

**BUDGET & FINANCE COMMITTEE MEETING**

Tuesday, April 26, 2005

Committee Room #2

PRESENT: Alds. Bruderle-Baran, Casey, Grimm, Herzog, Jenkins, Maher, Stepaniak – 7

EXCUSED: Ald. Purins

ALSO PRESENT: T. Wontorek, City Admin.; A. Kesner, City Atty.; B. Aldana, Asst. City Atty.; R. Braier, Finance Dir.; W. Kappel, Public Works Dir.; Chief D. Redman, Fire; M. Mulroy, Library Dir.

Ald. Bruderle-Baran as Chair called the meeting to order at 8:02 p.m.

**Removal from the 2005 Capital Improvement Plan – proposed improvements to the alley between N. 124<sup>th</sup> and N. 122<sup>nd</sup> Streets from 170 feet south of W. Burleigh Street to W. Chambers Street**

Mr. Wontorek said he has a transmittal from Ald. Treis requesting that the proposed alley improvements to the alley between N. 124<sup>th</sup> and N. 122<sup>nd</sup> Streets from 170 feet south of W. Burleigh Street to W. Chambers Street be removed from the 2005 Capital Improvement Plan in order to allow the owner of an apartment complex abutting the alley to acquire it.

Ald. Treis said there are two apartment buildings, two office buildings and numerous residential homes along the alley. The residential homeowners don't use the alley and they have indicated that they would like to relinquish the part of their property that is in the alleyway. One of the apartment owners would like to do the same and the other apartment owner has expressed an interest in taking possession of the alleyway and taking over responsibility for its maintenance.

Mr. Kappel said if the alley is not vacated soon, the city could face a liability situation. His suggestion was to pave the alley according to the 2005 Capital Improvements schedule and the potential buyer could still acquire the alley property afterwards. He was not sure the proposed transaction could be easily done because each property owner on the residential side of the alley would have to give up their rights to a portion of their property.

Mr. Kesner said this is a multi-step process and could take some time before the entire alleyway is under the control of one property owner. The outcome is uncertain. The alley is in very bad shape. He was not trying to discourage the transaction, but the timing is very difficult. He suggested moving ahead with the repair and then billing the person who would take ownership. Mr. Kesner said he was very uncomfortable with leaving the alley in the shape it is in at the moment. He cautioned that under state law, when a public right-of-way is vacated it reverts to the residential landowners. The buyer would then have to request that each landowner sign away their rights to the portion of their property connected with alley.

Mr. Kappel said he would not want to see the city put in jeopardy because of the condition of the alley. Mr. Kesner said the procedure for allowing the alley to be purchased would be to take the alley off the current Capital Improvement project list and then proceed with the vacation and the transfer.

Ald. Maher asked about the status of having a document that is signed by all the affected property owners. Mr. Kesner responded that such a letter would not be a binding document, but it would give a certain comfort level. Mr. Kappel added that as of now, all the property owners seem to be cooperating.

Moved by Ald. Maher, seconded by Ald. Jenkins to recommend approval to remove proposed improvements to the alley between N. 124<sup>th</sup> and N. 122<sup>nd</sup> Streets from 170 feet south of W. Burleigh Street to W. Chambers Street from the 2005 Capital Improvement Plan contingent upon receipt of a letter from each of the property owners involved indicating their willingness to relinquish property in the alleyway. Vote on the motion was Ayes: 6, Noes: 1 (Herzog)

### **Fund transfer and award of sole source purchase of replacement garbage carts to Refuse and Recycling Needs of Wisconsin**

Mr. Kappel said the city needs to choose the style of a replacement garbage cart since the cart the city currently uses is no longer in production. During the budget hearing process, the department recommended incremental replacement of the current garbage carts rather than a wholesale replacement. The majority of the carts currently in use appear to be in relatively usable condition and could last a number of years. The department has been replacing about 300-400 carts per year. They would be ordering a truckload of the new carts holding approximately 432 carts. The department sought the opinions of both the workers who have to empty the carts and the members of the Recycling Committee. Both groups independently chose the "UltraCart" manufactured by Refuse and Recycling Needs of Wisconsin (RNOW) as the best cart for Wauwatosa. The department then sought bids for the cart. The "UltraCart" is one of the more expensive carts; however, it is the only cart to offer a 15 year versus a 10 year warranty. The 5 additional years of warranty will more than pay for the extra cost. The new cart dumpers the department is purchasing will work well with both the current cart and the proposed "UltraCart".

