

CITY OF WAUWATOSA
MEMORIAL CIVIC CENTER
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WAUWATOSA, WI 53213
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COMMON COUNCIL
Regular Meeting, Tuesday, December 3, 2002

PRESENT: Alds. Stepaniak, Subotich, Sullivan, Treis, Bruderle-Baran, Becker, Casey, Ecks, Grimm, Heins, Herzog, Jenkins, Kopischke, Krol, Matthews -15

EXCUSED: Ald. McCarthy

ALSO PRESENT: Mr. Wontorek, City Administrator; Mr. Braier, Finance Director; Mr. Kesner; City Attorney; Mr. Kappel, Dir. of Public Works; Ms. Welch, Community Development Director; Police Chief Weber; Mr. Brown, Personnel Director; Mr. Wehrley, City Engineer; Fire Chief Redman; Mr. Wojcehowicz, Water Supt.; Mr. Tschudy, Water Dept. Business Mgr.; Ms. Ledesma, City Clerk; Ms. Williams, Deputy City Clerk

Mayor Estness in the Chair

The Mayor called the meeting to order at 7:40 p.m.

It was moved by Ald. Grimm, seconded by Ald. Kopischke that the reading of the minutes of the last regular meeting be dispensed with and they be approved as printed. -15

PUBLIC HEARING

The first item on the agenda was a public hearing concerning the following resolution:

RESOLUTION

WHEREAS, the Common Council of the City of Wauwatosa, Wisconsin, held a public hearing at the Council Chambers in the City Hall at 7:30 p.m. Local Time on the 3rd day of December, 2002, for the purpose of hearing all interested persons concerning special assessments for previously approved permanent street improvements at 12000 W. Blue Mound Road; and

WHEREAS, the Common Council has heard all persons desiring audience at such hearing;

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Wauwatosa, Wisconsin, as follows:

Section 1. That payment for said previously approved permanent improvement at 12000 W. Blue Mound Road be made by assessing the cost to the property improved as indicated in the attached report.

Section 2. That the assessments shown on the report are true and correct and are hereby confirmed.

Section 3. That the owners of the respective parcels of land fronting or abutting the permanent street improvement at 12000 W. Blue Mound shall have payment of the special assessments scheduled pursuant to Section 66.0703 of the Wisconsin Statutes.

Section 4. The properties against which the assessments are proposed are benefited. Such benefits may include but are not necessary limited to enhancement of value or marketability, improved drainage, improved vehicular access, improved skid resistance and cross sectional elements.

Section 5. The City Clerk is directed to publish this resolution in the Wauwatosa News Times, official paper of the City of Wauwatosa.

Section 6. The City Clerk is further directed to mail a copy of this resolution to every property owner at 12000 W. Blue Mound Road whose name appears on the assessment roll and whose post office address is know or can with reasonable diligence be ascertained and who has not been previously notified.

The public hearing was declared open.

Proof of publication is in the file.

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

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

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

The public hearing was declared closed.

Ordered held to the next Common Council meeting, December 17, 2002.

OLD BUSINESS

The following item was re-referred to committee at the November 5, 2002 Common Council meeting, and was forwarded back to Council without recommendation:

RESOLUTION

WHEREAS, the Milwaukee County Board of Supervisors is prepared to consider a resolution authorizing its staff members to begin negotiations with the City of Wauwatosa for purposes of exploring whether the City of Wauwatosa will ultimately assume responsibility for municipal and support services on the Milwaukee County Grounds; and

WHEREAS, said resolution is intended to address a phased-in implementation plan compatible with the 2004 City of Wauwatosa and Milwaukee County budget processes; and

WHEREAS, in the 2003 executive budget for the Milwaukee County Sheriff's Department the Milwaukee County Executive proposed elimination of sector and parking patrol on the Milwaukee County Grounds effective January 1, 2003, placing responsibility for police services on the City of Wauwatosa; and

WHEREAS, the County Board Finance Committee has modified this recommendation by providing funding for sector and parking patrols for one-half of the year 2003; and

WHEREAS, the City Administrator has recommended authorizing a working team consisting of the Mayor, City Administrator, Director of Public Works, Chief of Police, Water Superintendent, and City

Attorney to enter into negotiations regarding the possible transfer of various County services and facilities on the County Grounds to the City of Wauwatosa; and

WHEREAS, the Committee on Community Development has modified the recommendation of the City Administrator by approving only limited negotiations related to police protection services on the County Grounds;

NOW, THEREFORE, BE IT RESOLVED THAT the above-described team of City officials is hereby authorized to enter into negotiations with Milwaukee County limited to negotiations regarding transfer of police protection services on the County Grounds; and

BE IT FURTHER RESOLVED THAT the negotiating team is directed to only agree to such changes as would be in the best interests of the City of Wauwatosa and its taxpayers; and

BE IT FURTHER RESOLVED THAT any final agreement reached by the negotiating team will be subject to final approval by the Common Council of the City of Wauwatosa.

