



CITY OF WAUWATOSA  
MEMORIAL CIVIC CENTER  
7725 WEST NORTH AVENUE  
WAUWATOSA, WI 53213  
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### COMMON COUNCIL

Regular Meeting, Tuesday, December 6, 2005

PRESENT: Alds. Grimm, Herzog, Jenkins, Kopischke, Krol, Maher, Purins, Stepaniak, Subotich, Sullivan, Treis, Bruderle-Baran, Becker, Birschel, Casey -15

EXCUSED: Ald. Krill

ALSO PRESENT: Mr. Wontorek, City Administrator; Mr. Braier, Finance Director; Mr. Kesner; City Attorney; Mr. Wehrley, City Engineer; Ms. Welch, Community Development Director; Ms. Aldana, Asst. City Atty./Personnel Admin; Police Lt. Jochem; Ms. Ledesma, City Clerk; Ms. Williams, Deputy City Clerk

Mayor Estness in the Chair

The Mayor called the meeting to order at 7:30 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. -15

### APPLICATIONS, COMMUNICATIONS, ETC.

1. Land Combination application to combine property located at 2212 Menomonee River Parkway  
**Plan Commission, Committee on Community Development**
2. City of Wauwatosa Statement of Financial Condition as of October 31, 2005; and Investment Summary as of November 30, 2005  
**Place on file**
3. Conditional Use application to allow restaurant seating in an existing retail space at 817 N. Mayfair Road  
**Plan Commission, Committee on Community Development**
4. Notice of Lawsuit: Caroline and Alvin Bucheger, 3300 Fiebrantz Drive, Brookfield  
**City Attorney**
5. Letter from Robert Braun, 2160 S. 86th Street, West Allis, regarding his claims against the city while picketing at Mayfair Mall  
**Add to existing file**
6. Conditional Use application to operate a 24-hour restaurant with drive-thru at 3140 N. 124th Street  
**Plan Commission, Committee on Community Development**

7. Village of Wauwatosa Business Improvement District Compliance Report dated November 28, 2005  
**Place on file**
8. Letter from David De Angelis, Village Mgr. of Elm Grove, requesting the city permit construction truck traffic on Watertown Plank Road during a flood management project  
**City Engineer**
9. Letter from Mayor Estness appointing five people to the Village of Wauwatosa Business Improvement District Board of Directors to terms ending in 2008  
**Place on file**

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

1. Ordinance rezoning the Hart Park area generally bounded by N. 72nd Street, east city limits, railroad tracks and River Parkway, and the Menomonee River from AA Single Family, BB Two-Family, DD Eight-Family, AA Business, and AA Light Manufacturing Districts to Park and Open Space District  
**Re-refer to originating committee**
2. Ordinance rezoning 1215 N. 62nd Street from AA Light Manufacturing District to Business Planned Development  
**Re-refer to originating committee**

**FROM THE COMMITTEE OF THE WHOLE**

**RESOLUTION R-05-303**

WHEREAS, in 2004 the State of Wisconsin notified the City of Wauwatosa and 27 other communities that are tributary to the MMSD that it planned to file a lawsuit seeking penalties and affirmative injunctive relief as a result of, in part, alleged violations of various water pollution control laws; and

WHEREAS, the 28 communities have participated in settlement discussions and have cooperated in negotiating the attached Stipulation and Order for Judgment in the threatened lawsuit with the State of Wisconsin; and

WHEREAS, the Stipulation will be effective only if executed by substantially all parties and filed with the Court on or before December 16, 2005; and

WHEREAS, the Wauwatosa City Attorney has reviewed the provisions of the attached Stipulation and Order for Judgment and, upon consultation with representatives of the City Engineer, has concluded that they are reasonable and that approval thereof would be in the best interests of the City; and

WHEREAS, it is contemplated that the attached Stipulation and Order for Judgment will be filed by the State with the Court simultaneously with a summons and complaint, to be followed by a 30-day public-comment period; and

WHEREAS, the Stipulation and Order for Judgment contains no admission of liability by the Wauwatosa Common Council or any other defendant;

NOW, THEREFORE, BE IT RESOLVED, that the attached Stipulation and Order for Judgment is hereby approved and that the Wauwatosa City Attorney is hereby authorized to execute same on behalf of the City of Wauwatosa, and

BE IT FURTHER RESOLVED that until said Stipulation is accepted and approved by the Court, following the above-referenced period of public comment, there shall be no comment on this pending litigation by the members of the Wauwatosa Common Council.