Mr. Kappel said that if the proposed fund transfers are approved, the department has sufficient funds to purchase a truckload of the "UltraCarts" at a cost of \$19,716.48. Of that amount, \$16,250 is already allocated, but \$3,466.48 would need to be transferred from the Solid Waste Other Expense Account, an account normally used for cart repair parts. The current balance in that account, minus the transfer leaves \$949.52. This amount can be used for AmeriKart parts for this year. He recommended sole and continuing purchase of "UltraCarts" though RNOW per the bid results. He further recommended the transfer of \$3,500 for that purchase.

Ald. Casey said he liked the idea of having a 15 year warranty as opposed to 10 years. Mr. Kappel said the warranty covers manufacturer defects or workmanship and does not cover animal damage. He added that the price of the carts is set for the first two years and increases by 3% thereafter.

Moved by Ald. Casey, seconded by Ald. Herzog to recommend approval of the transfer of \$3,500 from the Solid Waste Other Expense Account towards the purchase of one truckload of "UltraCarts" from Refuse and recycling Needs of Wisconsin (RNOW) at a cost of \$19, 716.48 --

Ald. Herzog asked if the cart dumpers installed on the trucks will still be useful in the future. Mr. Kappel said the dumpers will work on any carts used at the city yard. The dumpers are the least expensive and the most versatile.

Vote on the motion was Ayes: 7

**Re-structuring of fire department administrative staff**

Chief Redman said that in 1998 they completed a significant re-structure of administrative staff. This process established a command staff of five persons. The Fire Marshal retired at the end of March this year and the position is now vacant. The fire prevention area currently has three allocated positions. Historically, fire prevention had a total of four full-time 40-hour positions. Prior to 1998 the fire marshal position had been filled continuously by an employee classified as protective service, but that position has been filled by a non-protective service employee since December, 1998. He said the proposal is to re-assign one 52-hour per week employee to the 40-hour per week position of Fire Marshal. They also plan to fill the 52-hour per week position with a newly designated Deputy Fire Chief who would become the Deputy Fire Marshal. All six administrative staff positions would be classified as protective service employees. The restructuring would provide key benefits including: 1) increasing the total number of work hours dedicated to fire prevention activities, 2) recovering fire investigation expertise lost through the death of one code specialist and retirement of the fire marshal, 3) increasing the number of staff available for incident command support functions from five to six employees, 4) providing for more effective department management by having a more senior officer available during normal business hours, 5) lowering the cost for the value of operational improvements, and 6) reducing the overtime/fill pay and reducing the use of captains acting as shift commanders.

Chief Redman said that any option will result in expenditures below the 2005 budgeted amount due to short term savings resulting from periods of vacancy, hiring a new or promoted employee at lower pay steps, and/or hiring a replacement firefighter at lower steps. He added that the Employee Relations Committee voted in favor of making this change. There would be no additional money needed in 2005; however, over the next several years the early savings would disappear. When the position is filled and all the employees reach the top pay steps, there would be an approximate \$15,000 increase over about 8 years. He recommended re-structuring the fire department administrative staff by reducing the personnel allocation by one Fire Marshal and adding one Deputy Fire Chief.

