



CITY OF WAUWATOSA
MEMORIAL CIVIC CENTER
7725 WEST NORTH AVENUE
WAUWATOSA, WI 53213
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COMMON COUNCIL
Regular Meeting, Tuesday, March 7, 2006

PRESENT: Alds. Krol, Maher, Meaux, Purins, Stepaniak, Subotich, Sullivan, Treis, Bruderle-Baran, Becker, Birschel, Grimm, Herzog, Jenkins, Kopischke, Krill -16

ALSO PRESENT: Mr. Wontorek, City Administrator; Mr. Braier, Finance Director; Mr. Kesner, City Attorney; Mr. Wehrley, City Engineer; Ms. Welch, Community Development Director; Police Chief Weber; Ms. Isleb, Assessor; Mr. Wojcehowicz, Water Utility Supt.; Mr. Bembenek, Purchasing Manager; Ms. Ledesma, City Clerk; Ms. Williams, Deputy City Clerk

Mayor Estness in the Chair

The Mayor called the meeting to order at 7:32 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. -16

APPLICATIONS, COMMUNICATIONS, ETC.

1. City of Wauwatosa Statement of Financial Condition as of December 31, 2005
Place on file
2. Canvass of Votes for the February 21, 2006 Spring Primary Election
Place on file
3. Conditional Use application to operate a restaurant with outdoor seating at 6901-05 W. North Avenue
Plan Commission, Community Development Committee
4. Conditional Use application to construct an entry vestibule/elevator tower at Christ King School and change of use from convent to parish hall, 2604-46 N. Swan Boulevard
Plan Commission, Community Development Committee
5. Land Division application to divide property located at 2409 N. 65th Street
Plan Commission, Community Development Committee
6. Conditional Use application to expand the existing Pick N Save grocery store at 6950 W. State Street
Plan Commission, Community Development Committee
7. Conditional Use application to expand the existing day care facility at St. Bernard Congregation to offer after school day care at 7474 Harwood Avenue
Plan Commission, Community Development Committee

8. Notice of Claim: AT&T Risk Management Office, 2140 Davidson Road, Waukesha
WE Energies, Milwaukee
Atty. Ronald Bornstein for Dave Orłowski, 11418 W. North Avenue
City Attorney
9. Letter from Rob Messinger, Hector's-A Mexican Restaurant, 7118 W. State Street,
requesting a liquor license extension to include the parking lot on May 5, 2006
Committee on Legislation, Licensing & Communications
10. Letter from Ald. Becker forwarding a request by Michael Boomsa to city enact legislation to
make the city more pedestrian friendly
Director of Community Development

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT FOR INTRODUCTION

1. Ordinance amending the Zoning Code of the City by rezoning property at 3040 N. 117th
Street from AA Light Manufacturing District to AA Business District
Re-refer to originating committee

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-06-43

WHEREAS, Katie M. Hengel, 6174 W. Forest Home Avenue, Milwaukee, WI, has applied for an operator's license in conjunction with her employment at The Cheesecake Factory, 2350 N. Mayfair Road, Wauwatosa, WI;

NOW, THEREFORE, BE IT RESOLVED THAT Katie M. Hengel, 6174 W. Forest Home Avenue, Milwaukee, WI, is hereby issued an operator's license for the period ending June 30, 2006.

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-06-44

WHEREAS, Kaiton R. Yawney, III, 2249 N. 61st Street, Wauwatosa, WI, has applied for an operator's license in conjunction with his employment at The Cheesecake Factory, 2350 N. Mayfair Road, Wauwatosa, WI;

NOW, THEREFORE, BE IT RESOLVED THAT Kaiton R. Yawney, III, 2249 N. 61st Street, Wauwatosa, WI, is hereby issued an operator's license for the period ending June 30, 2006.

