



CITY OF WAUWATOSA
7725 WEST NORTH AVENUE
WAUWATOSA, WISCONSIN 53213
Telephone: (414) 479-8917
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Web Site: www.wauwatosa.net

COMMON COUNCIL
Regular Meeting, Tuesday, April 19, 2011

PRESENT: Alds. McBride, Meaux, Nikcevich, Pantuso, Roznowski, Walsh, Wilke, Wilson, Berdan, Birschel, Causier, Ewerdt, Hanson, Jay – 14

EXCUSED: Alds. Donegan, Organ

ALSO J. Archambo, City Admin.; A. Kesner, City Atty.; B. Aldana, Asst. City Attorney/Human Resources Dir.; Ms. Van Hoven, Deputy City Clerk

Mayor Didier in the Chair

The Mayor called the meeting to order at 11:20 p.m.

Deputy Clerk Van Hoven swore in Jeffrey Roznowski as 6th District Alderman

It was moved by Ald. McBride, seconded by Ald. Hanson 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

APPLICATIONS, COMMUNICATIONS, ETC.

1. Notice of Claim: Kristine Gehrke, 2145 N. 83rd Street; Jason Mielcarek, 3645 N. 93rd Street, Milwaukee
City Attorney
2. Request by Hector's A Mexican Restaurant for an extension of their liquor license to include the parking lot for Hector's anniversary party, June 16th and HectorFest, September 10th, Robert H. Messinger, applicant
Legislation, Licensing & Communications Committee and Board of Public Works
3. Wauwatosa Water Utility Statement of Receipts and Disbursements for the period ending March 31, 2011
Place on file
4. Financial Statements for the period ending March 31, 2011
Place on file
5. Copy of letter and complaint form sent to the Government Accountability Board and copy of a letter of complaint sent to the WI Department of Justice against certain aldermen by Stan Zurawski, 1930 N. 118th St.
Place in existing file

6. Emails in support of signing the three union contracts:

Lynn M. Woehrle, 10121 W. Highwood Ave.
Henry Schwarz, 2122 N. 72nd Street
Kevin and Kathleen Pulz, 1460 Church Street
Mike Walker, 7326 Hillcrest Drive
James Gerber, 7329 W. Lloyd Street
Marie Dupuis/Peter Westergard, 2277 Ludington Ave.
Sandy/John Zelmer, 2472 N. 65th Street
Rex Hutcheson, 2007 Church Street
James Slonac, 2662 N. 70th Street
Susie Grabow, 1275 N. 118th Street
David I. Bednarek, 1732 Mountain Ave.
Maggi Cage, PhD, 6411 W. Wisconsin Ave.
Elizabeth Nuccio, 7123 Aetna Court
Margie Roberts, 2175 N. 64th Street
Neva Kimble, 2532 N. 115th Street
Leslie Frick, 8429 Kenyon Ave.
Louise M. Gorenc, No address given
Street Patricia Schlick, 1865 N. 73rd Street
Dan/Sheila Hackbarth, 8829 Jackson Park Blvd.
Kristie Kroenig, 7926 Gridley Ave.
Malou Noth, AFSCME

Sachin Pandya, 2237 N. 67th Street
Thomas D. Jozwik, No address given
Jacque Conarchy, RN, BSN, No address given
Mary Kettner, Wauwatosa Library attendant
Ann Heidkamp, 7329 W. Lloyd Street
Peter Abbott, 855 N. 60th Street
Ann Terwilliger, 1025 Laurel Court
Steve Hartman Keiser, 2333 N. 66th Street
Joanne Shansky, 2030 Church Street
Randall Daut, 2420 N. 84th Street
Atty. Heidi M. Hida, 2109 N. 73rd Street
Marlene McIlheran, No address given
Steve/Julie Murdock, 1901 N. 83rd Street
Mary Walz-Chojnacki, 8007 Portland Ave.
Wendy Hargreaves, 2346 N. 90th Street
Julianna J. Wesson, 10228 W. Burleigh Street
Karen Esche-Eiff/James Eiff, 2242 N. 73rd
Rex Hutcheson, 2007 Church Street
Jean/Mike Parulski, 2415 N. 114th Street
Karen Melchior, 2504 N. 84th Street

Place in existing file

7. Emails in opposition to signing the three union contracts:

Bill Makal, Catholic Financial Life, 2665 S.
MoorlandMoorland Road, New Berlin
Kargl, Robert, 2661 N. 66th St.
Brennan, Patrick, No address given
Bruss, Tom, 12030 Meadow Ct.
Day, Ryan, No address given
Dohnal, Bob & Jean, 11324 W. Potter Rd.
Eckel, Clarence, No address given
Elliott, Rebecca, 2121 N. 115th St.
Faltinson, Brian, No address given
Fanis, Tony, No address given
Fink, Jim, No address given
Fischer, Vic & Karen, 11523 W. Mt. Vernon Ave
Fritsch, Greg, 2404 N. 88th St.
Jacob, Robert, No address given
Kreiter, Dave, No address given
Kreiter, Shirley, No address given
Kristoff, Jamie, No address given
Kuimjian, Lisa, 2351 N. 90th St.
Kundinger, Roger, No address given
Lensink, Aaron, 2375 N. 67th St.
Martin, Ried, No address given
Meidl, Mark, 2568 N. 69th St.

