



CITY OF WAUWATOSA
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COMMON COUNCIL
Regular Meeting, Tuesday, November 16, 2010

PRESENT: Alds. Walsh, Wilke, Wilson (7:31 p.m.), Berdan, Birschel, Causier, Donegan, Ewerdt, Hanson, Jay (7:34 p.m.), McBride, Meaux, Nikcevich, Organ, Roznowski, Pantuso -16

ALSO PRESENT: Mr. Archambo, City Administrator; Mr. Kesner, City Attorney; Mr. Kappel, Public Works Director; Ms. Welch, Community Development Director; Police Chief Weber; Dr. Kreuser, Health Officer; Mr. Wojcehowicz, Water Utility Supt.; Ms. Enders, Economic Dev. Dir.; Ms. Plass, Acting Comptroller; Mr. Summerfield, Acting Treasurer; Fire Chief Redman; Mr. Wehrley, Acting Public Works Director; Ms. Murphy, Library Director; Ms. Aldana, Asst. City Atty./HR Director; Ms. Ledesma, City Clerk

Mayor Didier in the Chair

The Mayor called the meeting to order at 7:30 p.m.

Former Alderman Richard Bachman presented the city with defibrillators that will be placed in each on-duty police vehicle. Police Chief Weber accepted the equipment on behalf of the city. Also participating in the ceremony were Deputy Fire Chief Case, who obtained the equipment, and a representative of the Robinson Foundation, which made a substantial donation

It was moved by Ald. McBride, seconded by Ald. Organ that the reading of the minutes of the last regular meeting be dispensed with and they be approved as printed. – 16

PUBLIC HEARING

The first item of business was a public hearing concerning the proposed 2011 City of Wauwatosa budget. Proof of publication is in the file.

No one of the public present wished to be heard in favor of the proposed budget.

The following spoke in opposition to the proposed budget:

Gregory Stano, 4430 N. 108th Street, voiced opposition to that part of the proposed budget that would reduce fire services in the Eighth District. He questioned why that part of the city was

targeted for the reduction. Rescue units were originally donated to the city by the JC's civic group with the understanding that the units would remain staffed and operational.

Ed Stech, 6600 River Parkway, disputed the premise that service cuts are necessary because of overpaid employees. That uses employees as 'whipping boys'. Council members don't repair broken sewers at 2 a.m. – employees do. The fire, police, and public works departments need all of their allocations. Why not reduce the number of council members? Are both a mayor and city administrator needed? Why was the city so willing to adopt the recommendations of an out-of-town consultant concerning fire protection? What if mutual aid is not available for some service calls? Who will assist the city's residents?

Jill Petryczkiewicz, 4411 N. 107th Street, noted that the city is supposed to provide protection for its residents. How does proposing to reduce the rescue unit in the northern part of the city accomplish that purpose? She asked that services be maintained. If services are cut, why not cut a unit from the center of the city so that the shortage can be absorbed by the entire city?

Gay Leigh Mundy, 2225 N. 103rd Street, asked that the fire fighter positions not be cut. They put their lives on the line so others can be saved. The city is lucky to have dedicated fire and police personnel. Cut the budget somewhere else, if necessary. The city deserves first class services.

The following had comments or questions:

Jim Krol, 7828 Milwaukee Avenue, thanked the mayor, administrator, council members, and staff for the hours of work involved in preparing the 2011 budget. The proposed capital budget proposes \$17.3 million dollars of improvements; that this is a lot of debt to incur. However, in years past, there was great reluctance to increase the amount; he urged that a sufficient amount of the \$17.3 million be dedicated to infrastructure related to streets.

George Becker, 1626 N. 71st Street, a member of the Capital Improvements Committee, urged that the city get the most impact in return for the city's investment. He expressed disappointment that the budget does not call for a sidewalk replacement program. Improvement of Milwaukee Avenue has been removed from the street program. Sewer work is critical, but there needs to be balance.

David Whelan, 2430 N. 84th Street, thanked the council members for including the Meinecke Avenue sewer project in the 2011 budget despite the pressures of that budget.

The public hearing was declared closed. (The budget was voted on later in this meeting.)

APPOINTMENTS BY THE MAYOR:

Acting Directors: Derik Summerfield, Acting Treasurer
 Jean Plass, Acting Comptroller
 William Wehrley, Acting Public Works Director

It was moved by Ald. Walsh, seconded by Ald. Birschel
to concur with the foregoing appointments under suspension
of the rules. -16

APPLICATIONS, COMMUNICATIONS, ETC.

