



CITY OF WAUWATOSA
7725 WEST NORTH AVENUE
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COMMON COUNCIL
Regular Meeting, Tuesday, November 20, 2012

PRESENT: Alds. Organ, Pantuso, Roznowski, Tilleson, Walz-Chojnacki, Wilke, Wilson, Berdan, Birschel, Causier, Donegan, Dubinski, Ewerdt, Hanson, McBride, Moldenhauer -16

ALSO PRESENT: Mr. Archambo, City Administrator; Mr. Kesner, City Attorney; Mr. Porter, Public Works Director; Mr. Ruggini, Finance Director; Dr. Kreuser, Health Officer; Police Chief Weber; Ms. Enders, Development Director; Mr. Wojcehowicz, Water Utility Supt.; Ms. Aldana, HR Director/Asst. City Attorney; Capt. Weiss; Mr. Brown, Asst. to the Administrator; Mr. Beix, Public Health Manager; Ms. Ledesma, City Clerk

Mayor Ehley 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. -16

OLD BUSINESS

The following item was held after the public hearing on November 6, 2012:

RESOLUTION R-12-202

WHEREAS, a summary of the proposed budget for the year 2013 has been published in the official newspaper of the City on October 18, 2012, together with the notice of public hearing on the proposed budget to be held on November 6, 2012; and

WHEREAS, said public hearing was held at the time and place stated in said notice and opportunity given to everyone present who desired to be heard on the proposed 2013 budget;

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Wauwatosa THAT pursuant to said hearing as follows:

1. That the departmental balances, if any, in the general appropriations account shall, on December 31, 2012 revert to the Unappropriated General Fund Balance, except for the following:

<u>Account No.</u>	<u>Account Title</u>
113	Youth Commission
114	Historic Preservation Commission
115	Senior Commission
211-5980-015	Restitution - Crime Prevention
211-5980-020	Police-Expenditures from Donations
211-5980-060	Federal Reimbursement Program
211-5980-061	Drug Prevention & Educ. Fund
211-5980-150	Drug Asset Forfeiture
211-5980-155	DCI Task Force Forfeiture
221-5980-015	Fire Expenditures from Donations
223	Fire Equipment Reserve
421-5980-015	Health - Expenditures from Donations
522	July Fourth
561-5980-120	Emerald Ash Borer

2. That there be and there is hereby appropriated for the various City purposes for the year 2012, the amounts as shown in the attached re-estimated 2012 budget and for the year 2013, the amounts shown in the attached proposed budgets as well as the 2013-2017 Capital Improvement Program as amended by the Budget Committee.

3. That the revenues and expenditures for the Debt Service Fund, Special Revenue Funds, Proprietary Funds, Water Utility and Insurance Reserve Funds are also approved as amended.

4. That the position control be amended to reflect those positions created or abolished by the budget.

5. That the 2013 consolidated fee schedule is hereby approved as recommended by the Budget Committee during the budget review process and made available for public review at the office of the City Clerk.

6. That the City Administrator is hereby authorized to implement budgeted salary increases by providing a two-percent (2%) cost of living adjustment to all non-represented employees during the 2013 budget year, and is further authorized to award the budgeted one-percent (1%) performance-based salary increases in a manner to be determined.

7. That monthly health and dental insurance rates for 2013 be as follows:

Dental Insurance			
Humana	Single:		\$31.07
	Family:		\$98.79
Care Plus	Single:		\$34.75
	Family:		\$109.65
Health Insurance			
Active Employees and Retirees Under 65:	Single:		\$607.00
	Family:		\$1,510.00
Retired Medicare Eligible:	Single:		\$450.00
	Family:		\$901.00

BE IT FURTHER RESOLVED THAT the sum of \$37,030,421 be and it is hereby levied and assessed upon all of the taxable property, both real and personal, in the City of Wauwatosa, assessed for taxation in said City for the year 2013 for City purposes.

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

APPOINTMENTS BY THE MAYOR

Community Development Authority (term expires 9/30/16)(reappointment)

Susan Eick, 2417 N. 96th Street

Jennifer Wakefield, 1848 N. 84th Street

Community Development Authority (filling vacancy for term expiring 9/30/13)(appointment)

Julie Rettko, 2477 N. Pasadena Boulevard

Foregoing appointments ordered held as this was the first reading.

