



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, March 6, 2007**

PRESENT: Alds. Grimm, Hanson, Krill, Krol, Meaux, Minear, Purins, Stepaniak, Treis, Becker, Birschel, Donegan, Ewerdt -13

EXCUSED: Alds. Herzog, Maher, Didier

ALSO PRESENT: Mr. Archambo, City Administrator; Mr. Kesner, City Attorney; Mr. Braier, Finance Director; Mr. Kappel, Public Works Director; Ms. Welch, Community Development Director; Police Chief Weber; Ms. Ledesma, City Clerk; Ms. Williams, Deputy City Clerk

Common Council President Becker in the Chair

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

It was moved by Ald. Grimm, seconded by Ald. Hanson that the reading of the minutes of the last regular meeting be dispensed with and they be approved as printed. -13

**OLD BUSINESS**

The two following ordinances were held after public hearings on February 20, 2007:

**ORDINANCE O-07-7**

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF WAUWATOSA BY REZONING THE PROPERTIES LOCATED AT 2717, 2747 AND 2767 NORTH MAYFAIR ROAD FROM AA COMMERCIAL 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:

NE QUAR SEC 18 7 21 BEG AT SE COR OF SD QUAR SEC TH N  
89D12M W 411.70 FT TH N 2D13M E ON E ROW LI OF C & NW RR  
271.84 FT TH S 66D52M E 44.04 FT TO PT TH E 366.33 FT TO A PT IN E  
QUAR SEC LI WH IS 2402.90 FT S OF NE COR OF SD QUAR SEC TH S  
ALG E QUAR SEC LI 256 FT TO PL OF BEG EX E 60 FT & S 33 FT  
THEREOF FOR ST and NE QUAR SEC 18 7 21 BEG IN E LI & 2222.9 FT  
S OF NE COR OF SD QUAR SEC TH W PAR TO N QUAR SEC LI 404.51

FT TH SLY ALG E LI OF CHI & NW ROW 163.14 FT TH S 66D52M E  
44.04 FT TH ELY PAR TO N QUAR SEC LI 366.33 FT TH NLY 180 FT  
TO BEG EXC E 60 FT FOR STREET and NE QUAR SEC 18 7 21 S 121.68  
FT OF N 2222.90 FT LYING E OF RR ROW OF NE QUAR SEC 18 EXC E  
60 FT THEREOF FOR ST in the NE ¼ of Section 18, Town 7 North, Range  
21 East, in the City of Wauwatosa, County of Milwaukee, State of Wisconsin  
are Rezoned from AA Commercial 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 shall take effect on and after its date of publication.

It was moved by Ald. Treis, seconded by Ald. Meaux  
to adopt the foregoing ordinance. -13

### **ORDINANCE O-07-6**

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF  
WAUWATOSA BY REZONING THE PROPERTIES LOCATED AT 11221 AND 11333 WEST  
BURLEIGH 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:

NE QUAR SEC 18 7 21 BEG IN N LI 993.21 FT E OF NW COR OF SD  
QUAR SEC TH S 389.82 FT TH E PAR TO S QUAR SEC LI 331.03 FT TH  
N 389.82 FT TH W 330.94 FT TO PL OF BEG EXC N 55 FT & E 30 FT  
FOR ST and N 557.82 FT OF W HALF OF E HALF OF W HALF OF NE  
QUAR SEC 18 7 21 EXC W 30 FT THEREOF & EXC N 55 FT FOR  
STREET in the NE ¼ of Section 18, Town 7 North, Range 21 East, in the  
City of Wauwatosa, County of Milwaukee, State of Wisconsin are Rezoned  
from AA Light Manufacturing 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 shall take effect on and after its date of publication.

