



CITY OF WAUWATOSA  
7725 WEST NORTH AVENUE  
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**COMMON COUNCIL**  
**Regular Meeting, Tuesday, November 1, 2011**

PRESENT: Alds. McBride, Meaux, Organ, Pantuso, Roznowski, Walsh, Wilson, Berdan, Birschel, Causier, Donegan, Ewerdt, Hanson, Jay -14

EXCUSED: Alds. Nikcevich and Wilke

ALSO PRESENT: Mr. Archambo, City Administrator; Mr. Kesner, City Attorney; Mr. Porter, Public Works Director; Mr. Ruggini, Finance Director; Fire Chief Ugaste; Police Chief Weber; Ms. Enders, Economic Development Director; Ms. Aldana, Asst. City Atty./HR Director; Dr. Kreuser, Health Officer; Ms. Nielsen, Nursing Supr.; Mr. Beix, Public Health Mgr.; Ms. Ledesma, City Clerk

Mayor Didier in the Chair

The Mayor called the meeting to order at 7:30 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. -14

**PUBLIC HEARING**

The first item on the agenda was a public hearing concerning the proposed 2012 City of Wauwatosa budget. Proof of publication is in the file.

Mr. Archambo reviewed the proposed 2012 budget, noting that it preserves a 0.0% tax levy increase and preserves basic services.

Staff was initially faced with an anticipated \$2.6 million dollar budgetary gap. This amount was mitigated somewhat due to a number of factors. Some sustainable changes in service delivery are being implemented; the city is switching to a high deductible health care program HRA (savings, \$1.2 million dollars), some \$500,000 in state revenue has been restored, and levy reductions totaling over \$1 million dollars have been made. Eleven positions have been eliminated.

It is anticipated that future savings will be realized with the implementation of agenda management software, an automated scheduling program for the Fire Department, a business licensing database, and ongoing replacement of street lights with LED lights.

The 2012 General Fund as proposed will be \$53,376,777, an increase of \$423,387 (0.80%) over 2011's approved General Fund amount. The levy limit imposed by the state will be met. The

property tax levy will remain unchanged, \$36,555,123. The unappropriated surplus applied will be reduced by \$552,673. Revenue is projected to increase by 6.57% (\$976,060).

The tax rate is proposed at \$7.01 per \$1,000 of assessed valuation, an increase of nine cents (1.3%) over 2011; it may still drop closer to 1.2%. The impact on an average property with a value of \$241,600 will be \$21.69.

No increases are proposed for sanitary sewer or storm sewer rates, though a 2013 rate increase is possible. There may be a late 2012 increase in water rates, depending upon the outcome of a water rate review.

The capital budget is still under discussion and will come back to the Budget and Finance Committee soon for a final recommendation.

Mr. Archambo noted with respect to the five-year budget gap forecast that the original 2016 projected gap of \$8,000,000 has been reduced to about \$5,000,000 largely because of steps taken with the 2012 budget.

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

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

No one of the public present wished to be heard either for or against the proposed budget or had any comments or questions.

The public hearing was declared closed. Ordered held for two weeks.

### **APPOINTMENTS BY THE MAYOR**

#### **Civil Service Commission**

Peggy Niemer, 7424 Kenwood Avenue  
(term ends 4/30/15)

It was moved by Ald. McBride, seconded by Ald. Birschel  
to concur with the foregoing appointment. -14

#### **Village Business Improvement District Board**

Linda Burg, 7603 W. State Street  
Erin McCarthy, 7500 W. State Street  
Bob Frederickson, 7615 W. State Street  
Jim Plaisted, 7436 Kenwood Avenue  
Mark Rowbottom, 7707 Menomonee River Parkway  
(terms end 12/31/14)

Christine Maciejewski, 6700 W. State Street  
Bill Robison, 6857 Milwaukee Avenue  
Dr. Mark Veth, 7605 Harwood Avenue  
(terms end 12/31/12)

Plan Commission

Angela Mullooly, 7229 W. Wisconsin Avenue  
Michael Goetz, 610 N. Honey Creek Parkway  
(terms end 4/30/14)

Foregoing appointments ordered held as this was the first reading.