It was moved by Ald. Heins, seconded by Ald. Kopischke to approve the foregoing resolution, but to amend it by changing references to "negotiations" to "dialogue," and by deleting references to limiting negotiations to the transfer of police protection services --

Vote on amendment, upon roll call vote, was Ayes 13, Noes 1 (Sullivan), Present 1 (Becker).

Vote on motion, as amended, upon roll call vote, was Ayes 12, Noes 2 (Sullivan, Ecks), Present 1 (Becker).

The amended resolution is as follows:

AMENDED RESOLUTION R-02-290

WHEREAS, the Milwaukee County Board of Supervisors is prepared to consider a resolution authorizing its staff members to begin a dialogue with the City of Wauwatosa for purposes of exploring whether the City of Wauwatosa will ultimately assume responsibility for municipal and support services on the Milwaukee County Grounds; and

WHEREAS, said resolution is intended to address a phased-in implementation plan compatible with the 2004 City of Wauwatosa and Milwaukee County budget processes; and

WHEREAS, in the 2003 executive budget for the Milwaukee County Sheriff's Department the Milwaukee County Executive proposed elimination of sector and parking patrol on the Milwaukee County Grounds effective January 1, 2003, placing responsibility for police services on the City of Wauwatosa; and

WHEREAS, the City Administrator has recommended authorizing a working team consisting of the Mayor, City Administrator, Director of Public Works, Chief of Police, Water Superintendent, and City Attorney to enter into negotiations regarding the possible transfer of various County services and facilities on the County Grounds to the City of Wauwatosa; and

NOW, THEREFORE, BE IT RESOLVED THAT the above-described team of City officials is hereby authorized to enter into a dialogue with Milwaukee County; and

BE IT FURTHER RESOLVED THAT the such working team is directed to only agree to such changes as would be in the best interests of the City of Wauwatosa and its taxpayers; and

BE IT FURTHER RESOLVED THAT any final agreement reached by the above-described team will be subject to final approval by the Common Council of the City of Wauwatosa.

OLD BUSINESS

The following item was held in file by the Common Council at its October 1, 2002 meeting at the request of the property owner.

ORDINANCE O-02-36

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF WAUWATOSA BY REZONING THE LAND AT 1060 N. 115th STREET FROM AA LIGHT MANUFACTURING DISTRICT TO BUSINESS PLANNED DEVELOPMENT DISTRICT

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

Part 1. The Official Zoning Map of the City of Wauwatosa is hereby amended to reflect the following change:

Homewood Comm at SW Cor of Blk 3 th N 0D34M00S W 74.97 ft th N 46D31M 33S E 341.32 ft th N 89D27M44S E, a Subdivision of Part of Section 30, in Township 7 North, Range 21 East, City of Wauwatosa, County of Milwaukee, State of Wisconsin is Rezoned from AA Business District to Business Planned Development District.

Part II. The City Administrator is hereby directed to change the Official Zoning Map of the City of Wauwatosa to conform to the provisions of the Ordinance, and said Map is declared amended accordingly.

Part III. This ordinance change is contingent upon the completed sale of the property to Toldt Development, Inc. prior to June 1, 2003.

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

It was moved by Ald. Heins, seconded by Ald. Herzog to adopt the foregoing ordinance subject to the condition that the sale of the property to Toldt Development, Inc., be completed prior to June 1, 2003. -15

APPOINTMENTS BY THE MAYOR

Civic Celebration Commission

Jim Barry, 8530 W. Stickney Avenue

Kevin Mullin, 1937 N. 73rd Street (reappointment)

Frank DeFrain, 1355 N. 63rd Street (reappointment)
(Terms end 12/31/06)

Design Review Board A

Kent Ehley, 7437 Kenwood Avenue (reappointment)
(Term ends 12/31/04)

Design Review Board B

Carmen Bolger-Linna, 12030 W. Hadley Street (reappointment)
(Term ends 12/31/04)

Design Review Board C

Dennis Scherr, 2380 N. 100th Street (reappointment)
(Term ends 12/31/04)

Foregoing appointments ordered held as this was the first reading.

APPLICATIONS, COMMUNICATIONS, ETC.

1. Special Use application to construct a dormer to a legal non-conforming property at 1434 N. 66th Street
Plan Commission, Board of Zoning Appeals
2. Special Use application to operate a coffee and sandwich cart in the lower level break room at 1200 N. Mayfair Road
Plan Commission, Board of Zoning Appeals
3. City of Wauwatosa Bank Reconciliation of Depository Accounts as of October 31, 2002
Place on file
4. Special Use Application to operate a restaurant and lounge at 7754 Harwood Avenue
Plan Commission, Board of Zoning Appeals
5. Notice of Claim: Burdick-Kellenberger Insurance, 11127 W. Blue Mound Road
City Attorney
6. Letter from Jane Fischer, 3112 N. Knoll Terrace, requesting stop signs or pedestrian crossing signs at the intersection of N. 117th and W. Center Streets
Director of Public Works
7. Letter from Tracy Mazzeo, 1115 Honey Creek Parkway nominating the property and structures of the Milwaukee Psychiatric Hospital, bounded by Dewey Avenue, Menomonee River, Harwood Avenue and Honey Creek Pkwy., as a local historic district
Community Development Director
8. Letter from David Geisthardt, Wauwatosa Economic Development Corp., supporting the Council's reduction in the 2003 budget request by two percent and informing the Council that WEDC is following suit in reducing its 2003 budget request from the city from \$100,000 to \$98,000
Comptroller/Treasurer
9. Fax from Doni R. Patterson regarding Milwaukee County Transit System's elimination of the #45 Freeway Flyer route
City Attorney

