



CITY OF WAUWATOSA  
MEMORIAL CIVIC CENTER  
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**COMMON COUNCIL**  
**Regular Meeting, Tuesday, March 4, 2008**

PRESENT: Alds. Minear, Purins, Stepaniak, Treis, Becker, Birschel, Didier (7:35 p.m.), Donegan, Ewerdt, Grimm, Hanson, Herzog, Krill, Krol, Maher -15

EXCUSED: Ald. Meaux

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; Mr. Wehrley, City Engineer; Mr. Wojcehowicz, Water Supt.; Ms. Ledesma, City Clerk; Ms. Steinke, Recording Secretary

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. -14

**PUBLIC HEARING**

The first item of business was a public hearing concerning the streets proposed for improvement in 2008. Proof of publication is in the file.

The Chair inquired whether any member of the public requested to be heard in favor of, or in opposition to the proposed improvements, or had any questions or comments.

**N. 73<sup>rd</sup> Street, W. Center Street to north city limits**

Dave Knight, 2751 N. 73<sup>rd</sup> Street, inquired about the bidding process and what percent of the project is charged to homeowners.

Mr. Kappel explained that utility and paving work are performed under separate contracts. Sixty percent of the road work is billed to property owners. Utility work is performed at general taxpayer expense. Depending on the amount of work available region-wide, the city may get 3-4 utility contract bids and 2-3 paving bids.

**N. 74<sup>th</sup> Street, W. Clark Clarke Street to W. Center Street**

Mike Dupree, 2750 N. 74<sup>th</sup> Street, asked how a street is deemed in need of repair. He also asked about utility work.

Mr. Kappel replied that this portion of N. 74<sup>th</sup> Street was constructed in concrete in 1929 and resurfaced in 1976. It was seal-coated in 1995. While the ride is still fair, the pavement condition and curbs are poor. Utility structures needing replacement will be replaced as needed, though none are specifically planned.

(Ald. Didier present 7:35 p.m.) -15

Mr. Kappel added that the city has a five-year street improvement program and streets are scheduled within the program depending on their rating. Repairs ought to be done before the surface deteriorates.

Lynn Breitlow, 2756 N. 74<sup>th</sup> Street, noted that homeowners don't mind paying for repairs if they see deterioration. How far out are repair schedules determined?

Mr. Kappel explained that every street is evaluated annually. North 74<sup>th</sup> Street was evaluated last spring, tentatively earmarked for inclusion in the plan, and re-examined last fall. It was last paved 33 years ago.

Ms. Breitlow expressed concern that a street with serious potholes (W. State Street) is not included in this paving project.

Robert Horkheimer, 2738 N. 74<sup>th</sup> Street, stated his street has no potholes or other apparent deficits. Why the street was chosen for improvement is unclear. Would a petition in opposition to the proposed improvement be helpful?

N. 74<sup>th</sup> Street, W. Center Street to north city limits

No one of the public present spoke on this street.

N. 75<sup>th</sup> Street, W. Center Street to north city limits

No one of the public present spoke on this street.

N. 84<sup>th</sup> Street, W. North Avenue to W. Wright Street

Caitlin Moyer, 2372 N. 84<sup>th</sup> Street, opposed the proposed improvement because she does not see the need therefor. Residents will be inconvenienced and will be required to pay for the work. There will be no access to driveways for weeks. They are having work done on their house – where will the contractors park? Homeowners were only informed of this hearing and the proposed work within the past two weeks; the work is scheduled for this summer. How are homeowners supposed to have money available to pay on such short notice?

Brian Moyer, 2372 N. 84<sup>th</sup> Street, opined that their street, curbs and gutters are in satisfactory condition. The problem their neighborhood *does* have, however, is with drainage issues in their back yards. Perhaps the city can divert money and staffing to this issue instead.

Mr. Kappel stated that planned sewer work will hopefully alleviate some of the drainage problems referred to.

