



# CITY OF WAUWATOSA

## COMMON COUNCIL

MINUTES • OCTOBER 1, 2013

**Regular Meeting**

**Common Council Chambers**

**7:30 PM**

7725 West North Avenue, Wauwatosa, WI 53213

**PRESENT:** Alds. Hanson, McBride, Moldenhauer, Organ, Pantuso, Roznowski, Tilleson, Walz-Chojnacki, Wilke, Wilson, Berdan, Birschel, Causier, Dubinski, Ewerdt, -15

**EXCUSED:** Ald. Donegan

**ALSO PRESENT:** Mr. Archambo, City Administrator; Ms. Aldana, Asst. City Attorney/HR Director; Mr. Porter, Public Works Director; Mr. Ruggini, Finance Director; Police Capt. Sharpee; Mr. Wojcehowicz, Water Utility Supt.; Ms. Ledesma, City Clerk

Mayor Ehley in the Chair

The Mayor called the meeting to order at 7:50 p.m.

### Approval of minutes of previous meeting

It was moved by Ald. McBride, seconded by Ald. Organ that the reading of the minutes of the last regular meeting be dispensed with and they be approved as printed. -15

### Request to begin the November 5, 2013 Common Council meeting at 7:00 p.m.

It was moved by Ald. McBride, seconded by Ald. Hanson to begin the November 5, 2013 Common Council meeting at 7:00 p.m. due to the heavy public hearing schedule. -15

### **APPOINTMENTS BY THE MAYOR**

#### 1. Police and Fire Commission (for reappointment)

**Marna Tess-Mattner, 1542 Upper Parkway South (Dist. 1)  
Term ending 4/30/18**

#### 2. Ad Hoc Crossing Guard Study Committee (for appointment)

**Sarah Lerand, 2125 N. 90th Street (Dist. 2)  
Anthony Brown, City Hall Staff Representative  
Jeffrey Roznowski, 2609 N. 82nd Street (Dist. 6)  
Laura Wainscott, Wauwatosa School District Representative  
Mike Heun, Wauwatosa School District Representative  
Jenice Carolan, 250 N. 114th Street, PTA Council Representative (requested under suspension of the rules)**

It was moved by Ald. Birschel, seconded by Ald. Causier Causier to concur with the foregoing appointments, including the appointment under suspension of the rules. -15

**APPLICATIONS, COMMUNICATIONS, ETC.**

1. Wauwatosa Water Utility Statement of Receipts and Disbursements for the month ended August 31, 2013

**Place on file**

2. Letters from Robert Dennik, 4115 N. 111th Street, George M. Beyer, 7031 W. Wisconsin Avenue, Tom Gaertner, 6829 Terrace Court, the Wauwatosa Historical Society, 7404 Hillcrest Drive, Michael Wolaver, 1745 N. 72nd Street, and Rosalee Patrick, 2574 N. 124th Street, supporting the Mandel Group residential development proposal for Innovation Campus, and the related TIF funding request

**Add to existing file**

3. Petition received from 13 surrounding property owners in opposition to the proposed rezoning of 7517 Milwaukee Avenue

**Add to existing file**

4. Notice of Claim: Chris Metzke, 2858 N. 74th Street

**City Attorney**

5. Notice of Claim: Cody Jackson, 5330 North Lovers Lane, Milwaukee, WI

**City Attorney**

6. Letter from Kathleen Edwards, 4300 Menomonee River Parkway, in support of the rezoning at 7517 Milwaukee Avenue

**Add to existing file**

**ORDINANCES FOR INTRODUCTION**

1. Ordinance amending portions of Chapter 9 of the Wauwatosa Municipal Code to permit the domestic keeping of chickens in the city

**Refer to originating committee**

**ORDINANCE**

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

**Part I.**

**Sections 9.04.050 and 9.04.060 of the Wauwatosa Municipal Code are hereby amended to read as follows:**

9.04.050. Domestic Keeping of Chickens in the City.

9.04.050. Findings.

The common council of the City of Wauwatosa desires to provide for the health, safety, and well being of its residents, to ensure and maintain property conditions and values, and to provide a domestic and sustainable source of nourishing food through limited chicken egg production in a residential environment respecting its urban surroundings and rural origins.

## 9.04.060. Permit, Application, Enforcement, Penalty.

## A. Permit Required.

1. No person shall keep live chickens in the city without first obtaining a valid permit . The permit process requires a completed application accompanied with a fee as set forth in the consolidated fee schedule. The permit application is also subject to neighborhood approval and other requirements as set forth below.
2. Permit. Each owner shall obtain a city issued permit prior to acquiring any live chicken. No more than one such permit may be issued for any single residential parcel. A permit and fee shall be required for each parcel.
3. No permit fee may be refunded in whole or in part or be transferable.
4. A permit is subject to revocation upon failure to comply with any provision under this code. Once a permit is revoked, a permit shall not be reissued.
5. The permit shall be renewed and fee shall be paid annually. There shall be a penalty added to the permit fee for late payment of the permit fee at a rate set forth in the consolidated fee schedule.

