



CITY OF WAUWATOSA
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COMMON COUNCIL

Regular Meeting, Tuesday, August 2, 2011

PRESENT: Alds. McBride, Organ, Pantuso, Roznowski, Walsh, Wilke, Wilson, Berdan, Birschel, Causier, Donegan, Ewerdt, Jay – 13

EXCUSED: Alds. Hanson, Meaux, Nikcevich

ALSO PRESENT: J. Archambo, City Admin.; A. Kesner, City Atty.; W. Wherley, City Engin.; W. Porter, Public Works Dir.; Ms. Van Hoven, Deputy City Clerk

Mayor Didier in the Chair

The Mayor called the meeting to order at 6:34 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. -13

APPOINTMENTS BY THE MAYOR

Board of Parks and Forestry Commissioners (first reading)
Gregg Collins, 7025 W. Wells Street

Senior Commission (first reading)
Eileen Hayes, 7500 W. North Avenue

Civic Celebration Commission (first reading)
Kevin Mullen, 1937 N. 73rd Street

The foregoing appointments were ordered held as this was the first reading.

APPLICATIONS, COMMUNICATIONS, ETC.

1. Notice of claim: James P. and Carolyn M. Scoptur, 8136 Jackson Park Blvd.; Wauwatosa Peace Officers' Association (WPOA) c/o Cermele & Associates, S.C. 6310 W. Bluemound Road, Milwaukee; Mary Heitkemper, 2504 N. 88th Street
City Attorney
2. Reviewed financial statements for the Village of Wauwatosa Business Improvement District Inc.
Place on file

FROM THE EMPLOYEE RELATIONS COMMITTEE FOR INTRODUCTION

ORDINANCE O-11-08

AN ORDINANCE AMENDING WAUWATOSA CODE SECTION 2.52.240 A OF THE MUNICIPAL CODE OF THE CITY OF WAUWATOSA REMOVING RESIDENCY REQUIREMENTS FOR DEPUTY FIRE CHIEF AND BATTALION FIRE CHIEF

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

Part I. Section 2.52.240 A. of the code of the City of Wauwatosa is hereby amended by deleting the words, “deputy fire chief and battalion fire chief” from this section.

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

It was moved by Ald. Donegan, seconded by Ald. Berdan to suspend the rules. – 13

It was moved by Ald. Donegan, seconded by Ald. Berdan to adopt the foregoing ordinance, Ayes: 12, Noes: 1 (Jay)

FROM THE COMMITTEE ON EMPLOYEE RELATIONS

ORDINANCE O-11-09

AN ORDINANCE REPEALING WAUWATOSA CODE SECTIONS 2.52.070, 2.52.080, 2.58.120 AND 2.58.130 PERTAINING TO HEALTH INSURANCE

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

Part I. Sections 2.52.070, 2.52.080, 2.58.120 and 2.58.130 of the Code of the City of Wauwatosa are hereby repealed.

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

FROM THE COMMITTEE ON EMPLOYEE RELATIONS

RESOLUTION R-11-113

BE IT RESOLVED THAT the health insurance benefit for police and fire supervisors shall be as follows:

- I. Health Insurance Premiums for Active and Retired Police and Fire Supervisors. Health insurance Wauwatosa Peace Officers Association collective bargaining agreement. Health insurance premium contributions for active and retired fire supervisors shall align with the terms of the Wauwatosa’s Professional Firefighter’s Association Local 1923 collective bargaining agreement. The premium contributions required by active and retired police and fire supervisors under this section shall change at the same time and to the same extent that benefit is modified in the collective bargaining agreement for the respective groups.
- II. Retiree Health Insurance Eligibility.

- A. Within the first thirty days after retirement from the city, a former police or fire supervisor is eligible for health insurance coverage contracted for by the city, if, on the last day of employment he/she was enrolled in one of the city's health plans and some amount of the health insurance premiums were paid by the city and he/she is age fifty or older or terminates employment due to disability. Such eligibility 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. An eligible retiree up to the age of sixty-five is protected to the same extent as active employees in the regular city group; after sixty-five those eligible employees may enroll in a Medicare supplemental plan through the City at the employee's expense.
- B. The dependents covered by the employee's membership in the city's group on the last day of employment may be covered by his/her membership in the retired employees' group as long as they are otherwise eligible. The number of such dependents covered may be decreased from time to time, but new dependents may not be added, nor may any previously deleted ones be reinstated. Otherwise eligible dependents may retain their coverage in the group after the death of the retired employee at their own expense. The coverage for the retired employee's spouse is terminated on the date of the spouse's remarriage.
- C. The city may pay the full amount of the premium for supplemental health insurance but not to exceed one hundred ten percent of the preceding premium for a duty disabled retiree who becomes eligible for Medicare based on disability before the age of sixty-five only if the retiree has applied for Medicare as soon as practical and when so requested by the city. Such payment may continue until the retiree turns sixty-five, becomes a 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. When a duty disabled retiree becomes eligible for Medicare based on disability, an otherwise eligible spouse and the otherwise eligible dependents of the duty disabled retiree may participate in the city's plan at their own expense.

