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COMMUNITY DEVELOPMENT COMMITTEE MEETING
Tuesday, November 12, 2002

PRESENT: Alds. Becker, Ecks, Heins, Herzog, Kopischke, Krol, Sullivan, Treis -8

ALSO PRESENT: Mayor Estness; T. Wontorek, City Admin.; A. Kesner, City Atty.; N. Welch, Community Dev. Dir.

Ald. Heins in the Chair called the meeting to order at 8:47 p.m.

Land Combination – 1926-30 N. 69th Street

Ms. Welch outlined a request by Betsey Caron and Thomas Schuler for a Land Combination in the BB Two Family Residence District at 1926-30 N. 69th Street. Betsey Carol was present. Ms. Welch said that this is a rather unusual situation in which a duplex property was divided and considered to be two separate parcels with two separate tax key numbers and tax bills. The new owner wishes to create one parcel. The new parcel would meet zoning requirements.

Moved by Ald. Becker, seconded by Ald. Krol to recommend approval. Ayes: 8

Land Combination – 10517 W. Woodward Avenue

The committee reviewed a request by Stephen and Laura Grebe for a Land Combination in the AAA Single Family Residence District at 10517 W. Woodward Avenue. Stephen Grebe was present. Ms. Welch reported that the Grebes own the property facing Woodward Avenue and a lot immediately to the rear facing the side street and would like to combine the two parcels. The combined parcel would meet lot requirements, but they would not be allowed to divide it in the future since it would create a non-conforming lot.

Moved by Ald. Treis, seconded by Ald. Becker to recommend approval. Ayes: 8

Land Divisions – 826 N. 115th Street, 814 N. 115th Street

The committee reviewed a request by James Biegel for a Land Division in the AA Single Family Residence District at 814 N. 115th Street and a request by Karen Kuehn and Jennie Ragland for a Land Division in the AA Single Family Residence District at 826 N. 115th Street. Ms. Kuehn was present and indicated that she was authorized to represent Mr. Biegel as well.

Ms. Welch reported that the two properties adjoin each other and have rather irregular lot lines. Each property owner intends to give a pie-shaped parcel to the other to create two regularly shaped lots that would be more in conformance with the way they are using the properties.

> Moved by Ald. Ecks, seconded by Ald. Kopischke to recommend approval of the land division at 826 N. 115th Street. Ayes: 8

> Moved by Ald. Ecks, seconded by Ald. Kopischke to recommend approval of the land division at 814 N. 115th Street. Ayes: 8

Negotiations with Milwaukee County Regarding Transfer of Services

The Common Council re-referred the matter of negotiating with Milwaukee County regarding transfer of various county services and facilities on the county grounds to the City of Wauwatosa. The committee had forwarded to Council a resolution authorizing city officials to negotiate transfer of police protection services only. City Attorney Kesner said that there have been a number of developments in the relationship between the city and county since discussion at the last meeting of this committee.

Mr. Wontorek, City Administrator, said that proposed Council action was based upon a similar resolution that it was thought the County Board would act upon; but, to his knowledge, the County Board has not yet authorized any negotiations. The County Board's Finance and Audit Committee had amended the budget to restore funding for county grounds policing for six months and also passed a recommendation to authorize county staff members to begin negotiations with Wauwatosa, but last Tuesday the County Board deleted the amendment for six months' funding and held over the resolution regarding negotiations. They have not rejected it but have not acted on it yet. He said that he has not seen details of the budget or the County Executive's veto message but, to his knowledge, there was no specific funding for sheriff's duties.

Ald. Treis said that the county has taken out the funding for sheriff's department officers at the county grounds. The implication appears to be that they will be transferring those officers to other spots in the county. It appears that money is available, but they are just not funding sheriff's services on the county grounds. Mr. Wontorek agreed that that may be the case. He reported that at a meeting of the county's Finance and Audit Committee that he attended, one of the items was a $3 million reduction in the sheriff's overall budget. There apparently is some fluidity in how the sheriff can allocate resources.

Ald. Krol stated that if the county's budget starts January 1 and if there are no negotiations taking place, he would assume that they will "drop kick" the county grounds policing issue into our backyard and say that they aren't doing it any more. Mr. Wontorek said that may be the position that the County Board is taking, but he is not sure if that position is truly supported by the statutes and requirements for the county sheriff. There are previous opinions and correspondence that were reviewed in the mid-90s when this issue previously arose related to the responsibility of the county sheriff, and there is some support that it cannot just be unilaterally decided by the County Board.