FROM THE COMMITTEE ON BUDGET & FINANCE FOR INTRODUCTION

1. Ordinance amending Charter Ordinance Section 20.13, Limitations on Bonds and Notes
Re-refer to originating committee

FROM THE COMMITTEE ON EMPLOYEE RELATIONS

ORDINANCE O-02-37

AN ORDINANCE AMENDING SECTIONS 2.58.021, 2.58.290, TITLE 2.59, 2.59.070, REPEALING SECTIONS 2.58.300, 2.58.310, 2.59.010 – 2.59.050, 2.59.070, AND RE-CREATING SECTIONS 2.59.010 – 2.59.050 REGARDING IMPLEMENTATION OF A NEW PAY PLAN FOR CITY OF WAUWATOSA EMPLOYEES

Part I: The first sentence of sec. 2.58.021 is amended to read as follows:

Effective December 15, 2002, a full time exempt employee in pay range 10 or higher who has less than seven years of service with the city shall be entitled to five days of paid executive leave each calendar year.

Part II: Sec. 2.58.290 of the Wauwatosa Municipal Code is hereby renumbered to Sec. 2.59.060 and amended to read as follows:

A. A part time employee, other than an employee covered by sec. 2.59.070, below, shall receive the hourly rate specified in the first step of the pay grade for the classification in which he/she works. After two thousand consecutive hours of work, a part time employee shall move to Step 2 of that pay grade. If there are additional steps in the pay grade, the employee may move to higher steps on the anniversary date of his/her attainment of Step 2, pursuant to the process described in Section 2.59.030, above. Hours worked shall be considered consecutive unless an employee is off the payroll for two complete consecutive pay periods. Time lost due to illness or injury compensable under Workers Compensation Statutes shall not be considered a break in service.

B. The pay periods shall be two-week periods ending on alternate Saturdays. Payment shall be made on the twelfth day following the end of the pay period, except when that day is a holiday as defined in Section 2.58.030. Payment shall be made the day immediately preceding the regular pay day if the regular pay day is a holiday.

(NOTE: The former Sec. 2.58.290 C. is not included in the renumbered and amended ordinance).

Part III: Sec. 2.58.300 of the Wauwatosa Municipal Code is hereby repealed in its entirety.

Part IV: Sec. 2.58.310 of the Wauwatosa Municipal Code is hereby repealed in its entirety.

Part V: The title of Chapter 2.59 of the Wauwatosa Municipal Code is hereby amended to read as follows:

Chapter 2.59 Classification and Compensation Plan for Nonrepresented Employees

Part VI: Sections 2.59.010 through 2.59.050 of the Wauwatosa Municipal Code are hereby repealed in their entirety and recreated to read as follows:

2.59.010 Intent.

It is the declared purpose and intent of this chapter to create a new salary and classification system for City of Wauwatosa employees who are not members of a collective bargaining unit. The following plan provides a mechanism for employees to be rewarded by small salary increments for satisfactory performance, service and contributions throughout their tenure.

2.59.020 Plan administration.

All wage placements within the established ranges shall be made with reference to the following guidelines:

A. **New Employees.** New employees shall be hired at the minimum step of the pay range whenever it is appropriate and possible. If, because of remarkably higher levels of education and/or experience of a candidate or due to difficult market conditions (as may be evidenced by difficulty in recruiting), hiring a candidate requires a salary beyond the minimum, the department head must seek approval from the Personnel Director and the City Administrator for a higher step, which shall not be higher than the range midpoint without approval of the Common Council. Consideration must be given to the current compensation of other employees in the same classification (if applicable) to maintain internal pay equity. Department heads are not authorized to present informal salary offers to potential candidates above the minimum of the pay range before necessary approval is received.

B. **Salary Upon Promotion.** Employees who are promoted will be granted a salary increase of 5% and then moved to the next closest step within the higher grade that provides an increase, or the minimum of the higher grade, whichever is greater. In the event of a promotion of two or more salary grades, the increase will be at least 8%, but not to exceed 10%, and then moved to the next closest step within the higher grade that provides an increase, or the minimum of the higher grade, whichever is greater. In no case shall a promotional increase allow the employee to earn a salary above the established range maximum.

C. **Salary Upon Transfer.** An employee who transfers within the same classification title will receive no salary adjustment. Employees who transfer to a new classification in the same salary grade will receive no salary adjustment.

D. **Salary Upon Involuntary Demotion.** An employee who is demoted for non-voluntary reasons but unrelated to performance will retain his/her present salary if the salary exceeds the new range maximum. If the present salary falls within the new range, the employee will be placed in the new range at their current salary. As long as an employee's salary exceeds the new range maximum, the employee will not be eligible for further base-accumulating pay increases until his/her salary is again within the salary range for the new position.

