

CITY OF WAUWATOSA
MEMORIAL CIVIC CENTER
7725 WEST NORTH AVENUE
WAUWATOSA, WI 53213
Telephone: (414) 479-8917
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COMMON COUNCIL
Regular Meeting, Tuesday, November 19, 2002

PRESENT: Alds. McCarthy, Stepaniak, Subotich, Sullivan, Treis, Bruderle-Baran, Becker, Casey, Ecks, Grimm, Heins, Herzog, Jenkins, Kopischke, Krol, Matthews -16

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; Ms. Plass, Accounting Mgr.; Mr. Brown, Personnel Director; Fire Chief Redman; Dr. Kreuser, Health Officer; Mr. Stingl, Supt. Fleet and Traffic Maintenance; Ms. Nielsen, Public Health Nurse Supr.; Ms. Ledesma, City Clerk; Ms. Williams, Deputy City Clerk

Mayor Estness in the Chair

The Mayor called the meeting to order at 7:30 p.m.

A moment of silence was observed for Tom Novara, Fire and Building Code Specialist, who passed away on November 17, 2002.

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

(Ald. Sullivan present 7:32 p.m.) -16

OLD BUSINESS

RESOLUTION R-02-275

WHEREAS, a summary of the proposed budget for the year 2003 has been published in the official newspaper of the City on October 24, 2002, together with the notice of public hearing on the proposed budget to be held on November 12, 2002; and

WHEREAS, said public hearing was held at the time and place stated in said notice and opportunity given to everyone present who desired to be heard on the proposed 2003 budget;

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Wauwatosa THAT pursuant to said hearing as follows:

1. That the departmental balances, if any, in the general appropriations account shall, on December 31, 2002 revert to the Unappropriated General Fund Balance, except for the following:

<u>Account No.</u>	<u>Account Title</u>
114	Historic Preservation Commission
113	Youth Commission
211-5980-060	Federal Reimbursement Program
211-5980-020	Police-Expenditures from Donations
223	Fire Equipment Reserve
522	July Fourth
551	Parks
561	Forestry
221-5980-015	Fire Expenditures from Donations

2. That there be and there is hereby appropriated for the various City purposes for the year 2002, the amounts as shown in the attached estimated 2002 budget and for the year 2003, the amounts shown in the attached proposed budget as amended by the Budget and Finance Committee.

3. That the revenues and expenditures for the Debt Service Fund, Special Revenue Funds, Capital Projects Fund, Proprietary Funds and Insurance Reserve Funds are also approved as amended.

4. That the position distribution be amended to reflect those positions created or abolished by the budget.

BE IT FURTHER RESOLVED THAT the sum of \$30,279,536 be and it is hereby levied and assessed upon all of the taxable property, both real and personal, in the City of Wauwatosa, assessed for taxation in said City for the year 2003 for City purposes.

It was moved by Ald. Stepaniak, seconded by Ald. Matthews to approve the foregoing resolution. –

It was moved by Ald. Grimm, seconded by Ald. Sullivan to amend the budget by eliminating line items for Conference & Travel and trips to annual conventions, by limiting membership in various professional groups to one per department, and by eliminating the employee recognition dinner. Upon roll call vote, the vote was Ayes 3 (Sullivan, Grimm, Herzog), Noes 13. --Motion failed.

It was moved by Ald. Grimm to amend the budget by cutting the alderpersons' annual salaries by \$1,000 each. Motion failed for lack of a second.

It was moved by Ald. McCarthy, seconded by Ald. Sullivan to amend the budget by restoring the proposed \$848,779 reduction. Upon roll call vote, the vote was Ayes 3 (McCarthy, Sullivan, Grimm), Noes 13. –Motion failed.

(Ald. McCarthy excused 9:10 p.m.) -15

It was moved by Ald. Treis, seconded by Ald. Sullivan

to increase the budget by (by approximately \$150,000) hiring two individuals to work as liaison officers in the schools. Upon roll call vote, the vote was Ayes 3 (Subotich, Sullivan, Treis), Noes 12. –Motion failed.

