



CITY OF WAUWATOSA
7725 WEST NORTH AVENUE
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COMMON COUNCIL
Regular Meeting, Tuesday, June 1, 2010

PRESENT: Alds. Walsh, Wilke, Wilson, Birschel, Causier, Ewerdt, Hanson, Herzog, Jay, McBride, Meaux, Nikcevich, Organ, Pantuso -14

EXCUSED: Alds. Berdan and Donegan

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; Mr. Wojcehowicz, Water Utility Supt.; Ms. Ledesma, City Clerk; Ms. Van Hoven, Deputy City Clerk

Mayor Didier in the Chair

The Mayor called the meeting to order at 7:32 p.m.

Police Chief Weber, assisted by Mayor Didier and Common Council President Meaux, recognized the following police department staff for their heroic and noteworthy behavior following a December 13, 2009 incident where officer Abby Pavlik was shot in the course of the chase and apprehension of suspects involved in the armed robbery of a local restaurant.

Medal of Valor and Purple Heart
Officer Abby Pavlik

Det. Michael Schultz
Det. Brian Skornia
Officer Daniel Akins

Medal of Valor
Officer Chad Geiszler

Meritorious Arrest Citation
Officer Russell Richardson
Det. James Short
Det. Randall Burnett

Live-Saving Award
Officer Luke Vetter
Officer Jeremy Bronner

Letters of Appreciation
Sgt. Jeffrey Farina
Officer Donald Semega
Officer Robin Schumacher
Officer Joe Roy
Officer Daniel Kane

Department Commendations
Lt. Timothy Sharpee
Sgt. Tanya Karnick
Lt. Dennis Davidson
Sgt. David Moldenhauer
Officer Stephen Kirby
Det. Timothy Lilly
Det. Tech. Lisa Hudson
Det. Daniel Collins

Officer Ted Engelken
Officer Joseph Lewandowski
Sgt. Brian Zalewski

Officer David Cefalu
Officer Derek Dienhart

Officer Farris Griffin
Sgt. Gary Gabrish
Det. Michael Deisinger
Det. Paula Roberson
Det. David Hoppe

Det. Keith Werner
Det. Ralph Torrez

Det. Timothy Brenzel
Det. Fred Carsky, retired
Det. Jeffrey Lane

Civilian Awards, Meritorious Service Citation
Dispatcher Michael Brault, retired
Dispatcher Katherine Glisch

Letters of Appreciation
Dispatcher Annette Demeuse
Dispatcher Tamara Krueger

Mayor Didier recognized Chief Weber for his efforts in this case and the fine example of leadership he demonstrated. She congratulated all award recipients, particularly Officer Pavlik, and thanked them all for their service to the City of Wauwatosa.

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. -14

APPOINTMENTS BY THE MAYOR

Parks and Forestry Commission

Lisa Blair, 639 N. 79th Street
Tom Ertel, 7440 Oakhill Avenue
George Haas, 7425 W. Garfield Avenue
(Terms end 4/30/2013)

City Plan Commission

Jody Lowe, 6274 Upper Parkway North
(Term ends 4/30/2013)

Citizens with Disabilities

Mary Walz-Chojnacki, 8007 Portland Avenue
(Term ends 12/31/2012)
Jean Davidson, 1957 River Park Court
(Term ends 12/31/2013)

Design Review Board A

John Niemer, 7424 Kenwood Avenue,
(Term ends 12/31/2012)

Historic Preservation Commission

Kathy Ehley, 7437 Kenwood Avenue
(Term ends 11/30/2012)
Sharon Eiff, 1417 Lombard Court
(Term ends 11/30/2012)

Police and Fire Commission

Calvin Kozlowski, 6936 Wisconsin Avenue
(Term ends 4/30/2015)

It was moved by Ald. Birschel, seconded by Ald. Jay to concur with the foregoing appointments. -14

Police and Fire Commission

Christine M. Kraus, 2419 N. 83rd Street
(Term ends 4/30/2015)

(Term ends 5/31/2012)

Design Review Board C

Danielle Devlin, 10109 W. Nash Street

Board of Review

Rodney Van Bibber, 2460 N. Pasadena Blvd.
(Term ends 6/30/2015)

Foregoing appointments ordered held as this was the first reading.