E. **Salary Upon Voluntary Demotion.** An employee who takes a voluntary demotion will retain his/her present salary unless that salary exceeds the maximum rate of pay for the new position in which case the employee's salary will be adjusted to the new maximum. However, an employee may continue to receive a rate of pay in excess of that maximum upon the recommendation of the department head and approval of the Personnel Director, the City Administrator, and the Common Council. If the employee continues to receive a rate of pay in excess of the maximum salary range, the employee will not be eligible for further base-accumulating pay increases until his/her salary is again within the salary range for the new position, nor would the employee be eligible for lump sum payments of the type described in sec. 2.59.020.I.3., below.

F. **Salary Upon Replacement Of Employee In Previous Classification Within Orientation Period.** An employee who does not successfully complete their orientation period and returns to his/her former class will have his/her salary restored to the same rate of pay the employee would have received had he/she remained in the former class.

G. **Salary Upon Demotion Related To Performance.** An employee who is demoted for performance reasons after the end of the orientation period will retain his/her present salary unless that salary exceeds the maximum rate of pay for the new position in which case the employee's salary will be adjusted to the new maximum.

H. Salary Upon Reclassification Of Position. When the allocation of a position has been changed as the result of changes in the organizational structure of a department or slow and gradual changes in the duties and responsibilities of the position, such change in grade will be considered to be a reclassification.

I. Plan Implementation. Upon implementation of this Pay Grade/Step plan on December 15, 2002, each employee's initial pay level will be determined as follows:

1. For employees whose salary immediately prior to December 15, 2002, is within the range of the appropriate grade for that employee's position, the employee's salary will be increased to the next step within that grade which provides the employee with a pay increase.
2. If an employee's salary immediately prior to December 15, 2002, is below the salary provided by the minimum step for the appropriate grade, the employee's salary shall be raised to the minimum step for that grade.
3. For employees whose salary immediately prior to December 15, 2002 exceeds the salary provided by the maximum step within the appropriate grade, the employee's salary shall be frozen at its then-present level until such time as the salary is within the salary range for the appropriate grade. In addition, until such time as that employee's salary comes within the appropriate pay range, each time all salary ranges in sec. 2.59.050 are adjusted pursuant to an across the board percentage increase, employees subject to this subsection shall receive a lump sum payment equal to the percentage by which other salary ranges are adjusted across the board. The amount of this lump sum payment shall not be added to base salary for that employee. Any employee who has received a lump sum payment under this subsection at the beginning of a calendar year, and who subsequently leaves City employment during that calendar year, shall be liable to the City for pro-rated amount based upon the percentage of the calendar year for which the employee will no longer be employed by the City.

Sec. 2.59.030 Annual Step Increases.

A. The common council delegates discretion to the City Administrator as to whether to grant salary step increases to individual nonunion employees after an annual Employee Performance Appraisal.

B. The discretion exercised by the City Administrator in granting salary step increases shall be based upon a satisfactory Employee Performance Appraisal and other relevant information relating to or having an effect upon job performance.

C. Any employee whose salary is at or above the highest step of the appropriate pay grade will receive no additional step increases.

D. Any employee who feels aggrieved by the decision of the City Administrator in not receiving the annual step shall have a right to have such decision reviewed by the common council. This section shall constitute the exclusive remedy for resolving a dispute relating to this section and this section shall supersede any ordinance with which it may conflict.

Sec. 2.59.040 Pay Grades for Non-represented Employees

Non-represented employees, with the exception of temporary or casual employees listed in sec. 2.59.070, shall be paid pursuant to the pay tables in sec. 2.59.050, at the grade levels associated with each position as follows:

Part Time Positions

Title	Grade
Assistant City Attorney	13
Building Inspector	9
Electrical Inspector	9

Plumbing Inspector	9
Adult Reference Librarian	8
Technical Services Librarian	8
Public Health Nurse	8
Fire Education Coordinator	4
P.E.G. Access Coordinator	2

FLSA Non-Exempt Positions

Title	Grade
Investigations Sergeant	11
Patrol Sergeant	11
Building Inspector	9
Electrical Inspector	9
Plumbing Inspector	9
Property Maintenance Inspector	8
Executive Assistant	6
Legal Secretary	5
Payroll Coordinator	5
Personnel Assistant	5

FLSA Exempt Positions

Title	Grade
Public Works Director	21
City Attorney	19
Finance Director	19
Police Chief	19
Community Development Director	18
Fire Chief	18
Personnel Director	18
City Engineer/Division Manager	17
Administrative Captain	16
Operations Captain	16
Health Officer	16
Manager of Information Systems	15
Assistant Fire Chief – Administration	15

