



CITY OF WAUWATOSA  
7725 WEST NORTH AVENUE  
WAUWATOSA, WI 53213  
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**COMMON COUNCIL**  
**Regular Meeting, Tuesday, July 19, 2011**

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

EXCUSED: Alds. Nikcevich and Organ

ALSO PRESENT: Mr. Archambo, City Administrator; Mr. Kesner, City Attorney; Mr. Porter, Public Works Director; Mr. Ruggini, Finance Director; Fire Chief Ugaste; Police Chief Weber; Ms. Welch, Community Development Director; Mr. Loy, Health & Productivity Coordinator; Ms. Ledesma, City Clerk

Common Council President Meaux in the Chair

The Acting Mayor called the meeting to order at 7:30 p.m.

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

**RESOLUTION** R-11-99

WHEREAS, the annual Tosa's Night Out celebration takes place after sundown on August 2, 2011; and

WHEREAS, numerous members of the Common Council and city staff will wish to participate in the post-sundown activities on that evening, but may not be able to do so if the meeting of the Common Council begins at 7:30 p.m.;

NOW, THEREFORE, BE IT RESOLVED THAT, the meeting of the Wauwatosa Common Council on August 2, 2011, shall begin at 6:30 p.m.

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

**APPOINTMENTS BY THE MAYOR**

Board of Public Debt Commissioners  
Joel E. Simpson, 130 N. 89<sup>th</sup> Street  
James Maloney, 9419 Ridge Blvd.  
(Terms end 4/30/14)

Board of Building and Fire Code Appeals  
Robert Ornst Jr., 6526 Hillcrest Drive  
Mark Lemke, 7440 Melrose Avenue  
(Terms end 5/30/14)

Ad hoc Energy Committee  
Chuck Rohrer, 1074 Kavanaugh Place  
Ted Wilinski, 1821 Mountain Avenue  
John Bahr, 1674 N. 118<sup>th</sup> Street  
Matt Giovanelli, 7133 W. Wells Street  
(Terms end 11/1/12)

Senior Commission  
Judy Parmeter, 8143 Richmond Court  
Dianne Dagelen, 8444 W. Hill Street  
(Terms end 4/30/14)

Board of Parks and Forestry Commissioners  
Laurie Panella, 7222 W. Wellauer Drive  
(Term ends 4/30/14)

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

**APPLICATIONS, COMMUNICATIONS, ETC.**

1. Summons and Complaint: James Development Corporation, 2880 S. 171 Street, New Berlin; Wheaton Franciscan, Inc., 5000 W. Chambers Street, Milwaukee; Wheaton Franciscan Healthcare – Southeast Wisconsin, Inc., 4000 W. River Woods Parkway, Glendale  
**City Attorney**
2. Milwaukee Metropolitan Sewerage District 2010 Comprehensive Annual Financial Report and Proceedings of the 2010 Commission meetings  
**Place on file**
3. City of Wauwatosa Water Utility Statement of Receipts and Disbursements for the month ended 6/30/11  
**Place on file**

**FROM THE COMMITTEE ON EMPLOYEE RELATIONS FOR INTRODUCTION**

1. Ordinance creating the position and pay grade for the Business Specialist position in the Economic Development Department  
**Re-refer to originating committee**
2. Ordinance repealing Chapter 2.52.070 (police and fire supervisor health insurance), 2.58.120 (non-represented employee health insurance), and 2.58.130 (non-represented employee health insurance for retirees) and setting health insurance contribution rates by resolution rather than ordinance  
**Re-refer to originating committee**

**FROM THE COMMITTEE ON EMPLOYEE RELATIONS**

**RESOLUTION R-11-102**

BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin that the Choice Plan and Choice Plus Plan shall be eliminated effective January 1, 2012 and that the only health plan offered by the City to eligible employees shall be the Choice Plus Plan with Health Reimbursement Account with the following plan design changes:

- Outpatient lab, x-ray and outpatient surgery: 90% co-insurance after deductible in-network, 70% after deductible out-of-network.
- Emergency room: \$100 co-pay then deductible and co-insurance. Co-pay waived if admitted.
- Skilled nursing facility and inpatient rehab facilities: 90% after deductible in-network, 70% after deductible out-of-network.
- Retail prescription drug coverage: \$10 tier one, \$30 tier two, \$50 or 20% for tier 3 whichever is greater not to exceed \$100 per prescription.
- Mail-order prescription drug coverage: \$25 tier one, \$75 tier two, \$125 or 20% whichever is greater not to exceed \$250 per prescription.

BE IT FURTHER RESOLVED THAT this resolution shall be effective the same date as Ordinance 2.58.120 is repealed.

**FROM THE COMMITTEE ON EMPLOYEE RELATIONS**

**RESOLUTION R-11-101**

BE IT RESOLVED by the Common Council of the City of Wauwatosa that members of AFSCME, IBEW and OPEIU shall pay a 10% premium for the wellness plans and 20% premium for non-wellness plans, the same health insurance premiums as non-represented general employees.