Ald. Krol said it seems that the city would have to accept 911 through action of the Common Council in order for 911 calls from the county grounds to be transferred to the city. Mr. Wontorek confirmed that Wauwatosa exercises control over the 911 system.

Asked by Ald. Krol if we have been contacted by anyone from the county, Mr. Wontorek said that a sheriff's department inspector has been in contact and indicated a willingness to talk about what happens in January.

Ald. Krol asked if records are available from the time when fire protection for the county grounds was negotiated so that we would have some pattern of practice used then that might be incorporated now. Mr. Kesner said that he has extensive files. There was an intergovernmental cooperation agreement between the city and county that included extensive negotiations. He noted that there was a need and a lot of willingness to provide money and resources on both sides at that time. The city got a new fire station on land we didn't have before and also gets payments that started at $800,000 per year and currently are over $1 million. Although the county is unhappy about paying so much for fire service, nobody is certain that the $1 million is covering our costs.

Ald. Krol said that he had recommended negotiating only on police services since that seems to be a major concern because of the labor costs and the diversity of activity there ranging from the courts to the hospital. We are faced with a tough budget year, he said, and the more things we put on the table to negotiate, the more opportunity there is for staff to take their eye off the ball in managing some of the other budget issues. He wanted to see what type of good faith negotiations might take place on just the one issue. If it results in a win-win situation, it would be very logical for us to assume protection responsibilities. If we negotiate all of the items at one time, we may have an excellent win on one item, but the overall impact may be a loss. Police protection is a significant issue and should be focused on, he said.

Ald. Kopischke said that there are some revenue sources associated with the policing services. Private geographic members such as the hospital, Medical College and various other entities, are paying pro-rata shares totaling $500,000 per year as partial payment for the cost of policing, which is referred to as sector patrol. It would cost us twice as much to staff at the current level. The county has agreements on those payments in exchange for policing, and there is no indication they have approached those entities in that regard. We have no agreements with those entities ourselves and would have to negotiate that. Other revenue sources are parking revenue, fines, and forfeitures, so there would be ways to recoup some costs.

Ald. Krol noted that any sources of revenue also have expenditures. We may need more people to cover municipal court aspects, for example. He said that it appears that we have an open door to do some negotiation on this issue. If the county would approach us, we would want to be ready to discuss it with them.

Mayor Estness indicated that there are certain aspects that would not necessarily be covered under the county's proposal—children's court, for example, and we understand that mental health has a specific contract as well as trauma at Froedtert. Current lease agreements have components on payments for those services, and we are not knowledgeable about those agreements.

Ald. Kopischke said that the purpose of negotiations is to get something that you value more than what you give up. He felt that limiting the negotiating team's authority limits opportunities to get something of value. It is foolish to limit their authority if something creative comes up on which it could be useful to negotiate. He noted that it will always come back to the Council for review and approval. He felt that the negotiating team would not waste time or take their eyes off other issues but will be efficient managers of their time.

Asked for his recommendation and whether anything that happened recently would change it, Mr. Wontorek noted that his previous recommendation to negotiate all the items relating to the county grounds. The broader ability we have, the better we can have the quid pro quo and trading back and forth, he said. It may be that we have to look at the overall balance to see if it is acceptable to the community.

> Moved by Ald. Kopischke, seconded by Ald. Treis to recommend adoption of the proposed resolution with the amendment that the language limiting negotiations to police services be removed so that all issues are on the table –

Ald. Treis noted that negotiating doesn't just mean sitting down at a table at the final go-round and hammering something out. It means talking back and forth, getting additional facts. Are we talking about a formal sit-down or are we saying start now and work up to that, he asked.

The Chair said that if we define negotiation as exploration for discussion, that is different than delegating a negotiating team to work out the details on every item. The intent needs to be clear coming from this committee, she said.

Ald. Herzog said that it sometimes seems we look at the county grounds as a burden, but he sees it as a jewel. It is one of the biggest employers in the city. Although they don't pay a lot of taxes, they provide a lot of intangibles that we don't see in dollars. He said that he would hate for them to get caught unaware by the city and county, especially if we take the approach that we don't want to talk about it. Negotiating is dialogue, he said; it lets us open a channel with the county on what the plan will be, not just next year but in 10-20 years. He felt that we cannot absorb policing of the county grounds all at once, but there are a lot of other things that should be on the table for negotiations. We need to know more about the infrastructure, for example. He advocated opening up dialogue on what will happen with the county grounds over the next 20 years.

