blocked.
10. Security will be provided during the event.
11. The church grounds and immediate neighborhood shall be patrolled daily to remove litter.
12. Neighbors will be invited to meet with church officials to review plans and discuss solutions to other potential concerns before the event.
13. The dumpster on the church grounds shall be removed by 5 p.m. on Monday, June 14, 2010. Permittee shall provide a copy of its contract for removal of the garbage dumpster to the Director of Public Works. The Permittee shall also obtain a dumpster permit from the Engineering Department before placing the dumpsters in the street. The semi-trailers shall be removed from the grass by 5 p.m. on June 14, 2010.
14. Beer sales shall end one-half hour before the closing of the festival each evening.
15. Temporary "NO PARKING AT ANY TIME" restrictions will be posted and will be in effect only during the hours of the festival on the north side of Rogers Avenue, between Wauwatosa

Avenue and Underwood Avenue, and the west side of North 74th Street, between Kenwood and Garfield Avenues.

16. Officers assigned to this area and adjacent streets are to check the area frequently for traffic congestion and parking violations. No parking permission has been given in any of the “No Parking at Any Time” zones.
17. Flashing barricades will be placed across Garfield Avenue and Wauwatosa Avenue, and at the north driveway to the church parking lot. A flashing barricade and sign will also be placed on Garfield Avenue at North 74th Street indicating that the street is open to local traffic only.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Wauwatosa THAT the City Clerk is authorized to issue a street festival permit to Sts. Constantine and Helen Greek Orthodox Church for the purpose of conducting the church’s proposed festival subject to the conditions listed herein.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

ORDINANCE O-10-02

AN ORDINANCE AMENDING PORTIONS OF WAUWATOSA MUNICIPAL CODE CHAPTERS 8.24 AND 8.25 TO RESTRICT COMMERCIAL USERS FROM UTILIZING RESIDENTIAL WASTE DISPOSAL FACILITIES AND TO COMPLY WITH NEW WISCONSIN LAWS REGARDING ELECTRONICS RECYCLING

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

Part I. Section 8.24.010 of the Wauwatosa Municipal Code is hereby amended by adding the following language at the end of subsection 3: “investment firms, managing real estate and any individual owning more than one property for profit”

Part II. Section 8.24.010 of the Wauwatosa Municipal Code is hereby further amended by adding a new subsection at numeral 4 to read as follows, and renumbering all subsequent subsections in numerical order (to include the new subsection added by Part IV of this ordinance, below):

4. “Covered Electronic Device” means a consumer video display device, a consumer computer, or consumer printer.

Part III. Subsection 8.24.010 of the Wauwatosa Municipal Code is hereby further amended by adding a new subsection 11 (pursuant to the renumbering scheme described in Part II, above) to read as follows:

11. “Responsible Unit” or “RU” is the city who, for recycling grant purposes, has information available where city residents can take their covered electronic devices generated within the city for disposal. The Director of Public Works is the authorized representative.

Part IV. Subsection 8.24.010 of the Wauwatosa Municipal Code is hereby further amended by adding the following language at the end of newly-renumbered subsection 15: “or fruit from fruit-bearing trees”

Part V. Subsection 8.24.120 A.2. of the Wauwatosa Municipal Code is hereby amended by replacing both occurrences of the term “operations and engineering administrator” with the term “Director of Public Works”.

Part VI. Section 8.25.090 of the Wauwatosa Municipal Code is hereby amended by replacing the definition of “Drop-off Center” in its entirety to read as follows:

"Drop-off center" means the site operated by the city at the public works yard at 11100 W. Walnut, Wauwatosa, Wisconsin, where residents of the city can deposit recyclables, yard waste and residential refuse.

Part VII. Section 8.25.090 of the Wauwatosa Municipal Code is hereby further amended by adding the following definition, in alphabetical order following the definition of the term “EPA”:

E-Waste includes all covered electronic devices including a consumer video display device, consumer computers and related accessories (such as hard drives/towers, printers, keyboards, mice, and monitors), cell phones and televisions.

Part VIII. Section 8.25.090 of the Wauwatosa Municipal Code is hereby further amended by replacing the definition of “Yard Waste” in its entirety to read as follows:

"Yard waste" or "yard materials" means leaves, yard and garden debris (except grass in the city of Wauwatosa), and brush, including clean woody vegetative material no greater than six inches in diameter. This term does not include stumps, roots or shrubs with intact root balls or fruit from fruit bearing trees.

Part IX. Subsection 8.25.125 C. of the Wauwatosa Municipal Code is hereby amended by replacing the subsection in its entirety to read as follows:

C. The recycling cart shall be set out for collection at the curb or alley where the garbage is normally collected, except for "hardship cases" which may be in the backyard. The recycling cart must be placed at a minimum of three feet away from other objects such as garbage carts/containers, trees and parked vehicles, and have a 14 foot clearance overhead, violation of which shall be subject to penalty under Section 8.25.250.

Part X. Subsection 8.25.240 2. E. of the Wauwatosa Municipal Code is hereby amended by replacing the term “engineering and operations administrator” with the term “Director of Public Works”.