**APPLICATIONS, COMMUNICATIONS, ETC.**

1. Notice of claim: Foster D. Decorah, E10619 N. Reedsburg Road, Baraboo; Larry Russ, 11121 W. North Avenue

**City Attorney**

2. Summons and Complaint: Philip J. Ferguson, 10081A W. Whitnall Edge Drive. Franklin; Clarence E. McGee, 8827 N. 95<sup>th</sup> Street, Milwaukee

**City Attorney**

3. Conditional Use application for a bakery and café at 6822 W. North Avenue, Geoffrey Trenholme, Rocket Baby Bakery, applicant

**City Plan Commission, Community Development Committee**

4. Conditional Use application for an outdoor children's playground at 10930 W. Potter Road, Mary C. Pruitt Martinez, Turkeypants Playground, LLC, and David G. Chapman, The Woods Properties, LLC, applicants

**City Plan Commission, Community Development Committee**

5. Conditional Use application for massage therapy at 7018 W. North Avenue, Ramona Beyer, Healthy Living Massage, applicant

**City Plan Commission, Community Development Committee**

6. Special Use application for a garage with roof height over 16 feet at 2025 Forest Street, Denise Letendre, J.D. Griffiths, Co., and Michael Kasdorf, applicants

**City Plan Commission**

7. Special Use application for a garage with roof height over 16 feet at 171 N. 86<sup>th</sup> Street, Denise Letendre, J.D. Griffiths, Co., and Brian and June Wooldridge, applicants

**City Plan Commission**

8. Final approval of an amendment to the Business Planned Development for an Alterra Café at 6745 W. Wells Street, Sean Phelan, Phelan Development and William Ibach, Hyde Park, LLC, applicants

**City Plan Commission, Community Development Committee**

9. Notice of Petition for Review of appeal of equalized value to the WI Dept. of Revenue by the Village of Shorewood, 3930 N. Murray Avenue, Shorewood

**City Attorney**

10. Emails from Philip and Monique Krainz, Rose's Flower Shop, and Tiffany Frazer, 6121 W. Wells Street in support of Final Plan Approval for the proposed Alterra Coffee Shop on N. 68<sup>th</sup> and Wells Streets

**Place in existing file**

11. Email from Mary Christina Grogan, 955 Katherine Drive, Elm Grove in opposition to Final Plan Approval for the proposed Alterra Coffee Shop on N. 68<sup>th</sup> and Wells Streets

**Place in existing file**

12. Conditional Use application for massage therapy at 1417 Wauwatosa Avenue, Chandra B. Adams, Basali Dermal Ins., and Michael Pranke, Village Faire, applicants

**City Plan Commission, Community Development Committee**

**REPORTS FROM STANDING COMMITTEES**

**FROM THE COMMITTEE ON EMPLOYEE RELATIONS FOR INTRODUCTION**

**ORDINANCE**

AN ORDINANCE AMENDING CHAPTER 2.59 OF THE WAUWATOSA CODE OF ORDINANCES RECLASSIFYING THE PAYROLL COORDINATOR FROM PAY GRADE 5 TO PAY GRADE 4.

The Common Council of the City of Wauwatosa does hereby ordain as follows:

Part I. Subsection 2.59.040 within Chapter 2.59 “Pay Grades for Nonrepresented Employees” as it relates to “FLSA NON-EXEMPT POSITIONS” is hereby amended to reclassify the Payroll Coordinator from Grade 5 to Grade 4.

FLSA NON- EXEMPT POSITIONS

GRADE

Payroll Coordinator

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

Part III. Non-codified provision relating to the reclassification of the Police Municipal Clerk III (payroll clerk). The City hereby resolves to reclassify the Police Municipal Clerk III (payroll clerk) to non-represented Payroll Coordinator which is now classified as Pay Grade 4.

