



CITY OF WAUWATOSA
MEMORIAL CIVIC CENTER
7725 WEST NORTH AVENUE
WAUWATOSA, WI 53213
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COMMON COUNCIL

Regular Meeting, Tuesday, March 2, 2004 – 7:37 p.m.

PRESENT: Alds. Stepaniak, Subotich, Sullivan, Treis, Bruderle-Baran, Casey, Ecks, Grimm, Heins, Herzog, Kopischke, Krol, Matthews, McCarthy -14

EXCUSED: Alds. Becker and Jenkins

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; Ms. Isleb, Assessor; Ms. Nielsen, Nursing Supr.; Ms. Ledesma, City Clerk; Ms. Williams, Deputy City Clerk

Mayor Estness in the Chair

The Mayor called the meeting to order at 7:37 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. -14

APPOINTMENTS BY THE MAYOR

Design Review Board C

Gary G. Woodward, 6934 Cedar Street (13)
(Term ends 12/31/05)

Foregoing appointment ordered held as this was the first reading.

Plan Commission

Thomas Schultz, 2372 N. 72nd Street (13)(reappointment)
(Term ends 4/30/07)

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

APPLICATIONS, COMMUNICATIONS, ETC.

1. Special Use application to expand hours of operation for the Starbucks coffee house at 151 N. Mayfair Road
Plan Commission, Board of Zoning Appeals
2. Conditional Use application for outdoor dining and using the second story as a residential rental use at 6030 W. North Avenue
Plan Commission, Committee on Community Development
3. Land Division application to create one lot in the northeast quadrant of the Milwaukee County Grounds
Plan Commission, Committee on Community Development
4. Land Division application to create two lots in the northeast quadrant of the Milwaukee County Grounds
Plan Commission, Committee on Community Development
5. Application to rezone one lot in the northeast quadrant of the Milwaukee County Grounds from Parks & Open Space District and Medical Center & Institutions District to Conservancy District
Plan Commission, Committee on Community Development
6. Application to rezone two lots in the northeast quadrant of the Milwaukee County Grounds from Parks & Open Space District to Conservancy District
Plan Commission, Committee on Community Development
7. Conditional Use application to create a floodwater basin in the northeast quadrant of the Milwaukee County Grounds
Plan Commission, Committee on Community Development
8. Conditional Use application to create community garden plots in the northeast quadrant of the Milwaukee County Grounds
Plan Commission, Committee on Community Development
9. Request by Sherry Carlin, Tosafest Chairperson, to a Street Festival permit in the Village area for Tosafest 2004, September 10 & 11, 2004
Committee on Community Development
10. Canvass of votes from the February 17, 2004 Spring Primary
Place on file
11. Donation: \$228 from Wisconsin Energy Corporation Foundation, Inc. to purchase a cabinet for the Hart Park Senior Center meal program
Place on file
12. Notice of Claim: Matthew Plummer, 7512 W. Center Street
City Attorney
13. City of Wauwatosa Statement of Financial Condition and Bank Reconciliation of Depository Accounts as of 1/31/04
Place on file

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-04-37

WHEREAS, Yue Kwong Hui and Todd Mueller, have applied for a Conditional Use in the AA Business District at 8812 W. North Avenue to operate a massage therapy establishment 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 hereby grants a Conditional Use to Yue Kwong Hui and Todd Mueller for the operation of a massage therapy establishment in the AA Business District at 8812 W. North Avenue subject to the following conditions:

- 1) Hours of operation shall be 7:00 a.m. to 9:00 p.m., and 2) review of the conditional use after one year.

It was moved by Ald. Heins, seconded by Ald. Kopischke to approve the foregoing resolution. -14

FROM THE COMMITTEES ON EMPLOYEE RELATIONS AND BUDGET & FINANCE

RESOLUTION R-04-38

WHEREAS, the Common Council, on December 16, 2003, approved negotiation of a Memorandum of Understanding with AFSCME AFL-CIO Local 305 regarding reclassification of six Laborer I positions to the position of Laborer II; and

WHEREAS, the Department of Public Works has returned to the Council seeking approval of the Memorandum of Understanding so negotiated; and

WHEREAS, a copy of the proposed Memorandum of Understanding was attached to the February 16, 2004 memorandum of the Director of Public Works, a copy of which is attached to this Resolution and incorporated herein;

NOW, THEREFORE, BE IT RESOLVED THAT the Memorandum of Understanding between AFSCME AFL-CIO Local 305 in the City of Wauwatosa regarding the reclassification of six Laborer I positions to the position of Laborer II, effective March 21, 2004, is hereby approved.