It was moved by Ald. Treis to amend the budget by contacting the Medical College of Wisconsin and Froedtert Hospital to try to develop a PPO to reduce insurance and health costs, and to set up a schedule of a temporary give-back in order to create a solid fiscal plan for the future. –

The Mayor advised that the City is already participating in insurance surveys with other communities to explore insurance coverage options, and further ruled that the motion was not appropriate because it dealt with policy issues and did not have any dollars attached to it.

It was moved by Ald. Sullivan to amend the budget so that the 2% proposed reduction (\$848,779) does not include grants, but only purely city funds. --

The Mayor ruled that the motion was out of order because this was a policy issue.

Mr. Braier stated that the city receives approximately \$175,000 in grants, divided primarily between the Health and Police Departments.

It was moved by Ald. Sullivan, seconded by Ald. Kopischke to add \$3,500 (2% of \$175,000) on to the present tax levy so that departments are not asked to find 2% reductions within their budgets that include grant dollars. Upon roll call vote, the vote was Ayes 4 (Sullivan, Ecks, Grimm, Kopischke), Noes 11. –Motion failed.

Vote on original motion, upon roll call vote, was Ayes 11, Noes 4 (Subotich, Sullivan, Treis, Grimm).

RECESS 10:00 p.m. – 10:10 p.m.

APPLICATIONS AND COMMUNICATIONS

1. Special Use application to construct a detached garage over the maximum height allowed of 16 feet at 6906 St. James Street
Plan Commission, Board of Zoning Appeals
2. Conditional Use application to install UHF antennas at: 10600 W. Fisher Pkwy, 8000 W. Wisconsin Ave., 8900 and 11510 Watertown Plank Rd., 1901, 3105 and 3500 Menomonee River Pkwy., 2200 N. 113th St., 10518 W. Grantosa Dr., 6100 W. State St., 12308 Underwood Creek Pkwy.
Plan Commission, Committee on Community Development
3. City of Wauwatosa Investment Summary and Statement of Financial Condition as of October 31, 2002
Place on file

4. Wauwatosa Water Utility Statement of Receipts and Disbursements for month ended October 31, 2002
Place on file
5. Notice of Claim: Attorney Dennis R. Krueger for Vernon H. and Grace Mickow
City Attorney
6. Letter from James Price, Jacobus Park Neighborhood Association, urging Council Members to approve allocation of \$37,000 in CDBG funds for the Jacobus Park Nature Trail Renovation Project
Community Development Director
7. Donations: \$2,387.70 from WE Energies Corporation Foundation and \$244 from The Little Read Book Store in conjunction with a promotion sponsored by the History Channel to the Fire Department "Expenditures from Donations" account
Place on file
8. Letter from County Supervisor Jim "Luigi" Schmitt supporting the Charles Jacobus Park Neighborhood Association request for CDBG funding for the Jacobus Park Nature Trail Renovation Project
Community Development Director

FROM THE COMMITTEE ON EMPLOYEE RELATIONS FOR INTRODUCTION

1. Ordinance amending Sections 2.58.021, 2.58.290, Title 2.59, 2.59.070, repealing Section 2.58.300, 2.58.320, 2.59.020-2.59.050, and recreating Sections 2.59.010-2.59.050 regarding implementation of a new pay plan for City of Wauwatosa employees
Re-refer to originating committee

FROM THE BOARD OF PUBLIC WORKS FOR INTRODUCTION

1. Ordinance amending Section 11.32.080 of the City Code by adding two hour parking restrictions in the public parking area on the lower level at 1414 Underwood Avenue
Re-refer to originating committee

FROM THE COMMITTEE ON TRAFFIC AND SAFETY

TO THE COMMON COUNCIL, CITY OF WAUWATOSA

The Committee on Traffic and Safety, to whom was referred the matter of a request for a no parking zone on the north side of Stickney Avenue west of Wauwatosa Avenue, recommends to the Common Council that the matter be placed on file.

Dated this 12th day of November 2002.

