



CITY OF WAUWATOSA  
7725 WEST NORTH AVENUE  
WAUWATOSA, WI 53213  
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**COMMON COUNCIL**  
**Regular Meeting, Tuesday, September 20, 2011**

PRESENT: Alds. Organ, Pantuso, Roznowski, Walsh, Wilke (7:35 p.m.), Wilson (7:35 p.m.), Berdan, Birschel, Causier, Donegan, Ewerdt, Hanson, Jay, McBride, Meaux, Nikcevich -16

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; Ms. Aldana, Asst. City Attorney/HR Director; Ms. Ledesma, City Clerk

Common Council President Meaux in the Chair

The Chair called the meeting to order at 7:32 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. -14

**OLD BUSINESS**

**ORDINANCE** O-11-10

AN ORDINANCE TO AMEND THE COMPREHENSIVE PLAN OF THE CITY OF WAUWATOSA, WISCONSIN BY ADDING THE VILLAGE OF WAUWATOSA: A STRATEGIC DEVELOPMENT PLAN

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

Part 1. Pursuant to sections 62.23(2) and (3) of Wisconsin Statutes, the City of Wauwatosa is authorized to prepare and adopt a comprehensive plan as defined in sections 66.1001(1)(a) and 66.1001(2) of Wisconsin Statutes. On December 16, 2008, the City of Wauwatosa adopted the City of Wauwatosa Comprehensive Plan 2008-2030 by ordinance creating Section 24.05.010 of the Wauwatosa Municipal Code. The City of Wauwatosa Comprehensive Plan is hereby amended to include the attached The Village of Wauwatosa: A Strategic Development Plan.

Part 2. This ordinance shall take effect and be in force from and after its passage and publication.

It was moved by Ald. Organ, seconded by Ald. McBride  
to adopt the foregoing ordinance. -14

### **APPOINTMENTS BY THE MAYOR**

#### Board of Zoning Appeals

Brian Randall, 2602 N. 88<sup>th</sup> Street  
William Penoyer, 11222 W. Congress Street  
(Terms end 4/30/2014)

#### Ad Hoc Energy Committee

Jay Kasmerchak, 2023 Two Tree Lane  
Carol Lomonaco, 9226 Jackson Park Blvd.  
(Terms end 9/1/2013)

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

### **APPLICATIONS, COMMUNICATIONS, ETC.**

1. Letter from Robert G. DuPont, Alliance for Regulatory Coordination, (comprised of 23 state and national professional organizations), awarding a Certificate of Commendation to the City for promoting public safety as part of the Wisconsin Building Safety Network

#### **Place on file**

2. Email from Deputy Fire Chief Lee expressing concern regarding the perpendicular parking configuration on Underwood Avenue just south of Fire Station #1 and whether it is a safety issue.

#### **Engineering Department**

3. Notices of Claim: Willie McAllister 2671 N. Grant Blvd., Milwaukee; Larry Lent, 9010 Jackson Park Blvd., Wauwatosa

#### **City Attorney**

4. Wauwatosa Water Utility Statement of Receipts and Disbursements for the period ending August 31, 2011

#### **Place on file**

5. Emails supporting prohibition of weapons in Wauwatosa public buildings and at public events:

Lucky Tomaszek, 2124 N. 63<sup>rd</sup> Street  
Jean Jarosz, 8111 W. Meinecke Avenue  
David Hoffman, 1269 N. 123<sup>rd</sup> Street  
Michael Duffey, 2573 N. 71<sup>st</sup> Street  
E. Lockington, 5637 W. Valley Forge Dr., Milw.  
Marion Butters, 720 N. 113<sup>th</sup> Street  
John Bollow, 8136 Milwaukee Avenue  
Leslie O'Leary, 4310 Meno. River Parkway  
Tracey Sperko, 1820 N. 70<sup>th</sup> Street  
Dana McCormick, 1734 N. 69<sup>th</sup> Street  
Jesse Kozel, 2544 N. 124<sup>th</sup> Street  
Lynn Broaddus, 537 N. 67<sup>th</sup> Street  
Ann Heidkamp, 7329 W. Lloyd Street  
Todd Bierdemann, 2673 N. 115<sup>th</sup> Street  
Sally O'Neill, 9995 W. North Avenue  
Kevin O'Brien, 2135 N. 69<sup>th</sup> Street