APPLICATIONS, COMMUNICATIONS, ETC.

1. Financial Statements for the period ending April 30, 2010
Place on file
2. Notice of claim: Samantha Stone, 7127 Maple Terrace
City Attorney
3. E-mail supporting a proposed wine and liquor store located at 11747 W. North Avenue: Loriena Harrington, 11709 W. Gilbert Avenue
Add to existing file
4. E-mail opposing the proposed wine and liquor store at 11747 W. North Avenue: Jim Twelmeyer, 2231 N. 119th Street
Add to existing file
5. E-mail from Chris McLaughlin, 12040 W. Potter Road, expressing the need for more creative solutions to the proposed communications tower at 2630 N. 64th Street
Add to existing file

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-10-94

WHEREAS, William Poull of the Club Tap, 8828 W. North Avenue, has requested a temporary extension of the licensed premises to include the rear parking lot on July 5, 2010;

NOW, THEREFORE, BE IT RESOLVED THAT the licensed premises of the Club Tap be extended to include the rear parking lot on July 5, 2010, between the hours of 10:00 AM to 7:00 PM.

It was moved by Ald. Birschel, seconded by Ald. Causier
to approve the foregoing resolution. -14

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-10-95

WHEREAS, Robert Stuckey, agent for Kmart Corporation, d/b/a Kmart #4380, 3201 N. Mayfair Road, Wauwatosa, WI, has applied for a Class "A" beer/"Class A" liquor license:

NOW, THEREFORE, BE IT RESOLVED THAT a Class "A" beer/"Class A" liquor license be awarded to Kmart #4380, 3201 N. Mayfair Road, Wauwatosa, WI, for the period ending June 30, 2010.

It was moved by Ald. Birschel, seconded by Ald. Causier
to approve the foregoing resolution. 12-2 (Nikcevich, McBride)

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-10-96

WHEREAS, David Lau and Guy Roesler have applied for a Conditional Use in the Trade District at 7215 W. North Avenue to operate a food store and deli, 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 by the Common Council of the City of Wauwatosa, Wisconsin hereby grants a Conditional Use to David Lau and Guy Roesler to operate a food store and deli in the Trade District at 7215 W. North Avenue subject to the following conditions:

- 1) hours of operation 11:00 a.m. to 7:00 p.m. Monday through Saturday and closed on Sunday, and
- 2) obtaining all necessary licenses and permits.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-10-97

WHEREAS, Rosemarie Barrette, agent for Clearwire, has applied for a Conditional Use in the AA Single Family Residence District at 2435 N. 89th Street for the installation of wireless rooftop antennas and associated equipment, 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 by the Common Council of the City of Wauwatosa, Wisconsin hereby grants a Conditional Use to Rosemarie Barrette, agent for Clearwire, for the installation of wireless rooftop antennas and associated equipment in the AA Single Family Residence District at 2435 N. 89th Street.

It was moved by Ald. Herzog, seconded by Ald. Jay to approve the two foregoing resolutions. -14

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION

WHEREAS, Jim Wojcehowicz, Wauwatosa Water Utility, has applied for a Conditional Use in the AA Single Family Residence District at 2630 N. 64th Street for the installation of a 100-foot tall free-standing communication tower, 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 by the Common Council of the City of Wauwatosa, Wisconsin hereby grants a Conditional Use to Jim Wojcehowicz, Wauwatosa Water Utility, for the installation of a 100-foot tall free-standing communication tower in the AA Single Family Residence District at 2630 N. 64th Street.