It was moved by Ald. Stepaniak, seconded by Ald. Casey to approve the foregoing resolution. Roll call vote, Ayes 15.

**FROM THE COMMITTEE ON TRAFFIC AND SAFETY**

The Committee on Traffic and Safety, to whom was referred the request for a four-way stop at N. 67th and Cedar Streets, recommends to the Common Council that the matter be placed on file.

Dated this 29th day of November 2005.

Committee on Traffic and Safety

It was moved by Ald. Herzog, seconded by Ald. Maher to approve the foregoing report. Ayes 13, Noes 2 (Grimm, Purins).

**FROM THE COMMITTEE ON EMPLOYEE RELATIONS**

**RESOLUTION R-05-304**

WHEREAS, the Assessor recommends reclassifying an Appraiser I position to an Appraiser III position; and

WHEREAS, due to unique circumstances, the City Administrator recommends that the reclassification process be separated from the filling of the position and that the position be filled based upon test results on a non-precedential basis;

NOW, THEREFORE, BE IT RESOLVED THAT an Appraiser I position be reclassified to an Appraiser III position, effective upon completion of the testing process and that the position distribution be amended accordingly.

It was moved by Ald. Jenkins, seconded by Ald. Stepaniak to approve the foregoing resolution. Ayes 14, Noes 1 (Grimm).

**FROM THE COMMITTEE ON EMPLOYEE RELATIONS**

**RESOLUTION R-05-305**

WHEREAS, the staffing needs of the Assessor's office have changed such that the Assessor recommends that the Municipal Clerk II be reclassified to Municipal Clerk I at 20 hours/week effective July 1, 2006.

NOW, THEREFORE, BE IT RESOLVED THAT the Municipal Clerk II be reclassified to Municipal Clerk I at 20 hours/week effective July 1, 2006, and that the position distribution be amended accordingly.

It was moved by Ald. Jenkins, seconded by Ald. Stepaniak to approve the foregoing resolution. Roll call vote, Ayes 13, Noes 2 (Grimm, Birschel)

**FROM THE COMM. ON LEGISLATION, LICENSING & COMMUNICATIONS**

**RESOLUTION R-05-306**

WHEREAS, Patricia A. Dobosz, 7633 W. Palmetto Avenue, Milwaukee, WI, has applied for an operator's license in conjunction with her employment at Buy Rite Liquor, 6002 W. North Avenue, Wauwatosa, WI;

NOW, THEREFORE, BE IT RESOLVED THAT Patricia A. Dobosz, 7633 W. Palmetto Avenue, Milwaukee, WI, is hereby issued an operator's license for the period ending June 30, 2006.

It was moved by Ald. Treis, seconded by Ald. Grimm to approve the foregoing resolution. -15

**FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT**

**RESOLUTION R-05-307**

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 17, 2006 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 1215 N. 62<sup>nd</sup> Street from AA Light Manufacturing District to Business Planned Development District.

BE IT 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-05-308**

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 17, 2006 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 Hart Park area (generally bounded by 72<sup>nd</sup> Street on the west, the east city limits, the railroad tracks on the north and River Parkway and the Menomonee River on the south) from AA Single Family Residence District, BB Two Family Residence District, DD Eight Family Residence District, AA Business District, and AA Light Manufacturing District to Park and Open Space District.

BE IT 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-05-309**

WHEREAS, the original Metropolitan Sewerage District Plan (MMSD) regarding the Hart Park Flood Plain Lowering Project did not address the revegetation of the quarry stone and riprap walls lining the stream bank of Hart Park; and

WHEREAS, the members of the Friends of the Menomonee River and the Jacobus Park Neighborhood Association have stepped forward to volunteer time and plant material to revegetate this area; and

WHEREAS, if the area is not planted in a planned manner it will be susceptible to many noxious and invasive species of plant life;

WHEREAS, recently enacted United States Department of Agriculture (USDA) standards actually require this type of stream bank treatment; and

