



CITY OF WAUWATOSA

7725 WEST NORTH AVENUE
WAUWATOSA, WI 53213
Telephone: (414) 479-8917
Fax: (414) 479-8989
<http://www.wauwatosa.net>

COMMON COUNCIL

Regular Meeting, Tuesday, March 15, 2011

PRESENT: Alds. Hanson, Jay, McBride, Meaux, Nikceвич, Organ, Pantuso, Roznowski, Walsh, Wilke, Wilson, Berdan, Birschel, Causier, Donegan, Ewerdt -16

ALSO PRESENT: Mr. Archambo, City Administrator; Ms. Aldana, HR Director/Asst. City Attorney; Ms. Plass Acting Comptroller; Fire Chief Ugaste; Police Chief Weber; Ms. Welch, Community Development Director; Asst. Fire Chief Anton; Deputy Fire Chief Rice; Ms. Ledesma, City Clerk

Mayor Didier in the Chair

The Mayor called the meeting to order at 9:17 p.m.

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

APPOINTMENTS BY THE MAYOR

Committee on Citizens with Disabilities
Lanette Davidson, 1957 River Park Court
(Term ends 3/31/14)

Foregoing appointment ordered held as this was the first reading.

APPLICATIONS, COMMUNICATIONS, ETC.

1. Notices of Claims: Justin Le, 3290 N. Mayfair Road; Kendra Gordon, 1218 S. 104th Street, West Allis;

City Attorney

2. Wauwatosa Water Utility, Statement of Receipts and Disbursements for the period ending February 28, 2011

Place on file

3. Financial Statements for the period ending February 28, 2011

Place on file

4. Emails in opposition to the ratification of any union contracts:

Jennifer Radosevic, 2615 N. 83rd Street

Mark R. Hogan, 2510 N. 90th Street

Rick & Deb Schiel, 3144 Menomonee River

Parkway

Chris Lindberg, 6222 Washington Circle
Kathleen Setter, 154 N. 88th Street
Gregory Fritsch, no address given
Bill Guinen, 9215 Jackson Park Blvd.
Elizabeth Schaekel, 616 N. 112th Street
Robert Beck, 6427 W. Lloyd Street
J. Thomas Collins, 6715 Hillcrest Drive
Jane Braun, 10432 W. Hibbard Avenue.
James & Lee Ann Kasper, 2440 N. 120th
Street
Steve Braun, 6832 Cedar Street
Tom Bruss, 12030 Meadow Court

Thomas Johns, 10529 W. Garfield Avenue
Donald Hook, 6457 Upper Parkway North
Tom and Lisa Hollander, 2225 N. 69th Street
Steve Starkey, 206 N. 85th Street
Jean Radtke, 6750 Maple Terrace
Dale Guenther, no address given
Bob Dohnal, no address given
Dennis Menzel, no address given
Jim Kasper, 2440 N. 120th Street
Karen and Gene Wenzel, 2230 Crestview
Court

Add to existing file

5. Mayor Didier reported her office had received approximately 200 e-mails and phone calls concerning the issue of the possible ratification of union contracts

FROM THE COMMITTEE ON EMPLOYEE RELATIONS

RESOLUTION

BE IT RESOLVED, by the Common Council of the City of Wauwatosa that the collective bargaining agreement for the years 2011-2012 which has been negotiated between the City of Wauwatosa and the American Federation of State, County and Municipals Employees (AFSCME) Local 305, Council 48, a copy of which is attached hereto, is hereby approved.

FROM THE COMMITTEE ON EMPLOYEE RELATIONS

RESOLUTION

BE IT RESOLVED, by the Common Council of the City of Wauwatosa that the collective bargaining agreement for the years 2011-2012 which has been negotiated between the City of Wauwatosa and the Office and Professional Employees International Union (OPEIU) Local 35, a copy of which is attached hereto, is hereby approved.

FROM THE COMMITTEE ON EMPLOYEE RELATIONS

RESOLUTION

BE IT RESOLVED, by the Common Council of the City of Wauwatosa that the collective bargaining agreement for the years 2011-2012 which has been negotiated between the City of Wauwatosa and the International Brotherhood of Electrical Workers (IBEW), Local 494, a copy of which is attached hereto, is hereby approved.

It was moved by Ald. Donegan, seconded by Ald. Berdan to deny the three foregoing resolutions. Roll call vote, Ayes 13, Noes 3 (Hanson, Nikcevich, Wilson)

FROM THE COMMITTEE ON EMPLOYEE RELATIONS

RESOLUTION

BE IT RESOLVED, by the Common Council of the City of Wauwatosa THAT the collective bargaining agreement for the years 2011-2013 which has been negotiated between the City of Wauwatosa and the Wauwatosa Professional Firefighters Association Local 1923, a copy of the terms attached hereto, is hereby approved.

