



CITY OF WAUWATOSA
MEMORIAL CIVIC CENTER
7725 WEST NORTH AVENUE
WAUWATOSA, WI 53213
Telephone: (414) 479-8917
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COMMON COUNCIL
Regular Meeting, Tuesday, September 20, 2005

PRESENT: Alds. Treis, Bruderle -Baran, Becker, Birschel, Grimm, Herzog, Jenkins, Kopischke, Krill, Krol, Maher, Stepaniak, Subotich, Sullivan -14

EXCUSED: Alds. Casey and Purins

ALSO PRESENT: Mr. Wontorek, City Administrator; Mr. Braier, Finance Director; Mr. Kesner; City Attorney; Mr. Wehrley, City Engineer; Ms. Welch, Community Development Director; Police Capt. Reit; Ms. Aldana, Asst. City Attorney/Personnel Administrator; Mr. Otzelberger, IS Manager; Ms. Ledesma, City Clerk; Ms. Williams, Deputy City Clerk

Mayor Estness in the Chair

The Mayor called the meeting to order at 8:00 p.m.

It was moved by Ald. Grimm, seconded by Ald. Kopischke 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

Design Review Board C

Mark Weseloh, 6407 Powell Place
(Term ends 12/31/06)

Citizens' Advisory Capital Improvements Comm.

Pamela Matthews, 4139 N. 110th Street
(Term ends 6/30/08)

Foregoing appointments ordered held as this was the first reading.

Civic Celebration Commission

Jeff Greipp, 1606 Martha Washington Drive
(Term ends 12/31/09)

Youth Commission

Angela Pinta, 111 N. 86th Street

Kristin Schumacher, 2108 83rd Street
(Terms end 8/31/08)

Lynn Ferger, 224 N. 85th Street
Barbara Holtz, 2650 N. 89th Street
Laura Roberts, 8442 Kenyon Avenue
Tom Stepp, 2611 N. 86th Street

Martha Wolz, 1838 N. 74th Street
Zervas Kosta, 1357 N. 67th Street
Samuel Benedict, 831 N. 66th Street
Nick Hughes, 2260 N. 68th Street
Christine Machan, 7514 Kenwood Avenue
Tina Schultz, 638 Pleasant View
(Terms end 8/31/07)

Beth Fredrickson, 7927 Warren Avenue
Mary Jane Montquire, 10236 W. Vienna Ave.
Jeff Roznowski, 2609 N. 82nd Street
Diane Roznowski, 2609 N. 82nd Street
(Terms end 8/31/08)

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

APPLICATIONS, COMMUNICATIONS, ETC.

1. City of Wauwatosa Statement of Financial Condition and Investment Summary as of August 31, 2005
Place on file
2. Wauwatosa Water Utility Statement of Receipts and Disbursements for month ended August 31, 2005
Place on file
3. Southeastern Wisconsin Regional Planning Commission 2004 Annual Report
Place on file
4. Letter from Claudette Robinson, 1706 N. 119th Street, expressing concerns regarding the possibility of extending water service to the Village of Elm Grove
Add to existing file

FROM THE COMMITTEE ON TRAFFIC & SAFETY FOR INTRODUCTION

1. Ordinance creating Section 11.40.095 of the City Code by prohibiting engine compression braking in the City
Re-refer to originating committee

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT FOR INTRODUCTION

1. Ordinance amending the Zoning Code by rezoning 6745 W. Wells Street from AA Medical Clinic District to Business Planned Development District
Re-refer to originating committee

FROM THE COMMITTEE ON EMPLOYEE RELATIONS

RESOLUTION R-05-236

WHEREAS, the duties of Municipal Clerk I, desk clerk, assigned to the Detective Bureau in the Police Department have changed since it was classified as such; and

WHEREAS, the Police Department recommends that the position be reclassified to a Municipal Clerk II, which is more consistent with the duties currently assigned;

NOW, THEREFORE, BE IT RESOLVED THAT the position of Municipal Clerk I, Desk Clerk, assigned to the Detective Bureau in the Police Department, be reclassified to Municipal Clerk II and that the position distribution be amended to reflect such reclassification.