## B. Neighborhood Approval and Site Plan Required.

1. Before a permit is issued for the keeping of chickens, the applicant shall obtain the written consent of the owner of the property where chickens shall be kept and the owners of all adjoining or diagonally abutting properties, including those across an alley. Written consent shall be provided at the time of the application.
2. The applicant must submit a site plan at the time of the application which complies with the provisions of this chapter.

## C. Keeping of Chickens Allowed. The keeping of up to four chickens is allowed on a residential property, under the following provisions:

1. No roosters shall be kept.
2. No chicken shall be slaughtered.
3. Chickens shall be provided with fresh water and adequate amounts of feed regularly.
4. Chickens shall be provided with a sanitary and adequately sized covered enclosure or coop and shall be kept in the covered enclosure or coop or a sanitary and adequately accessible fenced enclosure at all times.
5. Chicken coops shall be moisture- resistant, sturdy, constructed in a workmanlike manner, and either raised up off the ground or placed on a hard surface such as concrete, patio block or gravel.
6. Chicken coops shall be constructed and yards maintained to reasonably prevent the collection of standing water and shall be cleaned of droppings, uneaten feed, feathers and other waste daily and as soon as is necessary to ensure that the coop and yard do not become a health, odor or other nuisance.
7. Chicken coops and yards together shall be large enough to provide at least 16 square feet of space per chicken.
8. No enclosure or coop shall be located closer than 25 feet to any residential dwelling on an adjacent lot unless consent is given by the owner of the adjacent lot.

- 9. No enclosure or coop shall be located in the front yard of a residential parcel.
- 10. In addition to compliance with the requirements of this section, no one shall keep chickens that cause any nuisance, unhealthy condition, create a public health threat, or otherwise interfere with the normal use of property in the enjoyment of life by humans or animals.
- 11. Chicken eggs may not be sold, traded, or hatched for commercial purposes.

**D. Public Health Requirements.**

- 1. Chickens shall be kept and handled in a sanitary manner to prevent the spread of communicable diseases among birds or to humans.
- 2. Any person keeping chickens shall immediately report any unusual illness or death of chickens to the health department.
- 3. The health officer may order testing, quarantine, isolation, vaccination, or humane euthanasia of ill chickens or chickens believed to be a carrier of communicable disease.

**E. Enforcement. Penalty.**

- 1. Any person violating any provision of this chapter shall be subject to the general penalty provisions of this code in addition to the penalties provided under this section and chapter 15. A citation may be issued pursuant to Wauwatosa Municipal Code Chapter 1.24.010 and Wisconsin Statute Section 800.02.
- 2. Removal of chicken. Any chicken may be impounded or removed from the city for violations of this chapter. The chicken’s owner shall be responsible for costs of the impoundment or removal.
- 3. The Development Department shall issue permits and enforce the provisions of this code, except that the public health provisions of Sub. D. above, shall be enforced by the Health Department.

**Part II.** This ordinance shall take effect on and after its date of publication.

**Part III.** Noncodified provision:

The consolidated fee schedule shall be amended by providing that the permit fee under this section shall be \$12.00 per household. The fee for late renewal of a permit shall be an additional \$12.00.

**Part IV.** Noncodified provision:

The Committee on Community Development shall review the implementation of this ordinance within nine months of its publication.

<b>RESULT:</b>	<b>REFER TO ORIGINATING COMMITTEE</b>	<b>Next: 10/8/2013 8:00 PM</b>
<b>TO:</b>	Community Development Committee	

- 2. Ordinance repealing Chapter 2.59 of the Wauwatosa Municipal Code pertaining to classification and compensation for non-represented employees

Refer to originating committee

**FROM THE COMMITTEE ON TRAFFIC & SAFETY**

- 1. Ordinance amending Section 11.32.080 of the Wauwatosa Municipal Code to provide for parking restrictions on the south side of Hillside Lane

Committee recommended approval 5-0

**ORDINANCE** O-13-13

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

Part I. The "Hillside Lane" portion of the "Schedule of Streets, and portions" subsection of Wauwatosa Code Section 11.32.080 is hereby amended by adding the following:

- (a) on south side of street

Part II. This ordinance shall take effect on and after its date of publication.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jason Wilke, Alderman
<b>SECONDER:</b>	John Dubinski, Alderman
<b>AYES:</b>	Berdan, Birschel, Causier, Dubinski, Ewerdt, Hanson, McBride, Moldenhauer, Organ, Pantuso, Roznowski, Tilleson, Walz-Chojnacki, Wilke, Wilson
<b>EXCUSED:</b>	Donegan

- 2. Ordinance creating Section 11.36.472 of the Wauwatosa Municipal Code to reduce the speed limit on Ludington Avenue

Committee recommended approval 5-0

**ORDINANCE** O-13-16

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

Part I. Section 11.36.472 of the Code of the City of Wauwatosa is hereby created to read as follows:

11.36.472 Speed limits - Twenty Five miles per hour.

The speed of any vehicle shall not be in excess of twenty-five miles per hour on the following highways:

- 1. Ludington Avenue between Milwaukee Avenue and 88th Street north of North Avenue

