



CITY OF WAUWATOSA
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COMMON COUNCIL
Regular Meeting, Tuesday, February 15, 2011

PRESENT: Alds. McBride, Meaux, Nikcevich, Organ, Pantuso, Roznowski, Walsh, Wilke, Wilson, Berdan, Birschel, Causier, Donegan, Ewerdt, Hanson, Jay (7:40 p.m.) -16

ALSO PRESENT: Mr. Archambo, City Administrator; Mr. Kesner, City Attorney; Mr. Wehrley, City Engineer/Acting Public Works Director; Ms. Plass Acting Comptroller; Deputy Fire Chief Rice; Dr. Kreuser, Health Officer; Ms. Aldana, Asst. City Atty./HR Director; Mw. Welch, Community Development Director; Mr. Summerfield, Treasurer's Office Supervisor; Police Chief Weber; Ms. Ledesma, City Clerk

Mayor Didier in the Chair

The Mayor called the meeting to order at 7:33 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

PUBLIC HEARING

The first item of business was a public hearing to consider the proposed 2011 street improvements:

<u>Street & Location</u>	<u>Ald. Dist. Width</u>	<u>Exist. & (Prop.) Type</u>	<u>Pavement Construction Work</u>	<u>Assessed Sidewalk</u>
W. Blue Mound Road, N. Mayfair Road to N. 124th Street	3rd, 7th	35-24-35 (same)	A-Concrete	Yes

Proof of publication is in the file.

No one of the public present wished to be heard in favor of the proposal.

The following members of the public present public present wished to be heard in opposition to the proposal:

Brenda and Ken Cook, 12204 W. Blue Mound Road, opined that it is a waste of money to destroy serviceable drive approaches, curbs, and sidewalks. The contractor should be able to repair the street and still match the elevations of existing infrastructure that is in good condition.

Sally Heuer, owner of 11127 and 11132 W. Blue Mound Road, stated she is already paying \$8,000 in property taxes. The proposed special assessment for these properties is another \$9,000. There is nothing wrong with the present sidewalks.

Marvin Metzger, 11017 W. Blue Mound Road, stated his motel has suffered its two worst years in terms of income – it is down by over 30%. The temporary closure of W. Blue Mound Road over the summer months for this street improvement will be devastating because 50% of his income is made during June, July, and August. The proposed special assessment for his property is over \$25,000. Coupled with taxes (\$17,000) and the hotel tax (\$11,000), this represents 47% of his gross income. The economy must be given a chance to recover before the businesses can afford this improvement.

(Ald. Jay present 7:40 p.m.) -16

Jim Schutz, 11216 W. Blue Mound Road, stated that his proposed assessment would be \$20,000. If access to his business would be restricted for 3-5 weeks, he would be unable to receive deliveries from tanker trucks and semi's. Income will be in the negative during this period, but bills must still be paid. Employees may have to be laid off. If customers can't reach his business, and trucks can't make product deliveries, how can he operate? A plan to keep access open must be in place.

Hope Oliva, 11216 W. Blue Mound Road, stated that her rental property was purchased five years ago. The poor economy has forced her to make significant rent reductions and absorb tax increases. She must pay for garbage and recycling service. The sidewalks and driveways are mostly in good shape. She may be forced to sell the property because she can't afford the proposed assessment.

Npum Yamdagni, 10900 W. Blue Mound Road, stated he did not understand why they were being assessed for this improvement when they already pay property taxes. The money allocated for this project should be redirected to the police department budget. He will be forced to park on the street during the road work, and doesn't know whether his car will be safe there.

The following members of the public present had other comments or questions:

Marvin Metzger, 11017 W. Blue Mound Road, asked whether one lane in either direction could be kept open during construction to minimize the impact on businesses. He expressed concern that his advance reservations for this summer may have to be refunded. Fennimore, Wisconsin has seen its main street's businesses absolutely destroyed by road construction.

The public hearing was declared closed. Ordered held to the March 1, 2011 Common Council meeting.

APPOINTMENTS BY THE MAYOR

Board of Review

Joseph Duffey, 726 Windsor Court
(term ends 6/30/12)

It was moved by Ald. Birschel, seconded by Ald. Meaux
to concur with the foregoing appointment. -16

The Mayor advised that the appointment of the Finance Director and Public Works Director would be moved to the end of this meeting.

APPLICATIONS, COMMUNICATIONS, ETC.