III. Retirement Health Care Savings Plan.

- A. Annual Sick Leave Conversion. Employees shall convert one-fourth of their accumulated unused annual sick leave at the end each year into their retirement health care savings plan except fire employees may convert a maximum thirty-six hours each year. The cash conversion will be at the employee's regular rate of pay on December 31st of that year.
- B. Sick Leave Conversion at Retirement. Employees hired after January 1, 2008, shall convert all of their accumulated unused sick leave into their retirement health care savings plan upon retirement except fire employees may convert a maximum of one thousand nine hundred forty hours at retirement. The cash conversion will be at the employee's regular rate of pay on the date of retirement.
- C. City Payments into Plan.
 - 1. For employees hired after January 1, 2008 and who have satisfactorily completed probation, the city shall pay five hundred dollars one time into the employee's retirement health care savings plan.

2. For employees hired before January 1, 2008, the city shall pay two hundred fifty dollars one time into the employee's retirement health care savings plan.
- D. Vesting. For employees hired after January 1, 2008, the city's contributions into the plan, including payments under subsection (C) above shall vest with employees after fifteen years of service with the city. Funds contributed by employees either through sick leave conversion or through direct salary contributions shall vest immediately with employees.

FROM THE COMMITTEE ON EMPLOYEE RELATIONS

RESOLUTION R-11-0114

BE IT RESOLVED THAT the health insurance benefit for general employees (non-police/fire is as follows:

I. Health Insurance for Active Employees.

A. Eligibility for health insurance and terms and conditions of health insurance coverage provided to employees shall be as described in the summary plan document as it may be amended from time to time. The summary plan document shall be available for review in the Human Resources office. In the event there is conflict between the ordinance codified in this chapter and the summary plan document once amended to reflect the changes shown in this section, the provisions of the summary plan document shall control.

B. The health insurance coverage provided to employees shall be identical to that provided to those employees prior to December 31, 2010, with the following modifications:

1. Premium Contribution.

a. All general (non-police and fire union and supervisors) employees on the city's health plans shall pay ten percent of the cost of providing the employee's health insurance as a premium contribution, provided that the employee completes the minimum wellness requirements of the city's wellness program. Cost is determined through annual rates to be established by action of the common council. Employees shall pay this amount through a biweekly pre-tax payroll deduction.

b. The minimum wellness requirements shall be conducted at city expense and shall include completion of the following: (1) comprehensive health risk assessment including fasting blood screen; (2) age and gender appropriate routine screening to include, at a minimum, mammograms, pap screens, colorectal cancer screening and PSA test for prostate cancer; and (3) employee wellness coaching.

- c. If an employee does not complete the minimum wellness requirements of the city's wellness program, that employee's premium contribution shall be 20 percent of the cost of providing the employee's health insurance.

2. Preferred Provider Plan.

- a. Health Risk Assessment. The city will provide to full-time members a health risk assessment within sixty days of the plan year.

- b. Routine and Preventive Care. Routine tests and procedures and preventive care shall be covered one hundred percent in-network, seventy percent out-of-network.

- c. Annual Deductibles for Employees Who Complete Minimum Wellness Requirements. Effective January 1, 2007, employees who have had a current health risk assessment shall pay the following annual deductibles: in-network two hundred dollars for single, four hundred dollars for family; out-of-network four hundred dollars for single, eight hundred dollars for family. Effective January 1, 2009, employees must complete the minimum wellness requirements set forth in subsection (B)(1) above to qualify for these deductibles.