Part II. This ordinance shall take effect on and after its date of publication.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jason Wilke, Alderman
<b>SECONDER:</b>	John Dubinski, Alderman
<b>AYES:</b>	Berdan, Birschel, Causier, Dubinski, Ewerdt, Hanson, McBride, Moldenhauer, Organ, Pantuso, Roznowski, Tilleson, Walz-Chojnacki, Wilke, Wilson
<b>EXCUSED:</b>	Donegan

**FROM THE COMMITTEE ON LEGISLATION, LICENSING & COMMUNICATIONS**

1. Ordinance amending portions of Chapter 6.08 of the Wauwatosa Municipal Code to allow the Legislation, Licensing and Communications Committee to issue operator licenses

Committee recommended approval 6-0

**ORDINANCE** O-13-15

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

6.08 ALCOHOLIC BEVERAGES

Part I.

Section 6.08.060 (C) of the Wauwatosa Municipal Code is hereby amended to read as follows:

Section 6.08.060 (C) License Issuance- Conditions.

C. An applicant for an operator's license whose application has been denied by the legislation, licensing and communications committee shall not be permitted to reapply or be reconsidered for an operator's license at any time sooner than six months following the date of the denial by the legislation, licensing and communications committee.

Part. II.

Section 6.08.090 (A) and (B) of the Wauwatosa Municipal Code is hereby amended to read as follows:

6.08.090 Granting of license.

A. Opportunity shall be given by the legislation, licensing and communications committee to any person to be heard for or against the granting of any license. Upon approval of the application by the legislation, licensing and communications committee and a receipt showing the payment of the required license fee to the city treasurer, the city clerk shall issue to the applicant a license. Each license shall be numbered in the order in which issued and shall specifically state the premises for which issued, the date of issuance and the date of expiration, the fee paid, and the name of the licensee. Except as provided in Section 6.08.040, all licenses shall remain in force until the first day of July next after the granting thereof, unless sooner revoked in the manner provided in Wisconsin Statutes Chapter 125 and acts amendatory and supplementary thereto.

B. The legislation, licensing and communications committee, by a majority of its members, is hereby

delegated authority to authorize or deny the license. Upon denial of any initial application, the committee must set forth the reasons for such action. In the event of a tie vote in the Committee, the applicant may appeal to the full common council for a vote on whether to authorize or deny the license, provided such notice of appeal is submitted to the City Clerk not later than 12:00 noon on the Friday following the vote in committee. Such notice may be submitted to the Clerk via electronic communication.

Part III.

Section 6.08.100 (A) of the Wauwatosa Municipal Code is hereby amended to read as follows:

Section 6.08.100 Authorization to the city clerk to issue and renew operator's licenses.

A. The city clerk is authorized to issue or renew operator's licenses pursuant to section 6.08.090 without the need for further legislation, licensing and communications committee authorization provided that the clerk has:

1. Received a report from the police department regarding the licensee as not having violated the law substantially relating to the sale or use of alcohol, illegal substances or other laws having a bearing on the licensees' fitness;
2. Not received information regarding complaints filed with the city relative to the licensee or licensed premises in which the license is an operator;
3. Not received a request from a committee or council member or the mayor for a review of this licensee's renewal; or
4. No other good and sufficient reason to believe such license renewal application should be reviewed by the appropriate committee of the common council.

Part IV.

Section 6.08.250 (A) of the Wauwatosa Municipal Code is hereby amended to read as follows:

6.08.250 Operator's license.

A. Authority to issue an operator's license upon written application is hereby delegated to the legislation, licensing and communications committee .

Part V.

Section 6.08.270 (B) of the Wauwatosa Municipal Code is hereby amended to read as follows:

Section 6.08.270 Provisional operator's license.

B. A provisional operator's license shall be effective upon being stamped by the Wauwatosa police department for a period not to exceed sixty days from the date of issuance or until an operator's license is approved or denied by the legislation, licensing and communications committee, which event occurs first in time, unless such provisional operator's license has

been revoked as provided in this chapter.

Part VI.

This ordinance shall take effect on and after its date of publication.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Joel Tilleson, Alderman
<b>SECONDER:</b>	Donald Birschel, Alderman
<b>AYES:</b>	Berdan, Birschel, Causier, Dubinski, Ewerdt, Hanson, McBride, Moldenhauer, Organ, Pantuso, Roznowski, Tilleson, Walz-Chojnacki, Wilke, Wilson
<b>EXCUSED:</b>	Donegan

- Resolution approving a Class "A" Beer / "Class A" Liquor license transfer of premises request by ASG Wine Merchants Inc., d/b/a Tosa Wine & Spirits at 11747 W. North Avenue, Harnet Kaur, agent, to the location of Open Pantry Food Mart #604, 11500 W. North Avenue, James Schutz, agent

Committee recommended approval 6-0

**RESOLUTION R-13-184**

WHEREAS, Harnet Kaur, agent, of ASG Wine Merchants, Inc., d/b/a Tosa Wine & Spirits, 11747 W. North Avenue has asked for a transfer of its Class A Beer and Class A Liquor license to a new premises located at 11500 W. North Avenue;