1. Wauwatosa Water Utility Statement of Receipts and Disbursements for the period ending December 31, 2010
Place on file
2. Summons and Complaint: Megan P. O'Rourke, 4954 N. 106th Street, Milwaukee; Latoya Parish, 6921 W. Hampton Drive, Milwaukee
City Attorney
3. Notices of Claim: Carolyn Chabron 1421 Josephine Street, Waukesha; Jason R. Tracey, 2202 N. 61st Street, Milwaukee
City Attorney
4. Claim of Excessive Assessment: Macy's Retail Holdings, Inc., Walgreen Co., Target Corp., Mayfair Property Inc.; Bonstores Realty One, LLC, James Development Corp., 10001 Innovation Drive
City Attorney
5. Claim for Refund of Unlawful Taxes, and Excessive Assessment : Wheaton Franciscan, Inc. 201 N. Mayfair Road, N. Mayfair Road, N. 110th Street
City Attorney
6. Email from Russ Drover, no address given, regarding a Milwaukee Metropolitan Sewerage District (MMSD) grant to the cities for clear water infiltration into the sanitary sewer interceptors
City Engineer
7. From the Southeastern Wisconsin Regional Planning Commission (SEWRPC): A Regional Water Supply Plan for Southeastern Wisconsin
Place on file
8. Request by Lisa Allen, Village Business Improvement District Events Committee, 1430 Underwood Avenue, for a Street Festival permit for the VillageGreen Street Fair on Saturday, June 4th
Community Development Committee
9. Request by Sherry Carlin for a Street Festival permit for Tosafest 2011 to be held Friday, September 9th, and Saturday, September 10th
Community Development Committee
10. Wauwatosa Water Utility Statement of Receipts and Disbursements for the period ending January 31, 2011
Place on file
11. Request by William Poull, The Club Tap, 8828 W. North Avenue, for an extension of licensed premises to include the rear parking lot for a Susan B. Komen 3-Day Cure event on March 13, 2011
**Legislation, Licensing and Communications Committee,
Board of Public Works**

FROM THE COMMITTEE ON COMMITTEE ON EMPLOYEE RELATIONS

RESOLUTION

BE IT RESOLVED, by the Common Council of the City of Wauwatosa THAT the collective bargaining agreement for the years 2011-2013 which has been negotiated between the City of Wauwatosa and the Wauwatosa Professional Firefighters Association Local 1923, a copy of the terms attached hereto, is hereby approved.

It was moved by Ald. Donegan, seconded by Ald. Meaux to hold this item to an appropriate future committee meeting (either Employee Relations Committee or the Committee of the Whole) when no other committee meetings are scheduled pending action on the Governor's budget repair bill. It is further requested this meeting be recorded. Roll call vote, Ayes 14, Noes 2 (Walsh, Wilke)

FROM THE COMMITTEE ON COMMITTEE ON EMPLOYEE RELATIONS

ORDINANCE

AN ORDINANCE REPEALING AND RECREATING SECTION 2.52.080 (B) OF THE WAUWATOSA MUNICIPAL CODE PERTAINING TO HEALTH INSURANCE FOR RETIREES

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

Part I. Section 2.52.080(B) of the Wauwatosa Municipal Code is hereby repealed and recreated in its entirety as follows:

Section 2.52.080(B) – Retiree health insurance. For employees who are eligible under subsection A. of this section the city shall pay the following amount of the premium for group health insurance:

1. For employees hired before January 1, 2008 and have more than 25 years of service as of July 1, 2011, the city shall pay the full amount of the premium for group health insurance coverage but not to exceed one hundred ten percent of the preceding year's premium;
2. For employees hired before January 1, 2008 and have less than 25 years of services as of July 1, 2011, the City shall pay the same percent of premium as it pays on behalf of active employees.
3. For employees hired on or after January 1, 2008, the city shall pay fifty percent of premium.
4. Such payments will continue until the employee either becomes eligible for Medicare, becomes part of a new employer health insurance group which provides coverage equivalent to that of the City of Wauwatosa, or until the retired employee dies.

Part II. This ordinance shall take effect after date of publication.

FROM THE COMMITTEE ON EMPLOYEE RELATIONS

ORDINANCE

AN ORDINANCE REPEALING AND RECREATING SECTION 2.58.130 (B) OF THE WAUWATOSA MUNICIPAL CODE PERTAINING TO HEALTH INSURANCE FOR RETIREES

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

Part I. Section 2.58.130(B) of the Wauwatosa Municipal Code is hereby repealed and recreated in its entirety as follows:

Section 2.58.130(B) - Health insurance for retirees. For employees who retire and are eligible under subsection A of this section the city shall pay the following amount of the premium for group health insurance:

1. For employees hired before January 1, 2008 and have more than 25 years of service as of July 1, 2011, the city shall pay the full amount of the premium for group health insurance coverage but not to exceed one hundred ten percent of the preceding year's premium;
2. For employees hired before January 1, 2008 and have less than 25 years of services as of July 1, 2011, the City shall pay the same percent of premium as it pays on behalf of active employees.
3. For employees hired on or after January 1, 2008, the city shall pay a percent of premium according to the following table:

Years of service with the City	5 years	20 years	25 years	30 years
City contribution of premium	15%	30%	40%	50%

Part II. This ordinance shall take effect after date of publication.