N. 85<sup>th</sup> Street, W. Meinecke Avenue to north city limits

No one of the public present spoke on this street.

Elm Lawn, south end to Watertown Plank Road

No one of the public present spoke on this street.

W. Hadley Street, N. 117th Street to N. 124th Street

No one of the public present spoke on this street.

W. Locust Street, N. 117th Street to N. 124th Street

Bruce Held, 2907 N. 121<sup>st</sup> Street, lives on the corner of N. 121<sup>st</sup> Street and W. Locust Street. North 121<sup>st</sup> Street was just improved a few years ago, and now he is faced with another special assessment. Locust Street has a satisfactory driving surface and no potholes. The city should turn its attention to W. State Street. It is hard to make improvements to one's home when the homeowner is always paying assessments.

Mayfair Court, N. 117th Street to cul-de-sac

No one of the public present spoke on this street.

Robertson Avenue, W. Wisconsin Avenue to Avon Court

No one of the public present spoke on this street.

Ruby Avenue, N. 100th Street to N. 106th Street

No one of the public present spoke on this street.

Alley, W. Center Street – W. Clarke Street/ N. 66th – N. 67th Streets

No one of the public present spoke on this street.

Alley, W. Fiebrantz Avenue – W. Capitol Drive/N. Mayfair Road – N. 110th Street

Tom Merwin, 4060 N. Glenway Street, asked about the extent of the proposed work.

Mr. Kappel stated that storm water inlet repairs will be made. The resurfacing will be done in asphalt. In response to a query, Mr. Kappel stated that a church abutting the alley is not exempt from paying special assessments.

Mr. Merwin suggested that the alley is in poor condition because it is used extensively by commercial vehicles, whereupon Mr. Kappel noted that businesses are also assessed for the improvement.

Phil Herrmann, 4036 Glenway Court, agreed that trucks serving Walgreen's have ruined the alley. What isn't the alley being replaced in concrete because of its use by commercial vehicles? The balance of the alley to N. 110<sup>th</sup> Street is in good condition.

Mr. Wehrley, city engineer, replied that staff did consider concrete for this alley. However, it is less expensive to do base patching with concrete and overlay the repairs in asphalt. Since property owners are assessed for 100% of alley costs, staff chose this less costly alternative. The alley can be constructed in concrete if it is the will of the people and the Common Council.

Sally Mathews, 4072 Glenway, opined that residents are subsidizing the businesses using the alley. She does not even have a driveway accessing the alley. Those damaging the alley should pay for its repair.

Alley, W. Wright Street – W. Meinecke Avenue/N. 64th-N. 65th Streets

George Schultz, 2451 N. 64<sup>th</sup> Street, asked why their alley was proposed to be paved in concrete. There is no heavy truck traffic. Aren't there less costly alternatives? He inquired whether property owners were also being assessed for any utility work being done. Is a sustainable design an option for this alley? There is a lot of run-off; does that contribute to its deterioration?

Mr. Wehrley stated that this alley was constructed 78 years ago and resurfaced in 1976. It is likely that the concrete base is seriously deteriorated. Rebuilding the concrete base and surfacing in asphalt is more expensive than reconstructing it in concrete. Planned utility work will be performed at no cost to the residents and should address drainage concerns.

Alley, Jackson Park Boulevard – Stickney Avenue/Ludington Avenue – N. 90th Street

No one of the public present spoke on this alley.

Alley, Stickney Avenue – Menomonee River Parkway/N. 89-N. 90th Streets

Ed Kelnhofer, 2089 N. 89th Street, expressed serious concern with the proposed \$8,000 assessment since he has been retired for many years. The surface seems satisfactory and concrete, unnecessary.

Geraldine Kelnhofer, 2089 N. 89th Street, pointed out that this is a dead-end alley. Why is the assessment so high? The alley is not used that much.

Mr. Kappel stated the alley was last paved in 1986. Staff believes the concrete base is in poor shape and will largely need replacement. Applying asphalt atop the new concrete will increase costs.

