



CITY OF WAUWATOSA
MEMORIAL CIVIC CENTER
7725 WEST NORTH AVENUE
WAUWATOSA, WI 53213
Telephone: (414) 479-8917
Fax: (414) 479-8989

COMMON COUNCIL
Regular Meeting, Tuesday, December 5, 2006

PRESENT: Alds. Treis, Becker, Birschel, Didier, Donegan, Ewerdt, Grimm, Hanson, Herzog, Krill (7:40 p.m.), Krol (7:47 p.m.), Maher (7:41 p.m.), Meaux, Purins, Stepaniak, Sullivan - 16

ALSO PRESENT: Mr. Archambo, City Administrator; Mr. Kesner, City Attorney; Mr. Braier, Finance Director; Mr. Kappel, Public Works Director; Ms. Welch, Community Development Director; Dr. Kreuser, Health Officer; Fire Chief Redman; Ms. Aldana, Asst. City Atty./Personnel Admin.; 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.

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. - 13

Mayor Estness, Common Council President Becker, and Fire Chief Redman accepted a \$12,500 grant from Fireman's Fund Insurance which will be used to purchase rescue fittings for the department's breathing apparatus. The presentation was made by Mike Danisewicz and Tim Noel of Fireman's Fund Insurance.

OLD BUSINESS

The following was held after a public hearing on November 21, 2006:

ORDINANCE O-06-21

AN ORDINANCE AMENDING CHAPTER 24.46.070 BY ALLOWING CELLULAR ANTENNAS AND ASSOCIATED EQUIPMENT AS A CONDITIONAL USE ON SCHOOL DISTRICT PROPERTY

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

Part 1. That Section 24.46.070 Cellular telephone, microwave and related communication towers and accessory ground structures is amended to read as follows:

Cellular telephone transmission, microwave and related communication towers, antennas and accessory ground structures shall be allowed as conditional uses only in the AA industrial district, AA light manufacturing district, medical center and institutions district,

municipal public works district, park and open space district, cemetery district and on municipal or school district property. Fencing must secure each site with accessory ground structures not to exceed dimensions of twelve by twenty feet with a maximum heights of ten feet. Ground structures shall have a stone aggregate or masonry exterior and must be in conformance with other ground structures on each site with respect to size and exterior materials. Landscaping shall be incorporated at each location. There shall be a limit of six ground structures for each site. Antennas shall have a maximum height of one hundred twenty-five feet. All obsolete or unused facilities must be removed within ninety days of cessation of operations at the site.

Part II. This Ordinance shall take effect and be in force from and after its passage and publication.

It was moved by Ald. Treis, seconded by Ald. Herzog to adopt the foregoing ordinance. Roll call vote, Ayes 8, Noes 5 (Birschel, Didier, Grimm, Hanson, Sullivan)

APPOINTMENTS BY THE MAYOR

Board of Zoning Appeals
Peter Subotich, 2557 N. 82nd Street
(Term ends 4/30/09)

It was moved by Ald. Birschel, seconded by Ald. Didier to concur with the foregoing appointment. -13

APPLICATIONS, COMMUNICATIONS, ETC.

1. Conditional Use application to operate a Mexican restaurant with outside patio and drive-thru at 11320 W. Blue Mound Road
Plan Commission, Committee on Community Development
2. Conditional Use application to operate a Chinese relaxation center including massage at 2500 N. Mayfair Road
Plan Commission, Committee on Community Development
3. Conditional Use application to place a pad mounted fiber conversion cabinet and telephone crossbox at 8200 W. Blue Mound Road
Plan Commission, Committee on Community Development
4. Request for approval of a Preliminary Planned Development at 2717 N. Mayfair Road for a retail development
Plan Commission, Committee on Community Development
5. Notice of Claim: State Farm Insurance Company for Dana K. Lenz
City Attorney
6. City of Wauwautosa Bank Reconciliation of Depository Accounts as of October 31, 2006
Place on file

FROM THE COMMITTEE ON TRAFFIC & SAFETY FOR INTRODUCTION

- 1. Ordinance creating Section 11.32.500 and amending Section 11.66 of the City Code regarding tow- away zones
Re-refer to originating committee