It was moved by Ald. Donegan, seconded by Ald. Birschel to hold the two foregoing ordinances to a future appropriate committee meeting (either Employee Relations Committee or the Committee of the Whole) when no other committee meetings are scheduled pending action on the Governor's budget repair bill. It is further requested this meeting be recorded. Roll call vote, Ayes 15, Noes 1 (McBride)

FROM THE COMMITTEE ON COMMITTEE ON EMPLOYEE RELATIONS

RESOLUTION

BE IT RESOLVED, by the Common Council of the City of Wauwatosa THAT a moratorium be imposed on the enforcement of Section 2.58.320 of the Code of the City ordinances as it relates to

the appointment and confirmation of a candidate for the current vacancy in the position of Finance Director.

It was moved by Ald. Donegan, seconded by Ald. McBride to approve the foregoing resolution. –

The Mover agreed to a friendly amendment by Ald. Wilke that should the candidate move from his current residence, that he be required to move into the City of Wauwatosa.

It was moved by Ald. Jay to further amend the motion that a two-year waiver be granted for relocating to the city.
--Motion failed for lack of a second.

Roll call vote, Ayes 12, Noes 4 (Nikceovich, Walsh, Ewerdt, Hanson)

The amended resolution is as follows:

RESOLUTION R-11-04

BE IT RESOLVED, by the Common Council of the City of Wauwatosa THAT a moratorium be imposed on the enforcement of Section 2.58.320 of the Code of the City ordinances as it relates to the appointment and confirmation of a candidate for the current vacancy in the position of Finance Director, provided that if the appointee changes his current place of residence, the employee shall be required as a condition of continued employment to establish and maintain residence in the City of Wauwatosa.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-11-05

WHEREAS, Gus Zarmakoupis, Pancakes, LLC, and Ned Brickman, One Mayfair LLC, have applied for a Conditional Use in the Business Planned Development District at 2727 N. Mayfair Road for a Maxfield's Pancake House, 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 Gus Zarmakoupis, Pancakes, LLC, and Ned Brickman, One Mayfair LLC, for a Maxfield's Pancake House in the Business Planned Development District at 2727 N. Mayfair Road subject to the following conditions:

- 1) hours of operation 5:00 a.m. to 11:00 p.m. daily, and
- 2) obtaining all necessary licenses and permits.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-11-06

WHEREAS, John A. Vassallo has applied for a Conditional Use in the AA Business District at 10842 W. Blue Mound Road to modify the hours of operation for Mo's Irish Pub on St. Patrick's Day, 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 John A. Vassallo to modify hours of operation for Mo's Irish Pub allowing for opening at 8:00 a.m. on St. Patrick's Day in the AA Business District at 10842 W. Blue Mound Road.

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

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-11-07

WHEREAS, the Common Council established an Energy Committee to pursue ways to promote sustainability and environmental responsibility; and

WHEREAS, the purpose of the Energy Committee is to advise staff and the Common Council on policies that help in reducing energy use and assist in improving the city's operating budgets; and

WHEREAS, the Energy Committee has developed the attached recommendations identifying general goals and methods to achieve them; and

WHEREAS, the recommendations were reviewed and endorsed by the Committee on Community Development at their meeting on February 8, 2011; and

WHEREAS, the Common Council may choose to implement the measures that will evolve from these recommendations after considering political, fiscal, and other factors.

NOW, THEREFORE, BE IT RESOLVED THAT the Common Council of the City of Wauwatosa endorses the attached recommendations and directs the Energy Committee to proceed with identifying implementation steps that will assist the Council in achieving cost savings and reductions in energy consumption and assist the City of Wauwatosa in becoming a more sustainable community.

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

It was moved by Ald. Jay, seconded by Ald. Ewerdt to amend the resolution by eliminating the goal of creating an action plan to reduce emissions. Roll call vote, Ayes 1 (Jay), Noes 15. –Motion failed.

