



CITY OF WAUWATOSA
MEMORIAL CIVIC CENTER
7725 WEST NORTH AVENUE
WAUWATOSA, WI 53213
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COMMON COUNCIL
Regular Meeting, Tuesday, January 3, 2006

PRESENT: Alds. Jenkins, Kopischke, Krill, Krol, Maher, Purins, Stepaniak, Subotich, Sullivan, Treis (7:48 p.m.), Becker, Birschel, Casey, Grimm, Herzog -15

EXCUSED: Ald. Bruderle-Baran

ALSO PRESENT: Mr. Wontorek, City Administrator; Mr. Kesner, City Attorney; Mr. Kappel, Dir. of Public Works; Ms. Welch, Community Development Director; Fire Chief Redman; Police Capt. Reit; Asst. City Attorney/Personnel Adm. Aldana; Ms. Ledesma, City Clerk; Ms. Williams, Deputy City Clerk

Mayor Estness in the Chair

The Mayor called the meeting to order at 7:44 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

OLD BUSINESS

The following item was held after a public hearing on December 20, 2005:

RESOLUTION R-06-01

WHEREAS, the Common Council of the City of Wauwatosa, Wisconsin, held a public hearing at the Council Chambers in the City Hall at 7:30 p.m. Local Time, on the 20th day of December, 2005 for the purpose of hearing all interested persons concerning the preliminary resolution and report of the Board of Public Works on the proposed improvement by repaving of the following streets. Sidewalk replacement cost, on those streets so indicated, is included in the assessment rate for the paving work.

<u>Street & Location</u>	<u>Ald. Dist.</u>	<u>Existing & (Proposed) Width</u>	<u>Pavement Construction Type</u>	<u>Assessed Sidewalk Work</u>
N. 116 th Street - Watertown Plank Road to Walnut Road	7	36'	C	No
N. 118 th Street - W. Center Street to Locust Street	6	30'	C	No
N. 122 nd Street - W. Center Street to Locust Street	7	30'	C	No
Harmonee Avenue - Wauwatosa Avenue to Menomonee River Parkway	2	44'	C	No
Mayfair Frontage Road - Walnut Road to south end	7	36'	C	No

Stickney Avenue - Ludington Avenue to Jackson Park Boulevard	2	30'	B	Yes
Wauwatosa Avenue - Harwood Avenue to Milwaukee Avenue	2	34'	C	No
Alley - North Avenue to Jackson Park Blvd. from Ludington Avenue to 90 th Street	2	16.5'/ 18'/20'	C	No
Alley - North Avenue to Meinecke Avenue from N. 62 nd Street to N. 63 rd Street	5	15'	A - Conc	No

Original Construction: New (Conc.) or (Asph.) Grading, placing new concrete curb and gutter, and concrete or asphalt pavement surface (as indicated) on a new stone or asphalt base.

Reconstruction: Type "A" (Asph.) or (Conc.) Completely removing existing curb and gutter and existing pavement, placing new concrete curb and gutter (excluding alleys), and asphalt or concrete pavement surface on a new base.

The above repaving type also includes placing necessary water and sewer service pipes and storm sewer and appurtenances; relaying sanitary sewer and storm sewer as required; relocating existing street lighting system where necessary; constructing new concrete driveway approaches and replacing concrete sidewalks which are disturbed by other construction, which are defective, or which have a hazard potential.

Repaving: Type "B" (Asph.) Completely removing existing curb and gutter, milling the existing asphalt pavement as required, and placing new concrete curb and gutter and asphalt pavement surface on the existing road base.

The above repaving type also includes placing necessary water and sewer service pipes and storm sewer and appurtenances; relaying sanitary sewer and storm sewer as required; relocating existing street lighting system where necessary; constructing new concrete driveway approaches and replacing concrete sidewalks which are disturbed by other construction, which are defective, or which have a hazard potential.

Repaving: Type "C" (Asph.) Milling the existing pavement as required, repairing curbs (and abutting approaches and sidewalks where necessary), and surfacing with asphalt pavement. Also included is the placing of necessary water and sewer service pipes and storm sewer and appurtenances, and relaying sanitary sewer and storm sewer as required.

and has heard all persons desiring audience at such hearing;

NOW, THEREFORE, BE IT RESOLVED, By the Common Council of the City of Wauwatosa, Wisconsin as follows:

Section 1. That the report of the Board of Public Works in connection with the construction of the above-described permanent public improvement, including preliminary plans and specifications therefor, is hereby adopted and approved.