It was moved by Ald. Casey, seconded by Ald. Heins to approve the foregoing resolution. -14

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-04-39

**RESOLUTION AUTHORIZING THE BORROWING OF \$2,300,000;
AND PROVIDING FOR THE ISSUANCE AND SALE OF
GENERAL OBLIGATION PROMISSORY NOTES, SERIES 2004 THEREFOR**

WHEREAS, the Common Council of the City of Wauwatosa, Milwaukee County, Wisconsin (the "City") hereby finds and determines that it is necessary, desirable and in the best interest of the City to raise funds for the purpose of paying the cost of various public improvements included in the City's 2004 Capital Project Plan, including repairing and upgrading streets, and storm and sanitary sewers (the "Project"), and there are insufficient funds on hand to pay said costs;

WHEREAS, the general nature and location of each element of the Project is set forth in the City's Capital Project Plan which is incorporated herein by this reference;

WHEREAS, the Common Council hereby finds and determines that the Project is within the City's power to undertake and therefore serves a "public purpose" as that term is defined in Section 67.04(1)(b) of the Wisconsin Statutes;

WHEREAS, cities are authorized by the provisions of Section 67.12(12) of the Wisconsin Statutes to borrow money and to issue general obligation promissory notes for such public purposes;

WHEREAS, the Common Council of the City hereby finds and determines that general obligation promissory notes in the amount of \$2,300,000 should be issued, and it is now necessary and desirable to authorize their issuance and sale; and

WHEREAS, the Common Council of the City hereby finds and determines that the issuance of the general obligation promissory notes complies with Section 20.13 of the Charter Ordinances of the City in all respects.

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

Section 1. Authorization of the Notes. For the purpose of paying the cost of the Project, there shall be borrowed pursuant to Section 67.12(12) of the Wisconsin Statutes, the principal sum of TWO MILLION THREE HUNDRED THOUSAND DOLLARS (\$2,300,000) from a purchaser to be determined by subsequent resolution of the Common Council (the "Purchaser").

Section 2. Sale of the Notes. To evidence such indebtedness, the Mayor and City Clerk are hereby authorized, empowered and directed to make, execute, issue and sell to the Purchaser for, on behalf of and in the name of the City, general obligation promissory notes aggregating the principal amount of TWO MILLION THREE HUNDRED THOUSAND DOLLARS (\$2,300,000) (the "Notes").

Section 3. Terms of the Notes. The Notes shall be designated "General Obligation Promissory Notes, Series 2004"; shall be in the denomination of \$5,000 or any integral multiple thereof; shall be numbered 1 and upward; shall be dated, and shall mature in the years and principal amounts as specified by subsequent resolution of the Common Council.

Section 4. Award of the Notes. At a subsequent meeting, the Common Council shall consider taking further action to provide the details of the Notes; to award the Notes to the Purchaser; and to levy a direct annual irrevocable tax sufficient to pay the principal of and interest on the Notes as the same becomes due as required by law.

Section 6. Conflicting Resolutions; Severability; Effective Date. All prior resolutions, rules or other actions of the Common Council or any parts thereof in conflict with the provisions hereof shall be, and the same are, hereby rescinded insofar as the same may so conflict. In the event that any one or more provisions hereof shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions hereof. The foregoing shall take effect immediately upon adoption and approval in the manner provided by law.

Adopted and recorded this 2nd day of March, 2004.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-04-41

WHEREAS, the Wauwatosa Health Department, as fiscal agent for the Milwaukee/Waukesha Consortium for Public Health Emergency Preparedness Consortium grant has, as part of its annual grant objectives, determined training activities which may appropriately be funded by consortium grant funds, after review by a Consortium Committee; and

WHEREAS, the amount for the approved training requests from the Health Departments associated with the Consortium totals \$150,000.00; and

WHEREAS, the proposed training will be funded entirely by the Bioterrorism Consortium grant,

NOW, THEREFORE, BE IT RESOLVED THAT the Wauwatosa Health Department is hereby authorized to utilize up to \$150,000.00 in Bioterrorism Consortium grant funds for training pursuant to the approved recommendation of the Consortium's committee;

BE IT FURTHER RESOLVED THAT applicants for grant funded training will utilize the modified City of Wauwatosa travel paperwork approved by the City of Wauwatosa Finance Director.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-04-42

WHEREAS, the 2004 Bioterrorism Preparedness grant requires that an operational Strategic National Stockpile plan be implemented for the Milwaukee/Waukesha Consortium for Public Health Emergency Preparedness to ensure the availability and rapid deployment of life saving pharmaceuticals, antidotes, or other medical supplies and equipment necessary to counter the effects of biological, nuclear, incendiary, chemical or explosive situations; and

WHEREAS, a Consortium Dispensing Site Operations plan has been produced which identifies fifteen sites throughout Milwaukee and Waukesha Counties to be used in the event of the need for mass vaccination or treatment of the population consistent with the functions of the Consortium; and

WHEREAS, the expenses associated with establishing the dispensing site operations plan are approximately \$2,533.00 per site, with a total of 15 sites being identified;

NOW, THEREFORE, BE IT RESOLVED THAT the City of Wauwatosa Health Department, as fiscal agent for the Milwaukee/Waukesha Consortium for Public Health Emergency Preparedness grant is hereby authorized to utilize up to \$38,000.00 in Bioterrorism Consortium grant funds for the establishment of 15 sites as part of the Strategic National Stockpile Dispensing Site Operations Plan during the year 2004.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-04-43