**Re-referred to originating committee**

**FROM THE REDISTRICTING COMMITTEE**

**ORDINANCE R-11-14**

AN ORDINANCE REPEALING AND RECREATING WAUWATOSA CODE SECTION 1.04.030 THROUGH 1.04.100 OF THE WAUWATOSA MUNICIPAL CODE PERTAINING TO REDISTRICTING ALDERMANIC DISTRICTS IN THE CITY

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

Part I. Section 1.04.030 of the Code of the City of Wauwatosa is hereby repealed and recreated to read as follows:

1.04.030. First Aldermanic District. The first aldermanic district shall consist of all that territory contained within the first, second and third wards in the City of Wauwatosa, Milwaukee County, as shown in the attached map of the City of Wauwatosa and more particularly described below: (note: map is attached at the end of these minutes)

- A. First Ward: That territory contained within the following areas in the City of Wauwatosa, Milwaukee County, as defined by the US Bureau of the Census in conjunction with the 2010 decennial census: Census Tract 908, Blocks 3008 and 3009; Census Tract 909, Blocks 3009, 4008 and 4016; Census Tract 911, Blocks

2014, 2015, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013; Census Tract 912, Blocks 3002, 3003;

- B. Second Ward: That territory contained within the following areas in the City of Wauwatosa, Milwaukee County, as defined by the US Bureau of the Census in conjunction with the 2010 decennial census: Census Tract 909, Blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 4009, 4010, 4011, 4012, 4013, 4014, 4015; Census Tract 911, Blocks 3001, 3002, 3003, 3004, 3015, 3016, 3017, 3018, 3021, 3022, 3023, 3024;
- C. Third Ward: That territory contained within the following areas in the City of Wauwatosa, Milwaukee County, as defined by the US Bureau of the Census in conjunction with the 2010 decennial census: Census Tract 909, Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010; Census Tract 911, Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 3000, 3019, 3020, 3025, 3026;

1.04.040 Second Aldermanic District. The second aldermanic district shall consist of all that territory contained within the fourth, fifth and sixth wards in the City of Wauwatosa, Milwaukee County, as shown in the attached map of the City of Wauwatosa and more particularly described below:

- A. Fourth Ward: That territory contained within the following areas in the City of Wauwatosa, Milwaukee County, as defined by the US Bureau of the Census in conjunction with the 2010 decennial census: Census Tract 907, Blocks 1016, 1017, 2006, 2007, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2019, 2020, 2021, 2022; Census Tract 908, Blocks 3006, 3007, 3010, 3011; Census Tract 911, Blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2016;
- B. Fifth Ward: That territory contained within the following areas in the City of Wauwatosa, Milwaukee County, as defined by the US Bureau of the Census in conjunction with the 2010 decennial census: Census Tract 907, Blocks 2008, 2018, 2023, 2024, 2025; Census Tract 912, Blocks 3001, 3004, 3005, 3006, 4001, 4002, 4004, 4005; Census Tract 1853, Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1026, 1027, 1031, 1039, 1040;
- C. Sixth Ward: That territory contained within the following areas in the City of Wauwatosa, Milwaukee County, as defined by the US Bureau of the Census in conjunction with the 2010 decennial census: Census Tract 912, Blocks 2001, 2002, 2003, 2004, 2005, 2006, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 3000, 3007, 3008, 3009, 3010, 3011, 4000, 4009, 4010; Census Tract 913, Blocks 2000, 2001, 2002, 2003, 2004, 2010, 2011; Census Tract 914, Blocks 2003, 2004, 2005, 2006;

Section 1.04.050 Third Aldermanic District. The third aldermanic district shall consist of all that territory contained within the seventh, eighth and ninth wards in the City of Wauwatosa, Milwaukee County, as shown in the attached map of the City of Wauwatosa and more particularly described below:

- A. Seventh Ward: That territory contained within the following areas in the City of Wauwatosa, Milwaukee County, as defined by the US Bureau of the Census in conjunction with the 2010 decennial census: Census Tract 912, Blocks 4003, 4006, 4007, 4008, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019; Census Tract 913, Blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3011, 3012, 3013, 3014, 3015, 3016, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015;
- B. Eighth Ward: That territory contained within the following areas in the City of Wauwatosa, Milwaukee County, as defined by the US Bureau of the Census in conjunction with the 2010 decennial census: Census Tract 906, Blocks 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028; Census Tract 1853, Blocks 1028, 1029, 1030, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1042, 1043, 1044, 1045;
- C. Ninth Ward: That territory contained within the following areas in the City of Wauwatosa, Milwaukee County, as defined by the US Bureau of the Census in conjunction with the 2010 decennial census: Census Tract 906, Blocks 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4021;