Braun, Steve, 6832 Cedar Street
Bausch, Adam, No address given
Kasper, James & Lee Ann, 2440 N. 120th St.
Knudsvig, Lee, 1020 N. 122nd St.
Kohal, Harry, 2081 Sunset Ct.
Kordas, Warner, No address given
Newman, Mrs., No address given
Palzkill, Brett, 501 N. 114th St.
Radtke, Jean, No address given
Riley, Miles, No address given
Seibold, Mary Lynn, No address given
Shantz, Steve, 63201 Upper Parkway N.
Skalarcheck, Gino, No address given
Suchy, Randy, 2457 N. 91st St.
Vande Hei, Nick, 12133 Diane Drive
Vandenberg, Katy, 2516 N. 67th St.
Warde, Robert, No address given
Wendelberger, Jay, No address given
Wormington, Barry & Regina, 8421 Kenyon Ave.
Vande Hei, Nick, 12133 Diane Drive
Vandenberg, Katy, 2516 N. 67th St.
Warde, Robert, No address given
Wendelberger, Jay, No address given

Meyer, Lee, No address given
James M. Jaworowicz, 2425 N. 90th Street
Vicky Ostry, 1409 N. 64th Street
Dan Bradach, 2466 N. 89th Street
John Pernice, 2361 N. 88th Street
Steve/Michelle Pape, 7030 Maple Terr.
Wendy Dietzler, 6775 Maple Terr.
James M. Jaworowicz, 2425 N. 90th Street

Wormington, Barry & Regina, 8421 Kenyon Ave.
Sharon Boudreau, 2516 Pasadena Blvd.
Gregory Fritsch, 2404 N. 88th Street
Tom/Kitty Miller, 2240 N. Menomonee River Pky
Elizabeth Dennik, 4115 N. 111th Street
Rob Rettler, 1923 N. 70th Street
Mark Strothmann, 8106 Milwaukee Ave.
Place in existing file

FROM THE COMMITTEE ON LEGISLATION, LICENSING & COMMUNICATIONS

RESOLUTION R-11-045

WHEREAS, William Poull of the Club Tap, 8828 W. North Avenue, has requested a temporary extension of the licensed premises to include the parking lot of his business on June 4 and 5, 2011, for an annual corn roast;

NOW, THEREFORE, BE IT RESOLVED THAT the licensed premises of the Club Tap be extended to include the parking area in the rear of the building on June 4 and 5, 2011, between the hours of 11:00 AM to 9:00 PM both days with music from 1:00 PM to 6:00 PM both days, all trash must be removed from the parking lot after the event, and the music will be kept at a reasonable level of volume.

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

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

ORDINANCE O-11-04

AN ORDINANCE CREATING WAUWATOSA CODE SECTION 2.90 PERTAINING TO THE
COMMUNITY DEVELOPMENT AUTHORITY

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

Part I. Section 2.90 of the Wauwatosa Municipal Code is hereby created to read as follows:

Section 2.90. COMMUNITY DEVELOPMENT AUTHORITY.

A. Authority. Section 66.1335 of the Wisconsin Statutes authorizes the Common Council to adopt an ordinance creating a Housing and Community Development Authority.

B. Findings and Declarations. The findings and declarations underlying Section 66.1335 of the Wisconsin Statutes are in all respects adopted, restated and incorporated herein; there exists a need for blight elimination, slum clearance, urban renewal and community development programs and projects and housing projects in the City; a Housing and Community Development Authority, functioning within the City, constitutes an effective and efficient means for preventing and eliminating slums in blighted areas and preventing the reoccurrence thereof and for the elimination of unsanitary or unsafe inhabited dwelling accommodations and to provide safe and sanitary dwelling accommodations for persons of low income; and, the necessity for said authority is hereby declared as a matter of legislative determination.

C. Creation. Pursuant to Section 66.1335(1) of the Wisconsin Statutes, there is hereby created the Housing and Community Development Authority as a separate body politic for the purpose of carrying out blight elimination, slum clearance, urban renewal programs and projects and housing projects; which Authority shall be known as the "Community Development Authority of the City of Wauwatosa."