APPLICATIONS, COMMUNICATIONS, ETC.

1. Notice of Claim: Sara Wise, 2731 N. 63rd Street, Milwaukee
City Attorney
2. Wauwatosa Water Utility Statement of Receipts and Disbursements for the month ended October 31, 2012
Place on file

ORDINANCES FOR INTRODUCTION

1. Ordinance amending Section 11.32.080 of the City Code to create a 'no parking' zone on W. Wisconsin Avenue between N. 108th Place and N. 109th Street
Re-refer to originating committee
2. Ordinance amending Chapter 24 of the City Code pertaining to zoning
Re-refer to originating committee
3. Ordinance amending various portions of Sections 2.52 and 2.58 of the City Code pertaining to personnel regulations
Re-refer to originating committee

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-12-205

WHEREAS, Ambrouisa B. Cole, 1530 W. Washington Street, Milwaukee, WI, has applied for an operator's license in conjunction with his employment at Applebee's, 6750 W. State Street, Wauwatosa, WI;

NOW, THEREFORE, BE IT RESOLVED THAT Ambrouisa B. Cole is hereby issued an operator's license for the period ending June 30, 2013, contingent upon a review of his record in six months;

BE IT FURTHER RESOLVED THAT the Wauwatosa Police Department is directed to review Mr. Cole's record six months after issuance of this initial license and report back to the Committee on Legislation, Licensing and Communications if any new significant issues or concerns are revealed at that time.

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-12-206

WHEREAS, Martin Beaudoin, agent for Tosa Foods, LLC, d/b/a Shepherd's Sports Bar, 6715 W. North Avenue, Wauwatosa, WI, has applied for the transfer of the existing Class B liquor license for its location;

NOW, THEREFORE, BE IT RESOLVED THAT a Class B liquor license be transferred to Martin Beaudoin, agent for Tosa Foods, LLC, d/b/a Shepherd's Sports Bar, 6715 W. North Avenue, Wauwatosa, WI, for the period ending June 30, 2013.

It was moved by Ald. Donegan, seconded by Ald. Walz-Chojnacki to approve the two foregoing resolutions. -16

FROM THE COMMITTEE ON TRAFFIC AND SAFETY

ORDINANCE O-12-22

AN ORDINANCE AMENDING SECTION 11.32.490 OF THE WAUWATOSA MUNICIPAL CODE TO PROVIDE ON STREET DISABLED PARKING AT 6502 WEST NORTH AVENUE

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

Part I. Section 11.32.490 of the Wauwatosa Municipal Code is hereby amended by adding a new subsection 6 which provides as follows:

6. On the north side of North Avenue, one parking space in front of the building at 6502 W. North Avenue

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

FROM THE COMMITTEE ON TRAFFIC AND SAFETY

ORDINANCE O-12-23

ORDINANCE AMENDING WAUWATOSA MUNICIPAL CODE SECTION 11.32.089 TO REQUIRE A 'NO PARKING' ZONE ON A PORTION OF W. CENTER STREET BETWEEN N. 67TH AND N. 68TH STREETS

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

Part I. The "Center Street - south side" portion of the "Schedule of Streets, and portions," subsection of section 11.32.080 of the Wauwatosa Municipal Code is hereby amended by adding the following:

(pp) from North 67th Street to North 68th Street

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

It was moved by Ald. Wilke, seconded by Ald. McBride
to adopt the two foregoing ordinances. -16

FROM THE COMMITTEE ON TRAFFIC AND SAFETY

RESOLUTION R-12-203

WHEREAS, the Common Council, by separate action on this evening, has adopted a Resolution requesting that the DOT reconstruction of Wisconsin Avenue at its intersection with Mayfair Road be performed without the installation of the sidewalk on the south side of Wisconsin Avenue between 106th Street and Mayfair Road; and

WHEREAS, the Common Council has considered numerous options to address the concerns of neighbors regarding the width of Wisconsin Avenue at that location due to the installation of new turn lanes; and

WHEREAS, after considering the options, the Common Council has determined that it would prefer on its street to have a parking lane installed along the south side of Wisconsin Avenue in this location, which can be facilitated by the elimination of one of two left turn lanes previously designed to be installed from westbound Wisconsin Avenue onto southbound Mayfair Road;