WHEREAS, the Wauwatosa Health Department has requested a waiver from purchasing influenza vaccine during the 2004 flu season from the low bid contractor recommended by the Minnesota Multi-State Contracting Alliance for Pharmacy (MMCAP); and

WHEREAS, in the past, the Health Department has had trouble obtaining sufficient supplies from this low bid distributor, and deliveries have also been received later than promised causing delays in delivery to high risk recipients of the flu vaccine by the Wauwatosa Health Department; and

WHEREAS, sufficient funds exist in the Health Department budget to purchase from a supplier other than the low bid vendor;

NOW, THEREFORE, BE IT RESOLVED THAT the City of Wauwatosa Health Department is hereby authorized to select a vendor for influenza vaccine during the 2004 flu season which is not the lowest bid for provision of the product;

BE IT FURTHER RESOLVED THAT, upon selection of a vendor and pricing of the products purchased, the Health Department must return to the Common Council for specific approval of the purchase.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-04-44

WHEREAS, the Hart Park Senior Center Advisory Board has recommended an increase in membership fee by \$3.00 per year to generate additional flexible funds for promotion of its activities; and

WHEREAS, increased revenue is estimated to be \$2,022.00 for the 674 current members;

NOW, THEREFORE, BE IT RESOLVED THAT the membership fees for the Hart Park Senior Center shall each be increased by \$3.00 per year pursuant to the recommendation of the Hart Park Senior Center Advisory Board, beginning the year 2004.

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

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-04-40

WHEREAS, the City Assessor has indicated that a recent decision of the Wisconsin Supreme Court, Columbus Park v. City of Kenosha, may require extensive work in assessing values on properties previously considered to be tax exempt; and

WHEREAS, the valuation of the involved properties would require a very specialized area of appraisal expertise; and

WHEREAS, the Assessor has agreed in principle to retain S. Steven Vitale as an outside consultant for purposes of these appraisals, who has estimated a cost range for the necessary appraisals of up to \$58,500.00;

NOW, THEREFORE, BE IT RESOLVED THAT the Wauwatosa City Assessor is authorized to contract with S. Steven Vitale, MAI, for appraisal services associated with the evaluation of four specific residential properties pursuant to the recent Supreme Court Decision in Columbus Park Housing v. City of Kenosha;

BE IT FINALLY RESOLVED THAT up to \$58,500.00 shall be transferred from the Reserve for Contingencies to the Assessor's Sundry Contractual Services Account as necessary to fund this expenditure.

It was moved by Ald. Stepaniak, seconded by Ald. Casey to approve the foregoing resolution. -14

FROM THE COMMITTEE ON BUDGET AND FINANCE

BILLS AND CLAIMS FOR THE PERIOD 2/18/04 – 3/02/04 --

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 2/18/04 – 3/02/04: \$1,465,030.10

It was moved by Ald. Casey, seconded by Ald. Ecks 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 14.

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-04-45

WHEREAS, the Wauwatosa Purchasing Manager solicited proposals from nurseries to meet the City's requirements for trees to be planted during the Spring season; and

WHEREAS, the responses are outlined in a table attached to the February 24, 2004 memorandum of the Purchasing Manager to the Board of Public Works; and

WHEREAS, different nurseries provided prices most advantageous to the City depending upon particular tree types and related costs for purchase;

NOW, THEREFORE BE IT RESOLVED THAT purchases of trees from nurseries as recommended in the February 24, 2004 memorandum of the Purchasing Manager are hereby approved;

BE IT FURTHER RESOLVED THAT the purchase of trees from Johnson's Nursery in the amount of \$11,653.00 as outlined in the Purchasing Manager's memorandum is hereby specifically approved.

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-04-46

WHEREAS, the Wauwatosa Purchasing Manager has requested authorization for the proprietary purchase of residential refuse carts and miscellaneous repair parts from Ameri-Kart Company; and

WHEREAS, competitive prices and bids have not been obtained because there is only one manufacture of this proprietary style of cart utilized by the City of Wauwatosa; and

WHEREAS, the proposal for purchase directly from Ameri-Kart Company maintains the same prices provided to the City since 1998; and

WHEREAS, funds within the account for new carts and the account for repair and replacement parts provide, in total, sufficient funding for this total purchase, although a portion of the money budgeted for repair and replacement parts will be necessary for the purchase of new carts;

NOW, THEREFORE, BE IT RESOLVED THAT the purchase of 90 gallon residential refuse carts and miscellaneous repair parts from Ameri-Kart Company in an amount not to exceed \$19,096.96 is hereby approved,

BE IT FURTHER RESOLVED THAT up to \$1,241.96 for the purchase of carts be transferred from the Repair and Replacement Parts Account to the Cart Purchase Account;

BE IT FINALLY RESOLVED THAT the competitive bidding process is hereby waived for this purchase.

It was moved by Ald. Bruderle-Baran, seconded by Ald. Herzog to approve the two foregoing resolutions. - 14

There being no further business, the meeting adjourned at 7:45 p.m.

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Carla A. Ledesma, CMC, City Clerk