



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

Regular Meeting, Tuesday, May 16, 2006

PRESENT: Alds. Donegan, Ewerdt, Grimm, Hanson, Krill, Krol, Maher, Meaux, Stepaniak, Sullivan, Treis, Becker, Birschel, Didier - 14

EXCUSED: Alds. Herzog and Purins

ALSO PRESENT: Mr. Kesner, Interim City Administrator/City Attorney; Mr. Braier, Finance Director; Mr. Kappel, Dir. of Public Works; Ms. Welch, Community Development Director; Police Lt. Jochem; Dr. Kreuser, Health Officer; Ms. Aldana, Asst. City Attorney/Personnel Adm.; Fire Chief Redman; Mr. Wehrley, City Engineer; 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.

Gene Guskowski, Wauwatosa Historic Preservation Commission formally presented the historic wall in city hall where photographs and information on the city's historic buildings are displayed. This project is the culmination of months of effort by the Commission to carry out the task of educating the community about the importance of historic building preservation.

Mayor Estness, Common Council President Becker, and Mr. Guskowski presented Roy and Jo Cole with a proclamation commemorating the Coles' efforts for many years in the area of historic building preservation.

It was moved by Ald. Grimm, seconded by Ald. Didier that the reading of the minutes of the last regular meeting be dispensed with and they be approved as printed. -14

**PUBLIC HEARING**

The first item of business was a public hearing to consider the following proposed 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 16<sup>th</sup> day of May, 2006 for the purpose of hearing all interested persons concerning the preliminary resolution and report of the Board of Public Works on the proposed improvement by repaving of the following street. Sidewalk replacement cost, on those streets so indicated, is included in the assessment rate for the paving work.

Street & Location	<u>Ald. Dist.</u>	<u>Exist &amp; (Prop.) Width</u>	<u>Pavement Construction Type</u>	<u>Assessed Sidewalk Work</u>
W. Blue Mound Rd. – N. 66 <sup>th</sup> Street to Glenview Ave.	4	Varies	C	Yes

Original Construction: New (Conc.) or (Asph.) Grading, placing new concrete curb and gutter, and concrete or asphalt pavement surface (as indicated) on a new stone or asphalt base.

Reconstruction: Type “A” (Asph.) or (Conc.) Completely removing existing curb and gutter and existing pavement, placing new concrete curb and gutter (excluding alleys), and asphalt or concrete pavement surface on a new base.

The above repaving type also includes placing necessary water and sewer service pipes and storm sewer and appurtenances; relaying sanitary sewer and storm sewer as required; relocating existing street lighting system where necessary; constructing new concrete driveway approaches and replacing concrete sidewalks which are disturbed by other construction, which are defective, or which have a hazard potential.

Repaving: Type “B” (Asph.) Completely removing existing curb and gutter, milling the existing asphalt pavement as required, and placing new concrete curb and gutter and asphalt pavement surface on the existing road base.

The above repaving type also includes placing necessary water and sewer service pipes and storm sewer and appurtenances; relaying sanitary sewer and storm sewer as required; relocating existing street lighting system where necessary; constructing new concrete driveway approaches and replacing concrete sidewalks which are disturbed by other construction, which are defective, or which have a hazard potential.

Repaving: Type “C” (Asph.) Milling the existing pavement as required, repairing curbs (and abutting approaches and sidewalks where necessary), and surfacing with asphalt pavement. Also included is the placing of necessary water and sewer service pipes and storm sewer and appurtenances, and relaying sanitary sewer and storm sewer as required.

and 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 the report of the Board of Public Works in connection with the construction of the above-described permanent public improvement, including preliminary plans and specifications therefore, is hereby adopted and approved.

Section 2. That the Board of Public Works is directed to carry out the work of such permanent improvement in accordance with the report of the Board of Public Works.

Section 3. That payment for said permanent improvement be made by assessing the cost to the property improved as indicated in said report.