NOW, THEREFORE, BE IT RESOLVED THAT the City of Wauwatosa Common Council does hereby direct appropriate City officials to provide to the Wisconsin Department of Transportation this determination that the choice of the City of Wauwatosa, in determining the future operation of Wisconsin Avenue, is that the City will allow only one single left turn lane on Wisconsin Avenue from westbound Wisconsin Avenue onto southbound Mayfair Road as part of the Wisconsin DOT reconstruction of said intersection in conjunction with the reconstruction of Mayfair Road;

BE IT FURTHER RESOLVED THAT the additional space provided by the elimination of one of the previously designed left turn lanes would be used to provide space for a parking lane on the south side of Wisconsin Avenue at that location in addition to the two incoming lanes from southbound Mayfair Road onto eastbound Wisconsin Avenue;

BE IT FURTHER RESOLVED THAT it is the strong preference of the Common Council of the City of Wauwatosa that the two left turn lanes currently designed from southbound from Mayfair Road onto eastbound Wisconsin Avenue will be unnecessary and inappropriate for that location following completion of construction for the Zoo Interchange Project and should be removed as soon as practicable; and

BE IT FINALLY RESOLVED THAT appropriate City staff are hereby directed to assure that the Wisconsin Department of Transportation stands by the commitment outlined in its November 6, 2012 letter to the Director of Public Works Director that it will evaluate the traffic operations at the intersection upon the completion of the Watertown Plank Road interchange on USH 45 In 2014 and after the completion of the entire interchange project in 2018, and further that the DOT shall be held to its commitment to remove one of these left turns lanes if either of these evaluations shows that removal of the turns lanes is warranted.

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

It was moved by Ald. Hanson, seconded by Ald. Ewerdt to refer the matter back to Committee and give staff time to get answers to questions the Council still has. Roll call vote, Ayes 7 (Organ, Tilleson, Birschel, Causier, Dubinski, Ewerdt, Hanson), Noes 9. –Motion failed.

Vote on original motion, Ayes 15, Noes 1 (Hanson)

FROM THE COMMITTEE ON EMPLOYEE RELATIONS

RESOLUTION R-12-204

WHEREAS, there is a need to create a policy manual to include some subjects previously included in three collective bargaining agreements for general employees;

WHEREAS, the City also has similar subjects included within certain ordinances that cover non-represented employees thus creating a need to consolidate personnel related rules and policies into a single document;

WHEREAS, City ordinances provide that “the city administrator shall serve as the chief administrator and operating director of the city. The city administrator shall have clear authority to administer the day-to-day operations of the municipal government including formulation of appropriate operational procedure. . . .”

WHEREAS, staff has created a Draft Employee Handbook that includes personnel related rules and policies;

NOW THEREFORE BE IT RESOLVED that the City Administrator be assigned the responsibility of administering and continually updating an Employee Handbook to meet the needs of the City and its employees and to communicate the Handbook to employees in a way that assures that employees have the opportunity to be fully informed of its contents.

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

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-12-207

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, January 15, 2013 in City Hall of the City of Wauwatosa, Wisconsin at which time all persons interested, or their agents or attorneys, will be heard concerning a proposed ordinance amending Chapter 24 of the City Code.

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-12-208

BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin that permission be and the same is hereby granted to Tim Blum, HSA Commercial, for a Land Division by Certified Survey Map at approximately 11300 West Burleigh Street. The location of the parcel is more particularly described as follows:

A division of Lot 4 of Certified Survey Map No. 8481, being part of the Southwest ¼ and Northwest ¼ of the Southeast ¼ Section 7, Township 7 North, Range 21 East, in the City of Wauwatosa, Milwaukee County, 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-12-209

WHEREAS, Brett Haney, HSI Residential Annex, LLC has applied for final approval of a Business Planned Development at 6005 West Martin Drive to construct a 40-unit apartment building, 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 preliminary approval of a Business Planned Development to Brett Haney, HSI Residential Annex, LLC, to construct a 40-unit apartment building at 6005 West Martin Drive, subject to the following:

- 1) approval by appropriate city staff related to utilities, engineering, traffic, fire and building codes
- 2) obtaining all necessary licenses and permits

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

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-12-211

WHEREAS, the City of Wauwatosa (the “City”) has determined that the use of Tax Incremental Financing is necessary to promote development and redevelopment within the City; and