Section 2. That the Board of Public Works is directed to carry out the work of such permanent improvement in accordance with the report of the Board of Public Works.

Section 3. That payment for said permanent improvement be made by assessing the cost to the property improved as indicated in said report.

Section 4. That the assessments shown on the report, are true and correct and are hereby confirmed.

Section 5. That the owners of the respective parcels of land fronting or abutting the street improvements, on which a public hearing has been held and preliminary assessments have been confirmed, shall have payment of the special assessments scheduled as follows:

(a) Each special assessment and special charge, pursuant to Section 66.0627 of the Wisconsin Statutes, levied in an amount of \$200 or less against any parcel of land in the City of Wauwatosa shall be entered in the tax rolls in one installment.

(b) All assessments will be collected in installments as provided below, except such assessments on property where the owner of the same shall file with the City Clerk within 30 days from date of billing, a written notice that he elects to pay the special assessment on his property to the City Treasurer on or before the next succeeding November 1, unless the election is revoked in writing 30 days prior to November 1. If, after making such election, said property owner fails to make the payment to the City Treasurer, the City Clerk shall place the entire assessment, and applicable interest, on the next succeeding tax roll.

(c) Each special assessment for improvements levied in an amount exceeding \$200 against any parcel of land in the City of Wauwatosa shall be entered in the tax rolls in five equal annual installments of principal together with interest at the rate of twelve percent (12%) per year or the percentage rounded out to the next highest whole percentage number above the interest rate paid by the City for the sale of corporate purpose bonds, which include the project which is the subject of the special assessment, whichever figure is less, on the unpaid balance of said assessment. Individual assessments shall run concurrently except as provided under Section 3.08.040 of the City Code.

(d) Each special assessment levied against any parcel of land in the City of Wauwatosa for the installation of sanitary sewer main or water main or construction of permanent street pavement shall not be entered in the tax roll until all installments of special assessments for sanitary sewer or water main or construction of permanent street pavement levied previously against the same parcel of land have been entered into the tax rolls and have been paid. Such subsequent special assessment shall be deferred and only interest at the rate of twelve percent (12%) per year, or the percentage rounded out to the next highest whole percentage number above the interest rate paid by the City for the issuance of General Obligation Debt, which include the project which is the subject of the special assessment, whichever figure is less, on such subsequent special assessment shall be carried into the tax rolls in addition to the scheduled installments of such prior assessments. After the last installment of such prior special assessment has been entered in the tax rolls, installments of the subsequent special assessment shall, beginning with the next subsequent tax roll, be entered in the tax rolls pursuant to Section 3.08.030 of the City Code.

(e) Whenever special assessments are levied against the frontage and side of a corner parcel of land in the City of Wauwatosa for the installation of sanitary sewers or water mains or construction of permanent pavements arising out of the same public works project, such special assessments levied against a corner parcel of land shall be deemed to be two separate special assessments, and the special assessment levied against the frontage of the corner parcel of land shall first be scheduled on the tax rolls for payment as provided in Section 3.08.030 of the City Code and the special assessment levied against the side of the corner parcel of land shall be scheduled on the tax rolls pursuant to (c) above, following such scheduling of the special assessment levied against the frontage of the corner parcel of land.

(f) Notwithstanding the provisions of (c) and (d) above, any owners of parcels of land assessed may at their option elect to pay both the scheduled installments of prior assessments as well as scheduled installments of subsequent special assessments on the same tax rolls as entered on those tax rolls pursuant to Section 3.08.030 of the City Code.

(g) If, after special assessments have been placed on the tax rolls in installments or otherwise, the taxpayer fails to pay the same within the time allowed for payment of general taxes, the same shall become delinquent and shall be treated in the same manner and subject to the same laws as delinquent general property taxes.

Section 6. The properties against which the assessments are proposed are benefited. Such benefits may include, but are not necessarily limited to, enhancement of value or marketability, improved drainage, improved pedestrian safety (walks), improved vehicular access, improved skid resistance and cross sectional elements.