It was moved by Ald. Jenkins, seconded by Ald. Maher to approve the foregoing resolution. -14

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-05-237

WHEREAS, Wisconsin Lutheran College has applied for a fireworks user's permit for the purposes of conducting a fireworks display on their athletic fields on Underwood Parkway on September 26, 2005; and

WHEREAS, the Committee on Legislation, Licensing and Communications has reviewed their request;

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Wauwatosa THAT the Clerk be authorized to issue a firework user's permit to Wisconsin Lutheran College for the purpose of conducting a firework's display on September 26, 2005 on their athletic fields on Underwood Parkway at a specific location to be designated by the Wauwatosa Fire Chief, subject to all applicable laws and permit conditions, and subject further to all of the following:

- Receipt by the City Clerk of a signed application and appropriate permit fee;
- Receipt by the City Attorney of a Hold Harmless Agreement executed by Wisconsin Lutheran College in favor of the City of Wauwatosa;
- Receipt by the City Attorney of a Certificate of General Liability Insurance evidencing liability coverage for the fireworks contractor naming the City of Wauwatosa as an additional insured.

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-05-238

WHEREAS, the Wauwatosa School District has applied for a fireworks user's permit for the purposes of conducting a fireworks display at Wauwatosa West High School on October 7, 2005; and

WHEREAS, the Committee on Legislation, Licensing and Communications has reviewed their request;

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Wauwatosa THAT the Clerk be authorized to issue a firework user's permit to the Wauwatosa School District for the purpose of conducting a firework's display on October 7, 2005 at Wauwatosa West High School

at a specific location to be designated by the Wauwatosa Fire Chief, subject to all applicable laws and permit conditions, and subject further to all of the following:

- Receipt by the City Clerk of a signed application and appropriate permit fee;
- Receipt by the City Attorney of a Hold Harmless Agreement executed by the Wauwatosa School District in favor of the City of Wauwatosa;
- Receipt by the City Attorney of a Certificate of General Liability Insurance evidencing liability coverage for the fireworks contractor naming the City of Wauwatosa as an additional insured.

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-05-239

WHEREAS, Tiffany Novak, 2236 S. Kinnickinnic Ave., #1, Milwaukee, WI, has applied for an operator's license in conjunction with her employment at the Cheesecake Factory, Wauwatosa, WI; and

WHEREAS, Tiffany Novak was requested to appear before the Committee on Legislation, Licensing and Communications in conjunction with that application; and

WHEREAS, Ms. Novak failed to appear on September 20, 2005, and this failure, along with her past violations of the law, is conduct inconsistent with the activity of responsibly selling alcoholic beverages in the City of Wauwatosa pursuant to the regulations of alcoholic beverage sales by the City of Wauwatosa;

NOW, THEREFORE, BE IT RESOLVED THAT the operator license application for Tiffany Novak is hereby denied.

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

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-05-240

WHEREAS, Daniel Holter and Mark Schraith have applied for a Conditional Use in the Village Trade District at 1442 Underwood Avenue for a wine bar and gift shop 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 Daniel Holter and Mark Schraith for a wine bar and

gift shop in the Village Trade District at 1442 Underwood Avenue subject to the following conditions:

- 1) hours of operation from 6:00 a.m. to 2:00 a.m. Sunday through Thursday and 6:00 a.m. to 2:30 a.m. Friday and Saturday,
- 2) installing a retaining wall and fence for the outdoor dining area,
- 3) obtaining a state license as well as any applicable licenses and permits.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-05-241

WHEREAS, John Kubissak and Gregory Morrison have applied for a Conditional Use in the AA Business District at 12132 W. Capitol Drive for a carry-out restaurant 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 Kubissak and Gregory Morrison for a carry-out restaurant in the AA Business District at 12132 W. Capitol Drive subject to the following conditions:

- 1) hours of operation from 11:00 a.m. to 3:00 a.m. daily,
- 2) the restaurant will be for carry-out only, and
- 3) obtaining any necessary licenses and permits.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-05-242

WHEREAS, Allan Wirth and Andrea La Fave have applied for a Conditional Use in the AA Business District at 10625 W. North Avenue to operate a massage therapy establishment as part of a meditation 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 Allan Wirth and Andrea La Fave for the operation of a massage therapy establishment as part of a meditation center in the AA Business District at 10625 W. North Avenue subject to the following conditions:

- 1) approval of a massage therapy establishment license,
- 2) hours of operation shall be 10:00 a.m. to 9:00 p.m., daily, and
- 3) obtaining any necessary licenses and permits.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-05-243

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, October 18, 2005, 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 a proposed ordinance rezoning the property located at 6745 W. Wells Street from AA Medical Clinic District to Business Planned Development District.