NOW, THEREFORE, BE IT RESOLVED THAT the Class A Beer and Class A Liquor license held by ASG Wine Merchants, Inc., d/b/a Tosa Wine & Spirits, 11747 W. North Avenue be transferred to a new premises located at 11500 W. North Avenue.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Joel Tilleson, Alderman
<b>SECONDER:</b>	Donald Birschel, Alderman
<b>AYES:</b>	Berdan, Birschel, Causier, Dubinski, Ewerdt, Hanson, McBride, Moldenhauer, Organ, Pantuso, Roznowski, Tilleson, Walz-Chojnacki, Wilke, Wilson
<b>EXCUSED:</b>	Donegan

- Resolution denying an Operator License application by Beth Ann Selky, 8504 W. Beacon Hill Drive, Franklin, Wisconsin

Committee recommended approval 6-0

**RESOLUTION R-13-185**

WHEREAS, Beth Selky, 8504 W. Beacon Hill Drive, Franklin, WI, applied for an operator's license in the City of Wauwatosa; and

WHEREAS, the Committee on Legislation, Licensing & Communications requested that Ms. Selky appear before the Committee on two occasions to discuss her record but applicant did not

appear; and

WHEREAS, the failure to appear upon request or communicate reasons for her failure to appear indicates that the applicant has chosen not to exercise the level of responsibility necessary to be a holder of an operator's license in the City of Wauwatosa;

NOW, THEREFORE, BE IT RESOLVED THAT the operator's license application of Beth Selky is hereby denied;

BE IT FURTHER RESOLVED THAT the Clerk shall notify Ms. Selky in writing of this decision and the reasons for the denial.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Joel Tilleson, Alderman
<b>SECONDER:</b>	Donald Birschel, Alderman
<b>AYES:</b>	Berdan, Birschel, Causier, Dubinski, Ewerdt, Hanson, McBride, Moldenhauer, Organ, Pantuso, Roznowski, Tilleson, Walz-Chojnacki, Wilke, Wilson
<b>EXCUSED:</b>	Donegan

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

1. Resolution authorizing a lease amendment with Sprint Spectrum Realty Company L.P. at Feerick Water Tower

Committee recommended approval 8-0

#### **RESOLUTION R-13-187**

BE IT RESOLVED, by the Common Council of the City of Wauwatosa, THAT Amendment No. 1 to Tower/Land Lease Agreement at Feerick Water Tower with Sprint Spectrum Realty Company, LP, a copy of which is attached hereto and incorporated herein, be and the same is hereby approved.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Craig Wilson, Alderman
<b>SECONDER:</b>	Tim Hanson, Alderman
<b>AYES:</b>	Berdan, Birschel, Causier, Dubinski, Ewerdt, Hanson, McBride, Moldenhauer, Organ, Pantuso, Roznowski, Tilleson, Walz-Chojnacki, Wilke, Wilson
<b>EXCUSED:</b>	Donegan

2. Resolution authorizing a lease amendment with Verizon Wireless at Glenview Water Tower

Committee recommended approval 8-0

#### **RESOLUTION R-13-188**

BE IT RESOLVED, by the Common Council of the City of Wauwatosa, THAT the Amendment to Tower/Land Lease Agreement at Glenview Water Tower with Verizon Wireless, a copy of which is attached hereto and incorporated herein, be and the same is hereby approved.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Craig Wilson, Alderman
<b>SECONDER:</b>	Tim Hanson, Alderman
<b>AYES:</b>	Berdan, Birschel, Causier, Dubinski, Ewerdt, Hanson, McBride, Moldenhauer, Organ, Pantuso, Roznowski, Tilleson, Walz-Chojnacki, Wilke, Wilson
<b>EXCUSED:</b>	Donegan

3. Resolution authorizing a lease amendment with Verizon Wireless at Burleigh Water Tower

Committee recommended approval 8-0

**RESOLUTION R-13-189**

BE IT RESOLVED, by the Common Council of the City of Wauwatosa, THAT the Amendment to the Tower/Land Lease Agreement at Burleigh Water Tower with Verizon Wireless, a copy of which is attached hereto and incorporated herein, be and the same is hereby approved.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Craig Wilson, Alderman
<b>SECONDER:</b>	Tim Hanson, Alderman
<b>AYES:</b>	Berdan, Birschel, Causier, Dubinski, Ewerdt, Hanson, McBride, Moldenhauer, Organ, Pantuso, Roznowski, Tilleson, Walz-Chojnacki, Wilke, Wilson
<b>EXCUSED:</b>	Donegan

4. Resolution authorizing a health care plan third party administration contract with United Healthcare

Committee recommended approval 8-0

**RESOLUTION R-13-191**

BE IT RESOLVED THAT the appropriate City officials be authorized to enter into a contract for claims administrative with United Healthcare for the contract year October 1, 2013 through September 30, 2014 with a rate of \$54.04 per member per month which is an annual amount based on current enrollments of \$324,050.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Craig Wilson, Alderman
<b>SECONDER:</b>	Tim Hanson, Alderman
<b>AYES:</b>	Berdan, Birschel, Causier, Dubinski, Ewerdt, Hanson, McBride, Moldenhauer, Organ, Pantuso, Roznowski, Tilleson, Walz-Chojnacki, Wilke, Wilson
<b>EXCUSED:</b>	Donegan