1. Notices of Claim: John Standal, 2111 N. 91st Street, Wauwatosa; Mary Horne, 9995 W. North Avenue
City Attorney
2. Southeastern Wisconsin Regional Planning Commission Year 2035 Regional Housing Plan for Southeastern Wisconsin newsletter
Place on file
3. Water Utility Statement of Receipts and Disbursements for the period ending October 31, 2010
Place on file
4. Financial Statements for the period ending October 31, 2010
Place on file

FROM THE COMMITTEE ON TRAFFIC AND SAFETY

ORDINANCE O-10-22

AN ORDINANCE AMENDING WAUWATOSA CODE SECTION 11.32.080 REGARDING RESTRICTIONS ALONG THE SOUTH SIDE OF WEST CLARKE STREET

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

Part I. “Clarke Street – south side” portion of the “schedule of streets, and portions” of Section 11.32.080 of the Wauwatosa Municipal Code is hereby amended by adding the following designation:

- (a) from North 62nd Street to a point 25 feet east thereof

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

FROM THE COMMITTEE ON TRAFFIC AND SAFETY

ORDINANCE O-10-23

AN ORDINANCE AMENDING WAUWATOSA CODE SECTION 11.32.080 OF THE MUNICIPAL CODE TO CHANGE TWO HOUR PARKING RESTRICTIONS ON A PORTION OF NORTH 90TH STREET

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

Part I. The introductory designation in Section 11.32.080 of the Wauwatosa Municipal Code is hereby amended by adding the following:

- (aaa) no parking for more than two hours between 8:00 a.m. and 4:00 p.m. on school days

Part II. The “North 90th Street – east side” portion of the “schedule of streets, and portions” in Section 11.32.080 of the Wauwatosa Municipal Code is hereby amended by removing the designations following the letter (c), and replacing it with the following:

(aaa) from West North Avenue to West Meinecke Avenue

Part III. The “North 90th Street – west side” portion of the “schedule of streets, and portions” of Section 11.32.080 of the Wauwatosa Municipal Code is hereby amended by removing the designation following (c) and replacing it with the following:

(aaa) from West North Avenue to West Meinecke Avenue

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

It was moved by Ald. Meaux, seconded by Ald. Pantuso to adopt the two foregoing ordinances. -16

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-10-211

WHEREAS, Fred Botta, Lockers Florist and Chris Leffler, Leff’s Lucky Town, have applied for a Conditional Use in the AA Business District at 7206 W. State Street for seasonal Christmas tree sales, 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 Fred Botta, Lockers Florist, and Chris Leffler, Leff’s Lucky Town, for seasonal Christmas tree sales in the AA Business District at 7206 W. State Street subject to the following conditions:

- 1) hours of operation 4:00 p.m. to 8:00 p.m. Monday through Friday and Saturday 10:00 a.m. to 8:00 p.m., and Sunday noon to 6:00 p.m., and
- 2) obtaining all necessary licenses and permits.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-10-212

BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin THAT permission be and the same is hereby granted to the City of Wauwatosa for a Land Division by Certified Survey Map and final subdivision plat in the Trade District at 6500-6520 W. North Avenue. These parcels are more particularly described as follows:

Being all of Block 9, Block 5 of J.F. LaBoule’s Subdivision No. 1 in the Southwest ¼ of the Southeast ¼ of Section 15, 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.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-10-213

BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin THAT permission be and the same is hereby granted to the City of Wauwatosa for a Land Division by Certified Survey Map and final subdivision plat in the AA Business District at 2500 N. Mayfair Road. These parcels are more particularly described as follows:

Being a combination of Parcel 1 and Parcel 3 of Certified Survey Map No. 5460, being a part of the Northwest ¼, the Northeast ¼, the Southwest ¼, and the Southeast ¼ of the Southwest ¼ and the Southwest ¼ of the Northwest ¼ of Section 17, 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. Organ, seconded by Ald. Wilke to approve the three foregoing resolutions. -16

FROM THE BUDGET COMMITTEE

RESOLUTION R-10-214

WHEREAS, a summary of the proposed budget for the year 2011 has been published in the official newspaper of the City on October 28, 2010, together with the notice of public hearing on the proposed budget to be held on November 16, 2010; and

WHEREAS, said public hearing was held at the time and place stated in said notice and opportunity given to everyone present who desired to be heard on the proposed 2011 budget;