WHEREAS, the City of Wauwatosa and in particular the Parks Section will be responsible for this the maintenance of this area once the project is completed and turned over to the City; and

WHEREAS, the Board of Parks and Forestry Commissioners has unanimously voted in support of this revegetation plan and has directed staff to seek the approval of the City; and

WHEREAS, in order to allow for the planned revegetation of the stream bank a suitable plant medium needs to be distributed within this area during construction;

NOW, THEREFORE, BE IT RESOLVED THAT the Common Council of the City of Wauwatosa fully supports this effort to have a planted revegetation of the stream bank along certain portions of the Hart Park Flood Plain Lowering Project and urges the MMSD to take the steps necessary in order to ensure the placement of a proper growth medium along the riprap and quarry stone sections of the stream bank.

It was moved by Ald. Kopischke, seconded by Ald. Subotich to approve the three foregoing resolutions. -15

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

**RESOLUTION R-05-310**

WHEREAS, the 2006 premium rates for medical and dental HMO's set forth below are effective January 1, 2006, and

WHEREAS, the 2005 rates for the self insured dental plan were \$27.24 single and \$79.00 family and the suggested 2006 rates will remain \$27.24 single and \$79.00 family, and

WHEREAS, the 2005 rates for the self insured medical plan were \$630.15 single and \$1,524.95 family and the suggested 2006 rates for the unchanged plan design will increase to \$719.80 single and \$1,799.50 family, and

WHEREAS, the 2005 rates for the self insured medical plan were \$630.15 single and \$1,524.95 family and the suggested 2006 rates for the modified plan design will increase to \$675.70 single and \$1,688.44 family, and

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Wauwatosa that the following insurance rates are approved:

- (1) HMO 2006 medical and dental premium rates set forth below;
- (2) Self insured dental rates are \$27.24 single and \$79.00 family;
- (3) Self insured medical rates are \$719.80 single and \$1,799.50 family for the unchanged plan;
- (4) Self insured medical rates are \$675.70 single and \$1,688.44 family for the changed plan.

**HMO Health Insurance Premiums per Month**

<b>UnitedHealthcare– New Plan</b>	<b>2005</b>	<b>2006</b>	<b>Percent Increase</b>
Single Coverage	\$511.71	\$514.65	5.9%
Family Coverage	\$1,423.87	\$1,429.83	5.9%

<b>UnitedHealthcare– Old Plan</b>	<b>2005</b>	<b>2005</b>	<b>Percent Increase</b>
Single Coverage	\$511.71	\$552.65	8.0%
Family Coverage	\$1,423.87	\$1,537.78	8.0%

<b>UnitedHealthcare–AFSCME</b>	<b>2005</b>	<b>2006</b>	<b>Percent Increase</b>
Single Coverage	\$517.86	\$558.80	8.0%
Family Coverage	\$1,438.77	\$1,552.68	8.0%

**Dental Insurance Premiums per Month**

<b>Care Plus</b>	<b>2004</b>	<b>2005</b>	<b>Percent Increase</b>
Single Coverage	\$24.03	\$26.43	10.0%
Family Coverage	\$75.84	\$83.42	10.0%

<b>Dentacare</b>	<b>2004</b>	<b>2005</b>	<b>Percent Increase</b>
Single Coverage	\$37.36	\$39.98	7%
Family Coverage	\$113.76	\$121.72	7%

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

**RESOLUTION R-05-311**

WHEREAS, the Wauwatosa Police Department previously purchased Panasonic Tough Book notebook computers to replace and upgrade the computers in squad cars; and

WHEREAS, the 2005 budget adjustment approved by the Common Council provided funds for the purchase of the 8 Panasonic Tough Book notebook computers necessary to complete this two phase computer replacement program; and

WHEREAS, the necessary computers are available from Baycom, Inc. through the State of Wisconsin contract at a total cost of \$39,824.00;

NOW, THEREFORE, BE IT RESOLVED THAT the purchase of 8 Panasonic Tough Book notebook computers for Wauwatosa Police Department squad cars at a total cost not to exceed \$39,824.00 is hereby approved.