Section 1.04.060 Fourth Aldermanic District. The fourth aldermanic district shall consist of all that territory contained within the tenth, eleventh, and twelfth wards in the City of Wauwatosa, Milwaukee County, as shown in the attached map of the City of Wauwatosa and more particularly described below:

- A. Tenth Ward: That territory contained within the following areas in the City of Wauwatosa, Milwaukee County, as defined by the US Bureau of the Census in conjunction with the 2010 decennial census: Census Tract 912, Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 2000, 2007;
- B. Eleventh Ward: That territory contained within the following areas in the City of Wauwatosa, Milwaukee County, as defined by the US Bureau of the Census in conjunction with the 2010 decennial census: Census Tract 912, Blocks 2015, 2016; Census Tract 913, Blocks 1000, 1005, 1013, 1018; Census Tract 914, Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 2000, 2001, 2002, 2008, 2009, 2010, 2011, 2016, 2017;
- C. Twelfth Ward: That territory contained within the following areas in the City of Wauwatosa, Milwaukee County, as defined by the US Bureau of the Census in conjunction with the 2010 decennial census: Census Tract 913, Blocks 1001, 1002, 1003, 1004, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1014, 1015, 1016, 1017, 2005, 2006, 2007, 2008, 2009, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 3007, 3008, 3009, 3010; Census Tract 914, Blocks 2007, 2012, 2013, 2014, 2015, 2018, 2019;

Section 1.04.070. Fifth Aldermanic District. The fifth aldermanic district shall consist of all that territory contained within the thirteenth, fourteenth, and fifteenth wards in the City of Wauwatosa, Milwaukee County, as shown in the attached map of the City of Wauwatosa and more particularly described below:

- A. Thirteenth Ward: That territory contained within the following areas in the City of Wauwatosa, Milwaukee County, as defined by the US Bureau of the Census in conjunction with the 2010 decennial census: Census Tract 909, Blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 4004, 4005, 4006, 4007; Census Tract 910, Blocks 5006, 5007, 6012, 6013, 6014;
- B. Fourteenth Ward: That territory contained within the following areas in the City of Wauwatosa, Milwaukee County, as defined by the US Bureau of the Census in conjunction with the 2010 decennial census: Census Tract 909, Blocks 4000, 4001, 4002, 4003; Census Tract 910, Blocks 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 5000, 5001, 5002, 5003, 5004, 5005, 6000, 6001, 6002, 6003, 6004, 6005, 6006, 6007, 6008, 6009, 6010, 6011;
- C. Fifteenth Ward: That territory contained within the following areas in the City of Wauwatosa, Milwaukee County, as defined by the US Bureau of the Census in conjunction with the 2010 decennial census: Census Tract 910, Block 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007;

Section 1.04.080. Sixth Aldermanic District. The sixth aldermanic district shall consist of all that territory contained within the sixteenth, seventeenth, and eighteenth wards in the City of Wauwatosa, Milwaukee County, as shown in the attached map of the City of Wauwatosa and more particularly described below:

- A. Sixteenth Ward: That territory contained within the following areas in the City of Wauwatosa, Milwaukee County, as defined by the US Bureau of the Census in conjunction with the 2010 decennial census: Census Tract 907, Blocks 1000, 1007, 1008, 1015; Census Tract 908, Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 3000, 3001, 3002, 3003, 3004, 3005;
- B. Seventeenth Ward: That territory contained within the following areas in the City of Wauwatosa, Milwaukee County, as defined by the US Bureau of the Census in conjunction with the 2010 decennial census: Census Tract 907, Blocks 1001, 1002, 1003, 1004, 1005, 1006, 1009, 1010, 1011, 1012, 1013, 1014, 2000, 2001, 2002, 2003, 2004, 2005, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018;
- C. Eighteenth Ward: That territory contained within the following areas in the City of Wauwatosa, Milwaukee County, as defined by the US Bureau of the Census in conjunction with the 2010 decennial census: Census Tract 55, Blocks 4012; Census Tract 902, Blocks 1020, 1022, 1024, 1027, 1028, 1029, 1031, 2014, 2015, 2016, 2017, 2022, 2023, 2025, 2026, 2027, 2028; Census Tract 903, Blocks 1000, 1001, 1002, 1003,