Mike Heck, 2034 N. 90th Street, stated that the unit price is \$74 per the letter received; however staff at the back of the room is quoting \$55. Mr. Kappel clarified that the \$55 figure pertains to streets and reflects the 60-percent payment ratio. The \$74 figure reflects the 100% assessment against the property owners for alley work.

Tom Stolt, 2110 N. 90th Street, expressed concern because staff seems uncertain of the exact condition of the alley bases. A relative living on Stickney Avenue paid far less for his alley than what is being proposed for his, Stolt's, assessment. Why are busy streets surfaced in asphalt and little-used alleys are constructed in concrete?

Alley, W. Wells Street – Menomonee River Parkway/N. 60th Street to the west end

No one of the public present spoke on this street.

Residents then posed general questions about the value of the public hearing input in relation to the final decision rendered. Acting Mayor Becker suggested that property owners make their concerns known to their alderpersons; sometimes projects have been deferred for a year or two.

Brian Moyer, 2372 N. 84th Street, asked that his council members investigate drainage issues in their and neighbors' yards.

The public hearing was declared closed. The matter will be held to the March 18, 2008 Common Council meeting.

## **APPOINTMENTS BY THE MAYOR**

### **Civic Celebration Commission**

Dan Lofy 202 Forest Street (reappointment)

(Term ends 12/31/11)

Brit Swisher, 1827 N. 73rd Street

Jamie Swisher, 1827 N. 73rd Street

(terms end 12/31/10)

### **Senior Commission**

Dianne Dagelen, 8444 Hill Street

(Term ends 4/30/11)

### **Library Board**

Ann Marie Perhach, 11637 W. Clarke Street

(Term ends 6/30/09, effective 4/1/08)

Foregoing appointments ordered held as this was the first reading.

## **APPLICATIONS, COMMUNICATIONS, ETC.**

1. Conditional Use application for massage therapy at 8320 W. Blue Mound Road  
**Plan Commission, Community Development Committee**
2. City of Wauwatosa Statement of Financial Condition as of January 31, 2008  
**Place on file**
3. Notices of Claim: 1) Judy Yerdon, 9115 W. North Avenue; 2) Wauwatosa Avenue United Methodist Church, 1529 Wauwatosa Avenue seeking a declaratory judgment and refund of all real estate taxes plus interest; 3) Megan Palmer, 1280 Balmoral Court, Brookfield; 4) Deutsche Bank National Trust Company, 3476 Stateview Blvd; 5) Amy J. Smith, 1356 N. 54th Street, Milwaukee.  
**City Attorney**
4. Special Use application for a garage height over 16 feet at 2616 N. 85<sup>th</sup> Street  
**Plan Commission**
5. Letter from AT&T Wisconsin forwarding a copy of its statewide video franchising application  
**City Administrator, City Attorney**
6. Letter from Time Warner Wisconsin forwarding a copy of its statewide video franchising application  
**City Administrator, City Attorney**
7. City of Wauwatosa Investment Summary as of February 29, 2008  
**Place on file**

## **FROM THE COMMITTEE ON TRAFFIC & SAFETY FOR INTRODUCTION**

1. Ordinance amending Section 11.32.080 of the city code to clarify and update parking regulations on portions of the east side of Wauwatosa Avenue and N. 76th Street  
**Re-refer to originating committee**

**FROM THE COMMITTEE ON EMPLOYEE RELATIONS**

**ORDINANCE O-08-04**

**AN ORDINANCE AMENDING SECTION 2.59.040 PERTAINING TO PAY GRADES FOR FLSA NON-EXEMPT EMPLOYEES**

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

Part I. The “FLSA Exempt Positions” portion of Section 2.59.040 of the Wauwatosa Municipal Code is hereby amended by removing the position “Chief Inspector” at pay Grade 11 and replacing it with the position “Chief Building Official” at Pay Grade 12.