Assistant Fire Chief – Operations	15
Water Superintendent	15
City Assessor	14
Community Support Lieutenant	14
Investigative Lieutenant	14
Patrol Lieutenant	14
Training/Personnel Lieutenant	14
Administrative Lieutenant	14
Library Director	14
Construction & Survey Engineer	14
Special Projects Engineer	14
Street Design Engineer	14
Utilities & Traffic Engineer	14
Deputy Chief – EMS	13
Deputy Chief – Purchasing	13
Deputy Chief – Training	13
City Clerk	13
Assistant Library Director	12
Assistant Mgr. of Information Systems	12
Civil Engineer	12
Fleet/Traffic Maintenance Superintendent	12
Operations Superintendent	12
Chief Inspector	11
Purchasing Manager	11
Accountant/Business Manager	10
Accounting Manager	10
Adult Reference Librarian Supervisor	10
Children Services Librarian Supervisor	10
Circulation Supervisor	10
Deputy Assessor	10
Deputy Treasurer	10
Fire Marshall	10
Parks and Forestry Superintendent	10
Payroll and Benefits Manager	10
Public Health Nurse Supervisor	10

Public Safety Systems Administrator	10
Public Works Program Analyst	10
Traffic/Electrical Supervisor	10
Fleet Supervisor	9
Operations Supervisor	9
Planner II	9
Public Works Facility/Safety Specialist	9
Storm Water Specialist Engineer	9
Water Supervisor	9
Adult Reference Librarian	8
Children's Reference Librarian	8
Children's Program Librarian	8
Library Cataloger	8
Technical Services Librarian	8
Deputy City Clerk	8
Environmental Health Sanitarian	8
Technical Support Specialist	8
Planner I	8
Public Health Nurse	8
Senior Accountant	8
Public Health Specialist	7
Assistant to the City Administrator	6

Sec. 2.59.050 Salary Ranges for Pay Grades

The following salary ranges shall apply to each pay grade. Employees shall be paid consistent with the appropriate grade level for their position as described in sec. 2.59.040, above:

A. Effective December 15, 2002, FLSA-exempt employees, as described in sec. 2.59.040, above, shall be paid at the following biweekly rates:

See attached chart labeled "Table 2.59.050 A."

B. Effective December 15, 2002, part-time and FLSA non-exempt employees, as described in sec. 2.59.040, above, shall be paid at the following hourly rates:

See attached chart labeled "Table 2.59.050 B."

C. Effective for the pay period which includes January 1, 2003, FLSA exempt employees, as described in sec. 2.59.040, above, shall be paid at the following biweekly rates:

See attached chart labeled "Table 2.59.050 C."

D. Effective for the pay period which includes January 1, 2003, part-time and FLSA non-exempt employees, as described in sec. 2.59.040, above, shall be paid at the following hourly rates:

See attached chart labeled "Table 2.59.050 D."

Part VII: Section 2.59.070 of the Wauwatosa Municipal Code is hereby repealed in its entirety and recreated as follows:

2.59.070 Temporary or casual employees.

A. Effective for the pay period which includes January 1, 2003, temporary or casual employees shall be paid in the following pay ranges. A temporary or casual employee shall not be eligible for other benefits provided by the city.

Title	Minimum	Normal	Maximum
Cable Technician/ Video Prod. Asst.	\$6.9539	\$7.3713	\$9.2828
Tax Collection Aide	\$9.3377	\$10.4363	\$12.6334

Title	Rate
Clerk	\$9.8457
Student Clerk	\$5.9730 \$6.9588
Library Security Guard	\$7.7668
Library Technical Equipment Asst.	\$8.7006
Public Health Nurse/Sanitarian	\$19.2907
Snow Plow Operator	\$17.4561

B. New Employees. New temporary or casual employees will typically be placed between the minimum and normal levels within the established range. Generally speaking, a wage below the normal level should be utilized when the available information does not seem to indicate that the employee will be able to immediately step in and perform virtually all the functions and meet virtually all the performance expectations associated with the position, or for some other reason a "trial" period is desired. As soon as the employee demonstrates he or she is able to function effectively in virtually all aspects of the job, such as satisfactory completion of a probationary period, an adjustment may be authorized up to the normal level. A starting wage above the normal level may be utilized if it is necessary to attract a candidate who offers a clear advantage over others who are available at the normal level.

Part VIII: Except as otherwise noted above, this ordinance shall become effective December 15, 2002 following publication.

It was moved by Ald. Jenkins, seconded by Ald. Kopischke to adopt the foregoing ordinance. Upon roll call vote, the vote was Ayes 15.

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-02-291

WHEREAS, Qerdus Enterprises, LLC, d/b/a Breeze-Thru Liquor, has applied for an Class A beer and Class A liquor license to be used at its business location at 11108 W. Blue Mound Road;

NOW, THEREFORE, BE IT RESOLVED THAT Qerdus Enterprises, LLC, d/b/a Breeze-Thru Liquor is hereby awarded a Class A beer and Class A liquor license for the location at 11108 W. Blue Mound Road, Wauwatosa, as more particularly described in the application material on file in the City Clerk's office, for the period ending June 30, 2003, subject to a six-month review.