Committee on Traffic and Safety

FROM THE COMMITTEE ON TRAFFIC AND SAFETY

ORDINANCE O-02-35

AN ORDINANCE ELIMINATING A FIFTEEN MINUTE PARKING ZONE AT MADISON SCHOOL IN THE CITY OF WAUWATOSA

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

Part I. The “Glendale Avenue – north side” portion of the “Schedule of streets, and portions” subsection of Wauwatosa Code section 11.32.080 is hereby amended by deleting the following language:

- (rr) from 185 feet west of North 100th Street to a point 80 feet west thereof

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

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

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-02-276

WHEREAS, Brandon Connor, 1246 N. 68th Street, Apt. #101, Wauwatosa, has applied for an operator’s license in conjunction with his employment at Colonel Hart’s, 7342 W. State Street;

NOW, THEREFORE, BE IT RESOLVED THAT Brandon Connor, 1246 N. 68th Street, Apt. #101, Wauwatosa, WI, is hereby issued an operator’s license for the period ending June 30, 2003, upon the following condition:

- That Mr. Connor furnish proof of completion of an alcohol education course to the Clerk prior to issuance of the license.

It was moved by Ald. Treis, seconded by Ald. Grimm to approve the foregoing resolution. -15

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-02-277

WHEREAS, Betsey Caron and Thomas Schuler are owners of two platted lots at 1926 N. 69th Street, with a tax key #370-0085, and 1930 N. 69th Street, with a tax key #370-0086-01 in the City of Wauwatosa; and

WHEREAS, these two private lots are situated in such a manner as to divide a single two-family residence into two separate parcels; and

WHEREAS, combining the two lots into one platted lot would produce a lot conforming to relevant zoning district standards;

NOW, THEREFORE, BE IT RESOLVED THAT the two platted lots at 1926 N. 69th Street and 1930 N. 69th Street, and more particularly described in the application for a land combination submitted by the owners on September 10, 2002, a copy of which is attached and incorporated herein, be consolidated into one platted lot per the property owner's application for a land consolidation.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-02-278

WHEREAS, Stephen and Laura Grebe, 10517 W. Woodward Avenue, Wauwatosa, are owners of two platted lots located at 10517 W. Woodward Avenue with a tax key #260-0367-04, and 10520 W. Stewart Avenue and with a tax key #260-0367-01, both located in the City of Wauwatosa, only one of which contains a residence; and

WHEREAS, combining the two lots into one platted lot would produce a lot conforming to relevant zoning district standards;

NOW, THEREFORE, BE IT RESOLVED THAT the two platted lots at 10517 W. Woodward Avenue and 10520 W. Stewart Avenue, as more particularly described in the materials attached to the application for land combination which is attached hereto and incorporated herein, be consolidated into one lot pursuant to the property owner's application for land consolidation.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-02-279

WHEREAS, Karen Kuehn and Jennie Ragland, 826 N. 115th Street and tax key #411-0260, Wauwatosa, have applied for a land division in the AA single family residence district; and

WHEREAS, the land division, in conjunction with the land division requested concurrently by James Biegel, will provide a "land swap" with the companion application by James Biegel; and

WHEREAS, the proposed land division would conform to the manner in which the property is currently used, and would produce a lot conforming to relevant zoning district standards;

NOW, THEREFORE, BE IT RESOLVED THAT the private lot at 826 N. 115th Street, with a tax number 411-0260, Wauwatosa, WI, be divided pursuant to the "property exhibit" attached to the property owner's application for a land division which is attached hereto and incorporated herein.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-02-280

WHEREAS, James Bie gel, 814 N. 115th Street, with tax key #411-0259, Wauwatosa, WI, has applied for a land division in the AA single family residence district; and

WHEREAS, the land division, in conjunction with the land division requested concurrently by Karen Kuehn and Jennie Ragland, will provide a “land swap” with the companion application by Karen Kuehn and Jennie Ragland; and

WHEREAS, the proposed land division would conform to the manner in which the property is currently used, and would produce a lot conforming to relevant zoning district standards;

NOW, THEREFORE, BE IT RESOLVED THAT the private lot at 814 N. 115th Street, with a tax key number of 411-0259, Wauwatosa, WI, be divided pursuant to the “property exhibit” attached to the property owner’s application for a land division which is attached hereto and incorporated herein.

It was moved by Ald. Heins, seconded by Ald. Becker
to approve the four foregoing resolutions. -15

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

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. Sullivan to refer the matter back to committee. –

It was moved by Ald. Krol to refer the matter to the Committee of the Whole and to invite representatives from the County to see if they'd like to negotiate. –

The Mayor ruled that the motion was not appropriate because there was already a motion on the floor.