Section 4. That the assessments shown on the report, are true and correct and are hereby confirmed.

Section 5. That the owners of the respective parcels of land fronting or abutting the street improvements, on which a public hearing has 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) All assessments will be collected in installments as provided below, except such assessments on property where the owner of the same shall file with the City Clerk within 30 days from date of billing, a written notice that he elects to pay the special assessment on his property to the City Treasurer on or before the next succeeding November 1, unless the election is revoked in writing 30 days prior to November 1. If, after making such election, said property owner fails to make the payment to the City Treasurer, the City Clerk shall place the entire assessment, and applicable interest, on the next succeeding tax roll.

(c) 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.

(d) 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.

(e) 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.

(f) 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.

(g) 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 6. The properties against which the assessments are proposed are benefited. Such benefits may include, but are not necessarily limited to, enhancement of value or marketability, improved drainage, improved pedestrian safety (walks), improved vehicular access, improved skid resistance and cross sectional elements.

Section 7. The City Clerk is directed to publish this resolution in the Wauwatosa News Times, official paper of the City of Wauwatosa.

Section 8. The City Clerk is further directed to mail a copy of this resolution to every property owner within the limits of the assessment district whose name appears on the assessment roll and whose post office address is known, or can with reasonable diligence be ascertained.

Proof of publication is in the file.

Mr. Kappel stated that this will be a joint project with the City of Milwaukee, who will act as lead agency.

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 June 6th Common Council meeting,

**APPOINTMENTS BY THE MAYOR**

Village of Wauwatosa BID

Kate Julia Wilfer, owner of Juxt, 1504 Underwood Avenue  
(Term ends 12/31/07)

Provided for informational purposes only.

Citizens Advisory Capital Improvements Committee

Tom Stacey, 1269 N. 123rd Street  
(Term ends 6/30/09)

Ordered held as this was the first reading.

Committee for Citizens with Disabilities  
Mary Walz-Chojnacki, 8007 Portland Avenue  
(Term ends 12/31/09)

Wauwatosa Housing Authority  
J. Michael Long, 2450 N. 97th Street  
(Term ends 4/30/11)

It was moved by Ald. Maher, seconded by Ald. Birschel  
to concur with the foregoing appointments. -14

**APPLICATIONS, COMMUNICATIONS, ETC.**

1. Request by Sts. Constantine & Helen Greek Orthodox Church for a street festival permit for an annual Greek Festival on June 9-11, 2006  
**Committee on Community Development**
2. Request by Susan Land, 2661 N. 70th Street and parents and staff of Roosevelt School to make N. 73rd Street one way southbound and N. 74th Street one way northbound between W. Center Street and W. North Avenue  
**Director of Public Works**
3. City of Wauwatosa Investment Summary and Bank Reconciliation of Depository Accounts as of April 30, 2006  
**Place on file**
4. Notice of Claims: Zachary Poppert, 8141 Woodland Ave.; Levi and Angela Lura, 7817 W. North Avenue; Gregory A. Stano, 4430 N. 108th Street;  
Notice of Lawsuit: Russell Drover vs. City of Wauwatosa  
**City Attorney**
5. Wauwatosa Water Utility Statement of Receipts and Disbursements for month ended April 30, 2006  
**Place on file**
6. Letter from Jefferson Elementary School PTA requesting a traffic study of N. 68th and N. 70th Streets near Jefferson Elementary School  
**Director of Public Works; Police Chief**
7. City of Wauwatosa Statement of Financial Condition as of 4/30/06  
**Place on file**

**FROM THE COMMITTEES ON EMPLOYEE RELATIONS & BUDGET AND FINANCE**

**RESOLUTION** R-06-118

BE IT RESOLVED, by the Common Council of the City of Wauwatosa, THAT a .5 FTE Municipal Clerk I position is created in the Health Department effective July 1, 2006, subject to confirmation with the Union that the City would have no obligation to fund the position should the City lose the grant funds that support this position;

BE IT FURTHER RESOLVED THAT an amount not to exceed \$6,932.40 be transferred from the Reserve for Contingencies Account to the appropriate Health Department Account to cover some of the costs necessary to fund the position.