1004, 1005, 1006, 1007, 1008, 1009, 1020, 1021, 1022, 1023, 1024, 2000, 2001, 2002, 2003, 2008, 2009, 2010, 2011, 2012, 2017;

Section 1.04.090. Seventh Aldermanic District. The seventh aldermanic district shall consist of all that territory contained within the nineteenth, twentieth, and twenty-first wards in the City of Wauwatosa, Milwaukee County, as shown in the attached map of the City of Wauwatosa and more particularly described below:

- A. Nineteenth Ward: That territory contained within the following areas in the City of Wauwatosa, Milwaukee County, as defined by the US Bureau of the Census in conjunction with the 2010 decennial census: Census Tract 903, Blocks 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1025, 2004, 2005, 2006, 2007, 2013, 2014, 2015, 2016, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028;
- B. Twentieth Ward. That territory contained within the following areas in the City of Wauwatosa, Milwaukee County, as defined by the US Bureau of the Census in conjunction with the 2010 decennial census: Census Tract 1853, Blocks 1011, 1012, 1013, 1014, 1015, 1023, 1024, 1025, 1041, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015;
- C. Twenty-First Ward. That territory contained within the following areas in the City of Wauwatosa, Milwaukee County, as defined by the US Bureau of the Census in conjunction with the 2010 decennial census: Census Tract 906, Blocks 1000, 1001, 1002, 1003, 1004, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4022, 4023, 4024; Census Tract 1853, Blocks 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032;

Section 1.04.100. Eighth Aldermanic District. The eighth aldermanic district shall consist of all that territory contained within the twenty-second, twenty-third, and twenty-fourth wards in the City of Wauwatosa, Milwaukee County, as shown in the attached map of the City of Wauwatosa and more particularly described below:

- A. Twenty-Second Ward. That territory contained within the following areas in the City of Wauwatosa, Milwaukee County, as defined by the US Bureau of the Census in conjunction with the 2010 decennial census: Census Tract 901, Blocks 3001, 3002, 3009, 3013, 3014, 3015, 3016, 3017, 3018, 3019; Census Tract 902, Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1021, 1023, 1025, 1026, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2018, 2019, 2020, 2021, 2024;
- B. Twenty-Third Ward. That territory contained within the following areas in the City of Wauwatosa, Milwaukee County, as defined by the US Bureau of the Census in conjunction with the 2010 decennial census: Census Tract 901, Blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 3000, 3003, 3004, 3005, 3006, 3007, 3008, 3010, 3011, 3012, 3020, 3021, 3022, 3023, 3024;

- C. Twenty-Fourth Ward. That territory contained within the following areas in the City of Wauwatosa, Milwaukee County, as defined by the US Bureau of the Census in conjunction with the 2010 decennial census: Census Tract 901, Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033.

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

It was moved by Ald. Organ, seconded by Ald. Walsh to adopt the foregoing ordinance, with said boundaries becoming effective at the same time as the new senate and assembly districts become effective -14  
(map appears at the end of the minutes)

**FROM THE COMMITTEE ON EMPLOYEE RELATIONS**

**RESOLUTION R-11-159**

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.

**FROM THE COMMITTEE ON EMPLOYEE RELATIONS**

**RESOLUTION R-11-160**

BE IT RESOLVED, by the Common Council of the City of Wauwatosa THAT the appropriate City official is authorized to enter into an inter-governmental Staffing Services Cooperative agreement with the City of Brookfield consistent with the general terms of the draft attached hereto.