It was moved by Ald. Sullivan, seconded by Ald. Herzog to approve the foregoing resolution. -15

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-02-292

WHEREAS, Robert Peters, has applied for a Conditional Use to operate a new ready mix concrete plant in the AA Industrial District at 12005 W. Hampton Avenue; 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 THAT a Conditional Use is hereby granted to Robert Peters to operate a new ready mix concrete plant in the AA Industrial District at 12005 W. Hampton Avenue.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-02-295

WHEREAS, the Community Development Block Grant Committee recommended allocating \$37,536.00 to the Milwaukee County Parks Department for improvements to Jacobus Park as part of the 2003 Consolidated Plan; and

WHEREAS, the Common Council recommended placing those funds in a Contingency Fund pending further consideration; and

WHEREAS, upon further consideration, the Committee on Community Development recommended releasing these funds for this project:

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin THAT 2003 CDBG funds are hereby reallocated as listed above to the following project:

Jacobus Park Improvements \$37,536.00

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-02-296

WHEREAS, Helmut Toldt of Toldt Development, Inc. has submitted final plans for a Business Planned Development at 1060 N. 115th Street to construct a 60-unit apartment building; and

WHEREAS, these final plans have been reviewed and recommended by the City Plan Commission, the Design Review Board, and the Committee on Community Development; and

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin approves the Final Plans for a Business Planned Development to be located at 1060 N. 115th Street submitted by Helmut Toldt, Toldt Development, Inc based upon the plans submitted to the City and the public hearings conducted on this matter.

It was moved by Ald. Heins, seconded by Ald. Bruderle -
Baran to approve the three foregoing resolutions. -15

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-02-293

BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin THAT a public hearing be held before the Common Council in the Council Chambers at 7:30 p.m. Local Time, on Tuesday, January 7, 2003, in the City Hall of the City of Wauwatosa, Wisconsin at which time all persons interested, or their agents or attorneys, will be heard concerning a proposed ordinance rezoning property at 2281 Swan Boulevard from DD Eight Family Residence District to AA Professional Office District.

BE IF FURTHER RESOLVED THAT the City Clerk be and is hereby directed to publish the proper notices of said hearing as required by law.

It was moved by Ald. Heins, seconded by Ald. Bruderle -
Baran to approve the foregoing resolution. Upon roll call
vote, the vote was Ayes 14, Noes 1 (Becker.)

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-02-294

BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin THAT a public hearing be held before the Common Council in the Council Chambers at 7:30 p.m. Local Time, on Tuesday, January 7, 2003, in the City Hall of the City of Wauwatosa, Wisconsin at which time all persons interested, or their agents or attorneys, will be heard concerning a proposed ordinance rezoning properties on the west side of N. 99th Street south of W. Wisconsin Avenue from AA Single Family Residence District to AA Institutions District.

BE IF FURTHER RESOLVED THAT the City Clerk be and is hereby directed to publish the proper notices of said hearing as required by law.

It was moved by Ald. Heins, seconded by Ald. Bruderle-Baran to approve the foregoing resolution. Upon roll call vote, the vote was Ayes 14, Present 1 (Sullivan.)

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-02-297

WHEREAS, the City of Wauwatosa's contract with U. S. Cellular for cell phone service to City and school district employees expires December 2, 2002; and

WHEREAS, the Purchasing Manager has reviewed alternative options and costs for an additional one year of cellular phone service; and

WHEREAS, U. S. Cellular has proposed an additional one year extension on the current contract at the reduced rate of \$8.00 per month per phone and 9 cents per minute, which would save the City approximately \$3,750.00 annually at current usage levels; and

WHEREAS, alternative services provided by Nextel, Cingular, and AT & T, would result in significantly higher costs and less complete coverage;

NOW, THEREFORE, BE IT RESOLVED THAT cellular phone service with U. S. Cellular Company is hereby continued for one additional year at the rate of \$8.00 per month and 9 cents per minute as described in the November 21, 2002 memorandum from the Wauwatosa Purchasing Manager.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-02-299

BE IT RESOLVED, By the Common Council of the City of Wauwatosa, Wisconsin THAT the following be and hereby are the policies for 2003 construction pertaining to street improvements and corresponding rates:

- (1) The assessments for original permanent pavement shall be at the following rates per assessable foot based upon use:
 - a) \$44.00 for one or two or two family residences, churches, schools (1F)
 - b) \$55.00 for multiple family residences of three or more (1-1/4 x 1 F.)
 - c) \$66.00 for business or commercial property (1-1/2 x 1 F.)
 - d) \$88.00 for industrial property (2 x 1 F.)
 - e) 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
 - f) 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.
 - g) 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 and added to the basic assessment for each class of property abutting or benefiting from said improvement.

- (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 use proportioned as above).
- a) Repaving Type "A" \$30.00 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" \$24.00 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.

Note: To recover the cost of public sidewalk replacement when done in conjunction with Type "A" or Type "B" repaving, the assessable rates shall reflect an amount of \$7.00 added against each frontage foot of adjacent properties.

- c) Repaving Type "C" \$12.00 for replacing defective curb and gutter (not to exceed 25% of the total length of curb and gutter existing on the street segment to be improved), milling the existing pavement surface as required, and surfacing with new asphalt pavement.

If Type "C" Repaving is required on arterial streets less than 25 years after Type "A" Repaving has been performed, all one and two family residences shall receive an assessment credit equal to 4% for each year of such underage.