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

It was moved by Ald. Walsh, seconded by Ald. Pantuso to refer to the Committee on Budget and Finance the issue of the allocation of additional funds for this project so that other tower design options can be considered.
Roll call vote, Ayes 11, Noes 3 (Birschel, Herzog, Jay)

Atty. Kesner clarified that the Conditional Use application would not be considered by the Committee on Budget and Finance – only the issue of possible additional funding for a different tower design.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-10-99

WHEREAS, Amandip Singh and David Carter, Cedarbrook Investments, have applied for a Conditional Use in the AA Business District at 11747 W. North Avenue to operate a liquor store, 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 by the Common Council of the City of Wauwatosa, Wisconsin hereby grants a Conditional Use to Amandip Singh and David Carter, Cedarbrook Investments, to operate a liquor store in the AA Business District at 11747 W. North Avenue subject to the following conditions:

- 1) Occasional wine tasting is allowed, but there will be no sales of open intoxicants; and
- 2) hours of operation 9:00 a.m. to 9:00 p.m. Monday through Saturday and 9:00 a.m. to 5:00 p.m. on Sunday, and
- 2) obtaining all necessary licenses and permits.

It was moved by Ald. Herzog, seconded by Ald. Jay to approve the foregoing resolution. Roll call vote, Ayes 10, Noes 4 (Walsh, Birschel, Hanson, McBride)

FROM THE COMMITTEE ON BUDGET AND FINANCE

TO THE COMMON COUNCIL, CITY OF WAUWATOSA –

The Committee on Budget and Finance, to whom was referred the *2009 Annual Report of the City of Wauwatosa*, recommends to the Common Council that the matter be placed on file.

Dated this 25th day of May 2010.

Committee on Budget and Finance

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-10-101

Resolution Authorizing the Borrowing of \$8,410,000; and Providing for the Issuance and Sale of Taxable General Obligation refunding bonds Therefor

WHEREAS, the Common Council of the City of Wauwatosa, Milwaukee County, Wisconsin (the "City") hereby finds and determines that it is necessary, desirable and in the best interest of the City to raise funds for the public purpose of refunding outstanding obligations of the City to wit: a State Trust Fund Loan, dated January 25, 2005 issued to pay the cost of financing the City's unfunded prior service liability contributions under the Wisconsin Retirement System (the "2005 Loan") (the "Refunding");

WHEREAS, the Common Council deems it to be necessary, desirable and in the best interest of the City to refund the 2005 Loan for the purpose of achieving debt service cost savings;

WHEREAS, cities are authorized by the provisions of Section 67.04 of the Wisconsin Statutes, to borrow money and to issue general obligation refunding bonds to refinance their outstanding obligations;

WHEREAS, due to certain provisions contained in the Internal Revenue Code of 1986, as amended, it is necessary to issue such general obligation refunding bonds on a taxable rather than tax-exempt basis; and

WHEREAS, the Common Council of the City hereby finds and determines that Taxable General Obligation Refunding Bonds (the "Bonds") in the amount of \$8,410,000 should be issued, and it is now necessary and desirable to authorize their issuance and sale.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City that:

Section 1. Authorization of the Bonds. For the purpose of paying the cost of the Refunding, there shall be borrowed pursuant to Section 67.04 of the Wisconsin Statutes, the principal sum of EIGHT MILLION FOUR HUNDRED TEN THOUSAND DOLLARS (\$8,410,000) from a purchaser to be determined by subsequent resolution of the Common Council (the "Purchaser").

Section 2. Sale of the Bonds. To evidence such indebtedness, the Mayor and City Clerk are hereby authorized, empowered and directed to make, execute, issue and sell to the Purchaser for, on behalf of and in the name of the City, the Bonds aggregating the principal amount of EIGHT MILLION FOUR HUNDRED TEN THOUSAND DOLLARS (\$8,410,000).

Section 3. Terms of the Bonds. The Bonds shall be designated "Taxable General Obligation Refunding Bonds"; shall be in the denomination of \$5,000 or any integral multiple thereof; shall be numbered 1 and upward; shall be dated, and shall mature in the years and principal amounts as specified by subsequent resolution of the Common Council.

Section 4. Award of the Bonds. At a subsequent meeting, the Common Council shall consider taking further action to provide the details of the Bonds; to award the Bonds to the Purchaser; and to levy a direct annual irrepealable tax sufficient to pay the principal of and interest on the Bonds as the same becomes due as required by law.