It was moved by Ald. Donegan, seconded by Ald. Berdan to approve the two foregoing resolutions. -14

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

**RESOLUTION R-11-163**

WHEREAS, the City of Wauwatosa, Milwaukee County, Wisconsin (the "City") is presently in need of \$12,500,000 for public purposes, including paying the cost of street improvement projects, park projects, storm and sanitary sewer improvements, Tax Incremental District projects and other public improvements included in the City's Capital Project Plan (the "Project");

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), Wisconsin Statutes; and

WHEREAS, the Common Council of the City hereby finds and determines that general obligation promissory notes in the amount of \$12,500,000 should be issued pursuant to Section 67.12(12), Wisconsin Statutes.

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

Section 1. Issuance of the Notes. The City shall issue General Obligation Promissory Notes, Series 2011 (the "Notes") in the amount of \$12,500,000 for the purposes above specified.

Section 2. Sale of the Notes. The Common Council hereby authorizes and directs that the Notes be offered for public sale. At a subsequent meeting, the Common Council shall consider such bids for the Notes as may have been received and take action thereon.

Section 3. Notice of Sale. The City Clerk (in consultation with Hutchinson, Shockey, Erley & Co. ("HSE")) is hereby authorized and directed to cause the sale of the Notes to be publicized at such times and in such manner as the City Clerk may determine and to cause copies of a complete, official Notice of Sale and other pertinent data to be forwarded to interested bidders as the City Clerk may determine.

Section 4. Official Statement. The City Clerk (in consultation with HSE) shall also cause an Official Statement to be prepared and distributed. The appropriate City officials shall determine when the Official Statement is final for purposes of Securities and Exchange Commission Rule 15c2-12 and shall certify said Statement, such certification to constitute full authorization of such Statement under this resolution.

Section 5. Award of the Notes. Following receipt of bids for the Notes, the Common Council shall consider taking further action to provide the details of the Notes; to award the Notes to the lowest responsible bidder therefor; 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 6. 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.

Adopted, approved and recorded November 1, 2011.

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

**RESOLUTION R-11-164**

WHEREAS, the City of Wauwatosa, Milwaukee County, Wisconsin (the "City") is presently in need of \$2,400,000 for the public purpose of refunding the City's Waterworks System Revenue Bonds, Series 2002, dated July 15, 2002 (the "Refunded Obligations") in order to achieve debt service cost savings; and

WHEREAS, the Common Council of the City hereby finds and determines that waterworks system revenue bonds in the amount of \$2,400,000 should be issued pursuant to Section 66.0621, Wisconsin Statutes for the purpose of refunding the Refunded Obligations.

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

Section 1. Issuance of the Bonds. The City shall issue Waterworks System Refunding Revenue Bonds, Series 2011 (the "Bonds") in the amount of \$2,400,000 for the purpose above specified.

Section 2. Sale of the Bonds. The Common Council hereby authorizes and directs that the Bonds be offered for public sale. At a subsequent meeting, the Common Council shall consider such bids for the Bonds as may have been received and take action thereon.

Section 3. Notice of Sale. The City Clerk (in consultation with Hutchinson, Shockey, Erley & Co. ("HSE")) is hereby authorized and directed to cause the sale of the Bonds to be publicized at such times and in such manner as the City Clerk may determine and to cause copies of a complete, official Notice of Sale and other pertinent data to be forwarded to interested bidders as the City Clerk may determine.

Section 4. Official Statement. The City Clerk (in consultation with HSE) shall also cause an Official Statement to be prepared and distributed. The appropriate City officials shall determine when the Official Statement is final for purposes of Securities and Exchange Commission Rule 15c2-12 and shall certify said Statement, such certification to constitute full authorization of such Statement under this resolution.

Section 5. Award of the Bonds. Following receipt of bids for the Bonds, the Common Council shall consider taking further action to provide the details of the Bonds and to award the Bonds to the lowest responsible bidder therefor.

Section 6. 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.

Adopted, approved and recorded November 1, 2011.