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

**RESOLUTION R-05-312**

WHEREAS, the Wauwatosa Police Department implemented a pilot program in February, 2005, with two TASER electroshock guns, which are designed to provide a safer, more effective tool for law enforcement officers facing violent situations that pose threats to personal safety; and

WHEREAS, the 2005 fiscal budget readjustment provided sufficient funding for the purchase of 18 new TASER electroshock guns and associated equipment from Ray O' Herron, the only Wisconsin authorized representative for TASER brand products, at a cost not to exceed \$20,232.00; and

WHEREAS, Cities and Villages Mutual Insurance Company approves the use of the TASER electroshock gun for the above-described purpose;

NOW, THEREFORE, BE IT RESOLVED THAT the purchase of 18 TASER electroshock guns and related equipment from Ray O' Herron at a cost not to exceed \$20,232.00 is hereby approved.

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

**RESOLUTION R-05-313**

WHEREAS, heat and humidity conditions in the telecommunications and computer server room at the Wauwatosa Police Department Emergency Dispatch Center have, in recent years, begun to cause occasional equipment failure; and

WHEREAS, a separate HVAC unit was originally proposed for this space at the time it was designed in 1993, but was removed from the final design due to cost considerations; and

WHEREAS, funding to analyze and design an HVAC system for the telecommunications and computer server room has been provided in the 2006 budget, while the cost of installation is intended to be included in the 2007 budget; and

WHEREAS, the cost of an engineering and design study for the HVAC system is estimated to be not more than \$5,000.00;

NOW, THEREFORE, BE IT RESOLVED THAT \$5,000.00 from the Reserve for Contingencies is hereby approved to be allocated toward the cost of a design and engineering study for an HVAC system for the telecommunications and computer server room in the Police Department Emergency Dispatch Center.

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

**RESOLUTION R-05-314**

WHEREAS, following the floods in the area of Hart Park in the years 1998 and 1999, it became necessary to floodproof the Parks Administration and the Muellner Buildings in Hart Park; and

WHEREAS, Milwaukee Metropolitan Sewerage District has agreed to provide up to \$900,000.00 in funds for the design and construction of floodproofing measures for the above buildings; and

WHEREAS, the City of Wauwatosa has applied for additional municipal flood control grants to pay for such activities; and

WHEREAS, a number of options are available to provide the necessary flood-proofing for these buildings;

NOW, THEREFORE, BE IT RESOLVED THAT appropriate City officials are hereby authorized to issue a qualifications-based request for proposals for professional services for design of floodproofing at the Parks Administration and Muellner Buildings at Hart Park in the City of Wauwatosa.

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

**RESOLUTION R-05-315**

WHEREAS, the 2005 City of Wauwatosa budget provided for installation of a security system and upgrading of the lighting system at the Public Works Building; and

WHEREAS, logistical issues have prevented completion of both of these projects during the 2005 calendar year;

NOW, THEREFORE, BE IT RESOLVED THAT funds appropriated in the 2005 operating budget for the Public Works Building Equipment Account for purposes of installing a security system in the Public Works Building at a cost of \$10,000.00 and upgrading the lighting system at the Public Works Building at a cost of \$101,500.00 are hereby authorized to be carried over into the 2006 calendar year for purposes of completing these projects.

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

**RESOLUTION R-05-316**

WHEREAS, Public Works operations require the purchase of sodium chloride (road salt) for the 2005-2006 winter season; and

WHEREAS, the Wisconsin Department of Transportation takes bids for road salt combining the requirements of multiple counties, cities, villages and towns, as well as state government; and

WHEREAS, ordering road salt through the Wisconsin Department of Transportation from the vendor reserve of 4,000 tons will be at a price of \$30.24 delivered; and

WHEREAS there are monies contained in the 2006 budget appropriation for this purpose;

NOW THEREFORE BE IT RESOLVED THAT the City of Wauwatosa Purchasing Manager is hereby authorized to issue an order for up to 4,000 tons of road salt from the vendor reserve dedicated to the City of Wauwatosa at a price of \$30.24 per ton delivered as directed by the Director of Public Works or his designee.

It was moved by Ald. Bruderle-Baran, seconded by Ald. Stepaniak to approve the seven foregoing resolutions. -15

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

BILLS AND CLAIMS FOR THE PERIOD 11/16/05 – 12/06/05 --

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 11/16/05 – 12/06/05:

\$1,480,642.62

It was moved by Ald. Casey, seconded by Ald. Bruderle - Baran that each and every one of the accounts of bills and claims be allowed and ordered paid. Roll call vote, Ayes 15.