Section 5. Conflicting Resolutions; Severability; Effective Date. All prior resolutions, rules or other actions of the Common Council or any parts thereof in conflict with the provisions hereof shall be, and the same are, hereby rescinded insofar as the same may so conflict. In the event that any one or more provisions hereof shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions hereof. The foregoing shall take effect immediately upon adoption and approval in the manner provided by law.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-10-102

WHEREAS, the Fire Chief of the City of Wauwatosa has requested permission to apply for a 2010 Assistance to Firefighter's grant administered through the Federal Emergency Management Agency; and

WHEREAS, the proposed grant would provide replacement of the portion of firefighter personal protective equipment, for which previous budget years have not provided sufficient replacements to meet the life expectancy of the currently utilized equipment; and

WHEREAS, currently budgeted amounts for the purchase of personal protective equipment would provide the necessary 10% match as part of the grant, which would be in the amount of \$180,000.00;

NOW, THEREFORE, BE IT RESOLVED THAT appropriate City officials are hereby authorized to apply for an Assistance To Firefighters Grant from the Federal Emergency Management Agency in an amount of \$180,000.00, with a 10% match by the City, for the purpose of replacing 72 sets of firefighter personal protective equipment at a cost of \$2,500.00 per set.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-10-104

WHEREAS, the City Engineer has recommended retaining a consultant for Phase II sanitary sewer investigations in Sewersheds WA 4001, WA 4002, and WA 4035 in the City of Wauwatosa; and

WHEREAS, the hydraulics of this particular area are highly complex and may require different sanitary sewer models than that used by the City in the past; and

WHEREAS, the City has had preliminary discussions with a consultant who has extensive background of modeling complex basins such as those described above; and

WHEREAS, direct negotiation of a consultant agreement with this consultant would be in the best interest of the City;

NOW, THEREFORE, BE IT RESOLVED THAT appropriate City staff are hereby authorized to negotiate a contract for professional services for Phase II sanitary sewer investigations with the consultant discussed in a closed session of the Committee on Budget & Finance at its meeting of May 25, 2010, in an amount not to exceed that proposed during the closed session meeting.

It was moved by Ald. Ewerdt, seconded by Ald. Walsh to approve the forgoing report and the three foregoing resolutions. -14

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION

WHEREAS, the Budget & Finance Committee has previously discussed the appropriate level of sanitary sewer service for the Ruby Avenue sanitary sewer project; and

WHEREAS, following prior discussions, the City Engineer suggested 4 different options, or combinations of parts of these options, which would address some or all of the needs in the sanitary sewer project, depending upon the Council's willingness to fund a particular level of service; and

WHEREAS, the Committee on Budget & Finance recommends that portions of Options #2 and #4, in combination, based on the descriptions in the May 20, 2010 memorandum of the City Engineer, would provide the appropriate level of service for the Ruby Avenue sanitary sewer project, by (1) designing a reasonably sized system and actively working to reduce clear water entry into the sanitary sewer system on public and/or private property, as well as (2) designing a conveyance

system sized to convey the desired storm flows in a manner in which the excess flows could be managed appropriately;

NOW, THEREFORE, BE IT RESOLVED THAT appropriate City officials are hereby authorized to pursue design of the Ruby Avenue sanitary sewer project consistent with the recommendations described in Options #2 and #4 in the memorandum of the City Engineer dated May 20, 2010.

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

It was moved by Ald. Wilson, seconded by Ald. Walsh to amend the foregoing resolution by adding the following wording after the second “Whereas”: Whereas, the city engineer has identified a sewer design intended to convey flows in excess of the estimated flows from the 2008 and 2009 rain events without backing up into basements; and”. Roll call vote, Ayes 11, Noes 3 (Hanson, Jay, Organ)

Roll call vote on motion, as amended, Ayes 14

The amended resolution is as follows:

RESOLUTION R-10-103

WHEREAS, the Budget & Finance Committee has previously discussed the appropriate level of sanitary sewer service for the Ruby Avenue sanitary sewer project; and

WHEREAS, following prior discussions, the City Engineer suggested 4 different options, or combinations of parts of these options, which would address some or all of the needs in the sanitary sewer project, depending upon the Council’s willingness to fund a particular level of service; and