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-05-244

BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin THAT permission be and the same is hereby granted to David Schneider to divide the parcel located at 407 Glenview Avenue, Wauwatosa. These parcels are more particularly described as follows:

A redivision of Parcel 1 of Certified Survey Map No. 6429 as recorded in the office of the Register of Deeds for Milwaukee County, Wisconsin on November 5, 1997 in Reel 4175, Image 827 as Document No. 7444718, formerly being all of Lots 4 and 32 and the North ½ of Lots 5 and 31, in Resubdivision of Assessor's Plat No. 38, being a subdivision of a part of the Northwest ¼ of the Southeast ¼ and the Northeast ¼ of the Southwest ¼ of Section 28, 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. Kopischke, seconded by Ald. Krill to approve the five foregoing resolutions. -14

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-05-245

WHEREAS, the Wauwatosa Police Department has the need for a new freestanding garage for purposes of property and evidence storage; and

WHEREAS, the Police Department has received an estimate for construction of the new building as described in the September 6, 2005 of the Police Captain, at a cost of \$49,000.00; and

WHEREAS, unused 2005 budgeted funds for radio system upgrades in the Police Department will be sufficient to defray the cost of the property and evidence storage building;

NOW, THEREFORE, BE IT RESOLVED THAT the transfer of \$49,000.00 from the 2005 funds budgeted for radio system upgrades in the Police Department are hereby authorized to be transferred to the appropriate account to construct the requested property and evidence storage building as described in the September 6, 2005 memorandum of the Police Captain;

BE IT FURTHER RESOLVED THAT the appropriate City officials are hereby authorized to solicit bids for construction of the above-described building;

BE IT FINALLY RESOLVED THAT the funds budgeted for this purpose in 2005 shall be non-lapsing and available for use in future years if necessary for completion of this project.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-05-246

WHEREAS, the computer server and disc storage system that supports operation of the Public Safety Emergency Dispatch Center at the Wauwatosa Police Department requires replacement as soon as possible due to the age of the server currently being utilized in that capacity; and

WHEREAS, the server was originally planned to be replaced in the 2006 Capital Budget, but the condition of the equipment and changes in technology require a more immediate replacement, as more particularly described in the memorandum of the Manager of Information Systems and Purchasing Manager dated September 7, 2005; and

WHEREAS, the expected life of the proposed new system is 5 years with a total cost not to exceed \$175,000.00, which can be allocated from available funds as more particularly described below;

NOW, THEREFORE, BE IT RESOLVED THAT the following fund transfers to the accounts necessary to purchase the new server and software for public safety information systems are hereby approved:

- \$15,000.00 from the Police Department Account intended for purchase of in-car video systems during 2005;
- \$20,000.00 from Information Systems Department funds;
- \$140,000.00 from the unappropriated and unencumbered general fund surplus;

BE IT FURTHER RESOLVED THAT the appropriate City officials are hereby authorized to purchase the necessary hardware for this server upgrade from Berbee Information Networks Corporation in an amount not to exceed \$150,000.00 and the necessary Microsoft software licenses from CDW-G in an amount not to exceed \$25,000.00.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-05-247

WHEREAS, funds budgeted during 2005 for radio system upgrades are not necessary for that purpose due to grant funding of the project obtained through the Milwaukee County Sheriff's Department; and

WHEREAS, the Wauwatosa Police Department has obtained the opportunity to replace its police records management and police/fire computer aided dispatch software at an extremely discounted price due to its previous work with the company providing said software, Key Power International; and

WHEREAS, recently amended regulations of the State and Federal Government require that all wireless broadcasts of Federal Criminal information be encrypted, a capability which does not exist in the previous software utilized for this purpose; and

WHEREAS, the police records management and police/fire computer aided dispatch software designed and offered by Key Power International has worked very well during the time it has been beta tested at the Wauwatosa Police Department; and