BE IT FURTHER RESOLVED that this resolution shall be effective the same date as Ordinance 2.58.120 is repealed.

**FROM THE COMMITTEE ON EMPLOYEE RELATIONS**

**RESOLUTION R-11-100**

BE IT RESOLVED by the Common Council of the City of Wauwatosa THAT the City's retirement health insurance benefit for non-protective employees once retired shall be modified such that employees hired after September 1, 1991 and before January 1, 2008, shall pay a 5% premium contribution when eligible for retiree health insurance.

BE IT FURTHER RESOLVED THAT that this resolution shall be effective on the same date that Ordinance 2.58.130 is repealed.

It was moved by Ald. Wilson, seconded by Ald. Donegan to approve the three foregoing resolutions. -14

**FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT**

**RESOLUTION R-104**

WHEREAS, Dainey Thomas, Bright Horizons Children’s Center and William Hatcher, Milwaukee Regional Medical Center have applied for a Conditional Use in the Medical Center and Institutions District at 8624 W. Watertown Plank Road to operate a child care center, 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 Dainey Thomas, Bright Horizons Children’s Center and William Hatcher, Milwaukee Regional Medical Center to operate a child care center in the Medical Center and Institutions District at 8624 W. Watertown Plank Road subject to the following:

- 1) Hours of operation from 6:00 a.m. to 6:00 p.m. daily; and
- 2) obtaining all necessary licenses and permits.

**FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT**

**RESOLUTION R-11-105**

BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin THAT a public hearing be held before the Common Council in the Council Chambers at 7:30 p.m. Local Time, on Tuesday, September 6, 2011 in the City Hall of the City of Wauwatosa, Wisconsin at which time all persons interested, or their agents or attorneys, will be heard concerning the adoption of the Village of Wauwatosa: A Strategic Development Plan by Ordinance as an amendment to the City’s Comprehensive Plan.

BE IF FURTHER RESOLVED THAT the City Clerk be and is hereby directed to publish the proper notices of said hearing as required by law.

**FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT**

**RESOLUTION R-11-106**

WHEREAS, Derse Associates, LLP (“Derse”) has formally offered to donate the parcel of land located at 1245 North 62<sup>nd</sup> Street to the City of Wauwatosa for the purpose of preserving a significant portion of the Schoonmaker Reef, a significant portion of which has been designated as a National Historic Landmark by the US Secretary of the Interior, and is listed in the National Register of Historic Places; and

WHEREAS, the City Attorney's Office assembled a number of materials in order to assist in determining whether it would be in the City's best interests to accept this donation from Derse, which materials were presented to the Committee on Community Development at its July 12, 2011, meeting; and

WHEREAS, the City Attorney recommends that the Common Council vote to accept the donation due to the significance of this historic piece of property, its relatively stable condition, and the lack of significant legal risks associated with ownership, in order recognize the significance of the site for the history and culture of the City of Wauwatosa and the United States and allow the site to be preserved from future commercial development;

NOW, THEREFORE, BE IT RESOLVED THAT, the Wauwatosa Common Council hereby accepts the donation of parcel number 384-0020, containing a portion of the Schoonmaker Reef, from Derse Associates, LLP., and appropriate city officials are hereby authorized to execute all necessary documents to complete the acceptance of this donation on behalf of the City of Wauwatosa.

It was moved by Ald. Wilke, seconded by Ald. Pantuso to approve the three foregoing resolutions. -14

**FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT**

**RESOLUTION R-11-103**

BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin THAT permission be and the same is hereby granted to the City of Wauwatosa for a Land Division by Certified Survey Map and final subdivision plat in the Medical Center and Institutions District at 8624 W. Watertown Plank Road. These parcels are more particularly described as follows:

Being a redivision of Lot 4 of that part of the Southeast ¼ of the Southwest ¼ of Section 21, in Township 7 North, Range 21 East in the City of Wauwatosa, County of Milwaukee, State of Wisconsin.

All in accordance with the application attached hereto and made a part of this resolution, and in compliance with Section 24.56.010 of the Code of the city of Wauwatosa and subject to the payment of all outstanding special assessments on the aforescribed property which is being subdivided.

It was moved by Ald. Ald. Wilke, seconded by Ald. Pantuso to approve the foregoing resolution. -14

**FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT**

**RESOLUTION R-11-107**

WHEREAS, on May 3, 2011, the Common Council approved a conditional use permit for Gatlin Development to construct a development with more than 50,000 square feet of retail space for use as a Wal-Mart Neighborhood Market along with three other retail uses; and

WHEREAS, the conditions at the site require certain exemptions from section 24.25 of the Wauwatosa Municipal Code regarding Large Retail Developments; and

WHEREAS, the terms and conditions of said exemptions are reflected in a Developer's Agreement which was presented to the Committee on Community Development and approved at its meeting of July 12, 2011;

NOW, THEREFORE, BE IT RESOLVED THAT the appropriate City officials are hereby authorized to execute and enter into a Developer's Agreement with the appropriate legal entity affiliated with Gatlin Development Co, a draft of which is attached hereto and incorporated herein, consistent with the terms and conditions presented to the Committee on Community Development at its July 12, 2011, meeting.