D. Termination of Housing and Redevelopment Authorities. The Housing Authority of the City of Wauwatosa created under Section 66.1201 of the Wisconsin Statutes and operating in the City is terminated and all powers, duties and functions set out in Section 66.1201 of the Wisconsin Statutes for housing authorities are hereby vested in the Community Development Authority.

The Redevelopment Authority of the City of Wauwatosa created under Section 66.1333 of the Wisconsin Statutes and operating in the City is terminated and all powers, duties and functions set out in Section 66.1333 of the Wisconsin Statutes for redevelopment authorities are hereby vested in the Community Development Authority.

E. Commissioners. The Mayor shall, with the confirmation of the Common Council, appoint seven (7) resident persons having sufficient ability and experience in the fields of urban renewal, community development and housing, as commissioners of the Community Development Authority.

1. Two (2) of the commissioners shall be members of the Common Council and shall serve during their term of office as council members.

2. The first appointments of the five (5) non-council members shall be for the following terms: two (2) for one year and one each for terms of two (2), three (3) and four (4) years. Thereafter, the terms of non-council members shall be four (4) years and until their successors are appointed and qualified.

3. Vacancies shall be filled for the unexpired term as provided in this subsection.

4. Commissioners shall be reimbursed their actual and necessary expenses including local travel expenses incurred in the discharge of their duties.

F. Powers and Duties.

1. The Community Development Authority shall have all powers, duties and functions set out in Sections 66.1201 and 66.1333 of the Wisconsin Statutes for Housing Authorities and Redevelopment Authorities and as to all housing projects initiated by the Community

Development Authority it shall proceed under Section 66.1201 of the Wisconsin Statutes and as to all projects relating to blight elimination, slum clearance, urban renewal and redevelopment programs, it shall proceed under Sections 66.1105, 66.1301 to 66.1329, 66.1331, 66.1333 or 66.1337 of the Wisconsin Statutes as determined appropriate by the Common Council on a project by project basis.

2. Any programs and projects which have been begun by the Housing Authority and the Redevelopment authority shall, upon adoption of this ordinance, be transferred to and completed by the Community Development Authority. Any procedures, hearings, actions or approvals taken or initiated by the Redevelopment Authority under s. 66.1333 on pending projects are deemed to have been taken or initiated by the Community Development Authority as if the Community Development Authority had originally undertaken the procedures, hearings, actions or approvals.

3. Any form of indebtedness issued by the Housing Authority or the Redevelopment Authority shall, upon the adoption of this ordinance, be assumed by the Community Development Authority.

4. Upon the adoption of this ordinance, all contracts entered into between the federal government and the Housing Authority or the Redevelopment Authority, or between these authorities and other parties shall be assumed and discharged by the Community Development Authority. Contracts entered into between the federal government and the Redevelopment Authority or the Housing Authority bind the Community Development Authority in the same manner as if originally entered into by the Community Development Authority.

5. The Community Development Authority may act as the agent of the City in planning and carrying out community development programs and activities approved by the Mayor and Common Council under the Federal Housing and Community Development Act of 1974. As to all community development programs and activities undertaken by the City under the Federal Housing and Community Development Act of 1974, the Community Development Authority shall proceed under all applicable laws and ordinances not inconsistent with the laws of this State.

6. The Community Development Authority shall act as agent of the City to perform all acts, except the development of the general plan of the City, which may be otherwise performed by the Planning Commission under Sections 66.1105, 66.1301 to 66.1329, 66.1331 or 66.1337 of the Wisconsin Statutes.

G. Tax Exemption. Bonds issued on or after [Creation Date], by the Community Development Authority are declared pursuant to Section 66.1335(5m) of the Wisconsin Statutes to be issued for an essential public and governmental purpose and to be public instrumentalities and, together with interest thereon and income therefrom, are exempt from taxes.

H. Controlling Law. The powers conferred under this section shall be an addition and supplemental to the powers conferred by any other law or ordinance. Insofar as this section is inconsistent with any other law, this section shall control.

I. Construction. This section shall be construed liberally to effect its purposes and enumeration of specific powers herein does not restrict the meaning of any general grant of power contained in this section nor does it exclude other powers comprehended in such general grant as provided by applicable laws.

J. Severability. If any provision of this section or any provision of any rule or regulation lawfully promulgated hereunder or any application of this section or rule or regulation promulgated hereunder to any person, firm or corporation or circumstances is held invalid or inoperative, such invalidity or inoperativeness shall not affect other provisions or applications of this section or rules or regulations. The Common Council hereby declares the provisions of this section and all rules and regulations promulgated hereunder are severable.