WHEREAS, Tax Incremental District No. 7 (the “District”) is proposed to be created by the City in accordance with the provisions and requirements of Wisconsin Statutes Sections 66.1105; and

WHEREAS, the Community Development Authority of the City of Wauwatosa has prepared a project plan that includes:

- A statement listing the kind, number and location of all proposed public works or improvements within the district;
- an economic feasibility study;
- a detailed list of estimated project costs;
- a description of the methods of financing all estimated project costs;
- the time when the related costs or monetary obligations are to be incurred;
- a map showing existing uses and condition of real property in the district;
- a map showing proposed improvements and uses in the district;
- proposed changes of zoning ordinances, master plan, if any, maps, building codes and city ordinances;
- a list of estimated non-project costs;
- a statement of the proposed method for the relocation of any persons to be displaced;
- an indication as to how creation of the tax incremental district promotes the orderly development of the city/village;
- an analysis of the overlying taxing districts;
- a map showing the district boundaries; and
- an opinion of the city attorney advising whether the plan is complete and complies with s. 66.1105(4)(f), Wisconsin Statutes.

WHEREAS, prior to its publication, a copy of the notice of said hearing was sent to the County Executive of Milwaukee County, the Superintendent of the Wauwatosa School District, the Milwaukee Area Technical College, and any other entities having the power to levy taxes on property located within the District, in accordance with the procedures of the law; and

WHEREAS, in accordance with the procedures specified in the Tax Increment Law, the Community Development Authority, on November 1, 2012 held a public hearing concerning the project plan and boundaries and proposed creation of Tax Incremental District No. 7, provided interested parties a reasonable opportunity to express their views thereon; and

WHEREAS, after said public hearing, the Community Development Authority of the City of Wauwatosa adopted, and subsequently recommended approval to the City Council a Project Plan for the District; and

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Wauwatosa, Milwaukee County, Wisconsin that:

1. The boundaries of “Tax Incremental District No. 7, City of Wauwatosa” are hereby established as specified in Exhibit A of this resolution
2. The District is created effective as of January 1, 2013
3. The Common Council finds and declares that:
 - a. Not less than 50% of the area occupied by real property within Tax Incremental District No. 7 is suitable for blight and rehabilitation
 - b. The improvement of Tax Incremental District No. 7 is likely to significantly enhance the value of substantially all of the other real property in the district
 - c. The project costs relate directly to promoting redevelopment and rehabilitation, consistent with the purpose for which the district is created
 - d. The equalized value of taxable property of Tax Incremental District No. 7, plus the value increment of all existing districts, does not exceed 12% of the total equalized value of taxable property within the City
 - e. Creation of the District promotes orderly development in the City
4. The Project Plan for “Tax Incremental District No. 7, City of Wauwatosa (attached as Exhibit B) is approved, and the City further finds the Plan is feasible and in conformity with the master plan of the City.

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized and directed to apply to the Department of Revenue, in such form as may be prescribed, for a “Determination of Tax Incremental Base”, as of January 1, 2013 pursuant to the provisions of Section 66.1105(5)(b) of the Wisconsin Statutes.

BE IT FURTHER RESOLVED that the City Assessor is hereby authorized and directed to identify upon the assessment roll returned and examined under Section 70.45 of the Wisconsin Statutes, those parcels of property which are within the District, specifying thereon the name of said District, and the City Clerk is hereby authorized and directed to make similar notations on the tax roll made under Section 70.65 of the Wisconsin Statutes.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-12-212

WHEREAS, prior to construction of the Mayfair Road improvements as part of the Zoo Interchange Project, the Wisconsin Department of Transportation has engaged stakeholders in a cooperative process to discuss how to improve the appearance of the public right-of-way along the Mayfair Corridor; and

WHEREAS, a plan was developed which includes significant way-finding, signage, turf pavers, advance crossroad signage, and LED street lighting systems, more particularly described to the Budget & Finance Committee at its meeting of November 13, 2012; and

WHEREAS, the Wisconsin Department of Transportation requires that Wauwatosa accept certain maintenance responsibilities for these items after construction as outlined in the proposed Maintenance Agreement from the Wisconsin DOT which was presented and described at the Budget & Finance Committee meeting of November 13, 2012;