It was moved by Ald. Treis, seconded by Ald. Meaux  
to adopt the foregoing ordinance. -12-0-1 (Krill)

**APPLICATIONS, COMMUNICATIONS, ETC.**

- 1. Application for Final Plan approval for a Business Planned Development at 2717 N. Mayfair Road  
**Plan Commission, Committee on Community Development**
- 2. Notice of Claim: Dianne Dagen, 8444 Hill Street  
Notice and Amended Notice of Complaint: Whyte Hirschboeck Dudek S.C. on behalf of EZMONEY Wisconsin, Inc. appealing Board of Zoning Appeals decision  
**City Attorney**
- 3. Notice of Final Waiver and Release by Dawes Rigging and Crane Rental, Inc.,  
**City Attorney**
- 4. City of Wauwatosa Statement of Financial Condition; Bank Reconciliation of Depository Accounts as of January 31, 2007; and Investment Summary as of February 28, 2007  
**Place on file**
- 5. Letter from Rev. Steven A. Peay, First Congregational Church of Wauwatosa, 1511 Church Street, filing a personal property assessment form under protest  
**Assessor, City Administrator**
- 6. Southeastern Wisconsin Regional Planning Commission Planning Report No. 49, A Regional Transportation System Plan for Southeastern Wisconsin: 2035 & proposed resolution endorsing the regional plan  
**Director of Public Works**

**FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS**

**RESOLUTION R-07-45**

WHEREAS, Aaron J. Spencer, 7315 W. Southridge Drive, Greenfield, WI, has applied for an operator’s license in conjunction with his employment at Red Lobster, 2801 N. Mayfair Road, Wauwatosa, WI;

NOW, THEREFORE, BE IT RESOLVED THAT Aaron J. Spencer is hereby issued an operator’s license for the period ending June 30, 2007.

**FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS**

**RESOLUTION R-07-46**

WHEREAS, Ofelia Valencia, 1307 S. 58<sup>th</sup> Street, West Allis, WI, has applied for an operator’s license in conjunction with her employment at Gualupe Restaurant, 11320 W. Blue Mound Road, Wauwatosa, WI;

NOW, THEREFORE, BE IT RESOLVED THAT Ofelia Valencia is hereby issued an operator’s license for the period ending June 30, 2007.

**FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS**

**RESOLUTION R-07-47**

WHEREAS, Carrie A. Curry, N58 W23955 Hastings Court, Sussex, WI, has applied for an operator's license in conjunction with her employment at Mo's Irish Pub, Blue Mound Road, Wauwatosa, WI;

NOW, THEREFORE, BE IT RESOLVED THAT Carrie A. Curry is hereby issued an operator's license for the period ending June 30, 2007;

BE IT FURTHER RESOLVED THAT the Wauwatosa Police Department is directed to review Ms. Curry's record six months after issuance of this initial license and report back to the Committee on Legislation, Licensing and Communications if any new significant issues or concerns are revealed at that time.

**FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS**

**RESOLUTION R-07-48**

WHEREAS, Samantha K. Houge, 3043 N. Bartlett Avenue, Milwaukee, WI, has applied for an operator's license in conjunction with her employment at Applebee's, at Mayfair Mall, Wauwatosa, WI;

NOW, THEREFORE, BE IT RESOLVED THAT Samantha K. Houge is hereby issued an operator's license for the period ending June 30, 2007;

BE IT FURTHER RESOLVED THAT the Wauwatosa Police Department is directed to review Ms. Houge's record six months after issuance of this initial license and report back to the Committee on Legislation, Licensing and Communications if any new significant issues or concerns are revealed at that time.

It was moved by Ald. Krol, seconded by Ald. Birschel  
to approve the four foregoing resolutions. -13

**FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT**

**RESOLUTION R-07-49**

WHEREAS, Raoul Ehr has applied for a Conditional Use in the AA Business District at 11931 W. Blue Mound Road for a martial arts/tae kwondo studio 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 Raoul Ehr for a martial arts/tae kwondo in the AA Business District at 11931 W. Blue Mound Road subject to the following conditions:

- 1) hours of operation from 9:00 a.m. to 9:00 p.m. Monday through Friday and 9:00 a.m. to 6:00 p.m. on Saturday and Sunday, and
- 2) obtaining any required licenses and permits.

**FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT**

**RESOLUTION R-07-50**

WHEREAS, AT&T and Brian Mirsberger/Joanna Terry have applied for a Conditional Use in the AA Single Family Residence District at 2186 N. 74<sup>th</sup> Street for a telephone fiber conversion cabinet, 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 AT&T and Brian Mirsberger/Joanna Terry for a telephone fiber conversion cabinet in the Residential Planned Development District at 2186 N. 74<sup>th</sup> Street subject to the following conditions:

- 1) contingent upon AT&T obtaining all permits, licenses, franchises and permissions required under federal, state or local law prior to AT&T's commencement of the use of the facilities to provide any video programming or other programming services, as those terms are defined in 41 U.S.C. Section 522, as amended, to subscribers in the City, and
- 2) AT&T agrees it will not use the facilities described in this Conditional Use Permit as part of a network for the provision to subscribers in the City of video programming or other programming service, as those terms are defined in 47 U.S.C. Section 522, as amended, unless AT&T provides the City Clerk 30 days' prior written notice, with a copy to the City Attorney.
- 3) except for the grant of this Conditional Use Permit by the City of Wauwatosa, this action by the city shall not constitute nor be construed as a grant of any other permit, license, franchise or permission otherwise required under federal, state or local law, and
- 4) screening to the highest degree possible with a mix of fencing and shrubbery; and
- 5) addressing safety of fiber conversion cabinets, and
- 6) resolution of the noise and transformer concerns, and
- 7) obtaining all other necessary licenses and permits.

**FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT**

**RESOLUTION R-07-51**

WHEREAS, AT&T and Brian Mirsberger/Joanna Terry and Serafino Square, Inc., have applied for a Conditional Use in the Residential Planned Development District at 9993 W. North Avenue for a telephone fiber conversion cabinet, 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 AT&T and Brian Mirsberger/Joanna Terry and Serafino Square, Inc., for a telephone fiber conversion cabinet in the Residential Planned Development District at 9993 W. North Avenue subject to the following conditions:

- 1) contingent upon AT&T obtaining all permits, licenses, franchises and permissions required under federal, state or local law prior to AT&T’s commencement of the use of the facilities to provide any video programming or other programming services, as those terms are defined in 41 U.S.C. Section 522, as amended, to subscribers in the City, and
- 2) AT&T agrees it will not use the facilities described in this Conditional Use Permit as part of a network for the provision to subscribers in the City of video programming or other programming service, as those terms are defined in 47 U.S.C. Section 522, as amended, unless AT&T provides the City Clerk 30 days’ prior written notice, with a copy to the City Attorney.
- 3) except for the grant of this Conditional Use Permit by the City of Wauwatosa, this action by the city shall not constitute nor be construed as a grant of any other permit, license, franchise or permission otherwise required under federal, state or local law, and
- 4) screening to the highest degree possible with a mix of fencing and shrubbery; and
- 5) addressing safety of fiber conversion cabinets, and
- 6) resolution of the noise and transformer concerns, and
- 7) obtaining all other necessary licenses and permits.

**FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT**

**RESOLUTION R-07-52**

WHEREAS, AT&T and Brian Mirsberger/Joanna Terry, and Evangelical Lutheran Church of the Divine Savior, have applied for a Conditional Use in the AA Single Family Residence District at 11118 W. Wisconsin Avenue for a telephone fiber conversion cabinet, 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 AT&T and Brian Mirsberger/Joanna Terry, and Evangelical Lutheran Church of the Divine Savior, for a telephone fiber conversion cabinet in the Residential Planned Development District at 11118 W. Wisconsin Avenue subject to the following conditions:

- 1) contingent upon AT&T obtaining all permits, licenses, franchises and permissions required under federal, state or local law prior to AT&T's commencement of the use of the facilities to provide any video programming or other programming services, as those terms are defined in 41 U.S.C. Section 522, as amended, to subscribers in the City, and
- 2) AT&T agrees it will not use the facilities described in this Conditional Use Permit as part of a network for the provision to subscribers in the City of video programming or other programming service, as those terms are defined in 47 U.S.C. Section 522, as amended, unless AT&T provides the City Clerk 30 days' prior written notice, with a copy to the City Attorney.
- 3) except for the grant of this Conditional Use Permit by the City of Wauwatosa, this action by the city shall not constitute nor be construed as a grant of any other permit, license, franchise or permission otherwise required under federal, state or local law, and
- 4) screening to the highest degree possible with a mix of fencing and shrubbery; and
- 5) addressing safety of fiber conversion cabinets, and
- 6) resolution of the noise and transformer concerns, and
- 7) obtaining all other necessary licenses and permits.

**FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT**

**RESOLUTION R-07-53**

WHEREAS, Peter Russo, president of the Wauwatosa Village Task Force, has applied for a Street Festival Permit to the Village area on September 7 & 8, 2007 for Tosafest; and

WHEREAS, the Committee on Community Development reviewed the request and recommends granting a Street Festival permit subject to the following restrictions:

1. Tosafest shall be conducted on Friday, September 7th from 2 p.m. to 11:30 p.m.; and on Saturday, September 8th from 11 a.m. to 11:30 p.m.; with take down and clean-up on Sunday, September 9th from 7 a.m. to 1:00 p.m.
2. Live and recorded music associated with the event shall cease no later than 11:00 p.m.

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Wauwatosa THAT a Street Festival permit be granted for Tosafest 2007 to use the Village area on September 7 & 8, 2007, subject to compliance with all state and municipal laws and ordinances.

**FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT**

**RESOLUTION R-07-54**

WHEREAS, Ned Brickman, Midland 3521 LLC, has submitted a preliminary plan for a Business Planned Development at 2717, 2747, and 2767 N. Mayfair Road to construct a retail development; and

WHEREAS, these preliminary plans have been reviewed and recommended by the City Plan Commission and the Committee on Community Development; and

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin hereby approves the preliminary plans for a Business Planned Development at 2717, 2747, and 2767 N. Mayfair Road submitted by Ned Brickman, Midland 3521 LLC, based upon the plans submitted to the City and the public hearings conducted on this matter subject to the following conditions:

- 1) Plans showing adequate sewer capacity, environmental remediation, and storm water management subject to approval by City Engineer; and
- 2) Parking lot and traffic circulation plans showing adequate access for adjacent businesses subject to approval by City Engineer; and
- 3) Plans for water supply to site subject to approval by City Water Superintendent; and
- 4) Building plans designating design and materials recommended by the City Design Review Board; and
- 5) Emergency vehicle access plan subject to approval by City Police and Fire Departments; and
- 6) Legal combination of the three parcels, and
- 7) Final Developer’s Agreement approved by Common Council.

It was moved by Ald. Treis, seconded by Ald. Meaux to approve the six foregoing resolutions. -13

**FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT**

**RESOLUTION R-07-55**

WHEREAS, Michael Krill, Icon Development, has submitted a preliminary plan for a Business Planned Development at 11221 and 11333 W. Burleigh Street to construct a medical office building, parking structure, retail space, luxury hotel and multi-family residential development; and

WHEREAS, these preliminary plans have been reviewed and recommended by the City Plan Commission and the Committee on Community Development; and

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin hereby approves the preliminary plans for a Business Planned Development at 11221 and 11333 W. Burleigh Street submitted by Michael Krill, Icon Development, based upon the plans submitted to the City and the public hearings conducted on this matter subject to the following conditions:

- 1) Plans showing adequate sewer capacity, environmental remediation, and storm water management subject to approval by City Engineer; and
- 2) Parking lot and traffic circulation plans showing adequate access for adjacent businesses subject to approval by City Engineer; and
- 3) Plans for water supply to site subject to approval by City Water Superintendent; and
- 4) Building plans designating design and materials recommended by the City Design Review Board; and
- 5) Residential units will be condominium units; and
- 6) Emergency vehicle access plan subject to approval by City Police and Fire Departments; and
- 7) Legal combination of the three parcels, and
- 8) Final Developer's Agreement approved by Common Council.