It was moved by Ald. Stepaniak, seconded by Ald. Krill to approve the foregoing resolution. Roll call vote, Ayes 14.

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

TO THE COMMON COUNCIL, CITY OF WAUWATOSA WI –

The Committee on Budget and Finance, to whom was referred the matter of reduced assessments as a result of penalties imposed for 2005 street improvements on Pasadena Boulevard, recommends to the Common Council that the matter be accepted and placed on file.

Dated this 9th day of May 2006.

Committee on Budget and Finance

It was moved by Ald. Stepaniak, seconded by Ald. Meaux to approve the foregoing report. -14

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

BILLS AND CLAIMS FOR THE PERIOD 5/3/06 – 5/16/06 --

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 5/3/06 – 5/16/06: \$1,010,292.74

It was moved by Ald. Meaux, seconded by Ald. Maher that each and every one of the accounts of bills and claims be allowed and ordered paid. Roll call vote, Ayes 14

**FROM THE BOARD OF PUBLIC WORKS**

**RESOLUTION R-06-119**

WHEREAS, manhole inspections which were completed subsequent to preparation of contract 06-5 have revealed additional manhole rehabilitation to be necessary off of the paved surfaces within the area planned for seal coating in 2006; and

WHEREAS, contracting for the additional manhole rehabilitation in conjunction with contract 06-5 provides the greatest efficiency in use of City resources and prevents damage to newly sealed roadways if such work were performed after seal coating has been completed;

NOW, THEREFORE, BE IT RESOLVED THAT Change Order No.1 to contract 06-5 in the amount of \$57,000.00, to provide for additional manhole rehabilitation within the 2006 seal coating area, is hereby approved.

**FROM THE BOARD OF PUBLIC WORKS**

**RESOLUTION R-06-120**

BE IT RESOLVED by the Common Council of the City of Wauwautosa, THAT the following revised account of the special assessment for sidewalk and/or drive approach repairs, be submitted to the City Comptroller; and

BE IT FURTHER RESOLVED, THAT the City Clerk be and she is hereby directed to send out the proper amended notices to the owners of the properties as listed below for sidewalk and/or drive approach repairs under Contract 05-19 Concrete Sidewalk Repair.

REVISED ACCOUNT OF EXPENSE  
Contract 05-19

<u>Address</u>	<u>Key #</u>	<u>Original Assessment</u>	<u>Amended Assessment</u>
602 N. 61 <sup>st</sup> St.	384049500	\$181.77	\$175.61
6436 Betsy Ross Pl.	345074300	\$106.06	\$ 92.31
6500-6606 Revere Ave	345077600	\$603.08	\$ 0.00
6500-6606 Revere Ave.	345061300	\$ 0.00	\$603.08

**FROM THE BOARD OF PUBLIC WORKS**

**RESOLUTION R-06-121**

BE IT RESOLVED by the Common Council of the City of Wauwautosa, THAT the following revised account of the special assessment for concrete replacement in conjunction with 2005 repaving projects be submitted to the City Comptroller; and

BE IT FURTHER RESOLVED, THAT the City Clerk be and she is hereby directed to send out the proper amended notices to the owners of the properties as listed below:

REVISED ACCOUNT OF EXPENSE

<u>Address</u>	<u>Key #</u>	<u>Original Assessment</u>	<u>Amended Assessment</u>
2860 N. Park Drive	298-0086	\$100.00	\$0.00

051606CCminutes

051606CCminutes

7002 W. Wright St.                    331-0126                    \$ 87.70                    \$0.00

It was moved by Ald. Maher, seconded by Ald. Birschel  
to approve the three foregoing resolutions. -14

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

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Carla A. Ledesma, CMC, City Clerk

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