5. Resolution authorizing a stop loss contract with ING

Committee recommended approval 8-0

**RESOLUTION R-13-190**

BE IT RESOLVED THAT the appropriate City officials be authorized to enter into a contract for stop loss insurance for the City’s self-insured health plan for a contract year of October 1, 2013 through September 30, 2014 with ING with an annual premium based on current enrollments of \$903,309.00 based on the following rates per member per month:

Specific premium \$150.26  
 Aggregate premium \$2.12

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Craig Wilson, Alderman
<b>SECONDER:</b>	Tim Hanson, Alderman
<b>AYES:</b>	Berdan, Birschel, Causier, Dubinski, Ewerdt, Hanson, McBride, Moldenhauer, Organ, Pantuso, Roznowski, Tilleson, Walz-Chojnacki, Wilke, Wilson
<b>EXCUSED:</b>	Donegan

- 6. Resolution authorizing a second lease amendment with Sprint Spectrum Realty Company L. P. at Glenview Water Tower

Committee recommended approval 8-0

**RESOLUTION R-13-186**

BE IT RESOLVED, by the Common Council of the City of Wauwatosa, THAT Amendment No. 2 to Tower/Land Lease Agreement at Glenview Water Tower with Sprint Spectrum Realty Company, LP, a copy of which is attached hereto and incorporated herein, be and the same is hereby approved.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Craig Wilson, Alderman
<b>SECONDER:</b>	Tim Hanson, Alderman
<b>AYES:</b>	Berdan, Birschel, Causier, Dubinski, Ewerdt, Hanson, McBride, Moldenhauer, Organ, Pantuso, Roznowski, Tilleson, Walz-Chojnacki, Wilke, Wilson
<b>EXCUSED:</b>	Donegan

- 7. Bills and claims

BILLS AND CLAIMS FOR THE PERIOD 9/18/13 - 10/1/13 --

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 9/18/13 - 10/1/13: \$4,466,596.38

It was moved by Ald. Causier, seconded by Ald. Walz-Chojnacki that each and every account of bills and claims be allowed and and ordered paid. Roll call vote, Ayes 15

**FROM THE BOARD OF PUBLIC WORKS**

- I. 2014 Assessment Policy Resolution

Committee recommended approval 4-0

**RESOLUTION** R-13-192

BE IT RESOLVED, By the Common Council of the City of Wauwatosa, Wisconsin that the following be and hereby are the policies for 2014 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:
  - ) \$67.00 for one or two family residences, churches, schools, public parks (“single family rate”)
  - ) \$83.75 for multiple family residences of three or more (1-1/4 x single family rate)
  - ) \$100.50 for business or commercial property (1-1/2 x single family rate)
  - ) \$134.00 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 the City does not have maintenance jurisdiction, the rate of assessment may be adjusted to recover 60% of the paving costs abutting each parcel.
  
  - d) 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” \$48.00 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” \$38.40 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” \$19.20 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 or in-place recycling.

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 an assessment credit equal to 4% of their previous Type "A" paving assessment for each year under 25 years.

If Type "A" repaving is required on arterial streets less than 20 years after Type "C" repaving has been performed, all one and two family residences shall receive an assessment credit equal to 5% of their previous Type "C" paving assessment for each year under 20 years.

To recover the cost of public sidewalk replacement when done in conjunction with repaving, the assessable rates may reflect an amount of \$13.50 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 \$45.00 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) Special assessments in amounts greater than \$5,000.00 can be paid in annual installments up to ten (10) years.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Dennis McBride, Alderman
<b>SECONDER:</b>	Jeffrey Roznowski, Alderman
<b>AYES:</b>	Berdan, Birschel, Causier, Dubinski, Ewerdt, Hanson, McBride, Moldenhauer, Organ, Pantuso, Roznowski, Tilleson, Walz-Chojnacki, Wilke, Wilson
<b>EXCUSED:</b>	Donegan

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Carla A. Ledesma, CMC, City Clerk

## Ordinance

ORDINANCE AMENDING PORTIONS OF CHAPTER 9 OF THE WAUWATOSA MUNICIPAL CODE TO PERMIT THE DOMESTIC KEEPING OF CHICKENS IN THE CITY

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

### Part I.

**Sections 9.04.050 and 9.04.060 of the Wauwatosa Municipal Code are hereby amended to read as follows:**

9.04.050. Domestic Keeping of Chickens in the City.

9.04.050. Findings.

The common council of the City of Wauwatosa desires to provide for the health, safety, and well being of its residents, to ensure and maintain property conditions and values, and to provide a domestic and sustainable source of nourishing food through limited chicken egg production in a residential environment respecting its urban surroundings and rural origins.