It was moved by Ald. Treis, seconded by Ald. Meaux to approve foregoing resolution. 12-0-1 (Krill)

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

**RESOLUTION R-07-56**

WHEREAS, the City of Wauwatosa previously discovered abandoned fuel tanks contained entirely within City of Wauwatosa property in the area of 68<sup>th</sup> and State Streets in the City of Wauwatosa, which land had been purchased by the City in 1941; and

WHEREAS, previous cleanup and investigation indicates the need for further investigation and monitoring of the site at the request of the Department of Natural Resources; and

WHEREAS, GeoTrans, Inc. performed the previous cleanup and investigation at this site;

NOW, THEREFORE, BE IT RESOLVED THAT appropriate City officials are hereby authorized to enter into an agreement with GeoTrans, Inc. at a cost not to exceed \$25,000.00 for additional environmental investigation and monitoring work related to underground storage tanks located in the area of 68<sup>th</sup> and State Streets in the City of Wauwatosa;

BE IT FURTHER RESOLVED THAT funding for this contract shall be provided through funds available in Tax Incremental Financing District No. 3.

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

**RESOLUTION R-07-57**

WHEREAS, the City of Wauwatosa issued a Request for Proposals for a consultant to develop a comprehensive plan for the City of Wauwatosa; and

WHEREAS, the budgeted amount available for the comprehensive plan is \$75,000.00, and the Wauwatosa Economic Development Corporation has donated \$20,000.00 to the City as

additional funds to be utilized for this purpose, and is committed to making additional money available as necessary to complete the project; and

WHEREAS, after reviewing the 6 proposals received in response to the Request for Proposals, staff has recommended that the proposal of Vandewalle and Associates, having a base cost of approximately \$90,000.00, is the most advantageous proposal and would be in the best interest of the City; and

WHEREAS, additional costs associated with this proposal could raise the cost above the base price of \$90,000.00; and

WHEREAS, the Wauwatosa Economic Development Corporation is committed to funding additional costs if they exceed currently available funds;

NOW, THEREFORE, BE IT RESOLVED THAT the appropriate City officials are hereby authorized to enter into an agreement with Vandewalle and Associates to develop a comprehensive plan for the City of Wauwatosa consistent with the proposal recommended by the Director of Community Development in a memo dated February 20, 2007.

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

**RESOLUTION R-07-59**

WHEREAS, the City Attorney’s office has requested a transfer from the Reserve for Contingencies for interim funding for litigation costs related to the matter of Covenant Healthcare v. City of Wauwatosa;

NOW, THEREFORE, BE IT RESOLVED THAT the amount of \$33,520.00 is hereby transferred from the Reserve for Contingencies to the City Attorney’s Sundry Contractual Services Account to fund immediate and known litigation and litigation support expenses in the property tax exemption litigation in Covenant Healthcare v. City of Wauwatosa.

It was moved by Ald. Birschel, seconded by Ald. Krol to approve the three foregoing resolutions. -13

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

**RESOLUTION R-07-58**

WHEREAS, the Wauwatosa Common Council has previously approved amendments to TIF District #3 in the City of Wauwatosa which, in part, anticipated \$1,900,000.00 to be made available to a developer for redevelopment of the former Western Metals property in the area of 62<sup>nd</sup> Street and State Streets in the City of Wauwatosa; and

WHEREAS, Lears, Inc. has received preliminary and final plan approval for a planned development on the former Western Metals property, which would be called Stone Pointe Condominiums with the address 1215 N. 62<sup>nd</sup> Street; and

WHEREAS, the previously approved development plan included all necessary terms for a development agreement with the City, except that it did not include approval of the details related to the proposed TIF expenditures for this project; and

WHEREAS, a proposed plan for expenditure of TIF funds for this project was presented to the Committee at its meeting on February 13 and 27, 2007, which included funds for demolition of existing buildings, environmental remediation projects and access to the Schoonmaker Reef area for public viewing; and

WHEREAS, the details of the Tax Incremental Financing expenditures and reimbursements are outlined in the attached document filed "Section 7. Tax Incremental Financing," which shall be incorporated as Section 7 of the proposed Development Agreement with the developers of Stone Point condominiums; and