Section 7. The City Clerk is directed to publish this resolution in the Wauwatosa News Times, official paper of the City of Wauwatosa.

Section 8. The City Clerk is further directed to mail a copy of this resolution to every property owner within the limits of the assessment district whose name appears on the assessment roll and whose post office address is known, or can with reasonable diligence be ascertained.

It was moved by Ald. Herzog, seconded by Ald. Grimm
to approve the foregoing resolution. -14

APPOINTMENTS BY THE MAYOR

Committee for Citizens with Disabilities

Julie Alexander, 7224 W. State Street
(Term ends 12/31/07)

Committee for Citizens with Disabilities (reappointments)

Mr. & Mrs. Richard Peebles, 7363 Harwood Avenue
Margaret Miranda, 2616 N. 96th Street
Ann D. Fritsch, 10200 W. Blue Mound Road
Jim Bennett, 611 N. 112th Street
(Terms end 12/31/08)

Design Review Board A (reappointment)

Ann Larson, 6128 Washington Blvd.
(Term ends 12/31/07)

Design Review Board B (reappointments)

John Pernice, 2361 N. 88th Street
John Niemer, 7424 Kenwood Avenue
(Terms end 12/31/07)

Historic Preservation Commission (reappointments)

Janel Ruzicka, 2127 N. 74th Street
Gene Guzkowski, 1035 Laurel Court
(Terms end 11/30/08)

Civic Celebration Commission (reappointments)

Michel and Mary Sylvester, 1715 N. 70th Street
(Terms end 12/31/09)

Foregoing appointments ordered held as this was the first
reading.

(Ald. Treis present 7:48 p.m.) -15

APPLICATIONS, COMMUNICATIONS, ETC.

1. Application to amend a Business Planned Development at 9125 W. North Avenue to construct a 3-story building with 6 2-bedroom apartment units and 4,768 sq. ft. of retail space
Plan Commission, Committee on Community Development
2. Application for a conditional use at 9125 W. North Avenue to reconstruct a greenhouse on the southern portion of the property
Plan Commission, Committee on Community Development
3. Application for a conditional use at 11050 W. Blue Mound Road for a massage therapy clinic
Plan Commission, Committee on Community Development

FROM THE COMMITTEE ON EMPLOYEE RELATIONS

RESOLUTION R-06-02

WHEREAS, the Fire Chief has determined the Department will derive operational benefits from having command officers staff the command vehicle at all times rather than having other staff fill in on an acting basis; and

WHEREAS, the command officers will be compensated with a combination of a pay stipend and flexible time off;

WHEREAS, the Chief recommends that the “fill-in” stipend be increased from \$600.00 to \$720.00 for a 24 hour “fill-in” shift because it has not been adjusted for several years;

NOW, THEREFORE, BE IT RESOLVED THAT the “fill-in” stipend be increased from \$600.00 to \$720.00.

FROM THE COMMITTEE ON EMPLOYEE RELATIONS

RESOLUTION R-06-03

WHEREAS, the Fire Chief has determined the Department will derive operational benefits from having command officers staff the command vehicle at all times rather than having other staff fill in on an acting basis; and

WHEREAS, to staff the command vehicle with command officers requires that command officers, including the Chief, work additional hours on a rotating basis; and

WHEREAS, the command officers will be compensated at a ratio of 75% of the hours paid at the daily “fill-in” stipend and 25% by allowing flexible time off during normal 8 hour work days;

NOW, THEREFORE, BE IT RESOLVED THAT the staffing of the command car with command staff, including the Chief, is hereby approved;

BE IT FURTHER RESOLVED THAT the command officers that staff the command car during extra shifts be compensated with a combination of a stipend and flexible time off.

It was moved by Ald. Jenkins, seconded by Ald. Casey to approve the two foregoing resolutions. -15

FROM THE COMMITTEE ON TRAFFIC AND SAFETY

ORDINANCE O-06-01

AN ORDINANCE AMENDING SECTION 11.32.080 OF THE CODE OF THE CITY OF WAUWATOSA TO EXTEND NO PARKING ZONES ON PORTIONS OF DEWEY AVENUE

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

Part I. The “Dewey Avenue – west side” portion of the “schedule of streets, and portions” subsection of Wauwatosa Code Section 11.32.080 is hereby amended by changing the distances in both subsections from 135 feet to 210 feet.