Joan Deardorff, 8220 Harwood Avenue  
Joanne Shansky, 2030 Church Street  
Mary DeBattista, 2653 N. 82<sup>nd</sup> Street  
Merry Ziefle, 7905 W. Clarke Street  
William Crowlet, M.D., 11640 W. Clarke Street  
Cathleen Johnston, 2354 N. 91<sup>st</sup> Street  
Lisa Moline, 6437 Upper Parkway North  
Lane Hall, 6437 Upper Parkway North  
John Albert, Harwood Avenue  
Michael S. Lewis, 8238 Avon Court  
Marie Dupuis and Peter Westergard, 2277  
Ludington Avenue  
Jon Reddin, 612 N. 70<sup>th</sup> Street  
Patricia Jensen, 6426 Upper Parkway North  
Sue Morgan, no address given  
Kari Murray, 8823 Jackson Park Blvd.

William Robison, 6857 Milwaukee Avenue  
Mary Osmundsen, 1269 N. 123<sup>rd</sup> Street  
Carl Wegner, 6521 Washington Circle  
Alan Nichols, 7926 Gridley Avenue  
Louise Gorenc, 4629 N. 105<sup>th</sup> Street  
Roosevelt McKinney, 4085 N. 111<sup>th</sup> Street

Emails with a question and suggestions:  
Mathew Eszes, 2435 N. 64<sup>th</sup> Street  
**Add to existing file**

**Add to existing file**

6. Email from Roxanne Horvath, 11826 W. Woodland Avenue, in support of the Conditional Use application at 11747 W. North Avenue  
**Add to existing file**

## **FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT FOR INTRODUCTION**

1. Ordinance prohibiting carrying concealed firearms in city-owned buildings  
**Re-refer to originating committee**

(Alds. Wilke and Wilson present 7:35 p.m.) -16

## **FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS**

### **RESOLUTION** R-11-137

WHEREAS, Gina M. Cruz, 1423 S. 95<sup>th</sup> St., West Allis, WI, applied for an operator's license in conjunction with her employment at The Cheesecake Factory; and

WHEREAS, the Committee on Legislation, Licensing & Communications requested that Ms. Cruz appear before the Committee on two occasions to discuss her record but applicant did not appear;

NOW, THEREFORE, BE IT RESOLVED THAT the operator's license application of Gina M. Cruz is hereby denied;

BE IT FURTHER RESOLVED THAT the Clerk shall notify Ms. Cruz in writing of this decision and the reasons for the denial.

It was moved by Ald. Birschel, seconded by Ald. Roznowski to approve the foregoing resolution. -16

## **FROM THE COMMITTEE ON EMPLOYEE RELATIONS**

### **RESOLUTION** R-11-136

BE IT RESOLVED THAT the City Administrator is authorized to implement a two-tier compensation system for new hires into positions represented by OPEIU, AFSCME and IBEW as follows:

- All open positions will be evaluated by Administration and HR (and compensation consultant as appropriate) to determine a competitive market rate. Competitive market rate is that rate necessary to attract and retain excellent employees;

- City Administrator is authorized to set rates without further Council approval so long as rates approximate competitive market rates for the position;
- All current City employees in these groups will remain under the current compensation system with no downward adjustment, including at promotion, demotions and transfers;
- The two-tier system is a short-term strategy and staff is directed to undertake a broader review of the City's compensation and develop a long-term strategy.