WHEREAS, the City Engineer has identified a sewer design intended to convey flows in excess of the estimated flows from the 2008 and 2009 rain events without backing up into basements; and

WHEREAS, the Committee on Budget & Finance recommends that portions of Options #2 and #4, in combination, based on the descriptions in the May 20, 2010 memorandum of the City Engineer, would provide the appropriate level of service for the Ruby Avenue sanitary sewer project, by (1) designing a reasonably sized system and actively working to reduce clear water entry into the sanitary sewer system on public and/or private property, as well as (2) designing a conveyance system sized to convey the desired storm flows in a manner in which the excess flows could be managed appropriately;

NOW, THEREFORE, BE IT RESOLVED THAT appropriate City officials are hereby authorized to pursue design of the Ruby Avenue sanitary sewer project consistent with the recommendations described in Options #2 and #4 in the memorandum of the City Engineer dated May 20, 2010.

FROM THE COMMITTEE ON BUDGET AND FINANCE

BILLS AND CLAIMS FOR THE PERIOD 5/19/10 – 6/1/10 --

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 5/19/10 – 6/1/10: \$16,626,154.61

It was moved by Ald. Meaux, seconded by Ald. Hanson that each and every account of bills and claims be allowed and ordered paid. Roll call vote, Ayes 14.

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-10-100

WHEREAS, Mi-Tech Services, Inc., has requested approval of an underground easement for Time Warner Cable on City property at 108 N. Glenview Avenue; and

WHEREAS, Time Warner Cable wishes to obtain a five foot wide underground strip easement to feed the existing and leased T-Mobile/Voice Stream cell site with buried fiber optic cable as depicted on the aerial photograph attached to this resolution;

NOW, THEREFORE, BE IT RESOLVED THAT the Common Council of the City of Wauwatosa does hereby approve granting of the above-described Easement for purposes of feeding the existing and leased T-Mobile/Voice Stream cell site with buried fiber optic cable, and appropriate City officials are hereby authorized to execute the necessary documentation granting said Easement.

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-10-105

WHEREAS, the City of Wauwatosa is required under its Wisconsin Pollutant Discharge Elimination System (WPDES) permit issued by the Wisconsin Department of Natural Resources to file a Compliance Maintenance Annual Report (CMAR) for its wastewater collection system under Wisconsin Administrative Code NR 208 ; and

WHEREAS, it is necessary to acknowledge that the governing body has reviewed the Compliance Maintenance Annual Report (CMAR); and

WHEREAS, it is necessary to provide recommendations or an action response plan for all individual CMAR section grades of “C” or less and/or an overall grade point average less than 3.00; and

WHEREAS, after receiving an "A" on the one credit financial management section and an "F" on the three credit collection system section, the City of Wauwatosa's overall grade point average is 1.00;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Wauwatosa to accept the 2009 Compliance Maintenance Annual Report (CMAR) and that the following recommendations and actions be immediately taken to address and correct problems and deficiencies of the collection system as identified in the Compliance Maintenance Annual Report (CMAR) in order to maintain compliance with effluent limitations and permit conditions and eliminate Sanitary Sewer Overflows (SSO):

- 1) Continue with the City's accelerated Inflow and Infiltration elimination program.
- 2) Continue with its current sanitary sewer collection system operational procedures and make improvements where necessary.
- 3) Initiate additional engineering studies in areas where there may be inadequate capacity.
- 4) Perform orderly and timely repairs and maintenance.
- 5) Add newly identified troubled spots to a monthly maintenance schedule.

BE IT FURTHER RESOLVED THAT the Director of Public Works or his representative is hereby designated to act as the City of Wauwatosa's authorized representative for administering and submitting the Compliance Maintenance Annual Report and that he is hereby directed to make that submittal.

It was moved by Ald. Hanson, seconded by Ald. Walsh
to approve the two foregoing resolutions. -14

There being no further business, the meeting adjourned at 8:50 p.m.

cal

Carla A. Ledesma, CMC, City Clerk