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

**RESOLUTION R-11-165**

WHEREAS, the City of Wauwatosa, Milwaukee County, Wisconsin (the "City") has been required to refund property tax payments to Covenant Healthcare System, Inc.;

WHEREAS, the City is presently in need of funds to pay or reimburse the City for the payment of such property tax refund;

WHEREAS, the Common Council of the City hereby finds and determines that general obligation promissory notes should be issued pursuant to Section 67.12(12), Wisconsin Statutes, for the purpose of financing the cost of payment of such property tax refund;

WHEREAS, to finance the cost of such payment it is necessary that notes be issued in the principal amount of approximately \$4,300,000, plus capitalized interest on the notes; and

WHEREAS, due to certain provisions contained in the Internal Revenue Code of 1986, as amended, it is necessary to issue such notes on a taxable rather than tax-exempt basis.

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

Section 1. Issuance of the Notes. The City shall issue Taxable General Obligation Promissory Notes (the "Notes") for the purpose above specified, which Notes shall be in an amount of approximately \$4,300,000 plus capitalized interest on the Notes.

Section 2. Sale of the Notes. The Common Council hereby authorizes and directs the officers of the City to take all actions necessary to provide for the sale of the Notes. At a subsequent meeting, the Common Council shall take further action to approve the details of the Notes and authorize the sale of the Notes.

Section 3. 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.

Adopted, approved and recorded November 1, 2011.

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

**RESOLUTION R-11-166**

BE IT RESOLVED, by the Common Council of the City of Wauwatosa THAT the claim filed by Mary Heitkemper for damages be and the same is hereby denied and placed on file for the reason that no liability exists on the part of the City.

BE IT FURTHER RESOLVED THAT the City Clerk is hereby authorized and directed to notify said claimant of this action of the Common Council as provided by law.

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

**RESOLUTION R-11-167**

BE IT RESOLVED, by the Common Council of the City of Wauwatosa, THAT the claim of Mary Neuberger for damages be and the same is hereby denied and placed on file for the reason that no liability exists on the part of the City;

BE IT FURTHER RESOLVED THAT the City Clerk is hereby authorized and directed to notify said claimant of this action of the Common Council as provided by law.

It was moved by Ald. Walsh, seconded by Ald. Causier to approve the five foregoing resolutions. -14

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

**RESOLUTION**

WHEREAS, the estimated amount for the City's Community Development Block Grant (CDBG) allocation for 2012 is \$1,100,000; and

WHEREAS, a public hearing was held on October 17, 2011, for the purpose of soliciting public input on the allocation of funds; and

WHEREAS, the City's Community Development Block Grant Committee reviewed the applications and made their recommendations at their meeting on October 17, 2011; and

WHEREAS, these funding recommendations were reviewed and approved with minor revisions by the Budget & Finance Committee on October 25, 2011;

NOW, THEREFORE, BE IT RESOLVED THAT the Common Council of the City of Wauwatosa approves the use of 2012 CDBG funds for the following purposes:

**Administration & Planning - \$220,000 Max.**

**Carry Over**

Administration		\$151,750
Metro Fair Housing	<u>33,000</u>	
<b>Total:</b>	<b>\$33,000</b>	

**Public Services & Community Programs - \$165,000 Max.**

Senior Center	104,000
ARC Milwaukee	18,000
Elena's House	12,230
Interfaith	16,300
Tosa Food Pantry	3,360
PEP Program	5,460
Tosa Cares	<u>5,650</u>
<b>Total:</b>	<b>\$165,000</b>

**Public Facilities, Economic Development & Rehabilitation**

**Carry Over**

Storm Sewers in LMI		112,560
Sanitary Sewer in LMI		214,200
Watermains in LMI	86,000 +	96,000

Milwaukee Hellenic Housing	96,000	+	24,517
Badger Association/Blind	16,000	+	4,000
Lutheran Home	240,000	+	60,000
Economic Development Dept.	320,000	+	80,000
Health Dept. Lead Hazard Prog.	24,000	+	6,000
Rebuilding Together	<u>120,000</u>	+	30,000

**Total: \$902,000**

It was moved by Ald. Walsh, seconded by Ald. Causier to approve the foregoing resolution. –