9.04.060. Permit, Application, Enforcement, Penalty.

A. Permit Required.

1. No person shall keep live chickens in the city without first obtaining a valid permit . The permit process requires a completed application accompanied with a fee as set forth in the consolidated fee schedule. The permit application is also subject to neighborhood approval and other requirements as set forth below.
2. Permit. Each owner shall obtain a city issued permit prior to acquiring any live chicken. No more than one such permit may be issued for any single residential parcel. A permit and fee shall be required for each parcel.
3. No permit fee may be refunded in whole or in part or be transferable.
4. A permit is subject to revocation upon failure to comply with any provision under this code. Once a permit is revoked, a permit shall not be reissued.
5. The permit shall be renewed and fee shall be paid annually. There shall be a penalty added to the permit fee for late payment of the permit fee at a rate set forth in the consolidated fee

schedule.

B. Neighborhood Approval and Site Plan Required.

1. Before a permit is issued for the keeping of chickens, the applicant shall obtain the written consent of the owner of the property where chickens shall be kept and the owners of all adjoining or diagonally abutting properties, including those across an alley. Written consent shall be provided at the time of the application.
2. The applicant must submit a site plan at the time of the application which complies with the provisions of this chapter.

C. Keeping of Chickens Allowed. The keeping of up to four chickens is allowed on a residential property, under the following provisions:

1. No roosters shall be kept.
2. No chicken shall be slaughtered.
3. Chickens shall be provided with fresh water and adequate amounts of feed regularly.
4. Chickens shall be provided with a sanitary and adequately sized covered enclosure or coop and shall be kept in the covered enclosure or coop or a sanitary and adequately accessible fenced enclosure at all times.
5. Chicken coops shall be moisture- resistant, sturdy, constructed in a workmanlike manner, and either raised up off the ground or placed on a hard surface such as concrete, patio block or gravel.
6. Chicken coops shall be constructed and yards maintained to reasonably prevent the collection of standing water and shall be cleaned of droppings, uneaten feed, feathers and other waste daily and as soon as is necessary to ensure that the coop and yard do not become a health, odor or other nuisance.
7. Chicken coops and yards together shall be large enough to provide at least 16 square feet of space per chicken.
8. No enclosure or coop shall be located closer than 25 feet to any residential dwelling on an adjacent lot unless consent is given by the owner of the adjacent lot.
9. No enclosure or coop shall be located in the front yard of a residential parcel.
10. In addition to compliance with the requirements of this section, no one shall keep chickens that cause any nuisance, unhealthy condition, create a public health threat, or otherwise interfere with the normal use of property in the enjoyment of life by humans or animals.
11. Chicken eggs may not be sold, traded, or hatched for commercial purposes.

D. Public Health Requirements.

1. Chickens shall be kept and handled in a sanitary manner to prevent the spread of communicable diseases among birds or to humans.
2. Any person keeping chickens shall immediately report any unusual illness or death of chickens to the health department.

3. The health officer may order testing, quarantine, isolation, vaccination, or humane euthanasia of ill chickens or chickens believed to be a carrier of communicable disease.

E. Enforcement. Penalty.

1. Any person violating any provision of this chapter shall be subject to the general penalty provisions of this code in addition to the penalties provided under this section and chapter 15. A citation may be issued pursuant to Wauwatosa Municipal Code Chapter 1.24.010 and Wisconsin Statute Section 800.02.

2. Removal of chicken. Any chicken may be impounded or removed from the city for violations of this chapter. The chicken's owner shall be responsible for costs of the impoundment or removal.

3. The Development Department shall issue permits and enforce the provisions of this code, except that the public health provisions of Sub. D. above, shall be enforced by the Health Department.

**Part II.** This ordinance shall take effect on and after its date of publication.

**Part III.** Noncodified provision:

The consolidated fee schedule shall be amended by providing that the permit fee under this section shall be \$12.00 per household. The fee for late renewal of a permit shall be an additional \$12.00.

**Part IV.** Noncodified provision:

The Committee on Community Development shall review the implementation of this ordinance within nine months of its publication.

Passed and Dated \_\_\_\_\_

\_\_\_\_\_  
City Clerk

Approved \_\_\_\_\_

\_\_\_\_\_  
Mayor

## COMMUNITY DEVELOPMENT COMMITTEE

### Chapter 9.04 Regulation of Animals.

#### AN ORDINANCE AMENDING PORTIONS OF CHAPTER 9 OF THE MUNICIPAL CODE OF THE CITY OF WAUWATOSA TO PERMIT THE DOMESTIC KEEPING OF CHICKENS IN THE CITY.

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

##### Part I.

Sections 9.04.050 and 9.04.060 of the Wauwatosa Municipal Code are hereby amended to read as follows:

9.04.050. Domestic Keeping of Chickens in the City.

9.04.050. Findings.

The common council of the City of Wauwatosa desires to provide for the health, safety, and well being of its residents, to ensure and maintain property conditions and values, and to provide a domestic and sustainable source of nourishing food through limited chicken egg production in a residential environment respecting its urban surroundings and rural origins.