WHEREAS, the attached proposal is the same as the proposal presented to Committee at its February 27, 2007, meeting, with the exception that there is no provision for payment of interest to the developer or funds reimbursed at a later date and reimbursements can be made in partial payments as expenses are incurred and funds are available;

NOW, THEREFORE, BE IT RESOLVED THAT the expenditure of tax incremental financing funds in the amount of \$1,900,000.00 as reimbursement for eligible expenses incurred by Lears, Inc. in constructing the Stone Pointe condominiums at 1215 N. 62<sup>nd</sup> Street in the City of Wauwatosa is hereby approved;

BE IT FURTHER RESOLVED THAT the terms and conditions of this expenditure shall be as outlined in the attached excerpt from the Development Agreement to be executed by the parties involved.

It was moved by Ald. Birschel, seconded by Ald. Krol to approve the foregoing resolution. 12-1 (Grimm)

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

BILLS AND CLAIMS FOR THE PERIOD 2/21/07 – 3/06/07 --

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 2/21/07 – 3/06/07: \$18,929,830.93

It was moved by Ald. Meaux, seconded by Ald. Krol that each and every one of the accounts of bills and claims be allowed and ordered paid. Roll call vote, Ayes 13

**FROM THE BOARD OF PUBLIC WORKS**

**RESOLUTION R-07-60**

WHEREAS, the Common Council of the City of Wauwatosa did, by a resolution passed and dated January 3, 2006, approve and adopt a report of the Board of Public Works in connection with repaving, and work appurtenant thereto, in the following streets:

<u>Street &amp; Location</u>	<u>Ald. Dist.</u>	<u>Exist &amp; (Prop.) Width</u>	<u>Pavement Constr. Type</u>	<u>Assessed Sidewalk Work</u>
N. 118 <sup>th</sup> Street - W. Center Street to Locust Street	6	30'	C	No
N. 122 <sup>nd</sup> Street - W. Center Street to Locust Street	7	30'	C	No
Mayfair Frontage Road - Walnut Road to South End	7	36'	C	No
Stickney Avenue - Ludington Avenue to Jackson Park Boulevard	2	30'	B	Yes
Alley - North Avenue to Jackson Park Boulevard from Ludington Avenue to 90 <sup>th</sup> Street	2	16.5'/ 18'/20'	C	No
Alley - North Avenue to Meinecke Avenue from N. 62 <sup>nd</sup> Street to N. 63 <sup>rd</sup> Street	5	15'	A - Conc	No

WHEREAS, the construction of the improvement above-described having now been completed in the aforementioned streets, it is the desire of the Board of Public Works to place the special assessments on the tax roll.

WHEREAS, it is the desire of the Board of Public Works to adjust the assessments for approaches and service walks, contained in said report, in relation to the costs of construction involved.

WHEREAS, the Director of Public Works has prepared amended special assessments taking into account the aforementioned differences.

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

Section 1. That the special assessments for paving set forth in the aforesaid reports of the Board of Public Works, approved by resolution passed and dated as listed are hereby directed to be entered upon the tax roll as hereinafter set forth and as reiterated in the special assessments attached hereto.

Section 2. That the attached amended special assessments for approaches and service walks, against the respective lots, tracts, and parcels of land abutting on the aforementioned streets be and the same are hereby approved and adopted and are directed to be entered upon the tax roll as hereinafter set forth.

Section 3. That the owners of the respective parcels of land fronting or abutting the street improvements on which public hearings have been held and preliminary assessments have been confirmed, shall have payment of the special assessments scheduled as follows:

(a) Each special assessment and special charge, pursuant to Section 66.0627 of the Wisconsin Statutes, levied in an amount of \$200 or less against any parcel of land in the City of Wauwatosa shall be entered in the tax rolls in one installment.

(b) Each special assessment for improvements levied in an amount exceeding \$200. against any parcel of land in the City of Wauwatosa shall be entered in the tax rolls in five equal annual installments of principal together with interest at the rate of twelve percent (12%) per year or the percentage rounded out to the next highest whole percentage number above the interest rate paid by the City for the sale of corporate purpose bonds, which include the project which is the subject of the special assessment, whichever figure is less, on the unpaid balance of said assessment. Individual assessments shall run concurrently except as provided under Section 3.08.040 of the City Code.