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-06-252

BE IT RESOLVED, by the Legislation, Licensing & Communications Committee of the City of Wauwatosa THAT certain restaurant establishments may apply for an exception to the smoke free restaurant ban based on the City of Wauwatosa ordinance, section 8.12.040 (7) (C) and (D), and

THAT upon application to the city for approval as an exception to the smoke free restaurant ban, the following establishments have met requirements for a combination restaurant/tavern status in accordance with City Code section 8.12.040 (7) (C) and (D) as an exception to the smoke-free restaurant ban; and

THAT Dr. Nancy Kreuser has notified the Committee that Mo’s Irish Pub, pending completion of additional steps, is eligible for an exception to the smoke free restaurant ban,

THEREFORE BE IT RESOLVED THAT the above noted establishment is hereby granted approval as an exception to the smoke-free restaurant ordinance contingent upon the completion of requirements as indicated by Dr. Kreuser.

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-06-253

WHEREAS, Robert J. Riley, 3351 S. 45th Street, Greenfield, WI, has applied for an operator’s license in conjunction with his employment at Mo’s Irish Pub, 10842 W. Blue Mound Road;

NOW, THEREFORE, BE IT RESOLVED THAT Robert J. Riley, 3351 S. 45th Street, Greenfield, WI, is hereby issued an operator’s license for the period ending June 30, 2007.

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-06-254

WHEREAS, Danielle Lazzaro, W237 S9585 Klein Lane, Big Bend, WI, has applied for an operator’s license in conjunction with her employment at Jo Jo’s Martini Lounge, 418 N. Mayfair Road, Wauwatosa, WI;

NOW, THEREFORE, BE IT RESOLVED THAT Danielle Lazzaro, W237 S9585 Klein Lane, Big Bend, WI, is hereby issued an operator’s license for the period ending June 30, 2007.

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

FROM THE COMMITTEE ON TRAFFIC AND SAFETY

RESOLUTION R-06-255

WHEREAS, the Wisconsin Safe Routes to School program will fund a variety of projects that encourage children to walk and bicycle to school; and

WHEREAS, the City of Wauwatosa has a neighborhood school program and therefore a lot of opportunity for children to walk and bike to school; and

WHEREAS, the parents in our community have expressed a need to have safer routes for children who may walk and bike to the neighborhood schools; and

WHEREAS, Alderwoman Didier has volunteered to begin to work on this program in her district as an example of what may be done for the schools in the rest of the community.

NOW, THEREFORE, BE IT RESOLVED THAT the Common Council of the City of Wauwatosa supports this effort in the third and fourth aldermanic districts; and

BE IT FURTHER RESOLVED THAT the appropriate departments are directed to set forth a representative to help advance the Safe Routes to School Program in the City of Wauwatosa.

It was moved by Ald. Didier, seconded by Ald. Hanson to approve the foregoing resolution. - 13

(Ald. Krill present 7:40 p.m.) -14

(Ald. Maher present 7:41 p.m.) -15

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-06-256

WHEREAS, Joseph Bartolotta has applied for a Conditional Use in the Village Trade District at 7606 W. State Street for expanded outdoor seating 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 Joseph Bartolotta for expanded outdoor seating in the Village Trade District at 7606 W. State Street subject to the following conditions:

- 1) hours of operation from 11:00 a.m. to 11:00 p.m. daily April through November,

- 2) providing four feet of clearance, not including brick pavers, to accommodate wheelchair access, and
- 3) obtaining any other licenses and permits.

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

(Ald. Krol present 7:47 p.m.) -16

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-06-257

WHEREAS, Chris Leffler has applied for a Conditional Use in the AA Business District at 7111 W. Center Street for an adult day care center, 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 Chris Leffler for an adult day care center in the AA Business District at 7111 W. Center Street subject to the following conditions:

- 1) hours of operation from 7:00 a.m. to 10:00 p.m. daily,
- 2) the installation of a sprinkler system, and
- 3) obtaining any other licenses and permits.

It was moved by Ald. Treis, seconded by Ald. Sullivan to approve the foregoing resolution. -16

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-06-258

WHEREAS, David Israel has submitted final plans for a Business Planned Development at 1215 N. 62nd Street to construct 224 condominium units in three buildings; and

WHEREAS, the Plan Commission reviewed these final plans and recommended approval; and

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

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin approves the Final Plans for a Business Planned Development to be located at 1215 N. 62nd Street submitted by David Israel based upon the final plans submitted and compliance with the

conditions established during the preliminary approval process to the City and the public hearings conducted on this matter.