**FROM THE BOARD OF PUBLIC WORKS**

**RESOLUTION** R-05-317

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 American Sewer Services, Inc., for the work of sanitary sewer manhole rehabilitation and work incidental thereto under Contract 05-05 at and for their bid price of \$165,765, this being the lowest and best bid.

BE IT FURTHER RESOLVED since a substantial portion of the work will be completed in 2006, that the 2006 budget be amended to include a carryover of the 05-05 budget, including any amendments.

BE IT FURTHER RESOLVED that the surety deposits, if any, re returned to the unsuccessful bidder.

It was moved by Ald. Herzog, seconded by Ald. Subotich to approve the foregoing resolution. -15

**FROM THE BOARD OF PUBLIC WORKS**

**RESOLUTION** R-05-318

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 Pieper Electric, Inc., for the work of replacement of street lighting distribution cabinets and work incidental thereto under Contract 05-29 at and for their bid price of \$78,757, this being the lowest and best bid.

BE IT FURTHER RESOLVED that since the majority of the construction work will take place next year the 2006 budget for permanent street lighting improvements be amended to include the unexpended funds from the 2005 permanent street lighting account, including any amendments.

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

**FROM THE BOARD OF PUBLIC WORKS**

**RESOLUTION** R-05-319

WHEREAS, the VALUE cooperative governmental purchasing organization obtained a bid for hot-poured elastic sealer (rubberized crack sealer) from Gerdau Ameristeel at a price of \$0.22/lb.; and

WHEREAS, the street department has determined that, although crack sealing on City streets as performed privately under a contract with the City, it is more efficient and cost effective for the City to purchase the materials and provide them to the contractor;

NOW, THEREFORE, BE IT RESOLVED THAT the purchase of 45,000 lbs. of rubberized crack sealer from Gerdau Ameristeel, at a price not to exceed \$10,200.00, is hereby approved pursuant to the bid obtained by the VALUE Purchasing Cooperative.

**FROM THE BOARD OF PUBLIC WORKS**

**RESOLUTION R-05-320**

WHEREAS, the purchasing department examined quotes received from equipment suppliers to furnish vehicles and related equipment at the same cost as they furnished for the 2005 year equipment budget.

NOW THEREFORE BE IT RESOLVED THAT, the Ewald Automotive Group is to furnish seven full-size 2006 Crown Victoria Police vehicles at a cost of \$21,977.00, each includes a \$2,097.00 wiring equipment package. The total cost for the seven police vehicles would be \$153,836.00 without trade-ins. The amount budgeted for 2006 with trade-ins and associated equipment is \$175,000.00

BE IT FURTHER RESOLVED THAT, Badger Truck Center, Inc. to furnish three cab and chassis at a cost of \$55,259.00 each. The total cost for these vehicles will be \$165,777.00 without trade-ins.

BE IT FURTHER RESOLVED THAT, Casper Truck Equipment, Inc. is to furnish three all-purpose bodies with underbody plow and main plow at a cost of \$44,923.00 each. The total cost of this equipment will be \$134,769.00 without trade-ins. The total for the combined units is \$300,546.00 and are a 2006 budget item in the amount of \$330,000.00 with trade-ins.

BE IT FURTHER RESOLVED THAT, Utility Sales and Service is to furnish one aerial truck at a cost of \$83,461.00 without trade-in for the Electrical Section. The amount budgeted for the year 2006 with trade-in is \$100,000.00.

BE IT FURTHER RESOLVED THAT, Lakeside International Trucks is to furnish one complete cab and chassis and 20 yard garbage packer at a cost of \$135,300.61 without trade-in. The amount budgeted for the year 2006 with trade-in is \$145,000.00.

BE IT FURTHER RESOLVED THAT, fleet equipment numbers L-17, M-46, P98, 99, 114, 119, 121, 122, 125, R-03, R-04, T50 and T-72 be declared surplus, and that the purchasing manager be authorized to dispose of these units when the new vehicles are put into service.

It was moved by Ald. Herzog, seconded by Ald. Subotich to approve the three foregoing resolutions. -15

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