- d. Annual Deductibles for Employees Who Do Not Complete Minimum Wellness Requirements. Effective January 1, 2007, employees who have not had a current health risk assessment shall pay the following annual deductibles: in-network three hundred dollars for single, six hundred dollars for family; out-of-network five hundred dollars for single, one thousand dollars for family. Effective January 1, 2009, employees who do not complete the minimum wellness requirements set forth in subsection (B)(1) above must pay the higher deductibles set forth in this paragraph.

- e. Out-of-Pocket Annual Maximum. Effective January 1, 2007, employees shall pay a one thousand dollar individual out-of-pocket annual maximum or a one thousand eight hundred dollar-family out-of-pocket annual maximum for in-network or out-of-network services.

- f. Lifetime Maximum. Effective January 1, 2006, the individual lifetime maximum shall be increased to two million dollars with no more than one million dollars per year.

- g. Retail Prescription. Effective January 1, 2007, employees shall pay fifteen dollars for first tier prescriptions, twenty-four dollars for second tier prescriptions, and forty dollars or twenty percent (whichever is greater) not to exceed eighty dollars per prescription for third tier prescriptions. Retail prescriptions are limited to no more than a thirty-day supply for one co-pay.

- h. Mail Order Prescription. Effective January 1, 2007, for each maximum ninety-day mail order prescription employees shall pay thirty dollars for each generic prescription, forty-eight dollars for each formulary prescription, and eighty dollars or twenty percent (whichever is greater) not to exceed one hundred sixty dollars for each non-formulary prescription. There shall be no reimbursement for employee prescription co-pays.
 - i. Over-the-Counter Medications. Effective January 1, 2005, the plan will include coverage as a generic for the purchase of over-the-counter medications for which a prescription drug exists, such as medications for acid reflux and allergy.
 - j. Effective January 1, 2005, there shall be a five thousand dollar lifetime maximum on the diagnosis and correction of infertility but excluding in-vitro fertilization, infertility and artificial insemination services.
 - k. Chiropractic. Effective January 1, 2005, for chiropractic services the plan will pay ninety percent in-network and seventy percent reasonable and customary out-of-network costs for a maximum of thirty-six visits per calendar year.
 - l. Optical Insurance. Effective January 1, 2005, the city shall provide VIPA 70 Gold or equivalent insurance with a ten-dollar deductible.
3. Preferred Provider Plan with Health Reimbursement Account.
- a. The city shall provide a preferred provider plan with a health reimbursement account. The plan shall be identical to the preferred provider plan described in subsection B.2. above except as stated in this section.
 - b. Annual Deductibles for Employees Who Complete Minimum Wellness Requirements. Effective January 1, 2011, employees who complete minimum wellness requirements as set forth in subsection B.1. above shall pay the following annual deductibles: in-network one thousand dollars for individual, two thousand dollars for family; out-of-network two thousand dollars for individual, four thousand dollars for family.
 - c. Annual Deductibles for Employees Who Do Not Complete Minimum Wellness Requirements. Effective January 1, 2011, employees who do not complete the minimum wellness requirements shall pay the following annual deductibles: in-network \$1,100 for individual, two thousand two hundred dollars for family; out-of-network two thousand one hundred dollars for individual, four thousand two hundred dollars for family.
 - d. Out-of-Pocket Annual Maximum. Employees shall pay the following out-of-pocket annual maximums: in-network two thousand dollars for individual,

four thousand dollars for family; out-of-network two thousand one hundred dollars for individual, four thousand two hundred dollars for family.

e. The city shall contribute funds to a health reimbursement account for each employee on this plan in the amount of five hundred dollars for individual plans and one thousand dollars for family plans each year. These funds shall be owned and maintained by the city but available to reimburse the employee for expenses qualifying for reimbursement under IRS regulations governing health reimbursement accounts. Any unspent funds contributed to an employee will be carried over and made available to the employee the following year, except that the total amounts available to the employee will be capped at two thousand dollars for individual plans and four thousand dollars for family plans. Health reimbursement account funds will not be available to employees after separation from employment with the city.

4. Choice Plan: The City shall continue to provide the Choice plan only to those employees on the plan as of July 21, 2011 with the same plan design as set forth in those employees' former contracts. The Choice Plan will not be offered after December 31, 2011. The premium for the Choice Plan shall be the same as set forth in (B)(1) above.

II. Retiree Health Insurance for General Employee Groups (non-police/fire union and supervisors).

A. Within the first thirty days after retirement from the city, a former employee is eligible for health insurance coverage contracted for by the city, if, on the last day of employment he/she was enrolled in one of the city's health plans and the health insurance premiums were paid entirely or almost entirely by the city and he/she has worked for the city for fifteen or more years and is at least fifty-five years of age.