It was moved by Ald. Treis, seconded by Ald. Sullivan to approve the foregoing resolution. Roll call vote, Ayes 11, Noes 5 (Becker, Birschel, Didier, Grimm, Hanson)

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-06-259

WHEREAS, Dr. Phil Ertl, Superintendent, Wauwatosa School District has applied for a Conditional Use in the AA Single Family Residence District at 2166 N. 68th Street for the installation of cellular antennas and associated equipment, 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 Dr. Phil Ertl, Superintendent, Wauwatosa School District for the installation of cellular antennas and associated equipment in the AA Single Family Residence District at 2166 N. 68th Street.

It was moved by Ald. Treis, seconded by Ald. Sullivan to approve the foregoing resolution. Roll call vote, Ayes 11, Noes 5 (Birschel, Didier, Grimm, Hanson, Sullivan)

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION

BE IT RESOLVED THAT appropriate City officials are hereby authorized to execute the Revised Memorandum of Understanding with Cobalt Partners for development of the Public Works site south of Walnut Road in the City of Wauwatosa, as that document was presented at the meeting of the Committee on Community Development dated November 28, 2006.

It was moved by Ald. Treis, seconded by Ald. Sullivan to approve the foregoing resolution. –

Following some discussion, the consensus was to hold this item to the end of the agenda.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-06-262

WHEREAS, the Milwaukee County Paramedic Program has previously limited the operation of paramedic units to standalone paramedic units; and

WHEREAS, the new program anticipated to begin in January, 2007, would allow for combined Advanced Life Support (ALS) and Basic Life Support (BLS) services on a primary paramedic unit as long as there is no reduction in the level of service; and

WHEREAS, the operation of one full time and one nearly full time ALS/BLS combined unit requires adjustments to the collective bargaining agreement with the Wauwatosa Firefighters Association Local 1923 through a Memorandum of Understanding; and

WHEREAS, the Memorandum of Understanding has been reviewed and approved by the Committee;

NOW, THEREFORE, BE IT RESOLVED THAT the appropriate City officials are hereby authorized to execute a Memorandum of Understanding with Wauwatosa Firefighters Association Local 1923 to implement the combined ALS/BLS paramedic program and to transfer the necessary funds from Overtime Accounts to cover the additional costs of paramedic regular and overtime costs.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-06-263

WHEREAS, the proposed Emergency Medical Service Agreement with Milwaukee County which will begin during January 2007, allows individual municipalities to be responsible for setting their own rates and doing their own billing and collection; and

WHEREAS, the involved communities have worked together to create standardized billing rates, including higher charges for individuals who are not residents of Milwaukee County, which rates are more particularly described in the Memorandum of the Fire Chief to the Committee on Budget & Finance dated November 17, 2006;

NOW, THEREFORE, BE IT RESOLVED THAT the new paramedic billing rates for the year 2007, as more particularly described in the November 17, 2006, Memorandum of the Wauwatosa Fire Chief, are hereby approved.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-06-264

WHEREAS, the Committee on Budget & Finance was presented with a draft Emergency Medical Services Agreement for Paramedic Services between Milwaukee County Department of Health & Human Services and the City of Wauwatosa for the period of 2007 – 2009, which agreement provides a number of historic changes and gives much more flexibility to the involved communities to design services which they believe will best serve their own citizens; and

WHEREAS, the entire agreement was attached to the Fire Chief's November 17, 2006, Memorandum and was reviewed at the Committee's November 28, 2006, meeting;

NOW, THEREFORE, BE IT RESOLVED THAT the appropriate City officials are hereby authorized to execute the previously described Emergency Medical Services Agreement for Paramedic Services between Milwaukee County Department of Health & Human Services and the City of Wauwatosa as presented to the Budget & Finance Committee at its November 28, 2006, Committee meeting.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-06-265

WHEREAS, changes during the year 2006 regarding facility rental rates resulted in increased costs for that item from within the Roadway Maintenance Account while equipment rental rates were reduced resulting in savings from that item within the Roadway Maintenance Account; and