Sidewalk replacement shall be assessed at cost plus 12.5% for engineering and overhead when done in conjunction with Type "C" repaving.

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

Use 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.

Unit Rate for a One and Two Family Residences, Churches, Schools, Public Parks

1. Original paving and repaving type "A" Actual cost or \$52.50/foot with a maximum assessment of \$2,750.00
2. Repaving Type "C" Actual cost or \$21.00/foot whichever is less, with a maximum assessment of \$1,050.00.

Unit Rate For All Other Uses

Actual cost per above factors.

- (4) (a) Side yards 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.

- (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 cost plus 12.5% for engineering and overhead. 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. The work of removal and replacement of existing deteriorated and defective permanent driveway approaches, ordered replaced by the Board of Public Works and which are done under public contract, shall be assessed at cost plus 25% for engineering and overhead.
- (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 \$39.00 per foot replaced.
- (8) Service walk replacement shall be assessed at cost plus 12.5% for engineering, and overhead 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 shall be assessed at cost plus 25% for engineering and overhead when not done in conjunction with permanent paving. Sidewalks and service walks when not done in conjunction with permanent paving requiring 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 work involving special assessments, a charge of 12.5% shall be made against the contract amount of such work.
- (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 cost plus 12.5% for engineering and overhead.
- (13) Federal, state, and railroad properties are exempt from special assessments.
- (14) This policy of assessment shall apply commencing with the date of adoption and will remain in effect until such time as modified by the Common Council.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-02-300

WHEREAS, the Director of Public Works has requested a change of purpose for certain funds in the 2002 annual budget and that those funds be carried over into 2003 for completion of the projects; and

WHEREAS, the request of the Director of Public Works involves transferring \$3,000.00 out of funds currently allocated in Account 01-551-5981-350 for "Tosa Room HVAC Ducts" into Account #01-551-5980-340 for "Materials for Football Shed Repair"; and

WHEREAS, this transfer would result in a balance of \$6,000.00 in the budget item for materials for football shed repair; and

WHEREAS, the football shed repair project could not be completed during the 2002 year due to time constraints;

NOW, THEREFORE, BE IT RESOLVED THAT the transfer of \$3,000.00 into the account for materials for football shed repair as described above is hereby approved;

BE IT FURTHER RESOLVED THAT the sums in the account for materials for football shed repair allocated during the 2002 budget year are hereby authorized to be carried over into 2003 for completion of the project.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-02-301

WHEREAS, several projects scheduled for updating elements of the HVAC system at the Public Works Building were not able to be completed during the year 2002 because these items had been placed on hold due to the uncertainty of the state budget; and

WHEREAS, those projects described below are critical to the continued efficient operation of the public works building and should go forward; and

WHEREAS, the projects could be completed during the year 2003 if currently allocated funds are made available to carry over into 2003;

NOW, THEREFORE, BE IT RESOLVED THAT the following budget items are authorized to be carried over into 2003 for completion of the projects designated:

<u>Account No.</u>		<u>Amount</u>
01-633-5980-010	Digital Controls for HVAC System	\$45,000.00
01-633-5980-070	HVAC Air Quality Offices	12,000.00
01-633-5980-120	Roof Exhaust	20,000.00

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-02-302

WHEREAS, the Wauwatosa Water Utility has submitted a projected budget for the year 2003, a copy of which is available for review in the office of the City Clerk; and

WHEREAS, the proposed budget projects total revenue of \$6,015,733.00 and expenses of \$6,070,484.00 during the year 2003; and

WHEREAS, by a separate action, the Wauwatosa Water Utility will be requesting a full rate review with the Wisconsin Public Service Commission during the year 2003;

NOW, THEREFORE, BE IT RESOLVED THAT the 2003 budget for the Wauwatosa Water Utility as revised November 11, 2002 and available for review in the office of the City Clerk or at the Wauwatosa Water Utility offices is hereby approved.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-02-304

WHEREAS, the fees collected by Wauwatosa City departments were reviewed and discussed by the Budget Committee during budget review; and

WHEREAS, any changes recommended in fees are reasonably related to changed conditions in City finances and the cost of providing the appropriate services; and

WHEREAS, the 2003 consolidated fee schedule for the City of Wauwatosa has been made available for review at the offices of the Wauwatosa City Clerk;

NOW, THEREFORE, BE IT RESOLVED THAT the 2003 consolidated fee schedule is hereby approved as recommended by the Budget Committee during the budget review process and made available for public review at the office of the City Clerk.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-02-305

WHEREAS, the 2003 City budget included a provision requiring unspecified budget cuts among City departments in the amount of \$348,779.00, or 2% of the budget; and

WHEREAS, the City Administrator in a memo dated November 8, 2002 has recommended “guiding principles” regarding the administration of the 2003 budget and the method in which to achieve the budgeted reductions;

NOW, THEREFORE, BE IT RESOLVED THAT the recommendations of the City Administrator for administration of the 2003 operating budget as reflected in his November 8, 2002 memorandum which is attached hereto and incorporated herein, are hereby approved.