It was moved by Ald. Ewerdt, seconded by Ald. Berdan to approve the foregoing resolution. -16

**FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT**

**RESOLUTION R-11-138**

WHEREAS, Meg Miller, on behalf of the North Avenue Neighborhood/East Tosa Alliance, has applied for a street festival permit to utilize that portion of North Avenue between N. 68<sup>th</sup> Street and Lefeber Avenue on Saturday, July 21, 2012, for purposes of the "Chili'n on the Avenue" Chili Cook Off; and

WHEREAS, the Community Development Committee has reviewed the request and believes the issuance of the permit to be in the public interest; and

NOW, THEREFORE, BE IT RESOLVED THAT, a street festival permit shall be granted for the "Chili'n on the Avenue" Chili Cook Off to utilize that portion of North Avenue between N. 68<sup>th</sup> Street and Lefeber Avenue on Saturday, July 21, 2012, between the hours of 7:00 a.m. and 6:00 p.m. consistent with the terms and conditions reflected in the attached Street Festival Permit which is incorporated as though fully set forth herein.

**FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT**

**RESOLUTION R-11-139**

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 Business Planned Development District at approximately 9500 W. Watertown Plank Road. These parcels are more particularly described as follows:

Being a division of Lot 1 of Certified Survey Map No. 8330 in the Northeast ¼, the Northwest ¼, the Southeast ¼, and the Southwest ¼ of the Southeast ¼ of Section 20, and Northeast ¼ of the Southwest ¼ of Section 20, and the Northeast ¼ and the Northwest ¼ of the Southeast ¼ of Section 29 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.

**FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT**

**RESOLUTION R-11-141**

WHEREAS, Sandra VandeBerg, T3 Fitness, and Richard and Kari Rosen have applied for a Conditional Use in the AA Business District at 11600 W. North Avenue to operate a fitness studio, 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 approves the request for a Conditional Use to Sandra VandeBerg, T3 Fitness, and Richard and Kari Rosen to operate a fitness studio in the AA Business District at 11747 W. North Avenue subject to the following conditions:

- 1) Hours of operation of 5:00 a.m. to 8:00 p.m. Monday through Friday and 7:00 a.m. to 5:00 p.m. Saturday and Sunday; and
- 2) Obtaining any additional required licenses and permits.

**FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT**

**ORDINANCE O-11-11**

AN ORDINANCE AMENDING SECTION 15.14.250 OF THE WAUWATOSA CODE REGARDING SIGNS IN THE RESEARCH PARK DISTRICT

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

- Part I. Section 15.14.250 A of the Wauwatosa Municipal Code is hereby amended to read as follows:
- A. Each occupant shall submit copies of sign plans to the “Milwaukee County Research Park/Project and Architectural Review Committee” “MCRP/PARC”) for approval prior to applying to the City for a permit. If approved by MCRP/PARC, two copies of the approved signed plans shall be submitted to the City upon application for a sign permit. No additional design review approval shall be required for any sign in the Research Park District which has been approved by MCRP/PARC.
- Part II. Section 15.14.250 B1 shall be amended in its entirety to read as follows:

1. Individual wall signs are subject to 15.14.400 if approved by MCRP/PARC, but not to exceed 120 square feet total on any building, or 100 square feet on each street frontage for buildings have frontage on more than one street.

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

It was moved by Ald. Organ, seconded by Ald. Wilke to approve the three foregoing resolutions and to adopt the foregoing ordinance. -16

(Ald. Pantuso advised that he sits on the East Tosa Alliance Board, but is not a voting member.)

## **FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT**

### **RESOLUTION**

WHEREAS, Harneet Kaur, Tosa Wine and Spirits, and David Carter, Cedarbrook Investments, have applied for a Conditional Use in the AA Business District at 11747 W. North Avenue to add a bar within an existing 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 approves the request for a Conditional Use to Harneet Kaur, Tosa Wine and Spirits, and David Carter, Cedarbrook Investments to add a bar within an existing store in the AA Business District at 11747 W. North Avenue subject to the following conditions:

- 1) Seating is limited to no more than 10 persons within a 300 sq. ft. area; and
- 2) Hours of operation of 9:00 a.m. to 9:00 p.m. daily; and
- 3) Six month review by the Community Development Committee; and
- 4) Obtaining any additional required licenses and permits.