WHEREAS, due to its cooperation in beta testing and development of the software, Key Power International, has offered an extremely large discount to the City of Wauwatosa for purposes of purchasing the police records management and police/fire computer aided dispatch system, reducing the originally quoted price of \$308,550.00 to \$35,450.00;

NOW, THEREFORE, BE IT RESOLVED THAT \$35,450.00 of funds originally allocated for the 2005 upgrade of police radio software system shall hereby be changed in purpose for the purchase of police records management and police/fire computer aided dispatch software during 2005;

BE IT FURTHER RESOLVED THAT the appropriate City officials are hereby authorized to enter into an agreement with Key Power International for the purchase of the above-described software at a cost not to exceed \$35,450.00; and

BE IT FINALLY RESOLVED THAT the competitive bidding process is hereby waived for this purpose.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-05-248

WHEREAS, funds budgeted during 2005 for upgrades to the 800MHz radio system servicing the Police Department, Fire Department, Department of Public Works, and Mayfair Mall Security will not need to be used for that purpose due to grant funding obtained for the upgrades through the Milwaukee County Sheriff's Department; and

WHEREAS, a portion of the request for grant funded upgrades for dispatch center hardware and furniture was not approved; and

WHEREAS, the Police Department has requested that \$49,000.00 originally budgeted for radio system software upgrades be transferred to an account appropriate to upgrade physical aspects of the emergency dispatch center, including dispatch consoles and monitor upgrades;

NOW, THEREFORE, BE IT RESOLVED THAT the sum budgeted during 2005 for a radio system software upgrade, in the amount of \$49,000.00, be transferred to the appropriate account for dispatch center hardware and furniture as described more particularly in the September 6, 2005 memorandum of the Police Captain for purposes of funding the necessary upgrades in conjunction with the Local Law Enforcement Block Grant funding where appropriate.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-05-249

WHEREAS, the City has contracted with Twin City Security for crossing guard services since 1995; and

WHEREAS, in 2001 the City entered into a 5 year contract with Twin City Security without soliciting bids based on a positive experience with the firm; and

WHEREAS, the City Administrator has indicated that experience with Twin City Security continues to be positive; and

WHEREAS, the City Administrator has provided a draft contract with Twin City Security for the years 2006-2011, as more particularly described in his September 9, 2005 memorandum;

NOW, THEREFORE, BE IT RESOLVED THAT the proposed 5 year contract with Twin City Security, to be effective from July 1, 2006 through June 30, 2011, is hereby approved;

BE IT FURTHER RESOLVED THAT competitive bidding requirements for this contract be waived.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-05-250

BE IT RESOLVED, by the Common Council of the City of Wauwatosa THAT the claim filed by Dorothy Hanauer 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-05-251

WHEREAS, the 2006 executive budget recommended allocation of unexpended 2005 capital funds to the 2005 Fire Department Apparatus Reserve Account for purchase of a fire department command vehicle; and

WHEREAS, the VALUE bidding consortium has obtained prices for a ¾ ton Chevrolet Suburban through Ewald Automotive Group at a cost of \$32,638.00, which is less than the original request in the 2006 budget;

NOW, THEREFORE, BE IT RESOLVED THAT unspent funds from the 2005 capital budget in the amount of \$32,638.00 are hereby authorized to be utilized for the purchase of a 2006 Chevrolet Suburban ¾ ton four wheel drive fire department command vehicle, pursuant to the terms of the Ewald Automotive Group quote to the VALUE purchasing consortium, as more particularly described in the September 14, 2005 memorandum of the Fire Chief, and the appropriate City officials are authorized to execute the above-described purchase.

It was moved by Ald. Bruderle-Baran, seconded by Ald. Stepaniak to approve the seven foregoing resolutions. -14

FROM THE COMMITTEE ON BUDGET AND FINANCE

BILLS AND CLAIMS FOR THE PERIOD 9/7/05 – 9/20/05

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 9/7/05 – 9/20/05: \$2,202,566.47

It was moved by Ald. Bruderle-Baran, seconded by Ald. Becker that each and every one of the accounts of bills and claims be allowed and ordered paid. Roll call vote, Ayes 14.

There being no further business, the meeting adjourned at 8:18 p.m.

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Carla A. Ledesma, CMC, City Clerk