(c) Each special assessment levied against any parcel of land in the City of Wauwatosa for the installation of sanitary sewer main or water main or construction of permanent street pavement shall not be entered in the tax roll until all installments of special assessments for sanitary sewer or water main or construction of permanent street pavement levied previously against the same parcel of land have been entered into the tax rolls and have been paid. Such subsequent special assessment shall be deferred and only interest at the rate of twelve percent (12%) per year, or the percentage rounded out to the next highest whole percentage number above the interest rate paid by the City for the issuance of General Obligation Debt, which include the project which is the subject of the special assessment, whichever figure is less, on such subsequent special assessment shall be carried into the tax rolls in addition to the scheduled installments of such prior assessments. After the last installment of such prior special assessment has been entered in the tax rolls, installments of the subsequent special assessment shall, beginning with the next subsequent tax roll, be entered in the tax rolls pursuant to Section 3.08.030 of the City Code.

(d) Whenever special assessments are levied against the frontage and side of a corner parcel of land in the City of Wauwatosa for the installation of sanitary sewers or water mains or construction of permanent pavements arising out of the same public works project, such special assessments levied against a corner parcel of land shall be deemed to be two separate special assessments, and the special assessment levied against the frontage of the corner parcel of land shall first be scheduled on the tax rolls for payment as provided in Section 3.08.030 of the City Code and the special assessment levied against the side of the corner parcel of land shall be scheduled on the tax rolls pursuant to (c) above, following such scheduling of the special assessment levied against the frontage of the corner parcel of land.

(e) Notwithstanding the provisions of (c) and (d) above, any owners of parcels of land assessed may at their option elect to pay both the scheduled installments of prior assessments as well as scheduled installments of subsequent special assessments on the same tax rolls as entered on those tax rolls pursuant to Section 3.08.030 of the City Code.

(f) If, after special assessments have been placed on the tax rolls in installments or otherwise, the taxpayer fails to pay the same within the time allowed for payment of general taxes, the same shall become delinquent and shall be treated in the same manner and subject to the same laws as delinquent general property taxes.

Section 4. That the City Clerk publish the installment assessment notice, as by Section 66.54 of the Wisconsin Statutes provided, including therein that the owners of the property benefited by said improvement may elect within thirty (30) days from the date of said notice to pay the said assessment on their property on or before the next succeeding November 1.

**FROM THE BOARD OF PUBLIC WORKS**

**RESOLUTION R-07-61**

BE IT RESOLVED, By the Common Council of the City of Wauwatosa, Wisconsin, that the attached account of the expense of sidewalk repairs under Contract 06-19 Concrete Sidewalk Repairs be submitted to the Finance Director in accordance with Section 66.615(3)(f) of the Wisconsin Statutes.

BE IT FURTHER RESOLVED, that the City Clerk be and she is hereby directed to send out the proper bills to the owners of the property, as listed in the accompanying assessment for sidewalk repairs under Contract 06-19 Concrete Sidewalk Repair.

**FROM THE BOARD OF PUBLIC WORKS**

**RESOLUTION R-07-62**

WHEREAS, the Wauwatosa Purchasing Department solicited bids for the supply of ready-mixed concrete products for the 2007 spring/summer repair season; and

WHEREAS, six vendors submitted bids for the products described, such that depending on the particular circumstances any one of the vendors could provide appropriate supplies in the best interest of the City based upon variations in price, convenience and availability;

NOW, THEREFORE, BE IT RESOLVED THAT the six separate vendors described in the memorandum of the Purchasing Manager dated February 20, 2007 are hereby authorized to supply ready-mixed concrete products to the City of Wauwatosa on an as-needed basis for the 2007 spring/summer repair season, with individual purchases to be made based upon the particular advantages of price, convenience and availability.

It was moved by Ald. Grimm, seconded by Ald. Krill  
to approve the three foregoing resolutions. -13

There being no further business, the meeting adjourned at 7:47 p.m.

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Carla A. Ledesma, CMC, City Clerk