It was moved by Ald. Treis, seconded by Ald. Krill
to approve the two foregoing resolutions. -16

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-06-45

WHEREAS, the Wisconsin Legislature recently amended the State Statutes regarding property tax exemption for benevolent nursing homes and retirement homes for the aged, including residential housing leased to upper and middle income individuals whose residences would not otherwise be tax exempt; and

WHEREAS, the Joint Legislative Council's Special Committee on tax exemptions for residential property (Columbus Park) in 2005 studied the issues surrounding the tax exemptions for benevolent associations offering housing to low income and special needs citizens, recommending that only specific categories of housing be entitled to the tax exemption, in an effort to avoid shifting additional property tax burden away from the property taxpayers who would otherwise be subject to such taxes and have the ability to pay; and

WHEREAS, the Committee of the Joint Legislative Council recommended legislation which resulted in Wisconsin Assembly Bill 573, introduced on July 21, 2005; and

WHEREAS, additional discussions among the affected parties following the introduction of the legislation has resulted in a proposed substitute amendment to AB 573 which clarifies many of the issues left unresolved by the original bill; and

WHEREAS, the proposed substitute amendment, currently referred to LRB-4622/1 has been written to ensure that property leased to persons with low incomes or with special needs remains tax exempt, while ending the unfair shifting of the property tax burden onto residential homeowners as a result of high-end senior housing facilities claiming tax exempt status;

NOW, THEREFORE, BE IT RESOLVED THAT the Wauwatosa Common Council hereby expresses its support for the provisions of LRB-4622/1, a proposed substitute amendment to 2005 Assembly Bill 573;

BE IT FURTHER RESOLVED THAT the President of the Common Council and the Mayor of the City of Wauwatosa are hereby directed to prepare a letter communicating the Common Council's support of this legislative proposal and are further directed to distribute that letter to the appropriate members of the Wisconsin State Assembly and Senate, including all representatives of the City of Wauwatosa, and to any other parties who may be interested in receiving notice of the Wauwatosa Common Council's position on this matter.

It was moved by Ald. Treis, seconded by Ald. Krill
to approve the foregoing resolutions. 15-1 (Birschel)

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-06-46

WHEREAS, the construction project along the Menomonee River at Hart Park in the City of Wauwatosa will prevent the use of Hart Park for the traditional July 4th celebration activities sponsored by the Wauwatosa Civic Celebration Commission during the year 2006; and

WHEREAS, the Civic Celebration Commission, with guidance from the Director of Public Works and the Fire Marshall for the City of Wauwatosa, researched numerous alternative locations within the City of Wauwatosa and concluded that the grounds of Wauwatosa West High School provided the location which would be most advantageous for all parties involved due to considerations of safety, parking and ability to accommodate related activities and crowds associated with the event; and

WHEREAS, the efforts to provide the alternate location have been coordinated with the Wauwatosa School District which has also indicated its support for this one time transfer of the location of the July 4th activities to the grounds of Wauwatosa West High School;

NOW, THEREFORE, BE IT RESOLVED THAT the Wauwatosa Common Council hereby supports and approves the temporary relocation of the Wauwatosa Civic Celebration Commission's July 4th celebration to the grounds of the Wauwatosa West High School with cooperation of the Wauwatosa School District, on Tuesday, July 4th, 2006.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-06-47

WHEREAS, the Wauwatosa Common Council previously approved Resolution R-05-276 which required the owner of the property at 2254 N. 61st Street to complete work on an unfinished addition to the rear of the existing residence by December 1, 2005, or else be subject to having the residence razed at the expense of the homeowner; and

WHEREAS, the Chief Inspector has reported that significant progress has been made to date regarding completion of the exterior portions of the addition;

NOW, THEREFORE, BE IT RESOLVED THAT the Order to Raze the addition to the residence at 2254 N. 61st Street in the City of Wauwatosa, pursuant to Common Council Resolution R-05-276, is hereby rescinded.

It was moved by Ald. Kopischke, seconded by Ald. Krill
to approve the two foregoing resolutions. - 16

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-06-48

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, April 4, 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 a property located at 3040 N. 117th Street from AA Light Manufacturing District to AA Business 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.