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Wauwatosa THAT pursuant to said hearing as follows:

1. That the departmental balances, if any, in the general appropriations account shall, on December 31, 2010 revert to the Unappropriated General Fund Balance, except for the following:

<u>Account No.</u>	<u>Account Title</u>
113	Youth Commission
114	Historic Preservation Commission
115	Senior Commission

211-5980-015	Restitution – Crime Prevention
211-5980-020	Police-Expenditures from Donations
211-5980-060	Federal Reimbursement Program
211-5980-061	Drug Prevention & Educ. Fund
211-5980-150	Drug Asset Forfeiture
211-5980-155	DCI Task Force Forfeiture
221-5980-015	Fire Expenditures from Donations
223	Fire Equipment Reserve
421-5980-015	Health – Expenditures from Donations
522	July Fourth

2. That there be and there is hereby appropriated for the various City purposes for the year 2010, the amounts as shown in the attached estimated 2010 budget and for the year 2011 and the amounts shown in the attached proposed budgets as amended by the Budget Committee.

3. That the revenues and expenditures for the Debt Service Fund, Special Revenue Funds, Proprietary Funds, and Insurance Reserve Funds are also approved as amended.

4. That the Water Utility Fund is approved as amended.

5. That the position distribution be amended to reflect those positions created or abolished by the budget.

6. That the 2011 consolidated fee schedule is hereby approved as recommended by the Budget Committee during the budget review process and made available for public review at the office of the City Clerk,

BE IT FURTHER RESOLVED THAT the sum of \$36,555,123 be and it is hereby levied and assessed upon all of the taxable property, both real and personal, in the City of Wauwatosa, assessed for taxation in said City for the year 2011 for City purposes.

It was moved by Ald. Ewerdt, seconded by Ald. Hanson to consider this item under suspension of the rules. Roll call vote, Ayes 13, Noes 3 (Walsh, Wilke, Pantuso)

It was moved by Ald. Ewerdt, seconded by Ald. Berdan to approve the budget and the water utility budget with a single vote. –

It was moved by Ald. Birschel, seconded by Ald. Wilson to amend the proposed 2011 budget by restoring the three positions proposed for elimination in the Fire Department, using funding from the Surplus Applied account. –

Following further discussion, Ald. Birschel restated his motion to restore the three positions, but without funding, whereupon Ald. Wilson withdrew his second. –Motion died for lack of a second.

It was moved by Ald. Wilson, seconded by Ald. Wilke to amend the proposed 2011 budget by adding three Fire Department positions slated for elimination, with funding therefor via the tax levy. Roll call vote, Ayes 5 (Wilke, Wilson, Birschel, Nikcevich, Pantuso), Noes 11. Motion failed.

It was moved by Ald. Walsh, seconded by Ald. Organ to amend the proposed 2011 budget by removing the Business Services Specialist position from the Economic Development Department budget. Roll call vote, Ayes 7 (Walsh, Birschel, Ewerdt, Hanson, Jay, Meaux, Organ), Noes 9. Motion failed.

Roll call vote on the 2011 budget, Ayes 14, Noes 2 (Walsh, Jay).

Roll call vote on the Water Utility budget, Ayes 16.

It was moved by Ald. Donegan, seconded by Ald. Ewerdt to refer the proposed 2011 capital budget to the Budget and Finance Committee. -16

FROM THE COMMITTEE ON BUDGET AND FINANCE

BILLS AND CLAIMS FOR THE PERIOD 11/03/10 – 11/16/10 --

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 11/03/10 – 11/16/10: \$12,937,891.41

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

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-10-215

BE IT RESOLVED, by the Common Council of the City of Wauwatosa, THAT a Milwaukee County Transit System bus shelter be and the same is hereby approved on the east side of STH100 immediately north of its intersection with Blue Mound Road in the City of Wauwatosa.

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-10-217

WHEREAS, the Wauwatosa Water Utility has indicated its need to install an additional water main and related appurtenances from the east end of West Wirth Street to the northeast corner of the Burleigh Square Shopping Center, a portion of which water main will cross land owned by JC Penney Properties, Inc., as more particularly described as Exhibit A to the Water Main Easement Agreement with JC Penney Properties, Inc., which is attached; and

WHEREAS, installation of the water main and utility easement across that portion of the aforementioned property will serve the public purposes of the City of Wauwatosa and the Wauwatosa Water Utility; and

WHEREAS, the owner of the property, JC Penney Properties, Inc., has agreed to grant the utility easement to the City of Wauwatosa pursuant to the terms of the attached Easement Agreement;

NOW, THEREFORE, BE IT RESOLVED THAT the water main Easement Agreement with JC Penney Properties, Inc., a copy of which is attached hereto and incorporated herein, is hereby approved and the appropriate City officials are authorized to execute that agreement and accept the easement on behalf of the City of Wauwatosa.