WHEREAS, the result is that facility rental costs within the Roadway Maintenance Account are likely to exceed the annual budget by \$31,105.00, but equipment rental rates within the Roadway Maintenance Account are likely to produce enough savings to provide sufficient funds for facility rentals in 2006;

NOW, THEREFORE, BE IT RESOLVED THAT the transfer of \$31,105.00 within the Roadway Maintenance budget from the Equipment Rental Account to the Facility Rental Account is hereby approved.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-06-266

WHEREAS, the price of unleaded and diesel fuels has been fluctuating to historic highs during the year 2006, requiring \$40,000.00 in additional funds to purchase fuel at the present time; and

WHEREAS, the Fleet Maintenance Reserve maintains a sufficient balance to finance these additional expenditures;

NOW, THEREFORE, BE IT RESOLVED THAT the transfer of \$40,000.00 from the Fleet Maintenance Reserve to the Fleet Maintenance Fuel Account is hereby approved.

It was moved by Ald. Stepaniak, seconded by Ald. Becker to approve the five foregoing resolutions. -16

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-06-261

WHEREAS, the 2007 premium rates for medical and dental HMO's set forth below are effective January 1, 2007, and

WHEREAS, the 2006 rates for the self insured dental plan were \$27.24 single and \$79.00 family and the suggested 2007 rates will increase to \$38.82 single and \$98.99 family, and

WHEREAS, the 2006 rates for the self insured medical plan were \$675.70 single and \$1,688.44 family and the suggested 2007 rates will increase to \$764.02 single and \$1,909.59 family, and

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

- (1) HMO 2007 medical and dental premium rates set forth below;
- (2) Self insured dental rates are \$38.82 single and \$98.99 family;
- (3) Self insured medical rates are \$764.02 single and \$1,909.59 family.

HMO Health Insurance Premiums per Month

| UnitedHealthcare | 2006 | 2007 | Percent Increase |
|-------------------------|-------------|-------------|-------------------------|
| Single Coverage | \$514.65 | \$564.99 | 9.9% |
| Family Coverage | \$1,429.43 | \$1,569.91 | 9.9% |

Dental Insurance Premiums per Month

| Care Plus | 2006 | 2007 | Percent Increase |
|------------------|-------------|-------------|-------------------------|
| Single Coverage | \$26.43 | \$27.75 | 5.0% |
| Family Coverage | \$83.42 | \$87.59 | 5.0% |

| Dentacare | 2006 | 2007 | Percent Increase |
|------------------|-------------|-------------|-------------------------|
| Single Coverage | \$39.98 | \$42.78 | 2.8% |
| Family Coverage | \$121.72 | \$130.24 | 7% |

It was moved by Ald. Stepaniak, seconded by Ald. Becker to approve the foregoing resolution. - 16

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION

WHEREAS, the Citizens Advisory Committee on Capital Improvements and the Board of Public Works have approved a 5 year capital improvement program for the City of Wauwatosa for the years 2007 – 2011; and

WHEREAS, the Capital Improvement program as approved by both parties included funding from general obligation bonds which was within the limits of the currently existing capital bonding limitations in Wauwatosa’s Charter ordinances; and

WHEREAS, after considering the recommendation to increase the Charter ordinance bonding limit and reviewing programs which might be added in 2007 for this bonding limit immediately increase, the Committee on Budget & Finance determined to delay consideration of the increase in the bonding limit and approve the 2007 – 2011 Capital Improvement program within the existing funding limitations; and

WHEREAS, the Committee has also determined that it needs to remove the 2007 capital project for Mayfair Court as a result of outside funding and timing limitations;

NOW, THEREFORE, BE IT RESOLVED THAT the 5 year Capital Improvement Program for the City of Wauwatosa during the years 2007 – 2011 is hereby approved as originally printed, with the exception being that the 2007 Mayfair Court project is hereby removed;

BE IT FURTHER RESOLVED THAT the Committee is instructed to further address the question of whether the self-imposed general obligation bonding limitation contained within the Charter ordinances of the City of Wauwatosa should be changed at a future date.