Part II. Non-ordinance provision: The City of Wauwatosa Position Distribution List is hereby amended accordingly.

Part III. The above ordinance shall take effect on and after its date of publication.

It was moved by Ald. Purins, seconded by Ald. Krill  
to adopt the foregoing ordinance. -15

**FROM THE COMMITTEE ON EMPLOYEE RELATIONS**

**RESOLUTION R-08-23**

BE IT RESOLVED, by the Common Council of the City of Wauwatosa THAT the collective bargaining agreement for the years 2008-2010 which has been negotiated between the City of Wauwatosa and the International Brotherhood of Electrical Workers (IBEW) Local 494, a copy of which is attached hereto, is hereby approved.

It was moved by Ald. Purins, seconded by Ald. Krill  
to approve the foregoing resolution. 14-1 (Donegan)

RECESS 9:15 p.m. – 9:25 p.m.

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

**RESOLUTION R-08-24**

WHEREAS, Robert B. McRoberts, 2041 Wauwatosa Avenue, Wauwatosa, WI, has applied for an operator’s license in conjunction with his employment at Club Tap, 8828 W. North Avenue, Wauwatosa, WI;

NOW, THEREFORE, BE IT RESOLVED THAT Robert B. McRoberts is hereby issued an operator’s license for the period ending June 30, 2008, contingent upon a review of his record in six months;

BE IT FURTHER RESOLVED THAT the Wauwatosa Police Department is directed to review Mr. McRoberts' 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-08-25

WHEREAS, Yurly Kalyuzhny, , Wauwatosa, WI, has applied for an operator's license in conjunction with his employment at Mayfair Liquor Mart, 3122 N. Mayfair Road, Wauwatosa, WI;

NOW, THEREFORE, BE IT RESOLVED THAT Yurly Kalyuzhny is hereby issued an operator's license for the period ending June 30, 2008, contingent upon a review of his record in six months;

BE IT FURTHER RESOLVED THAT the Wauwatosa Police Department is directed to review Mr. Kalyuzhny'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 two foregoing resolutions. - 15

**FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT**

**RESOLUTION**

WHEREAS, John A. Vassallo has applied for a Conditional Use in the AA Business District at 10842 W. Blue Mound Road to modify the hours of operation for a restaurant with seasonal 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, that the Common Council of the City of Wauwatosa, Wisconsin hereby grants a Conditional Use to John A. Vassallo to modify hours of operation for a restaurant with seasonal outdoor seating in the AA Business District at 10842 W. Blue Mound Road subject to the following conditions:

- 1) hours of operation from 11:00 a.m. to 2:00 a.m. Monday through Friday, 10:00 a.m. to 2:00 a.m. on Saturday and Sunday, 3:00 a.m. closing on New Year's Eve; and
- 2) hours of operation to include a 6:00 a.m. opening on St. Patrick's Day, subject to a review by the committee in six months.

It was moved by Ald. Herzog, seconded by Ald. Donegan  
to approve the foregoing resolution. --

It was moved by Ald. Hanson, seconded by Ald. Birschel to amend the motion to provide for a 10:00 a.m. opening time on St. Patrick's Day. Roll call vote, Ayes 9, Noes 6 (Minear, Purins, Donegan, Herzog, Krill, Krol)

Roll call vote on motion as amended, Ayes 14, Noes 1 (Donegan)

The amended resolution is as follows:

**RESOLUTION R-08-26**

WHEREAS, John A. Vassallo has applied for a Conditional Use in the AA Business District at 10842 W. Blue Mound Road to modify the hours of operation for a restaurant with seasonal 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, that the Common Council of the City of Wauwatosa, Wisconsin hereby grants a Conditional Use to John A. Vassallo to modify hours of operation for a restaurant with seasonal outdoor seating in the AA Business District at 10842 W. Blue Mound Road subject to the following conditions:

- 1) hours of operation from 11:00 a.m. to 2:00 a.m. Monday through Friday, 10:00 a.m. to 2:00 a.m. on Saturday and Sunday, 3:00 a.m. closing on New Year's Eve; and
- 2) hours of operation to include a 10:00 a.m. opening on St. Patrick's Day

**FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT**

**RESOLUTION R-08-27**

WHEREAS, Russ Drover and William C. Brown have applied for a Conditional Use in the Village Trade District at 7600 W. State Street for outdoor seating for Pizzeria Piccola, 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 Russ Drover and William C. Brown Street for outdoor seating for Pizzeria Piccola in the Village Trade District at 7600 W. State Street subject to the following conditions:

- 1) hours of operation 11:00 a.m. to 11:00 p.m. daily, and
- 2) obtaining all necessary licenses and permits.

**FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT**

**RESOLUTION R-08-27**

WHEREAS, Peter Russo, president of the Wauwatosa Village Task Force, has applied for a Street Festival Permit to the Village area on September 5 and 6, 2008 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 5th from 2 p.m. to 11:30 p.m.; and on Saturday, September 6th from 11 a.m. to 11:30 p.m.; with take down and clean-up on Sunday, September 7th 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 2008 to use the Village area on September 5 and 6, 2008, subject to compliance with all state and municipal laws and ordinances.

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

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

**RESOLUTION R-08-29**

WHEREAS, the City of Wauwatosa Health Officer has requested permission to apply for a grant in the amount of \$15,000.00 for technical assistance for data collection and review in preparation for National Accreditation for the Health Department from the National Association of County and City Health Officials; and

WHEREAS, the grant would not require matching funds from the City of Wauwatosa in order to accomplish its objectives;

NOW, THEREFORE, BE IT RESOLVED THAT the City of Wauwatosa Health Officer is hereby authorized to apply for a National Association of County and City Health Officials Accreditation Preparation and QI demonstration project grant in the amount of \$15,000.00 for the time period April through November, 2008.

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

**RESOLUTION R-08-33**

BE IT RESOLVED THAT Kenney Bank and Trust is hereby designated as a depository bank for the City of Wauwatosa for purposes of collection of ambulance invoices.

It was moved by Ald. Stepaniak, seconded by Ald. Krol  
to approve the two foregoing resolutions. -15

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

**RESOLUTION R-08-30**

WHEREAS, the Five Year Capital Improvements Program, which includes 2008 capital bonding in the amount of \$6.2 million, has been recommended to the Common Council; and

WHEREAS, the Five Year Capital Improvement Plan presented to the Board of Public Works and the Common Council is in the best interests of the City of Wauwatosa;

NOW, THEREFORE, BE IT RESOLVED THAT the Five Year Capital Improvement Plan forwarded by the Board of Public Works on February 18, 2008, and presented to the Committee on Budget & Finance on February 26, 2008, including \$6.2 million in bonded capital improvements for the year 2008, is hereby approved.

It was moved by Ald. Stepaniak, seconded by Ald. Krol  
to approve the forging resolution. Roll call vote, Ayes 13,  
Noes 2 (Ewerdt, Grimm)

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

**RESOLUTION R-08-31**

**RESOLUTION AUTHORIZING THE BORROWING OF \$6,200,000;  
AND PROVIDING FOR THE ISSUANCE AND SALE OF  
GENERAL OBLIGATION PROMISSORY NOTES, SERIES 2008 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 2008 Capital Project Plan, including repairing and upgrading streets, 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; and

WHEREAS, the Common Council of the City hereby finds and determines that general obligation promissory notes in the amount of \$6,200,000 should be issued, and it is now necessary and desirable to authorize their issuance and sale.

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 SIX MILLION TWO HUNDRED THOUSAND DOLLARS (\$6,200,000) 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 SIX MILLION TWO HUNDRED THOUSAND DOLLARS (\$6,200,000) (the "Notes").