9.04.060. Permit, Application, Enforcement, Penalty.

##### A. Permit Required.

1. No person shall keep live chickens in the city without first obtaining a valid permit . The permit process requires a completed application accompanied with a fee as set forth in the consolidated fee schedule. The permit application is also subject to neighborhood approval and other requirements as set forth below.
2. Permit. Each owner shall obtain a city issued permit prior to acquiring any live chicken. No more than one such permit may be issued for any single residential parcel. A permit and fee shall be required for each parcel.
3. No permit fee may be refunded in whole or in part or be transferable.
4. A permit is subject to revocation upon failure to comply with any provision under this code. Once a permit is revoked, a permit shall not be reissued.
5. The permit shall be renewed and fee shall be paid annually. There shall be a penalty added to the permit fee for late payment of the permit fee at a rate set forth in the consolidated fee schedule.

##### B. Neighborhood Approval and Site Plan Required.

1. Before a permit is issued for the keeping of chickens, the applicant shall obtain the written consent of the owner of the property where chickens shall be kept and the owners of all adjoining or diagonally abutting properties, including those across an alley. Written consent shall be provided at the time of the application.

2. The applicant must submit a site plan at the time of the application which complies with the provisions of this chapter.

C. Keeping of Chickens Allowed. The keeping of up to four chickens is allowed on a residential property, under the following provisions:

1. No roosters shall be kept.
2. No chicken shall be slaughtered.
3. Chickens shall be provided with fresh water and adequate amounts of feed regularly.
4. Chickens shall be provided with a sanitary and adequately sized covered enclosure or coop and shall be kept in the covered enclosure or coop or a sanitary and adequately accessible fenced enclosure at all times.
5. Chicken coops shall be moisture- resistant, sturdy, constructed in a workmanlike manner, and either raised up off the ground or placed on a hard surface such as concrete, patio block or gravel.
6. Chicken coops shall be constructed and yards maintained to reasonably prevent the collection of standing water and shall be cleaned of droppings, uneaten feed, feathers and other waste daily and as soon as is necessary to ensure that the coop and yard do not become a health, odor or other nuisance.
7. Chicken coops and yards together shall be large enough to provide at least 16 square feet of space per chicken.
8. No enclosure or coop shall be located closer than 25 feet to any residential dwelling on an adjacent lot unless consent is given by the owner of the adjacent lot.
9. No enclosure or coop shall be located in the front yard of a residential parcel.
10. In addition to compliance with the requirements of this section, no one shall keep chickens that cause any nuisance, unhealthy condition, create a public health threat, or otherwise interfere with the normal use of property in the enjoyment of life by humans or animals.
11. Chicken eggs may not be sold, traded, or hatched for commercial purposes.

D. Public Health Requirements.

1. Chickens shall be kept and handled in a sanitary manner to prevent the spread of communicable diseases among birds or to humans.
2. Any person keeping chickens shall immediately report any unusual illness or death of chickens to the health department.
3. The health officer may order testing, quarantine, isolation, vaccination, or humane euthanasia of ill chickens or chickens believed to be a carrier of communicable disease.

E. Enforcement. Penalty.

1. Any person violating any provision of this chapter shall be subject to the general penalty provisions of this code in addition to the penalties provided under this section and chapter 15. A citation may be issued pursuant to Wauwatosa Municipal Code Chapter 1.24.010 and Wisconsin Statute Section 800.02.
2. Removal of chicken. Any chicken may be impounded or removed from the city for violations of this chapter. The chicken's owner shall be responsible for costs of the impoundment or removal.

3. The Development Department shall issue permits and enforce the provisions of this code, except that the public health provisions of Sub. D. above, shall be enforced by the Health Department.

**Part II.** This ordinance shall take effect on and after its date of publication.

**Part III.** Noncodified provision:

The consolidated fee schedule shall be amended by providing that the permit fee under this section shall be \$12.00 per household. The fee for late renewal of a permit shall be an additional \$12.00.

Part IV. Noncodified provision:

The Committee on Community Development shall review the implementation of this ordinance within nine months of its publication.

**Ordinance O-13-13**

ORDINANCE AMENDING SECTION 11.32.080 OF THE WAUWATOSA MUNICIPAL CODE TO PROVIDE FOR PARKING RESTRICTIONS ON THE SOUTH SIDE OF HILLSIDE LANE

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

Part I. The "Hillside Lane" portion of the "Schedule of Streets, and portions" subsection of Wauwatosa Code Section 11.32.080 is hereby amended by adding the following:

(a) on south side of street

Part II. This ordinance shall take effect on and after its date of publication.

Passed and Dated \_\_\_\_\_

\_\_\_\_\_

City Clerk

Approved \_\_\_\_\_

\_\_\_\_\_

Mayor

**Ordinance O-13-16**

ORDINANCE CREATING SECTION 11.36.472 OF THE WAUWATOSA MUNICIPAL CODE TO REDUCE THE SPEED LIMIT ON LUDINGTON AVENUE

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

Part I. Section 11.36.472 of the Code of the City of Wauwatosa is hereby created to read as follows:

11.36.472 Speed limits - Twenty Five miles per hour.

The speed of any vehicle shall not be in excess of twenty-five miles per hour on the following highways:

- 1. Ludington Avenue between Milwaukee Avenue and 88th Street north of North Avenue

Part II. This ordinance shall take effect on and after its date of publication.