It was moved by Ald. Jay, seconded by Ald. McBride to amend the funding levels for the public service and community programs as noted below. -14

Vote on motion, as amended, -14

The amended resolution is as follows:

**AMENDED RESOLUTION R-11-162**

WHEREAS, the estimated amount for the City’s Community Development Block Grant (CDBG) allocation for 2012 is \$1,100,000; and

WHEREAS, a public hearing was held on October 17, 2011, for the purpose of soliciting public input on the allocation of funds; and

WHEREAS, the City’s Community Development Block Grant Committee reviewed the applications and made their recommendations at their meeting on October 17, 2011; and

WHEREAS, these funding recommendations were reviewed and approved with minor revisions by the Budget & Finance Committee on October 25, 2011;

NOW, THEREFORE, BE IT RESOLVED THAT the Common Council of the City of Wauwatosa approves the use of 2012 CDBG funds for the following purposes:

**Administration & Planning - \$220,000 Max.**

**Carry Over**

Administration		\$151,750
Metro Fair Housing	<u>33,000</u>	
<b>Total:</b>	<b>\$33,000</b>	

**Public Services & Community Programs - \$165,000 Max.**

Senior Center	105,362
ARC Milwaukee	17,963
Elena’s House	12,377

Interfaith	16,496
Tosa Food Pantry	3,314
PEP Program	5,364
Tosa Cares	<u>4,124</u>

**Total: \$165,000**

**Public Facilities, Economic Development & Rehabilitation**

**Carry Over**

Storm Sewers in LMI		112,560
Sanitary Sewer in LMI		214,200
Watermains in LMI	86,000 +	96,000
Milwaukee Hellenic Housing	96,000 +	24,517
Badger Association/Blind	16,000 +	4,000
Lutheran Home	240,000 +	60,000
Economic Development Dept.	320,000 +	80,000
Health Dept. Lead Hazard Prog.	24,000 +	6,000
Rebuilding Together	<u>120,000</u> +	30,000

**Total: \$902,000**

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

BILLS AND CLAIMS FOR THE PERIOD 10/19/11 – 11/1/11 --

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 10/19/11 – 11/1/11: \$1,877,026.86

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 13-0-1 (Donegan)

**FROM THE BOARD OF PUBLIC WORKS**

**RESOLUTION R-11-168**

BE IT RESOLVED, By the Common Council of the City of Wauwatosa, Wisconsin that the following be and hereby are the policies for 2012 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) \$61.00 for one or two-family residences, churches, schools, public parks (“single family rate”)
  - b) \$76.25 for multiple family residences of three or more (1-1/4 x single family rate)
  - c) \$91.50 for business or commercial property (1-1/2 x single family rate)
  - d) \$122.00 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 the City does not have maintenance jurisdiction, the rate of assessment may be adjusted to recover 60% of the paving costs abutting each parcel.
- d) 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” \$44.00 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” \$35.20 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” \$17.60 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 or in-place recycling.

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 an 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” paving 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 \$12.50 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) Special assessments in amounts greater than \$5,000.00 can be paid in annual installments up to ten (10) years.

## **FROM THE BOARD OF PUBLIC WORKS**

### **RESOLUTION R-11-169**

WHEREAS, the Wauwatosa purchasing department has received bids for the purchase of stone, sand, and gravel to meet 2012 requirements; and

WHEREAS, it has been past practice to award the bid to multiple bidders for purchases during 2012 on an as needed basis because of price, convenience and availability;

NOW, THEREFORE, BE IT RESOLVED THAT the City of Wauwatosa purchasing department is hereby authorized to purchase stone, sand, and gravel for the year 2012 from any of the six bidders submitting bids, with individual purchases being evaluated on an as needed basis pursuant to price, convenience, and availability.

It was moved by Ald. Hanson, seconded by Ald. Walsh to approve the two foregoing resolutions. -14

There being no further business, the meeting adjourned at 8:12 p.m.

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Carla A. Ledesma, CMC, City Clerk

(redistricting map is attached after this page)