Section 3. Terms of the Notes. The Notes shall be designated "General Obligation Promissory Notes, Series 2008"; 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 irrepealable tax sufficient to pay the principal of and interest on the Notes as the same becomes due as required by law.

Section 5. 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.

## **FROM THE COMMITTEE ON BUDGET AND FINANCE**

### **RESOLUTION R-08-32**

WHEREAS, the City of Wauwatosa engineering department has requested permission to issue a request for proposals for engineering assistance in preparation of a 2008 engineering project; and

WHEREAS, funds are currently available in the department's budget to fund such consulting project;

NOW, THEREFORE, BE IT RESOLVED THAT the City of Wauwatosa engineering department is hereby authorized to issue a request for proposals for engineering consulting in preparation of 2008 engineering projects.

It was moved by Ald. Stepaniak, seconded by Ald. Krol to approve the two foregoing resolutions. Roll call vote, Ayes 13, Noes 2 (Ewerdt, Grimm)

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

BILLS AND CLAIMS FOR THE PERIOD 2/20/08 – 3/4/08 --

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 2/20/08 – 3/4/08: \$24,175,189.55

It was moved by Ald. Krill, seconded by Ald. Grimm that each and every one of the accounts of bills and claims be allowed and ordered paid. Roll call vote, Ayes 15

**FROM THE BOARD OF PUBLIC WORKS**

**RESOLUTION R-08-34**

WHEREAS, the Common Council of the City of Wauwatosa did, by a resolutions passed and dated January 3, 2006\* and February 20, 2007, 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>Pavement Construction Type</u>	<u>Assessed Sidewalk Work</u>
*N. 116 <sup>th</sup> Street – Watertown Plank Road to Walnut Road	7	C	No
*Harmonee Avenue - Wauwatosa Avenue to Menomonee River Parkway	2	C	No
*Wauwatosa Avenue - Harwood Avenue to Milwaukee Avenue	2	C	No
W. Congress Street – N. 92 <sup>nd</sup> Street to N. 94 <sup>th</sup> Street	8	C	No
W. Congress Street – N. Mayfair Road to Menomonee River Parkway	8	C	No
Maple Lane – N. Mayfair Road to East End	8	C	No
Alley – Hill Street to Hawthorne Avenue / Glenview Avenue to 85 <sup>th</sup> Street	3	C	No
Alley – Meinecke Avenue to North Avenue / 114 <sup>th</sup> Street to 115 <sup>th</sup> Street	7	C	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-08-35**

WHEREAS, the Common Council of the City of Wauwatosa did, by a resolution passed and dated June 6, 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.</u> <u>Dist.</u>	<u>Pavement</u> <u>Construction</u> <u>Type</u>	<u>Assessed</u> <u>Sidewalk</u> <u>Work</u>
W. Blue Mound Road – N. 66 <sup>th</sup> Street to Glenview Avenue	4	C	Yes

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-08-36**

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 07-19 Concrete Sidewalk Repairs be submitted to the Finance Director in accordance with Section 66.615(3)(f) of the Wisconsin Statutes; and 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 07-19 Concrete Sidewalk Repair.

**FROM THE BOARD OF PUBLIC WORKS**

**RESOLUTION R-08-37**

WHEREAS, the City of Wauwatosa and the Washington Homes Association have negotiated an Easement Agreement which would provide an easement to the City of Wauwatosa for purposes of installing a safety grate/trash rack on land currently owned by the Washington Homes Association;

NOW, THEREFORE, BE IT RESOLVED, THAT the Easement Agreement between the City of Wauwatosa and the Washington Homes Association is hereby accepted by the City of Wauwatosa and appropriate City officials are hereby authorized to execute and record the same.

It was moved by Ald. Herzog, seconded by Ald. Krol to approve the four foregoing resolutions. Roll call vote, Ayes 15.

There being no further business, the meeting adjourned at 10:33 p.m.

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Carla A. Ledesma, CMC, City Clerk