It was moved by Ald. Organ, seconded by Ald. Wilke to approve the foregoing resolution. Roll call vote, Ayes 8, Noes 8 (Roznowski, Walsh, Berdan, Birschel, Causier, Hanson, McBride, Meaux.) --Motion did not pass.

## **FROM THE COMMITTEE ON BUDGET AND FINANCE**

### **ORDINANCE** O-11-12

AN ORDINANCE REPEALING WAUWATOSA CODE CHAPTER 2.80 PERTAINING TO THE CITIZENS' ADVISORY CAPITAL IMPROVEMENTS COMMITTEE

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

Part I. Chapter 2.80 of the Wauwatosa Municipal Code is hereby repealed in its entirety.

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

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

**RESOLUTION** R-11-142

BE IT RESOLVED THAT appropriate City staff is authorized to execute a contract with Symetra with a monthly specific premium of \$132.52 and monthly aggregate premium of \$3.05 per member, which is an approximate annual contract amount of \$883,374.12 for stop loss coverage for the City's health insurance plan for plan year October 1, 2011 through September 30, 2012;

BE IT FURTHER RESOLVED THAT appropriate City staff is authorized to execute a contract with United Healthcare for claims administration with the monthly fee per member of \$50.98, which is an approximate annual amount of \$332,185.68 for plan year October 1, 2011 through September 30, 2012.

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

**RESOLUTION** R-11-143

BE IT RESOLVED, by the Common Council of the City of Wauwatosa THAT the claim filed by Jason Mielcarek 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 FURTHER 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.

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

**RESOLUTION** R-11-144

BE IT RESOLVED, by the Common Council of the City of Wauwatosa THAT the claim filed by Jason and Sara McEvilly for injuries and 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 FURTHER 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 adopt the foregoing ordinance and to approve the three foregoing resolutions. -16

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

BILLS AND CLAIMS FOR THE PERIOD 9/7/11 – 9/20/11 --

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 9/7/11 – 9/20/11: \$11,478,609.70

It was moved by Ald. Hanson, seconded by Ald. McBride 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-11-145

BE IT RESOLVED, by the Common Council of the City of Wauwatosa, THAT permission be and the same is hereby granted to Don Sazama, 6027 W. Vliet Street, Wauwatosa, WI, to encroach onto City right-of-way with a 4 foot sign, 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-11-146

WHEREAS, the Board of Public Works has accepted the work of Sanitary Sewer, Storm Sewer and Water main Relay, Repair and Extension portions of Pasadena Boulevard, W. Wright Street, W. Clarke Street, N. 61<sup>st</sup> Street and N. 75<sup>th</sup> Street and work incidental thereto in the City of Wauwatosa under Contract 05-01A 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 Sanitary Sewer, Storm Sewer and Water main Relay, Repair and Extension under Contract 05-01A 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 one hundred eighty-two thousand seven hundred eighty-four dollars and thirty-six cents (\$182,784.36) in favor of American Sewer Services, 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**

TO THE COMMON COUNCIL, CITY OF WAUWATOSA, WI –

The Board of Public Works, to whom was referred an offer to donate and install a flagpole and light in Hart Park by the Rotary Club of Wauwatosa, recommends to the Common Council that the donation be accepted.

BOARD OF PUBLIC WORKS

It was moved by Ald. Hanson, seconded by Ald. Birschel to approve the two foregoing resolutions and one foregoing report. -16

There being no further business, the meeting adjourned at 8:08 p.m.

cal

Carla A. Ledesma  
Carla A. Ledesma, CMC, City Clerk