Vote on original motion, 15-1 (Jay)

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-11-08

WHEREAS, the City Assessor provided a memorandum dated January 25, 2011, indicating that due to delays with the Board of Review in 2010, there were three corrections to assessments which were not made until after 2010 tax bills had been printed; and

WHEREAS, Wisconsin Statutes permit the Common Council to rescind taxes in order that the tax roll be made whole, without taxpayers being required to pay those taxes in advance of refund;

NOW, THEREFORE, BE IT RESOLVED THAT the requested rescissions of real and personal property taxes reflected in the January 25, 2011, memorandum of the City Assessor to the Committee on Budget & Finance are hereby approved, and City officials are hereby authorized to take actions consistent with this rescission.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-11-09

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 2011, along with their 2011 fee schedule for non-City funded projects;

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 for the year 2011, along with their 2011 fee schedule for non-City funded projects.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-11-10

WHEREAS, the Acting Director of Public Works and the Purchasing Manager have solicited bids for two truckloads of replacement garbage carts for the City of Wauwatosa which are compatible with the hydraulic lifters currently installed on vehicles used by the City of Wauwatosa; and

WHEREAS, two bids were received, and it was determined that the carts provided by the second low bidder, Otto, are more compatible with the current equipment and are favored by employees, thus providing more efficiency in collection operations; and

WHEREAS, the additional cost by the second low bidder is \$1.71, for a total price of \$45.96 per cart;

NOW, THEREFORE, BE IT RESOLVED THAT the appropriate City officials are hereby authorized to purchase of up to two truckloads “Otto” carts from that manufacturer pursuant to the second low bid at a cost of \$45.96 per cart.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-11-11

BE IT RESOLVED, by the Common Council of the City of Wauwatosa THAT the claim filed by John Standal 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 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. Wilson
to approve the four foregoing resolutions. -16

FROM THE COMMITTEE ON BUDGET AND FINANCE

BILLS AND CLAIMS FOR THE PERIOD 1/19/11 – 2/1/11 and 2/2/11 – 2/15/11 --

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 1/19/11 – 2/1/11:	\$39,372,256.43
Total bills and claims for 2/2/11 – 2/15/11:	\$ 1,090,133.62

It was moved by Ald. Meaux, seconded by Ald. Walsh
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-11-12

WHEREAS, the Board of Public Works has accepted the work of 68th Street and State Street Intersection Modifications and work incidental thereto in the City of Wauwatosa under Contract 09-02 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 68th Street and State Street Intersection Modification under Contract 09-02 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 sixty-seven thousand four hundred nine dollars and forty-four cents (\$67,409.44) in favor of Zenith Tech, 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-11-14

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 water main relays, water main extension, water main alterations, and sanitary sewer relays, and work incidental thereto under Contract 11-51, 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-11-13

BE IT RESOLVED, by the Common Council of the City of Wauwatosa, THAT permission be and the same is hereby granted to Richard Klein of Voline Services, 6902 W. North Avenue, Wauwatosa, WI, to encroach onto the edge of City right-of-way on the sidewalk for a sign mount and pedestal, subject to the applicant 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.

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-11-15

WHEREAS, the Wauwatosa Purchasing Department has requested bids for emulsion and street patching materials for the Spring/Summer 2011 repair season; and

WHEREAS, each of the five bidders reflected in the memorandum of the Purchasing Manager dated February 9, 2011 provide different advantages based upon the price, convenience, and availability;

NOW, THEREFORE, BE IT RESOLVED THAT each of the five vendors described in the memorandum of the Purchasing Manager are hereby qualified to provide emulsion and street patching materials for the Spring/Summer 2011 repair season on an as-needed basis, with individual purchases being made on the basis of prices, convenience, and availability.

It was moved by Ald. Hanson, seconded by Ald. Organ to approve the four foregoing resolutions. -16

APPOINTMENTS

Finance Director

It was moved by Ald. Birschel, seconded by Ald. Wilson to suspend the rules and appoint Craig Kammholz to the position of Finance Director. Roll call vote, Ayes 12, Noes 4 (Nikcevich, Walsh, Ewerdt, Hanson)

Public Works Director

It was moved by Ald. Organ, seconded by Ald. Hanson to suspend the rules and appoint William Porter to the position of Public Works Director. –

It was moved by Ald. Ewerdt, seconded by Ald. Hanson to hold the item for the purpose of having the appropriate committee determine the residency issue. Roll call vote, Ayes 3 (Nikcevich, Ewerdt, Hanson), Noes 13. –Motion failed.

Roll call vote on original motion, Ayes 12, Noes 4 (Nikcevich, Walsh, Ewerdt, Hanson)

There being no further business, the meeting adjourned at 9:28 p.m.

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Carla A. Ledesma, CMC, City Clerk