It was moved by Ald. Stepaniak, seconded by Ald. Treis
to refer this item back to the Budget and Finance Committee. -16

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-06-267

BE IT RESOLVED, By the Common Council of the City of Wauwatosa, Wisconsin that the following be and hereby are the policies for 2007 construction pertaining to street improvements and corresponding rates:

- (1) Due to the relative value of the benefits conferred upon different types of properties by the public improvements described herein, assessments for original permanent pavement shall be at the following rates per assessable foot based upon property classification:
 - a) \$52.00 for one or two family residences, churches, schools, public parks (“single family rate”)
 - b) \$65.00 for multiple family residences of three or more (1-1/4 x single family rate)
 - c) \$78.00 for business or commercial property (1-1/2 x single family rate)
 - d) \$104.00 for industrial property (2 x single family rate)

- (1.1) a) A pavement improvement that terminates only partially abutting a parcel of land, shall have only such *prorata* portion assessed in the year that the Final Resolution is adopted by the Common Council.
- b) On streets that Federal and/or State Aid is not available, the rate of assessment may be adjusted to recover 60% of the paving costs.
- c) On streets where sidewalks are to be newly constructed on one side only, in conjunction with a street scheduled for improvement, the cost of the sidewalk plus 25% for engineering and overhead may be prorated by total street frontage and added to the basic assessment for each property abutting said improvement or on both sides of that portion of said street.

(2) The assessments for reconstruction of a permanent pavement shall be at the following rates per assessable foot (average width) for one or two family residences (other classes proportioned as in (1) above).

a) Repaving Type "A" \$34.00 for completely removing existing curb and pavement regrading and replacing with new concrete curb and gutter and either concrete pavement or asphalt pavement with a new road base.

b) Repaving Type "B" \$27.20 for completely removing existing curb and gutter, milling the existing pavement as required, and replacing with concrete curb and gutter and asphalt pavement on the existing road base.

c) Repaving Type "C" \$13.60 for replacing defective curb and gutter (not to exceed 25% of the total length of curb and gutter existing on the street segment to be improved), milling the existing pavement surface as required, and surfacing with new asphalt pavement.

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

To recover the cost of public sidewalk replacement when done in conjunction with repaving, the assessable rates may reflect an amount of \$9.00 added against each frontage foot of adjacent properties.

Sidewalk replacement when not assessed by frontage foot shall be assessed at actual cost plus the cost of engineering and overhead as described in paragraph 11.

Any property where the entire city sidewalk was replaced within twelve years may be exempt from sidewalk assessment provided walk is at proper grade and condition.

Drive approach replacement shall be assessed at actual cost plus the cost of engineering and overhead as described in paragraph 11.

- (3) Alleys shall be considered individually assessable at actual cost plus the cost of engineering and overhead as described in paragraph 11 with the abutting property owner being assessed at a unit rate per assessable foot for permanent new construction, reconstruction, or asphaltic resurfacing, as follows:

Property Classification Factors

- (a) 1-Unit - one and two family residences, churches, schools, public parks
- (b) 1-1/2 Units - three or more family residences, apartments (3 or more units)
- (c) 2 Units - business, commercial, industrial

Assessable Factors

- (a) Rear alley - Average of front and rear lot lines.
 - (b) Side alley - Average of front and rear lot lines.
 - (c) Rear and side alley - Single assessment only: average of front and rear lot lines.
 - (d) One and two family lots with primary vehicle access from a public street assessed at 50% of the unit rate.
- (4) (a) Side yards, consistent with the definition in sec. 24.02.340 of the Wauwatosa Municipal Code, for original permanent pavement, reconstruction of permanent pavement, and asphalt resurfacing shall be assessed at the rate of 50% of the assessable side yard footage, abutting on the street being improved, for 1 and 2 family, church, school, and public park uses only. All other classes of property shall be assessed for full assessable footage.
- (b) A platted or divided lot that extends through and abuts two streets, provided such lot does not consist of two or more platted or divided lots, shall have the longer of the two sides considered a side yard for purposes of assessment. The rate of assessment shall be determined as described in Paragraph (4) (a) herein.
- Should both abutting frontages be equal in length, the frontage first improved or reconstructed or resurfaced, as the case may be, shall be considered the front for assessment purposes. Irregular shaped lots may be assessed based on the actual abutting frontages.
- (c) Properties with 3 sides adjacent to streets shall have the two longest assessable footage sides assessed at 50%. Remaining side is assessed at 100% of assessable footage.
- (5) Permanent asphalt driveway approaches placed at existing driveways, in connection with the construction of original permanent pavement, shall be assessed at cost plus 12.5% for engineering and overhead.
- (6) Concrete drive approaches replaced under public contract, in connection with the construction of all permanent paving, shall be assessed at actual cost plus the cost of engineering and overhead as described in paragraph 11. Concrete drive approaches six years old or less are to be replaced at no cost, and those seven to twelve years old at one-half cost.
- (7) Defective permanent curb replaced either by contract or City forces, when requested by the property owner in writing, or replacements not in connection with the resurfacing of a permanent street, shall be assessed at the rate of \$35.00 per foot replaced.
- (8) Service walk replacement shall be assessed at actual cost plus the cost of engineering and overhead as described in paragraph 11, when done in conjunction with all permanent paving.
- (9) Costs of service walks removed and replaced with sod in conjunction with permanent paving or sidewalk repair contract are not assessed to abutting property owners.