At the consent of the Second, Ald. Heins withdrew her motion.

It was moved by Ald. Heins, seconded by Ald. Becker to hold the matter for two weeks. Upon roll call vote, the vote was Ayes 11, Noes 4 (Subotich, Ecks, Grimm, Kopischke.)

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-02-282

WHEREAS, the Wauwatosa Senior Club has used the upper level club rooms in the Wauwatosa Civic Center for T'ai Chi classes on a trial basis for approximately six months; and

WHEREAS, the use of the upper level club rooms during the day for these classes does not require additional set up work or cleanup activities by City staff; and

WHEREAS, participants in the class prefer to use the upper level club rooms rather than the lower level auditorium space because the rooms are quiet and allow the class to be conducted without interruption;

NOW, THEREFORE, BE IT RESOLVED THAT the request of the Wauwatosa Recreation Department on behalf of the Wauwatosa Senior Club to use club rooms #1 and #2 in the upper level of the Wauwatosa Civic Center on Friday mornings between 10:00 AM and 12:00 Noon from January 3 – June 6, 2003, for T'ai Chi classes at no additional rental charge is hereby approved.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-02-285

BE IT RESOLVED, by the Common Council of the City of Wauwatosa THAT the claim filed by Vernon Mickow for injuries be and the same is hereby denied.

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. Stepaniak, seconded by Ald. Casey to approve the two foregoing resolutions. -15

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-02-281

WHEREAS, rental of upper level civic club rooms during evening hours require a greater expenditure of staff time and effort than can be recouped by rental revenue, such that the City is required to subsidize each evening rental at a cost of approximately \$113.00; and

WHEREAS, only three organizations currently utilize the civic center club rooms for evening meetings on a regular basis; and

WHEREAS, in February of 2002, the three regular evening civic center users were notified by the City of Wauwatosa that evening use of the civic center rooms would likely be curtailed effective December 31, 2002;

NOW, THEREFORE, BE IT RESOLVED THAT the regular use of civic center rooms for evening rentals is hereby terminated effective January 1, 2003.

It was moved by Ald. Stepaniak, seconded by Ald. Casey to approve the foregoing resolution. Ayes 13, Noes 2 (Sullivan, Grimm)

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-02-286

BE IT RESOLVED, by the Common Council of the City of Wauwatosa THAT the claim filed by Kenneth Gagne 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. Stepaniak, seconded by Ald. Casey

to approve the foregoing resolution. Ayes 14, Present 1
(Subotich)

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-02-283

WHEREAS, recent incidents of graffiti have occurred on the Harmonie Bridge supports and the Honey Creek bridge which require graffiti removal by City staff in excess of the funds available for such purposes during the year 2002; and

WHEREAS, immediate removal of graffiti on any exterior structure is important in order to prevent further property damage; and

WHEREAS, the police department has requested a transfer of \$6,500.00 from the Reserve for Contingencies in order to facilitate the remaining graffiti removal in the three specific locations, as well as to provide for sandblasting and coating of the locations with materials which would allow swift removal of graffiti in the future; and

WHEREAS, the Wauwatosa police department has stated that the number of graffiti incidents varies widely from year to year such that the annual budget estimates are often over or under estimated in any particular year;

NOW, THEREFORE, BE IT RESOLVED THAT the transfer of \$6,500.00 from the Reserve for Contingencies in order to facilitate clean up and repair of City facilities from graffiti incidents is hereby approved;

BE IT FURTHER RESOLVED THAT in the case of future incidents requiring immediate graffiti removal by the Wauwatosa police department, the department is authorized to immediately remove such graffiti from City property prior to reporting to the Committee for an allocation from the Reserve for Contingencies in the event that the graffiti fund is at that time depleted.