It was moved by Ald. Ald. Wilke, seconded by Ald. Pantuso to approve the foregoing resolution. -13-0-1 (Birschel)

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

**RESOLUTION R-11-108**

WHEREAS, the amount for the City's Community Development Block Grant (CDBG) allocation for 2011 is \$1,086,233, which is approximately 16.5% less than the amount estimated in the fall of 2010 for program allocation in 2011; and,

WHEREAS, the 16.5% reduction in funding was applied to all 2011 projects with the exception of the water main project, which has been completed under the anticipated budget; and,

WHEREAS, the surplus funds from the 2011 water main project were divided up and added to projects in the public facilities category;

NOW, THEREFORE BE IT RESOLVED THAT the Common Council of the City of Wauwatosa approves the use of 2011 CDBG funds for the following purposes:

Administration & Planning - \$217,245 Max.

Administration:	\$ 41,750
Metro Fair Housing:	\$ 27,555
Mayfair Road Corridor Plan	<u>\$ 62,625</u>
Total:	\$131,930

Public Services & Community Programs - \$162,930 Max.

Senior Center:	\$104,000
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ARC Milwaukee:	\$ 17,750
Elena's House:	\$ 12,230
Interfaith:	\$ 16,300
Tosa Food Pantry:	\$ 3,275
PEP Program:	\$ 5,300
Tosa Cares	<u>\$ 4,075</u>
Total:	\$162,930

Public Facilities, Economic Development & Rehabilitation

Sanitary Sewers in LMI:	\$117,850
Water Mains in LMI:	\$140,000
Greek Orthodox Manor:	\$239,875
Badger Association/Blind	\$ 16,000
Lutheran Home	\$ 50,000
WEDC:	<u>\$227,648</u>
Total:	\$791,373

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

**RESOLUTION R-11-109**

WHEREAS, on June 23, 2011, the City accepted proposals to provide professional engineering services for the design and construction management for the federally funded portion of infrastructure as part of the UWM Innovation Park project in the City of Wauwatosa; and

WHEREAS, the lowest priced proposal was submitted by a firm which demonstrated no experience in administering federally-funded projects of this type and did not appear to have the capability to undertake a project of the required type and magnitude; and

WHEREAS, the second-lowest priced proposal was submitted by Yaggy Colby Associates of Delafield, Wisconsin, which firm has demonstrated experience in similar projects and has sufficient staff to accomplish this project, at a price of \$116,200;

NOW, THEREFORE, BE IT RESOLVED THAT, appropriate City officials are hereby authorized to enter into a contract with Yaggy Colby Associates of Delafield, Wisconsin, for design and construction management services associated with the federally-funded portion of infrastructure for the UWM Innovation Park located in the City of Wauwatosa, consistent with the terms of the Request for Proposals and the firm's response received by the City on June 23, 2011.

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

**RESOLUTION R-11-110**

WHEREAS, the City's contract for digital ISDN circuits providing incoming telephone service to City Hall is set to expire; and

WHEREAS, the Purchasing Manager solicited proposals for provision of such services to the City under a 36-month contract, which proposals were received in June, 2011; and

WHEREAS, the proposal of PAETEC at the cost of \$790 per month is the lowest and is in the best interests of the City, providing a savings of over \$1,100 per month compared to the current contract;

NOW, THEREFORE, BE IT RESOLVED THAT, appropriate City officials are hereby authorized to enter into an agreement to purchase three (3) ISDN Prime circuits for the purpose of incoming telephone service at Wauwatosa City hall for thirty-six (36) months at the price of \$790.12 per month consistent with the terms and conditions described in their proposal received in June, 2011.

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

**RESOLUTION R-11-111**

BE IT RESOLVED, by the Common Council of the City of Wauwatosa THAT the claim filed by Liberty Mutual for Jason Tracey 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. Walsh, seconded by Ald. Wilson  
to approve the four foregoing resolutions. -14

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

**BILLS AND CLAIMS FOR THE PERIOD 7/6/11 – 7/19/11 --**

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 7/6/11 – 7/19/11: \$2,814,838.95

It was moved by Ald. McBride, seconded by Ald. Causier  
that each and every account of bills and claims be allowed  
and ordered paid. Roll call vote, Ayes 13-0-1 (Donegan)

**FROM THE BOARD OF PUBLIC WORKS**

**RESOLUTION R-11-112**

BE IT RESOLVED by the Common Council of the City of Wauwatosa that upon receipt of permission from the State of Wisconsin DOT to award this contract, the proper city officials be and they are hereby authorized and directed to enter into a contract with Marvin Gleason Contractor, Inc., for the work of curb ramp installation and work incidental thereto under Contract 10-42, this being the lowest and best bid.

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

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

There being no further business, the meeting adjourned at 7:50 p.m.

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Carla A. Ledesma, CMC, City Clerk