- (10) Sidewalk, driveway approaches, and service walk removal and replacement, when not done in conjunction with permanent paving or when ordered replaced by the Board of Public Works due to deterioration or defective condition, when done under public contract, shall be assessed at cost plus 25% for engineering and overhead. Sidewalks and service walks when not done in conjunction with permanent paving, which require replacement because of city tree roots damaging same, shall receive a 1/3 credit.
- (11) To recover the cost of engineering and overhead in connection with repaving and related work involving special assessments, a charge of 12.5% shall be made against the contract amount of such work, unless a different amount is specifically stated in this resolution.
- (12) Drive approaches, sidewalk, service walk, and/or sodding replaced under public contract in excess of that required for construction of all permanent paving as determined by the Engineering Department, when requested by the property owner in writing, shall be assessed at actual cost plus the cost of engineering and overhead as described in paragraph 11.
- (13) Federal, state, and railroad properties are exempt from special assessments.
- (14) Street projects that have been postponed shall be assessed at the rate the project was originally approved by the Common Council unless the Common Council subsequently sets a new rate.
- (15) This policy of assessment shall apply commencing with the date of adoption and will remain in effect until such time as modified by the Common Council.

It was moved by Ald. Stepaniak, seconded by Ald. Sullivan
to approve the foregoing resolution. -16

FROM THE COMMITTEE ON BUDGET AND FINANCE

BILLS AND CLAIMS FOR THE PERIOD 11/22/06 – 12/05/06 --

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 11/22/06 – 12/05/06: | \$1,698,919.50 |
|---|----------------|

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 16

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-06-268

BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin that a public hearing be held before the Common Council in the Council Chambers at 7:30 p.m. Local Time, on

Tuesday, February 6, 2007 in the City Hall of the City of Wauwatosa, Wisconsin at which time all persons interested, or their agents or attorneys, will be heard concerning matters relating to the City's intent to perform street construction work in the City of Wauwatosa.

It was moved by Ald. Stepaniak, seconded by Ald. Sullivan to approve the foregoing resolution, inserting the date of "February 6" rather than "January 16" as originally written. -16

RECESS 8:55 p.m. – 9:05 p.m.

The following item had been held to the end of the agenda: (see p. 6 of the minutes)

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-06-260

BE IT RESOLVED THAT appropriate City officials are hereby authorized to execute the Revised Memorandum of Understanding with Cobalt Partners for development of the Public Works site south of Walnut Road in the City of Wauwatosa, as that document was presented at the meeting of the Committee on Community Development dated November 28, 2006.

It was moved by Ald. Donegan, seconded by Ald. Birschel to go into closed session per Wisconsin Statutes 19.85 (1)(e), and to possibly reconvene into open session. Roll call vote, Ayes 15, Noes 1 (Krill).

Closed session began at 9:23 p.m.

It was moved by Ald. Krill, seconded by Ald. Becker to return to open session. Roll call vote, Ayes 16.

Open session began at 10:45 p.m.

Roll call vote on original motion to approve, Ayes 11, Noes 5 (Treis, Ewerdt, Krill, Krol, Maher).

There being no further business, the meeting adjourned at 10:47 p.m.

cal

Carla A. Ledesma, CMC, City Clerk