Part II. Section 3.58.010 is hereby renumbered as Section 3.62.005 and is amended to read as follows:

Whereas Wisconsin Statutes Section 66.1335 sets forth the authority and procedure of the city to create a Community Development Authority; and whereas there are administrative expenses incurred by the municipality in receiving and processing development plans to be constructed under authority of the Community Development Authority, which costs should not be borne by the City's taxpayers; it is the declared purpose of this chapter to affix a fee which is deemed to be reasonably related to the costs incurred.

Part III. The remaining sections of Chapter 3.58 of the Wauwatosa Code of Ordinances are hereby repealed.

Part IV. All references to the term "Redevelopment Authority" contained in Chapter 3.62 or at any other locations in the Wauwatosa Code of Ordinances are hereby amended so as to reference the "Community Development Authority"

Part V. The Housing Authority of the City of Wauwatosa is hereby terminated. Any form of indebtedness issued by the Housing Authority shall be assumed by the Community Development Authority. All contracts entered into between the Federal government and the Housing Authority, or between such authority and other parties shall be assumed and discharged by the Community Development Authority except for the termination of operations by the Housing Authority. Contracts entered into between the Federal government and the Housing Authority shall bind the Community Development Authority in the same manner as though originally entered into by the Community Development Authority. The Community Development Authority may execute appropriate documents to reflect its assumptions of the obligations set forth above.

Part VI. The Redevelopment Authority created under Section 66.1333 of the Wisconsin Statutes operating in the City of Wauwatosa shall terminate its operations as provided in Section 66.1335(5) of the Wisconsin Statutes.

Part VII. From the effective date of this Ordinance, the City Clerk shall transmit a certified copy of the ordinance to the Mayor who shall proceed to appoint commissioners of the Community Development Authority as provided in Section 66.1335(2) of the Wisconsin Statutes.

Part VIII. Appropriate City Officials are hereby authorized to enter into contracts and other agreements as necessary to implement and support the operation of the Community Development Authority, provided that funds are appropriately budgeted and personnel are available to support such support activities.

Part IX. All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

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

It was moved by Ald. Wilke, seconded by Ald. Wilson
to approve the foregoing ordinance. -14

FROM THE COMMITTEE ON BUDGET & FINANCE

RESOLUTION R-11-046

BE IT RESOLVED, by the Common Council of the City of Wauwatosa, THAT the following claims for 2010 property tax refunds on the listed tax parcels are hereby denied:

- James Development Corporation, 10001 Innovation Drive, Parcel #379-9999-38;
- Bonstores, 2400 N. Mayfair Road, Parcel #335-9998-16;
- Wheaton Franciscan Healthcare, 201 N. Mayfair Road, Parcel #411-9976-05 and 411-9994-03;
- Wheaton Franciscan, Inc., 201 N. Mayfair Road, Parcel #411-9976-03 (treated as part of 411-9976-05), 411-9994-03, 411-9978-06, and PP account #060212;
- Target Corporation, 3900 N. 124th Street, Parcel #258-0001-09;
- Mayfair Property, Inc. c/o Macy's, Inc., Parcel #335-9998-12;
- Walgreen Co., 2656 N. Wauwatosa Avenue, 10800 W. Capitol Dr., 6600 W. State St., 2275 N. Mayfair Road, Parcel #331-0777-01, 256-0075-07, 384-0009-02, and 339-9999-00.

It was moved by Ald. Walsh, seconded by Ald. Meaux
to approve the foregoing resolution. -14

FROM THE COMMITTEE ON BUDGET AND FINANCE

BILLS AND CLAIMS FOR THE PERIOD 4/6/11 – 5/19/11 –

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 4/6/11 – 5/19/11: \$1,698,410.35

It was moved by Ald. Meaux, seconded by Ald. Casier 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-11-048

BE IT RESOLVED, by the Common Council of the City of Wauwatosa, THAT permission be and the same is hereby granted to Café Hollander, 7677 W. State Street, Wauwatosa, WI, to encroach onto City right-of-way with a sign eight feet above the sidewalk, 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).

RESOLUTION R-11-047

BE IT RESOLVED, by the Common Council of the City of Wauwatosa, THAT permission be and the same is hereby granted to Café Hollander, 869 N. Mayfair Road, Wauwatosa, WI, to encroach onto City right-of-way with an extension to their existing agreement, 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. Hanson, seconded by Ald. Pantuso to approve the foregoing resolutions. -14

There being no further business, the meeting adjourned at 11:30 p.m.

Susan Van Hoven
Deputy City Clerk

svh