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-10-218

WHEREAS, the Wauwatosa Water Utility has indicated its need to install an additional water main and related appurtenances from the east end of West Wirth Street to the northeast corner of the Burleigh Square Shopping Center, a portion of which water main will cross land owned by Briggs and Stratton Corporation, as more particularly described as Exhibit A to the Water Main Easement Agreement with Briggs and Stratton Corporation, which is attached; and

WHEREAS, installation of the water main and utility easement across that portion of the aforementioned property will serve the public purposes of the City of Wauwatosa and the Wauwatosa Water Utility; and

WHEREAS, the owner of the property, Briggs and Stratton Corporation, has agreed to grant the utility easement to the City of Wauwatosa pursuant to the terms of the attached Easement Agreement;

NOW, THEREFORE, BE IT RESOLVED THAT the water main Easement Agreement with Briggs and Stratton Corporation, a copy of which is attached hereto and incorporated herein, is hereby approved and the appropriate City officials are authorized to execute that agreement and accept the easement on behalf of the City of Wauwatosa.

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION

BE IT RESOLVED, by the Common Council of the City of Wauwatosa, Wisconsin that the following be and hereby are the policies for 2011 construction pertaining to street improvements and corresponding rates:

- (1) Due to the relative value of the benefits conferred upon different types of properties by the public improvements described herein, assessments for original permanent pavement shall be at the following rates per assessable foot based upon property classification:
 - a) \$58.00 for one- or two-family residences, churches, schools, public parks (“single family rate”)
 - b) \$72.50 for multiple family residences of three or more (1-1/4 x single family rate)
 - c) \$87.00 for business or commercial property (1-1/2 x single family rate)
 - d) \$116.00 for industrial property (2 x single family rate)
- (1.1)
 - a) A pavement improvement that terminates only partially abutting a parcel of land, shall have only such *prorata* portion assessed in the year that the Final Resolution is adopted by the Common Council
 - b) On streets that Federal and/or State Aid is not available, the rate of assessment may be adjusted to recover 60% of the paving costs.
 - c) On streets where sidewalks are to be newly constructed on one side only, in conjunction with a street scheduled for improvement, the cost of the sidewalk plus 25% for engineering and overhead may be prorated by total street frontage and added to the basic assessment for each property abutting said improvement or on both sides of that portion of said street.
- (2) The assessments for reconstruction of a permanent pavement shall be at the following rates per assessable foot (average width) for one- or two-family residences (other classes proportioned as in (1) above).
 - a) Repaving Type “A” \$42.00 for completely removing existing curb and pavement regrading and replacing with new concrete curb and gutter and either concrete pavement or asphalt pavement with a new road base.
 - b) Repaving Type “B” \$33.60 for completely removing existing curb and gutter, milling the existing pavement as required, and replacing with concrete curb and gutter and asphalt pavement on the existing road base.
 - c) Repaving Type “C” \$16.80 for replacing defective curb and gutter (not to exceed 25% of the total length of curb and gutter existing on the street segment to be improved), milling the existing pavement surface as required, and surfacing with new asphalt pavement.

If Type “C” repaving is required on arterial streets less than 25 years after Type “A” repaving has been performed, all one- and two-family residences shall receive total assessment credit equal to 4% of their previous Type “A” paving assessment for each year under 25 years.

If Type “A” Repaving is required on arterial streets less than 20 years after Type “C” repaving has been performed, all one- and two-family residences shall receive an assessment

credit equal to 5% of their previous Type “C” repaving assessment for each year under 20 years.

To recover the cost of public sidewalk replacement when done in conjunction with repaving, the assessable rates may reflect an amount of \$12.00 added against each frontage foot of adjacent properties.

Sidewalk replacement when not assessed by frontage foot shall be assessed at actual cost plus the cost of engineering and overhead as described in paragraph 11.

Any property where the entire city sidewalk was replaced within twelve years may be exempt from sidewalk assessment provided walk is at proper grade and condition.