It was moved by Ald. Donegan, seconded by Ald. Meaux to deny the foregoing resolution. Roll call vote, Ayes 16

FROM THE COMMITTEE ON EMPLOYEE RELATIONS

ORDINANCE

AN ORDINANCE REPEALING AND RECREATING SECTION 2.52.080 (B) OF THE WAUWATOSA MUNICIPAL CODE PERTAINING TO HEALTH INSURANCE FOR RETIREES

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

Part I. Section 2.52.080(B) of the Wauwatosa Municipal Code is hereby repealed and recreated in its entirety as follows:

Section 2.52.080(B) – Retiree health insurance. For employees who are eligible under subsection A. of this section the city shall pay the following amount of the premium for group health insurance:

1. For employees hired before January 1, 2008 and have more than 25 years of service as of July 1, 2011, the city shall pay the full amount of the premium for group health insurance coverage but not to exceed one hundred ten percent of the preceding year's premium;
2. For employees hired before January 1, 2008 and have less than 25 years of services as of July 1, 2011, the City shall pay the same percent of premium as it pays on behalf of active employees.
3. For employees hired on or after January 1, 2008, the city shall pay fifty percent of premium.
4. Such payments will continue until the employee either becomes eligible for Medicare, becomes part of a new employer health insurance group which provides coverage equivalent to that of the City of Wauwatosa, or until the retired employee dies.

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

FROM THE COMMITTEE ON EMPLOYEE RELATIONS

ORDINANCE

AN ORDINANCE REPEALING AND RECREATING SECTION 2.58.130 (B) OF THE WAUWATOSA MUNICIPAL CODE PERTAINING TO HEALTH INSURANCE FOR RETIREES

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

Part I. Section 2.58.130(B) of the Wauwatosa Municipal Code is hereby repealed and recreated in its entirety as follows:

Section 2.58.130(B) - Health insurance for retirees. For employees who retire and are eligible under subsection A of this section the city shall pay the following amount of the premium for group health insurance:

1. For employees hired before January 1, 2008 and have more than 25 years of service as of July 1, 2011, the city shall pay the full amount of the premium for group health insurance coverage but not to exceed one hundred ten percent of the preceding year's premium;
2. For employees hired before January 1, 2008 and have less than 25 years of services as of July 1, 2011, the City shall pay the same percent of premium as it pays on behalf of active employees.
3. For employees hired on or after January 1, 2008, the city shall pay a percent of premium according to the following table:

Years of service with the City	5 years	20 years	25 years	30 years
City contribution of premium	15%	30%	40%	50%

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

It was moved by Ald. Donegan to adopt the two foregoing ordinances, with the provision that the grandfathering of employees shall occur after 20 years of service. –

It was moved by Ald. McBride, seconded by Ald. Ewerdt to hold the two foregoing ordinances. Roll call vote, Ayes 13, Noes 3 (Hanson, Organ, Donegan)

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-11-32

WHEREAS, Laurel Red Cloud, Lisa Marie's LLC, and Bud Metzger, Forty Winks Inn, have applied for a Conditional Use in the AA Business District at 11017 W. Blue Mound Road for a limited menu restaurant at the Inn, 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 Laurel Red Cloud, Lisa Marie's LLC, and Bud Metzger, Forty Winks Inn, for a limited menu restaurant at the Inn in the AA Business District at 11017 W. Blue Mound Road subject to the following conditions:

- 1) hours of operation 6:00 a.m. to 2:00 p.m. daily, and
- 2) obtaining all necessary licenses and permits.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-11-33

WHEREAS, Neal Driscoll, Liberty Property Trust, has applied for a Conditional Use in the AA Industrial District at 11020 Watertown Plank Court for an office use, 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 Neal Driscoll, Liberty Property Trust, for an office use in the AA Industrial District at 11020 Watertown Plank Court subject to obtaining all necessary licenses and permits.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-11-34

WHEREAS, Olympia Johnson, Grandma Josie's Development Center, and Valerie Richard, VAR Center, LLC, have applied for a Conditional Use in the AA Business District at 7327 W. Center Street to operate a child care center, 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 Olympia Johnson, Grandma Josie's Development

Center, and Valerie Richard, VAR Center, LLC, to operate a child care center in the AA Business District at 7327 W. Center Street subject to the following conditions:

- 1) hours of operation 6:30 a.m. to midnight Monday through Friday, and
- 2) retaining State licenses to operate a day care, and
- 3) obtaining all necessary licenses and permits.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-11-35

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 in the AA Business District at 12300 W. Burleigh Street. These parcels are more particularly described as follows:

Being a redivision of Lot 4 of Certified Survey Map No. 7658, being a part of the Southwest ¼ of the Southwest ¼ of Section 7, 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-11-36

WHEREAS, Eric Thom, Continental 164 Fund, LLC, has applied for a Conditional Use in the AA Business District at 12300 W. Burleigh Street for an auto care center, 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 Eric Thom, Continental 164 Fund, LLC, for an auto care center in the AA Industrial District at 12300 W. Burleigh Street subject to the following conditions:

- 1) Final approval of revised storm water plans, and
- 2) Obtaining all necessary licenses and permits.

It was moved by Ald. Organ, seconded by Ald. Meaux to approve the five foregoing resolutions. -16

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-11-37

WHEREAS, the Milwaukee Water Works has received approval from the Wisconsin Public Service Commission to change water rates charged to all of its customers, including the Wauwatosa Water Utility; and

WHEREAS, the Wisconsin Public Service Commission, on February 3, 2011, approved the request of the Wauwatosa Water Utility to pass this change in Milwaukee's water rates through to customers of the Wauwatosa Water Utility; and

WHEREAS, the rate change would cover the costs of purchased water from Milwaukee provided to customers of the Wauwatosa Water Utility;

NOW, THEREFORE, BE IT RESOLVED THAT the pass through rate change for the Wauwatosa Water Utility approved by the Wisconsin Public Service Commission as a rate adjustment is hereby approved and implemented in billing to customers of the Wauwatosa Water Utility effective April 1, 2011.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-11-38

WHEREAS, the Wisconsin Department of Transportation has requested and received approval for the repaving of Capitol Drive; and

WHEREAS, a portion of this project is within the border of the City of Wauwatosa between Highway 100 and 124th Street; and

WHEREAS, the City of Wauwatosa's share of the project is currently estimated to cost approximately \$140,000.00 including other improvements, although the final cost could be higher; and

WHEREAS, the Wisconsin Department of Transportation will be serving as lead agency for this project;

NOW, THEREFORE, BE IT RESOLVED THAT the appropriate City officials are hereby authorized to enter into the proposed cost sharing agreement between the City of Wauwatosa and the Wisconsin Department of Transportation in conjunction with the repaving of Capitol Drive, for those portions of the project which fall within the boundaries of the City of Wauwatosa, a copy of which agreement is attached hereto and incorporated herein.

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

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-11-39

WHEREAS, the City's current road salt contract allows the City to purchase an additional 1,000 tons of salt being held in reserve at the current price of \$50.76 per ton, which may be lower than next year's cost and in the City's best interest to be used for the remainder of this winter season and next year;

NOW, THEREFORE, BE IT RESOLVED THAT the purchase of 1,000 tons of roadway salt from this year's contract be approved and;

BE IT FURTHER RESOLVED THAT a \$51,000.00 transfer from the Reserve for Contingencies to the Chemical Account be approved for this purchase.

It was moved by Ald. Ewerdt, seconded by Ald. Walsh to approve the foregoing resolution. -16

FROM THE COMMITTEE ON BUDGET AND FINANCE

BILLS AND CLAIMS FOR THE PERIOD 3/2/11 – 3/15/11 --

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 3/2/11 – 3/15/11: \$2,514,980.52

It was moved by Ald. Meaux, seconded by Ald. Causier 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-11-40

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 Ruby Avenue Improvements and work incidental thereto under Contract 11-14 at and for their bid price of \$2,971,899.20, this being the lowest and best bid.

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

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-11-41

WHEREAS, the Wauwatosa Purchasing Department has requested bids for ready mix concrete for the Spring/Summer 2011 repair season; and

WHEREAS, each of the five bidders reflected in the memorandum of the Purchasing Manager dated March 2, 2011, provide different advantages based upon the price, convenience and availability;

NOW, THEREFORE, BE IT RESOLVED THAT each of the five vendors described in the memorandum of the Purchasing Manager are hereby qualified to provide ready mix concrete for the Spring/Summer 2011 repair season on an as-needed basis, with individual purchases being made on the basis of price, convenience and availability.

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

There being no further business, the meeting adjourned at 10:23 p.m.

cal

Carla A. Ledesma, CMC, City Clerk