It was moved by Ald. Kopischke, seconded by Ald. Krill to approve the foregoing resolution. 15-0-1 (Herzog)

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-06-51

WHEREAS, Section 34.05(1) of the Wisconsin Statutes provides for the designation by the Common Council of public depositories in which City funds may be deposited; and

WHEREAS, the Finance Director recommends designation of the below-listed institutions as public depositories;

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Wauwatosa THAT the following institutions be and are hereby designated as public depositories for funds of the City of Wauwatosa:

Banks

Associated Bank
JP Morgan Chase Bank, N.A.
M&I Marshall & Ilsley Bank
Mitchell Bank
Wells Fargo Bank
Park Bank
Tri City National Bank
U.S. Bank
Johnson Bank
Ridge Stone Bank

Savings and Loan Associations

North Shore Bank F.S.B.
Equitable Bank – S.S.B.
Great Midwest Bank S.S.B.
Guaranty Bank S.S.B.
Marine Bank and Savings
Bank Mutual
St. Francis Bank F.S.B.
Wauwatosa Savings Bank

Trust Funds

Local Government Investment Pool
MBIA Municipal Investors Corporation

BE IT FURTHER RESOLVED THAT the above-stated depositories be authorized to maintain time deposits, demand deposits, and savings deposits and that a surety bond not be required unless specifically requested of the institution by the City Finance Director.

BE IT FURTHER RESOLVED THAT this resolution supersedes all previous resolutions of the Common Council designating public depositories.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-06-52

WHEREAS, the Chief Inspector has requested a budget transfer from the Municipal Complex budget to the Police Complex budget to provide necessary funds for priority projects at the Wauwatosa Police Department in the amount of \$12,000.00;

NOW, THEREFORE, BE IT RESOLVED THAT a transfer of \$12,000.00 from the Municipal Complex budget to the Police Complex budget as more particularly described in the February 14, 2006 memorandum of the Chief Inspector, is hereby approved.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-06-53

WHEREAS, the Manager of Information Services has recommended the purchase of 42 replacement PC's for various City Hall departments; and

WHEREAS, sufficient funding is available within the 2006 Information Systems budget to provide for these purchases; and

WHEREAS, replacement of these computers will allow proper upgrade of critical software programs to current standards;

NOW, THEREFORE, BE IT RESOLVED THAT the appropriate City officials are hereby authorized to purchase 42 replacement personal computers for various City Hall Departments, pursuant to the memorandum of the Information Systems Manager dated February 21, 2006, at a total cost not to exceed \$56,448.00, through the State of Wisconsin's Purchase Contract with Dell Computer Corporation.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-06-54

WHEREAS, the Administrative Captain of the Police Department and the Purchasing Manager of the City of Wauwatosa have reviewed proposals for public safety dispatch furniture; and

WHEREAS, the proposal of XYBIX Systems at a cost of \$47,751.50 is less than \$1,000.00 above the lowest cost proposal; and

WHEREAS, the proposal of XYBIX provides for a larger product with more surface and storage space than others and includes project coordination, installation wiring, and project management, which is not provided by the lower cost vendor's proposal;

NOW, THEREFORE, BE IT RESOLVED THAT the proposal of XYBIX Systems, Inc. for the dispatch console furniture at the Wauwatosa Police Department at a cost not to exceed \$47,751.50 is hereby approved.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-06-55

WHEREAS, the Wauwatosa Police Department issued Requests for Proposals to provide a Panasonic Arbitrator in-squad digital video system; and

WHEREAS, the proposal of Baycom, Inc. to provide these systems with an installed price of \$95,504.00 was the proposal determined to be in the best interest of the City of Wauwatosa;

NOW, THEREFORE, BE IT RESOLVED THAT the purchase of digital in-squad video systems for the Wauwatosa Police Department from Baycom, Inc. with a total installed price of \$95,504.00 is hereby approved.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-06-56

WHEREAS, the Director of Community Development has provided a list of recommended changes to the consolidated fee schedule regarding development fees during the year 2006; and

WHEREAS, the revised development fees are reflected in the attachment to the Director of Community Development's memorandum dated February 22, 2006;

NOW, THEREFORE, BE IT RESOLVED THAT the 2006 consolidated fee schedule is hereby amended to include the revised development fees reflected on the table attached to the February 22, 2006, memorandum of the Director of Community Development, which table is attached hereto and incorporated herein.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-06-57

WHEREAS, the 2006 Police Equipment Purchase Account budget contains funds for the purchase of seven new LED light bars to be installed on police squad cars; and