B. 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, 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 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	15 years	20 years	25 years	30 years
City Contribution of Premium	15%	30%	40%	50%

C. Effective September 1, 2011, the premium contributions shall be modified as follows:

1. For employees hired on or before September 1, 1991, 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 after September 1, 1991 and before January 1, 2008, the city shall pay 95% for group health insurance.

3. For employees hired on or after January 1, 2008, the city shall pay as set forth in (B)(2) above.
- D. An eligible retiree between the ages of fifty-five and sixty-five is protected to the same extent as active employees in the regular city group; those eligible employees sixty-five and older are protected may enroll in a Medicare supplement plan provided by the City at the employees' expense.
- E. The dependents covered by the employee's membership in the city's group on the last day of employment may be covered by his/her membership in the retired employees' group as long as they are otherwise eligible. The number of such dependents covered may be decreased from time to time, but new dependents may not be added, nor may any previously deleted ones be reinstated. Otherwise eligible dependents may retain their coverage in the group after the death of the retired employee at their own expense. The coverage for the retired employee's spouse is terminated on the date of the spouse's remarriage.

It was moved by Ald. Donegan, seconded by Ald. Berdan to adopt the foregoing ordinance and approve the two foregoing resolutions – 13

FROM THE COMMITTEE ON LEGISLATION, LICENSING & COMMUNICATIONS

RESOLUTION R-11-115

WHEREAS, THE Red Raider Touch Down Club and Tosa West Athletic Booster Club have applied for a fireworks user's permit for purposes of conducting a fireworks display at Hart Park Field following the "Battle of the Tosas" football game on Saturday, August 20, 2011; and

WHEREAS, the Committee on Legislation, Licensing and Communications has reviewed their request;

NOW, THEREFORE, BE IT RESOLVED THAT the Clerk be authorized to issue a firework user's permit to the Red Raider Touch Down Club and the Tosa West Athletic Booster Club for the purpose of conducting a fireworks display on August 20, 2011, at Hart Park Field at a specific location to be designated by the Wauwatosa Fire Chief, subject to all applicable laws and permit conditions, and subject further to all of the following:

- Receipt by the City Clerk of a signed application and appropriate permit fee;
- Receipt by the City Attorney of a Hold Harmless Agreement executed by the Red Raider Touch Down Club and the Tosa West Athletic Booster Club in favor of the City of Wauwatosa
- Receipt by the City Attorney of a Certificate of General Liability Insurance evidencing liability coverage for the fireworks contractor naming the City of Wauwatosa as an additional insured.

It was moved by Ald. Birschel, seconded by Ald. Roznowski to approve the foregoing resolution. -13

FROM THE COMMITTEE ON LEGISLATION, LICENSING & COMMUNICATIONS

RESOLUTION

WHEREAS, marketing and communications can benefit the city of Wauwatosa to increase visibility, promote community and maintain its viability as the center and strength of Milwaukee County; and

WHEREAS, there is a need to review the literature that is provided by the City as well as the current marketing and communications efforts conducted by the City and to create a citizen committee which will review and provide suggestions on how to best create and distribute information on the city;

NOW, THEREFORE, BE IT RESOLVED THAT, the City of Wauwatosa does hereby create an Ad Hoc Committee on Marketing and Communications, to be composed of ten members, consisting of not less than two members of the Common Council who shall be chosen by the Common Council, one representative appointed by the Village of Wauwatosa Business Improvement District, one representative appointed by the Wauwatosa Chamber of Commerce, with the balance of the membership being composed of local marketing and branding executives;

BE IT FURTHER RESOLVED THAT the duties of the Ad Hoc Committee on Marketing and Communications shall be directed to examine the city's image, its marketing, promotional and communications materials as well as related marketing, promotional and communications efforts, to develop a plan of action for future marketing, promotional and communications efforts based on the results of such study, and to provide recommendations for implementation and suggest staffing and funding options for such efforts in the future;

BE IT FINALLY RESOLVED THAT, the Ad Hoc Committee on Marketing and Communications shall be directed to report back to the Common Council's Committee on Legislation, Licensing and Communications not less than quarterly, or more often as necessary, and to provide updates to the Legislation, Licensing and Communications Committee or the Common Council as appropriate upon the conclusion of each stage of its overall mission, obtaining approvals as necessary to implement its recommendations.