NOW, THEREFORE, BE IT RESOLVED THAT appropriate City officials are hereby authorized to enter into the proposed Maintenance Agreement with the Wisconsin Department of Transportation regarding State Project ID 2032-02 2013 to improve Mayfair Road and that City staff are further authorized to include maintenance costs and future budget requests.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-12-213

WHEREAS, the Wauwatosa Fire Department will be purchasing two replacement ambulances in the 2013 budget; and

WHEREAS, in order to maintain consistency and remain with a dependable brand, the Fire Department has requested to purchase the replacement ambulances directly from Horton Emergency Vehicles through a local dealer instead of using the sealed bid process; and

WHEREAS, this purchase will also allow the maintenance department to stock parts for one brand and remain familiar with the repair process for only one type of ambulance; and

WHEREAS, the last six ambulance purchases have gone through the bid process and Horton has been selected every time;

NOW, THEREFORE, BE IT RESOLVED THAT the appropriate City officials are hereby authorized to purchase two new ambulances as part of the 2013 Capital Improvement Budget from Horton Emergency Vehicles, provided that the purchase price does not exceed the 2013 Capital Budget request, and that the competitive bidding process for this purchase is hereby waived.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-12-214

BE IT RESOLVED, by the Common Council of the City of Wauwatosa THAT the appropriate City officials are hereby authorized to enter into a one-year extension of the contract for processing yard materials at the Public Works Yard for 2013 with a new processing fee as outlined in the proposed Service Contract of Purple Cow Organics, LLC, previously known as White Oak Farm, and as presented to the committee on Budget and Finance at its meeting of November 13, 2012.

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

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-12-210

WHEREAS, the Village of Wauwatosa Business Improvement District submitted to the Committee on Budget & Finance its 2013 budget and work plan; and

WHEREAS, Committee members and representatives of the BID Board agreed that the budget and work plan are accurate and do reflect the intentions of the entire BID Board;

NOW, THEREFORE, BE IT RESOLVED THAT the 2013 budget and work plan for the Village of Wauwatosa Business Improvement District as provided to the Committee on Budget & Finance on November 13, 2012, are hereby approved and, upon completion of the tax roll, assessments shall be included on the property tax bills of affected properties in a manner consistent with those documents.

It was moved by Ald. Wilson, seconded by Ald. Ewerdt to approve the foregoing resolution. Ayes 15, Present 1 (Ewerdt)

FROM THE COMMITTEE ON BUDGET AND FINANCE

BILLS AND CLAIMS FOR THE PERIOD 11/7/12 – 11/20/12 --

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 11/7/12 – 11/20/12: \$2,350,698.74

It was moved by Ald. Causier, seconded by Ald. Dubinski that each and every account of bills and claims be allowed and ordered paid. Roll call vote, Ayes 15, Present 1 (Donegan)

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-12-215

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 Great Lakes TV Seal, Inc., for the work of sanitary lateral chemical grouting area tributary to MH 4002/317 west of the intersection of N. 65th Street and W. North Avenue, and work incidental thereto under Contract 12-77 at and for their bid amount of \$121,315.50, this being the lowest and best bid.

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-12-217

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 UPI, Inc., for the work of sanitary sewer relay, Mayfair Road from 375' south of Watertown Plank Road to 150' south of Watertown Plank Road, Watertown Plank Road from 570' west of Mayfair Road from Wisconsin Avenue to 320' north of Walnut Road, and work incidental thereto under Contract 12-78 at and for their bid price of \$194,077.70, 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. McBride, seconded by Ald. Organ to approve the two foregoing resolutions

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-12-216

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 Super Excavators, Inc., for the work of UWM Innovation Park improvements and work incidental thereto under Contract 12-101 at and for their base bid price of \$7,301,230.88, this being the lowest and best bid;

BE IT FURTHER RESOLVED that any irregularities in the bid of Super Excavators, Inc., for the work described above are hereby declared to be inadvertent and not material and are hereby waived;

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

BE IT FINALLY RESOLVED that this award is contingent upon approval of the award by the Economic Development Administration.

It was moved by Ald. McBride, seconded by Ald. Organ to approve the foregoing resolution. Ayes 15, Noes 1 (Hanson)

There being no further business, the meeting adjourned at 8:49 p.m.

cal

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