It was moved by Ald. Stepaniak, seconded by Ald. Casey
to approve the foregoing resolution. Upon roll call vote,
the votes was Ayes 15.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-02-284

WHEREAS, the City of Wauwatosa's recently developed website has been shown to provide useful and timely information to members of the public; and

WHEREAS, the provision of property assessment data provided on the website has been particularly successful in reducing demands on staff time in providing such information to the general public; and

WHEREAS, Northwoods Software Development, Inc. has proposed that it could improve the functionality of the website by providing the ability for members of the public to print property tax

bills directly from the internet site, which program can be developed for a cost not to exceed \$4,500.00; and

WHEREAS, printing the property tax bills directly from the internet would not inappropriately diminish any privacy concerns of individuals due to the fact that such information is not searchable or otherwise able to be located by use of the property owners' names; and

WHEREAS, the funding for the development of the capability to print property tax bills could be provided in part during the year 2002 by transfers from accounts in the Administration, Common Council, and Treasurer's office, leaving only \$1,700.00 to be obtained from the Reserve for Contingencies;

NOW, THEREFORE, BE IT RESOLVED THAT the transfer of \$1,700.00 from the Reserve for Contingencies for the purpose of providing programming to print tax bill information from the internet site, pursuant to the proposal provided by Northwoods Software Development, Inc., is hereby approved.

It was moved by Ald. Stepaniak, seconded by Ald. Casey to approve the foregoing resolution. Upon roll call vote, the vote was Ayes 14, Noes 1 (Krol)

FROM THE COMMITTEE ON BUDGET AND FINANCE

BILLS AND CLAIMS FOR THE PERIOD 11/6/02 – 11/19/02

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 11/6/02 – 11/19/02: \$1,316,630.81

It was moved by Ald. Ecks, seconded by Ald. Bruderle-Baran 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-02-287

WHEREAS, Milwaukee Metropolitan Sewerage District has requested authorization to locate antennas in the City of Wauwatosa right-of-way in connection with the District's Conveyance Supervisory Control and Data Acquisition (SCADA) project; and

WHEREAS, the four antennas are to be located at the following locations within the right-of-way:

- 10600 Fisher Parkway
- 2200 N. 113th Street
- 11510 Watertown Plank Road

- 6022 W. State Street; and

WHEREAS, this project would allow MMSD to manage its resources to provide fewer basement backups and other systemic improvements; and

WHEREAS, Milwaukee Metropolitan Sewerage District will be cooperating with the City of Wauwatosa in an effort to share use of data obtained and possibly to provide additional service to the City of Wauwatosa through this system;

NOW, THEREFORE, BE IT RESOLVED THAT the request of Milwaukee Metropolitan Sewerage District to encroach upon the City right-of-way for purposes of placing antennas in connection with the District's Conveyance Supervisory Control and Data Acquisition (SCADA) project at the above-stated locations is hereby approved.

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-02-288

WHEREAS, on October 20, 2002, emergency repairs were required for the elevator in the Muellner Building at Hart Park; and

WHEREAS, an event scheduled for the following day required that the repairs be made immediately, at a cost of \$642.88; and

WHEREAS, the Director of Parks and the Chief Inspector will consult on more efficient methods of handling such emergency breakdowns at a future time;

NOW, THEREFORE, BE IT RESOLVED THAT the City of Wauwatosa is hereby authorized to pay \$642.88 to Schindler Elevator Corporation as costs for emergency elevator repairs provided by the company on October 20, 2002.

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-02-289

WHEREAS, the City of Wauwatosa solicited proposals for miscellaneous repair work on overhead garage doors at various City buildings from January 1, 2003 through December 31, 2005; and

WHEREAS, the proposal of Geis Building Products, Inc. providing a regular hourly rate of \$45.00 per hour and an overtime rate of \$75.00 per hour was the only proposal received; and

WHEREAS, Geis Building Products, Inc. currently holds this same contract which expires at the end of the calendar year 2002, has not increased its regular hourly rate for this new proposal, and appears to be the proposal most advantageous to the City, consistent with anticipated budget allocations;

NOW, THEREFORE, BE IT RESOLVED THAT the contract for miscellaneous repair work on overhead garage doors at various City buildings for the period January 1, 2003 through December 31,

2005 is hereby awarded to Geis Building Products, Inc., pursuant to the terms of the proposal submitted to the City of Wauwatosa Purchasing Department on November 6, 2002.

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

There being no further business, the meeting adjourned at 10:35 p.m.

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Carla A. Ledesma, CMC, City Clerk