Ald. Sullivan said that a year or so ago he said that the county doesn't negotiate, they dictate; and he would say the same about the current leadership. He felt that the 13-12 vote by the Board of Supervisors that included not funding policing of the county grounds is a textbook example of that. He noted that one of the supervisors representing Wauwatosa voted against the funding and said he can't understand a vote to shift funding of the services from countywide taxpayers to a single municipality that individual represents. Being asked to pick up $1 million in costs for which individual entities contribute $500,000 is not a good deal for Wauwatosa. He expressed confidence in the negotiating team but said that right now negotiating is simply a way of legitimizing the county's techniques. He reiterated that he can't go along with shifting county taxes to the people of Wauwatosa.

Ald. Ecks said that we have a "dream team" in terms of negotiations. He said that other areas that would be opened for discussion are largely infrastructure, much of which is underground. The county doesn't know what they have so we can't know what we would be getting. We would have to take it based on the reputation of those who offer it. He noted that the county is in active default on their existing agreement with the city to allow construction of detention ponds in exchange for waiving stormwater utility fees. There is nothing in the current county budget to pay the stormwater utility this year, but they have taken no action to bring the ponds into existence. Based on their reputation, he did not see how we can expand our negotiations.

Ald. Krol said that he cannot support the motion. There is no question that any city staff can have discussions with Milwaukee County staff members on issues of mutual interest. But in order to negotiate, a proposal needs to be on the table. There is no proposal which outlines the financial ramifications to the city of what is being negotiated. Past negotiation efforts have not always been mutually beneficial, since promised results have not always occurred (i.e., in the case of storm water credit negotiations.) It is not prudent for the city to assume activities with added costs.

Ald. Becker suggested that the city's response to the county's plan to have the city assume police protection of the county grounds effective January 1 should be "no." He suggested that contact be made with representatives of Children's and Froedtert Hospitals to encourage those entities to place pressure on the county concerning this decision. What benefit will the city realize by assuming these additional responsibilities? He opined that since the issue of police protection is the only issue on the table, that discussions with the county be limited to that subject only.

Ald. Treis stated that if two parties cannot discuss issues of mutual interest, nothing will be resolved. No information will be exchanged and no cooperative atmosphere developed. The county is much larger than the

city and the city needs to work with that entity. He encouraged formation of liaisons and dialog by staff members and elected officials with county personnel in an effort to develop open lines of communication. He observed that Children's and Froedtert Hospitals are simply tenants on the county grounds and questioned how much pressure they can place on the county.

Ald. Heins pointed out that sticking one's head in the sand, ignoring problems, stone-walling issues, and similar tactics rarely resolve conflicts. Issues with the county exist and communication is critical. A collaborative effort is needed by both parties to explore options and courses of action. Differences will occur. If the Committee trusts the city's team, it must trust that staff will not pursue detrimental courses of action; but future courses of action cannot be known if staff isn't given the opportunity to explore issues with the county.

In response to queries by Ald. Ecks, Mr. Kesner replied that while binding arbitration or a mediator could be used, it seems early in the process to do so. Both parties would have to agree to such an action. Typically, these actions are not taken until well into a negotiation process where much information has been shared. Furthermore, a mediator can be an expensive option.

Ald. Kopischke stated that passage of a resolution authorizing discussion/negotiation does not preclude the city from talking with, say, the Medical College, nor does it commit the city to any agreement. If the city refuses to negotiate, it gives the other party the opportunity to dictate outcomes. The city team is well aware of risks. But if the city's team is not given the tools for proper dialog, it is akin to the Milwaukee Brewers trying to trade a player without involving any other players in a potential agreement. It limits the effectiveness of the home team when issues cannot be 'packaged' into a more attractive proposal.

Ald. Krol opined that a resolution is not needed for staff to have discussions with the county. There is no conflict to resolve because there is nothing to negotiate. The county has played its hand and unilaterally dropped police protection of the county grounds into the city's lap. The county's position is that the city should assume all of the responsibility and all of the cost of protection. If the county presents a proposal, discussions should ensue in earnest.

Ald. Krol responded negatively when asked if he would agree with a statement that would encourage Mr. Wontorek and the rest of the team to enter into discussions with county representatives concerning the future of the county grounds. He favors a reactive position where the county approaches the city about such discussions. The city has no desire to assume services to the county grounds unless there is financial benefit to do so. To date, the county has been disinclined to engage in dialog.

A call for the question produced unanimous agreement.

> Roll call vote on the motion, Ayes: 4 (Herzog, Kopischke, Treis, Heins), Noes 4 (Becker, Ecks, Kroll, Sullivan). The item will be forwarded to Council without recommendation.

The meeting adjourned at 10:06 p.m.

Carla A. Ledesma, City Clerk
Wauwatosa, Wisconsin

/es/cal