Drive approach replacement shall be assessed at actual cost plus the cost of engineering and overhead as described in paragraph 11.

- (3) Alleys shall be considered individually assessable at actual cost plus the cost of engineering and overhead as described in paragraph 11 with the abutting property owner being assessed at a unit rate per assessable foot for permanent new construction, reconstruction, or asphaltic resurfacing, as follows:

Property Classification Factors

- (a) 1-Unit - one- and two-family residences, churches, schools, public parks
- (b) 1-1/2 Units - three or more family residences, apartments (3 or more units)
- (c) 2 Units - business, commercial, industrial

Assessable Factors

- (a) Rear alley - Average of front and rear lot lines.
 - (b) Side alley - Average of front and rear lot lines.
 - (c) Rear and side alley - Single assessment only: average of front and rear lot lines.
 - (d) One and two family lots with primary vehicle access from a public street assessed at 50% of the unit rate.
- (4) (a) Side yards, consistent with the definition in sec. 24.02.340 of the Wauwatosa Municipal Code, for original permanent pavement, reconstruction of permanent pavement, and asphalt resurfacing shall be assessed at the rate of 50% of the assessable side yard footage, abutting on the street being improved, for 1 and 2 family, church, school, and public park uses only. All other classes of property shall be assessed for full assessable footage.
- (b) A platted or divided lot that extends through and abuts two streets, provided such lot does not consist of two or more platted or divided lots, shall have the longer of the two sides considered a side yard for purposes of assessment. The rate of assessment shall be determined as described in Paragraph (4) (a) herein.

Should both abutting frontages be equal in length, the frontage first improved or reconstructed or resurfaced, as the case may be, shall be considered the front for assessment purposes. Irregular shaped lots may be assessed based on the actual abutting frontages.

(c) Properties with 3 sides adjacent to streets shall have the two longest assessable footage sides assessed at 50%. Remaining side is assessed at 100% of assessable footage.

- (5) Permanent asphalt driveway approaches placed at existing driveways, in connection with the construction of original permanent pavement, shall be assessed at cost plus 12.5% for engineering and overhead.
- (6) Concrete drive approaches replaced under public contract, in connection with the construction of all permanent paving, shall be assessed at actual cost plus the cost of engineering and overhead as described in paragraph 11. Concrete drive approaches six years old or less are to be replaced at no cost, and those seven to twelve years old at one-half cost.
- (7) Defective permanent curb replaced either by contract or City forces, when requested by the property owner in writing, or replacements not in connection with the resurfacing of a permanent street, shall be assessed at the rate of \$45.00 per foot replaced.
- (8) Service walk replacement shall be assessed at actual cost plus the cost of engineering and overhead as described in paragraph 11, when done in conjunction with all permanent paving.
- (9) Costs of service walks removed and replaced with sod in conjunction with permanent paving or sidewalk repair contract are not assessed to abutting property owners.
- (10) Sidewalk, driveway approaches, and service walk removal and replacement, when not done in conjunction with permanent paving or when ordered replaced by the Board of Public Works due to deterioration or defective condition, when done under public contract, shall be assessed at cost plus 25% for engineering and overhead. Sidewalks and service walks when not done in conjunction with permanent paving, which require replacement because of city tree roots damaging same, shall receive a 1/3 credit.
- (11) To recover the cost of engineering and overhead in connection with repaving and related work involving special assessments, a charge of 12.5% shall be made against the contract amount of such work, unless a different amount is specifically stated in this resolution.
- (12) Drive approaches, sidewalk, service walk, and/or sodding replaced under public contract in excess of that required for construction of all permanent paving as determined by the Engineering Department, when requested by the property owner in writing, shall be assessed at actual cost plus the cost of engineering and overhead as described in paragraph 11.
- (13) Federal, state, and railroad properties are exempt from special assessments.
- (14) Street projects that have been postponed shall be assessed at the rate the project was originally approved by the Common Council unless the Common Council subsequently sets a new rate.
- (15) This policy of assessment shall apply commencing with the date of adoption and will remain in effect until such time as modified by the Common Council.

It was moved by Ald. Birschel, seconded by Ald. Walsh to approve the three foregoing resolutions, and to hold the resolution concerning the 2011 street assessment rates pending approval of the capital budget.

There being no further business, the meeting adjourned at 10:05 p.m.

cal

Carla A. Ledesma, CMC, City Clerk