WHEREAS, LED light bars are brighter and provide sufficient energy savings to eliminate the need for a second battery which has otherwise been installed in squad cars to run the electrical systems; and

WHEREAS, the City of Brookfield obtained competitive bids for the purchase of such light bars, and the bid from General Fire Equipment provides that the seven light bars shall be available at a total cost of \$19,203.00;

NOW, THEREFORE, BE IT RESOLVED, THAT the purchase of seven new LED light bars and installation on new squad cars from General Fire Equipment is hereby approved with a total cost of \$19,203.00.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-06-58

WHEREAS, the Common Council previously authorized a qualifications-based Request for Proposals for professional services to provide floodproofing designs for the Muellner Building and Parks Administration Building at Hart Park; and

WHEREAS, funding for the design processes is available through previously accepted grants from the Wisconsin Department of Natural Resources and funds provided by the Milwaukee Metropolitan Sewerage District; and

WHEREAS, the only proposal received in response to the request, was prepared by Graef, Anhalt, Schloemer & Associates, Inc. in conjunction with Zimmerman Design Group for work at hourly rates up to the amount of \$225,000.00 depending upon the final requirements;

NOW, THEREFORE, BE IT RESOLVED THAT the proposal for design of floodproofing for the Muellner Building and Parks Administration Building at Hart Park in the City of Wauwatosa by Graef, Anhalt, Schloemer & Associates, Inc. in conjunction with Zimmerman Design Group, for services to be billed at an hourly rate up to a maximum amount of \$225,000.00, is hereby approved.

It was moved by Ald. Bruderle-Baran, seconded by Ald. Stepaniak to approve the seven foregoing resolutions. -16

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-06-59

WHEREAS, a staff committee was formed in 2005 to review the needs for telecommunication systems to serve all departments of the City of Wauwatosa for voice and data purposes; and

WHEREAS, following preparation of a set of specifications, the City invited vendors to submit proposals to provide a complete voice and data telecommunications solution for the City; and

WHEREAS, following review of the proposals, the proposal of AT&T to provide equipment and a 60 month contractual service agreement is the proposal which is in the best interest of the City of Wauwatosa; and

WHEREAS, the cost of hardware and installation is \$281,238.35, while the single payment option for 60 months of network services with a prepayment discount, is provided at a cost of \$190,068.38;

NOW, THEREFORE, BE IT RESOLVED THAT the appropriate City officials are hereby authorized to enter into a contractual agreement with AT&T for a complete voice and data

telecommunications solution which includes the purchase of hardware and a 60 month network services contract, as more particularly described in the memorandum of the Purchasing Manager dated February 6, 2006.

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

It was moved by Ald. Maher, seconded by Ald. Krol to amend the resolution to request that \$281,238.35 be included in debt service, and to pay \$190,068.38 from the existing fiscal year 2005 surplus. Roll call vote, Ayes 3 (Krol, Maher, Birschel), Noes 13. Motion failed.

Roll call vote on original motion, Ayes 15, Noes 1 (Maher)

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-06-50

WHEREAS, the Common Council of the City of Wauwatosa, Milwaukee County, Wisconsin (the "City") hereby finds and determines that it is necessary, desirable and in the best interest of the City to raise funds for the purpose of paying the cost of various public improvements included in the City's 2006 Capital Project Plan, including repairing and upgrading streets, storm and sanitary sewers; replacing the telephone system and voting equipment; acquiring a fire pumper; and paying engineering and design costs for Hart Park (the "Project"), and there are insufficient funds on hand to pay said costs;

WHEREAS, the general nature and location of each element of the Project is set forth in the City's Capital Project Plan which is incorporated herein by this reference;

WHEREAS, the Common Council hereby finds and determines that the Project is within the City's power to undertake and therefore serves a "public purpose" as that term is defined in Section 67.04(1)(b) of the Wisconsin Statutes;

WHEREAS, cities are authorized by the provisions of Section 67.12(12) of the Wisconsin Statutes to borrow money and to issue general obligation promissory notes for such public purposes;

WHEREAS, the Common Council of the City hereby finds and determines that general obligation promissory notes in the amount of \$4,000,000 should be issued, and it is now necessary and desirable to authorize their issuance and sale; and

WHEREAS, the Common Council of the City hereby finds and determines that the issuance of the general obligation promissory notes complies with Section 20.13 of the Charter Ordinances of the City in all respects.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City that:

Section 1. Authorization of the Notes. For the purpose of paying the cost of the Project, there shall be borrowed pursuant to Section 67.12(12) of the Wisconsin Statutes, the principal sum of FOUR MILLION DOLLARS (\$4,000,000) from a purchaser to be determined by subsequent resolution of the Common Council (the "Purchaser").