It was moved by Ald. Stepaniak, seconded by Ald. Kopischke to approve the seven foregoing resolutions. -15

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-02-298

WHEREAS, the 2003 premium rates for medical and dental HMO's set forth below are effective January 1, 2003, and

WHEREAS, the 2002 rates for the self insured dental plan were \$23.93 single and \$67.69 family and the suggested 2003 rates will increase to \$24.83 single and \$70.25 family, and

WHEREAS, the 2002 rates for the self insured medical plan were \$518.51 single and \$1,254.79 family and the suggested 2003 rates will increase to \$567.00 single and \$1,372.14 family, and

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Wauwatosa that the following insurance rates are approved:

- (1) HMO 2002 medical and dental premium rates set forth below;
- (2) Self insured dental rates are \$24.83 single and \$70.25 family;
- (3) Self insured medical rates are \$567.00 single and \$1,372.14 family.

HMO Health Insurance Premiums per Month

United Healthcare	2002	2003	Percent Increase
Single Coverage	\$295.22	\$369.03	25%
Family Coverage	\$821.47	\$1,026.84	25%

Dental Insurance Premiums per Month

	2002	2003	Percent Increase
Care Plus			
Single Coverage	\$20.18	\$21.39	6.0%
Family Coverage	\$63.68	\$67.50	6.0%
Dentacare			
Single Coverage	\$33.47	\$35.01	4.6%
Family Coverage	\$101.92	\$106.61	4.6%

It was moved by Ald. Stepaniak, seconded by Ald. Kopischke to approve the foregoing resolution. Ayes 14, Present 1 (Bruderle -Baran).

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-02-303

WHEREAS, the Wauwatosa Water Utility budget for the year 2003 projects a deficit of \$54,751.00 in net income; and

WHEREAS, the Wisconsin Public Service Commission must approve any changes in utility rates and service levels; and

WHEREAS, a full review of the rates of the Wauwatosa Water Department was last conducted at the Public Service Commission in 1995; and

WHEREAS, the only rate increases since that time have been for the purpose of passing through rate increases associated with the cost of purchase of water from the Milwaukee Water Works;

NOW, THEREFORE, BE IT RESOLVED THAT the Wauwatosa Water Utility is hereby authorized to seek a rate increase that is fair for all of its customers and the utility's daily operations by submitting a water rate case application with the Wisconsin Public Service Commission to be reviewed during the year 2003.

It was moved by Ald. Stepaniak, seconded by Ald. Kopischke to approve the foregoing resolution. -15

FROM THE COMMITTEE ON BUDGET AND FINANCE

BILLS AND CLAIMS FOR THE PERIOD 11/20/02 – 12/03/02

The Committee on Budget and Finance hereby reports to the Common Council that it has examined the accounts of bills and claims and hereby certifies the same as correct and recommends that each of said accounts be allowed and paid.

Total bills and claims for 11/20/02 – 12/02/02: \$1,042,969.52

It was moved by Ald. Ecks, seconded by Ald. Casey that each and every one of the accounts of bills and claims be allowed and ordered paid. Upon roll call vote, the vote was Ayes 15.

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-02-306

BE IT RESOLVED by the Common Council of the City of Wauwatosa THAT the competitive bidding process be waived and the quote of Bruce Municipal Equipment Inc. to furnish one demonstrator used Model MT-5 articulating tractor and associated equipment at and for their price of \$68,582.00, including trade-in be and the same is hereby accepted.

BE IT FURTHER RESOLVED that the purchasing manager is hereby authorized and directed to issue a purchase order as directed by the proper city officers.

BE IT FURTHER RESOLVED that the following trade-in be declared surplus: Fleet number R-06, a 1983 Model MT-5 articulating tractor.

BE IT FURTHER RESOLVED that Fleet numbers G-75 1978 GMC stake truck and T-76 1991 International packer truck, and S-90 & 91 1976 International trucks with T-17 & T-35 leaf blowers be declared surplus and the purchasing manager be directed to dispose of these units in a most advantageous to the City.

FROM THE BOARD OF PUBLIC WORKS

ORDINANCE O-02-38

AN ORDINANCE AMENDING WAUWATOSA CODE SECTION 11.34.010 AND CREATING SECTION 11.34.100 REGARDING LEFEBER LOT

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

Part I. Section 11.34.010 of the Wauwatosa Municipal Code is hereby amended by the addition of a new subsection M., which shall read as follows:

M. The publicly –dedicated parking spaces in the lower level of the Lefebber Building at 1414 Underwood Avenue are referred to in this chapter as the “Lefebber Lot.”

Part II. Section 11.34.100 of the Wauwatosa Municipal Code is hereby created to read as follows:

11.34.100 Lefebber Lot. Additional parking restrictions: It is unlawful for any person, firm or corporation owning, driving, or in charge of any motor vehicle, to park the same in the Lefebber Lot for more than two hours between the hours of 9:00 AM and 6:00 PM, except on Saturdays, Sundays, and Holidays.

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

It was moved by Ald. Casey, seconded by Ald. Herzog to approve the foregoing resolution and to adopt the foregoing ordinance. -15

There being no further business, the meeting adjourned at 9:00 p.m.

cal

Carla A. Ledesma, CMC, City Clerk