Part II. That part of the “Dewey Avenue – east side” portion of the “schedule of streets, and portions” subsection of Wauwatosa Code Section 11.32.080 which currently states “(a) from 210 feet south of Harwood Avenue to Harwood Avenue” is hereby amended to read as follows:

“(h) from 210 feet south of Harwood Avenue to Harwood Avenue”

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

FROM THE COMMITTEE ON TRAFFIC AND SAFETY

ORDINANCE O-06-02

AN ORDINANCE AMENDING SECTION 11.32.080 OF THE CODE OF THE CITY OF WAUWATOSA TO ADD A NO PARKING ZONE ON A PORTION OF THE SOUTH SIDE OF GLENDALE AVENUE

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

Part I. The “Glendale Avenue – south side” portion of the “schedule of streets, and portions” subsection of Wauwatosa Code Section 11.32.080 is hereby amended by adding the following language:

(h) between N. 100th and N.101st Streets.

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

It was moved by Ald. Becker, seconded by Ald. Maher to adopt the foregoing ordinances. -15

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-06-04

WHEREAS, the Employee Relations Committee approved a recommendation that the Fire Department command vehicle be staffed by command staff on a rotating basis due to operational benefits of having the command vehicle always staffed by command officers; and

WHEREAS, this staffing arrangement requires the command staff, including the Chief, to work additional hours on a rotating basis; and

WHEREAS, the fiscal impact of that staffing arrangement requires a fund transfer of \$13,100.00 from the 2006 Overtime Account (#01-221-5110) to the Regular Salaries Account (#01-221-5100); and

WHEREAS, the Chief recommends that the “fill-in” stipend be increased from \$600.00 to \$720.00 for a 24 hour “fill-in” shift because it has not been adjusted for several years;

NOW, THEREFORE, BE IT RESOLVED THAT the fund transfer from the 2006 Overtime Account to the 2006 Regular Salaries Account in the amount of \$13,100.00 be approved;

BE IT FURTHER RESOLVED THAT the “fill-in” stipend be increased from \$600.00 to \$720.00.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-06-05

WHEREAS, the Wisconsin Department of Transportation has authorized a grant of \$20,000.00 to the Wauwatosa Police Department for the purchase of equipment and related start-up costs in providing electronic citation and crash reporting systems which can be integrated with Police Department and Municipal Court software; and

WHEREAS, the \$20,000.00 grant will provide funds for the cost of having the police software vendor prepare the interfaces for this information; and

WHEREAS, the grant from the Wisconsin Department of Transportation does not require any matching funds from the City of Wauwatosa;

NOW, THEREFORE, BE IT RESOLVED THAT the Wisconsin Department of Transportation grant in the amount of \$20,000.00 for purposes of implementing the electronic citation and crash reporting system and providing in-squad printers to print traffic citations for violators is hereby accepted and the expenditures are hereby approved.

It was moved by Ald. Maher, seconded by Ald. Grimm
to approve the two foregoing resolutions. - 15

FROM THE COMMITTEE ON BUDGET AND FINANCE

BILLS AND CLAIMS FOR THE PERIOD 12/21/05 – 1/03/06 --

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 12/21/05 – 1/03/06: \$1,731,576.56

It was moved by Ald. Casey, seconded by Ald. Purins 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-06-06

WHEREAS, the City of Wauwatosa has had an on-going contract with Graef, Anhalt, Schloemer & Associates, Inc. for construction inspection services; and

WHEREAS, the terms of the new contract for future years' construction inspection services have not yet been finally agreed upon; and

WHEREAS, it is likely that there will be a need for construction and inspection services on certain projects during the first quarter of calendar year 2006;

NOW, THEREFORE, BE IT RESOLVED THAT the Wauwatosa Common Council hereby approves the 90-day extension of the 2005 construction/inspection services contract with Graef, Anhalt, Schloemer & Associates, Inc. according to the terms described in the correspondence to the City Engineer and forwarded to the Board of Public Works on December 28, 2005.

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

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

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Carla A. Ledesma, CMC, City Clerk