It was moved by Ald. Birschel, seconded by Ald. Roznowski to hold the foregoing resolution – 13

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-11-117

BE IT RESOLVED, by the Common Council of the City of Wauwatosa, THAT the appropriate City officials are hereby authorized to execute and enter into the provisions of the Amendment to the Amended and Restated Development Agreement with Toldt Development as reviewed at the Committee meeting of July 26, 2011, a copy of which is attached hereto and incorporated herein.

It was moved by Ald. Causier, seconded by Ald. Berdan to approve the foregoing resolution. Roll call vote, Ayes: 11, Noes: 2 (Walsh, McBride)

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-11-118

BE IT RESOLVED, by the Common Council of the City of Wauwatosa, THAT appropriate City officials are hereby authorized to transfer \$1,000.00 from the Reserve for Contingencies into account #01-141-5980-010 to cover unanticipated expenses from the 2011 Board of Review hearings.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-11-120

BE IT RESOLVED, by the Common Council of the City of Wauwatosa, THAT the appropriate City officials are hereby authorized to enter into an agreement with Brown and Caldwell, Inc. for sanitary sewer investigations in Sewershed WA 4003 using the remaining funds in the 2011 Sanitary Sewer Investigations budget.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-11-121

BE IT RESOLVED THAT the appropriate City officials are hereby authorized to enter into separate agreements with Brown and Caldwell, Inc., Crispell-Snyder/Symbiont, and Graef/R.A. Smith National to conduct sanitary sewer soaker hose testing in the Tosa Eastown/Meinecke/Watertown Plank Road – North areas in an aggregate amount not to exceed \$200,000.00 from the 2011 Sanitary Sewer Investigation Account.

It was moved by Ald. Walsh, seconded by Ald. Ewerdt to approve the foregoing three resolutions – 13

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-11-119

WHEREAS, the City of Wauwatosa solicited bids for Hart Park playground and infrastructure construction, Contract 11-25, which bids were received on Thursday, July 21, 2011; and

WHEREAS, the bids were solicited with potential deductions in order to allow for reduced scope should costs exceed the available budget amount; and

WHEREAS, upon reduction of optional items the lowest bid was provided by Selzer-Ornst in the amount of \$921,000.00, which still exceeds available funds for the project; and

WHEREAS, such contract could be funded by utilizing the \$666,000.00 remaining in project budget, combining it with \$100,000.00 of funds previously earmarked for street lighting on Blue Mound Road, (which costs will now be absorbed by the Department of Transportation as part of its project), by utilizing \$115,000.00 in funds targeted for 2011 construction on Capitol Drive as that

project is proceeding more slowly than anticipated and no funds will be used in 2011, with the remaining \$40,000.00 to be derived from a small increase in the proposed 2011 bond issue;

NOW, THEREFORE, BE IT RESOLVED THAT the appropriate City officials are hereby authorized to transfer funds as described above in order to fund the cost of Contract 11-25 for Hart Park playground and infrastructure construction consistent with the bid recommended for acceptance by the Board of Public Works.

It was moved by Ald. Walsh, seconded by Ald. Ewerdt to approve the foregoing resolution. Roll call vote, Ayes: 12, Noes: 1 (Ewerdt)

FROM THE COMMITTEE ON BUDGET AND FINANCE

BILLS AND CLAIMS FOR THE PERIOD 7/20/11 – 8/02/11 –

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 7/20/11 – 8/02/11: \$2,054,839.18

It was moved by Ald. Walsh, seconded by Ald. Causier that each and every account of bills and claims be allowed and ordered paid. Roll call vote, Ayes: 12, Noes: 0, Present: 1 (Donegan)

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-11-122

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 TIF District #2 water main relays and extensions Phase I and work incidental thereto under Contract 11-81at and for their bid price of \$957,770 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- 123

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 Selzer Ornst, Co. for the work of 2011 Hart Park improvements and works incidental thereto at and for their bid price of \$921,000 this being the 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-11-124

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 UPI, Inc. for the work of storm sewer relay, repair, and extension and work incidental thereto under Contract 11-12 and for their bid price of \$648,050.95.

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

Moved by Ald. Birschel, seconded by Ald. McBride to approve
the foregoing three resolutions – 13

There being no further business, the meeting adjourned at 7:34 p.m.

Susan Van Hoven
Deputy City Clerk

svh