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

It was moved by Ald. Herzog, seconded by Ald. Hanson to approve the foregoing resolution and to adopt the foregoing ordinance. -16

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-10-29

WHEREAS, the City of Wauwatosa Water Department requests a video surveillance/wireless communication system to protect the water department infrastructure for Phase II; and

WHEREAS, pursuant to the memorandum of the Purchasing Manager and the Information Systems Manager, it is recommended the City waive the normal bidding procedure and award Baycom, Inc. the bid for Phase II;

NOW, THEREFORE, BE IT RESOLVED THAT the purchase of a video surveillance/wireless communication system for the Water Department infrastructure protection and other related uses from Baycom, Inc., of Green Bay, WI, for Phase II be and hereby is approved at a cost not to exceed \$92,067.20, along with waiving the normal bidding procedure.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-10-30

WHEREAS, the City of Wauwatosa has an existing contract with Graef-USA for construction inspection services; and

WHEREAS, the terms of the contract allow a one-year extension for the year 2010 with no increase in fees billed to the City of Wauwatosa;

NOW, THEREFORE, BE IT RESOLVED THAT the Wauwatosa Common Council hereby approves a one year extension of the existing construction inspection services contract with Graef-USA with no increase in fees billed from last year.

It was moved by Ald. Ewerdt, seconded by Ald. Walsh
to approve the two foregoing resolutions. -16

FROM THE COMMITTEE ON BUDGET AND FINANCE

BILLS AND CLAIMS FOR THE PERIOD 2/17/10 – 3/2/10 --

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 2/17/10 – 3/2/10: \$12,331,876.89

It was moved by Ald. Meaux, seconded by Ald. Donegan
that each and every account of bills and claims be allowed
and ordered paid. Roll call vote, Ayes 16

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-10-31

WHEREAS, the City's purchasing department has solicited formal bids for turf maintenance and weed control in the City right-of-way for a three year period with the option for two one-year renewals upon mutual agreement; and

WHEREAS, the Parks & Forestry Superintendent and Purchasing Manager reviewed the bids and recommend United Landscape & Snow Plowing, the low bidder, be awarded the contract; and

WHEREAS, the United Landscape & Snow Plowing bid is as follows:

- \$49.00/acre – cutting, mowing and trimming
- \$5.00/1000 SF – weed and feed
- \$34.00/hr – weed control
- \$34.00/hr – cut private vacant lots

NOW, THEREFORE, BE IT RESOLVED THAT United Landscape & Snow Plowing be and hereby is awarded the contract for turf maintenance and weed control and that the Purchasing Manager is hereby authorized and directed to issue a purchase order as directed by the proper City officers.

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-10-32

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 Aero Painting, Inc., for the work of interior and exterior painting of the Alice Street water reservoir and work incidental thereto under Contract 10-51 at and for their bid price of \$296,697.00, this being the lowest and best bid.

BE IT FURTHER RESOLVED that the surety deposits, if any, be returned to the unsuccessful bidders.

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-10-33

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 American Sewer Services, Inc., for the work of the W. Burleigh Street water main relay and work incidental thereto under Contract 10-52 at and for their bid price of \$214,317.00, this being the lowest and best bid.

BE IT FURTHER RESOLVED that the surety deposits, if any, be returned to the unsuccessful bidders.

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-10-34

WHEREAS, the Common Council of the City of Wauwatosa did, by resolutions passed and dated December 16, 2008 approve and adopt a report of the Board of Public Works in connection with repaving, and work appurtenant thereto, in the following streets:

<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
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
Wauwatosa Ave., from south of W. Center St. to beyond north city limit	5	36'	A-Conc.	Yes
Alley – W. Meinecke Ave. – W. North Ave. / N. 66 th St. – 100 ft. east	5	20'	C- Asph.	No

WHEREAS, the construction of the improvement above-described having now been completed in the aforementioned streets, it is the desire of the Board of Public Works to place the special assessments on the tax roll.

WHEREAS, it is the desire of the Board of Public Works to adjust the assessments for approaches and service walks, contained in said report, in relation to the costs of construction involved.

WHEREAS, the Director of Public Works has prepared amended special assessments taking into account the aforementioned differences.

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

Section 1. That the special assessments for paving set forth in the aforesaid reports of the Board of Public Works, approved by resolution passed and dated as listed are hereby directed to be entered upon the tax roll as hereinafter set forth and as reiterated in the special assessments attached hereto.

Section 2. That the attached amended special assessments for approaches and service walks, against the respective lots, tracts, and parcels of land abutting on the aforementioned streets be and the same are hereby approved and adopted and are directed to be entered upon the tax roll as hereinafter set forth.

Section 3. That the owners of the respective parcels of land fronting or abutting the street improvements on which public hearings have 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) 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.

(c) 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.

(d) 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.

(e) 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.

(f) 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 4. That the City Clerk publish the installment assessment notice, as by Section 66.54 of the Wisconsin Statutes provided, including therein that the owners of the property benefited by said improvement may elect within thirty (30) days from the date of said notice to pay the said assessment on their property on or before the next succeeding November 1.

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-10-35

BE IT RESOLVED, By the Common Council of the City of Wauwatosa, Wisconsin, that the attached account of the expense of sidewalk repairs under Contract 09-19 Concrete Sidewalk Repairs be submitted to the Finance Director in accordance with Section 66.615(3)(f) of the Wisconsin Statutes.

BE IT FURTHER RESOLVED, that the City Clerk be and she is hereby directed to send out the proper bills to the owners of the property, as listed in the accompanying assessment for sidewalk repairs under Contract 09-19 Concrete Sidewalk Repair.

FROM THE BOARD OF PUBLIC WORKS

TO THE COMMON COUNCIL, CITY OF WAUWATOSA –

The Board of Public Works, to whom was referred the *2009 Annual Report of the Board of Public Works*, recommends to the Common Council that the matter be placed on file.

Dated this 15th day of February 2010.

Board of Public Works

It was moved by Ald. Krol, seconded by Ald. Walsh to approve the five foregoing resolutions and one foregoing report. -16

There being no further business, the meeting adjourned at 7:45 p.m.

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Carla A. Ledesma, CMC, City Clerk