Section 2. Sale of the Notes. To evidence such indebtedness, the Mayor and City Clerk are hereby authorized, empowered and directed to make, execute, issue and sell to the Purchaser for, on behalf of and in the name of the City, general obligation promissory notes aggregating the principal amount of FOUR MILLION DOLLARS (\$4,000,000) (the "Notes").

Section 3. Terms of the Notes. The Notes shall be designated "General Obligation Promissory Notes, Series 2006"; shall be in the denomination of \$5,000 or any integral multiple thereof; shall be numbered 1 and upward; shall be dated, and shall mature in the years and principal amounts as specified by subsequent resolution of the Common Council.

Section 4. Award of the Notes. At a subsequent meeting, the Common Council shall consider taking further action to provide the details of the Notes; to award the Notes to the Purchaser; and to levy a direct annual irrevocable tax sufficient to pay the principal of and interest on the Notes as the same becomes due as required by law.

Section 5. Conflicting Resolutions; Severability; Effective Date. All prior resolutions, rules or other actions of the Common Council or any parts thereof in conflict with the provisions hereof shall be, and the same are, hereby rescinded insofar as the same may so conflict. In the event that any one or more provisions hereof shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions hereof. The foregoing shall take effect immediately upon adoption and approval in the manner provided by law.

It was moved by Ald. Bruderle-Baran, seconded by Ald. Stepaniak to approve the foregoing resolution. Roll call vote, - 16.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-06-59

WHEREAS, the 2006 Water Utility budget provides for a rate of revenue return to the Utility which is lower than the target rate of the Wisconsin Public Service Commission; and

WHEREAS, the City of Wauwatosa Water Utility last submitted a request for a full rate review in 2003; and

WHEREAS, addition revenue which could be received during 2006 would place the Utility in a better position to appropriately finance future bonding proposals.

NOW, THEREFORE, BE IT RESOLVED that the request of the Wauwatosa Water Utility to apply for a full rate review by the Wisconsin Public Service Commission is hereby approved.

It was moved by Ald. Bruderle-Baran, seconded by Ald.

Stepaniak to approve the foregoing resolution. Roll call vote, 13-3 (Subotich, Grimm, Herzog)

FROM THE COMMITTEE ON BUDGET AND FINANCE

BILLS AND CLAIMS FOR THE PERIOD 2/22/06 – 3/07/06 --

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 2/22/06 – 3/07/06: \$1,018,927.27

It was moved by Ald. Maher, seconded by Ald. Meaux that each and every one of the accounts of bills and claims be allowed and ordered paid. Roll call vote, Ayes 16

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-06-60

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 sanitary sewer, and storm sewer relay, repair, extension and relining and work incidental thereto on portions of Stickney Avenue, east/west alley south of W. North Avenue, north/south alley west of Ludington Avenue, east/west alley north of W. North Avenue under Contract 06-01.

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

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-06-61

WHEREAS, the purchasing department solicited bids for the purchase of 20 concrete street lighting poles for use by the electrical maintenance department; and

WHEREAS, the low bidder was Traditional Concrete Products, Inc.;

NOW, THEREFORE, BE IT RESOLVED THAT the purchase of 20 concrete street lighting poles from Traditional Concrete Products, Inc. in an amount not to exceed \$11,400.00 is hereby approved.

It was moved by Ald. Herzog, seconded by Ald. Kopischke
to approve the two foregoing resolutions. -16

There being no further business, the meeting adjourned at 8:00 p.m.

cal

Carla A. Ledesma, CMC, City Clerk