Moved by Ald. Herzog, seconded by Ald. Stepaniak to recommend approval of administrative staff re-structuring in the fire department – 7

**Vouchers**

<u>NAME</u>	<u>AMOUNT</u>	<u>FOR</u>
J. Cindric	\$173.80	Police – 3/28-3/30/05 – Appleton 11 <sup>th</sup> Annual Traffic & Impaired Driving Prog.
Z. Zielinski	\$26.07	Police – 4/4/6/05 – WCTC In-Service Patrol Training
B. Szymanski	\$150.00	Police – 4/2-4/3/05 – Chicago, IL Pacific Archipelago Combatives for Res. Trng.
J. Karius	\$276.51	Police – 4/4-4/7/05 – Milwaukee Basic Training/ Rm Entry/Rm Clearing Sem.
B. Zalewski	\$26.18	Police – 4/4-4/7/05 – Milwaukee Basic Training/ Rm Entry/Rm Clearing Sem.
N. Welch	\$721.00	Comm. Dev.-3/19-3/27/05-San Francisco, CA National Planning Conference

<u>NAME</u>	<u>AMOUNT</u>	<u>FOR</u>
D. Sarandos	\$609.28	Police – 4/4-4/7/05 – Appleton Management of Evidence and Recovered Prop.
T. Szudy	\$73.65	Comm. Devel. – 4/22/05 – Madison Historic Preservation Awards

Moved by Ald. Maher, seconded by Ald. Grimm that the vouchers be allowed and paid – 7

**Claim by Covenant Healthcare Systems, Inc. for refund of 2004 real and personal property taxes for 201 N. Mayfair Road, N. 110<sup>th</sup> Street, and 201 Mayfair Road**

**Claim by Covenant Healthcare Systems, Inc. for a refund of 2004 real property taxes for 201 N. Mayfair Road**

**Claim by Covenant Healthcare Systems, Inc. for re fund of 2004 personal property taxes for 4500 N. 119<sup>th</sup> Street a/k/a 4500 Harley Davidson Avenue**

**Claim by Wisconsin Heart Hospital LLC (Covenant Healthcare System, Inc.) for refund of 2004 real property taxes for 10000 W. Blue Mound Road**

**Claim by Milwaukee Regional Medical Center, Inc. (daycare) for refund of 2004 real property taxes for 8624 Watertown Plank Road**

**Claim by Milwaukee Regional Medical Center Inc. (daycare) for refund of 2002, 2003 and 2004 personal property taxes for 8624 Watertown Plank Road**

Ms. Aldana said that these claims require Common Council action as a procedural step that has to be taken in order for the claimants to exercise their right to sue the city. There are two criteria on which they are basing their protest: 1) the value the city has put on the property is too high, and 2) they are exempt as a matter of law.

Moved by Ald. Herzog, seconded by Ald Jenkins to recommend denial of the claims by Covenant Healthcare Systems, Wisconsin Heart Hospital LLC, and Milwaukee Regional Medical Center – 7

Moved Ald. Stepaniak, seconded by Ald. Maher to convene into closed session per Wis. Stat. 19.85(1)(g): Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved, and may reconvene into open session – 7

Moved by Ald Casey, seconded by Ald. Jenkins to convene into closed session per Wis. Stat. 19.85(1)(e): Deliberating or negotiating the purchase of public properties, the investing of public funds, or conducting other specified public business, whenever competitive bargaining reasons require a closed session, and may reconvene into open session – 7

The committee convened into closed session at 8:37 p.m.

**Potential lawsuit by the Wisconsin Department of Natural Resources (DNR) vs. City of Wauwatosa and request for a fund transfer from the Reserve for Contingencies**

Moved by Ald. Jenkins, seconded by Ald. Herzog to recommend approval of the fund transfer from the Reserve for Contingencies – 7

**The matter of whether the Wauwatosa Public Library will withdraw from the Milwaukee County Federated Library System (MCFLS) at the end of the year 2005**

Moved by Ald. Casey, seconded by Ald. Jenkins to hold this item for a special meeting before the Common Council – 7

The meeting adjourned at 9:54 p.m.

Carla A. Ledesma, City Clerk  
City of Wauwatosa

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