Passed and Dated \_\_\_\_\_

\_\_\_\_\_

City Clerk

Approved \_\_\_\_\_

\_\_\_\_\_

Mayor

## **Ordinance O-13-15**

### ORDINANCE AMENDING PORTIONS OF CHAPTER 6.08 OF THE WAUWATOSA MUNICIPAL CODE TO ALLOW THE LEGISLATION, LICENSING AND COMMUNICATIONS COMMITTEE TO ISSUE OPERATOR LICENSES

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

#### 6.08 ALCOHOLIC BEVERAGES

##### Part I.

Section 6.08.060 (C) of the Wauwatosa Municipal Code is hereby amended to read as follows:

##### Section 6.08.060 (C) License Issuance- Conditions.

C. An applicant for an operator's license whose application has been denied by the legislation, licensing and communications committee shall not be permitted to reapply or be reconsidered for an operator's license at any time sooner than six months following the date of the denial by the legislation, licensing and communications committee.

##### Part. II.

Section 6.08.090 (A) and (B) of the Wauwatosa Municipal Code is hereby amended to read as follows:

##### 6.08.090 Granting of license.

A. Opportunity shall be given by the legislation, licensing and communications committee to any person to be heard for or against the granting of any license. Upon approval of the application by the legislation, licensing and communications committee and a receipt showing the payment of the required license fee to the city treasurer, the city clerk shall issue to the applicant a license. Each license shall be numbered in the order in which issued and shall specifically state the premises for which issued, the date of issuance and the date of expiration, the fee paid, and the name of the licensee. Except as provided in Section 6.08.040, all licenses shall remain in force until the first day of July next after the granting thereof, unless sooner revoked in the manner provided in Wisconsin Statutes Chapter 125 and acts amendatory and supplementary thereto.

B. The legislation, licensing and communications committee, by a majority of its members, is hereby delegated authority to authorize or deny the license. Upon denial of any initial application, the committee must set forth the reasons for such action. In the event of a tie vote in the Committee, the applicant may appeal to the full common council for a vote on whether to authorize or deny the license, provided such notice of appeal is submitted to the City Clerk not later than 12:00 noon on the Friday following the vote in committee. Such notice may be submitted to the Clerk via electronic communication.

##### Part III.

Section 6.08.100 (A) of the Wauwatosa Municipal Code is hereby amended to read as follows:

Section 6.08.100 Authorization to the city clerk to issue and renew operator's licenses.

A. The city clerk is authorized to issue or renew operator's licenses pursuant to section 6.08.090 without the need for further legislation, licensing and communications committee authorization provided that the clerk has:

1. Received a report from the police department regarding the licensee as not having violated the law substantially relating to the sale or use of alcohol, illegal substances or other laws having a bearing on the licensees' fitness;
2. Not received information regarding complaints filed with the city relative to the licensee or licensed premises in which the license is an operator;
3. Not received a request from a committee or council member or the mayor for a review of this licensee's renewal; or
4. No other good and sufficient reason to believe such license renewal application should be reviewed by the appropriate committee of the common council.

Part. IV.

Section 6.08.250 (A) of the Wauwatosa Municipal Code is hereby amended to read as follows:

6.08.250 Operator's license.

A. Authority to issue an operator's license upon written application is hereby delegated to the legislation, licensing and communications committee .

Part V.

Section 6.08.270 (B) of the Wauwatosa Municipal Code is hereby amended to read as follows:

Section 6.08.270 Provisional operator's license.

B. A provisional operator's license shall be effective upon being stamped by the Wauwatosa police department for a period not to exceed sixty days from the date of issuance or until an operator's license is approved or denied by the legislation, licensing and communications committee, which event occurs first in time, unless such provisional operator's license has been revoked as provided in this chapter.

Part VI.

This ordinance shall take effect on and after its date of publication.

Passed and Dated \_\_\_\_\_

\_\_\_\_\_

City Clerk

Approved \_\_\_\_\_

\_\_\_\_\_

Mayor

CITY OF WAUWATOSA  
Resolution

R-13-184

By: Legislation, Licensing and Communications

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WHEREAS, Harnet Kaur, agent, of ASG Wine Merchants, Inc., d/b/a Tosa Wine & Spirits, 11747 W. North Avenue has asked for a transfer of its Class A Beer and Class A Liquor license to a new premises located at 11500 W. North Avenue;

NOW, THEREFORE, BE IT RESOLVED THAT the Class A Beer and Class A Liquor license held by ASG Wine Merchants, Inc., d/b/a Tosa Wine & Spirits, 11747 W. North Avenue be transferred to a new premises located at 11500 W. North Avenue.

Passed and Dated \_\_\_\_\_

\_\_\_\_\_

Clerk

Approved \_\_\_\_\_

\_\_\_\_\_

Mayor

CITY OF WAUWATOSA  
Resolution

R-13-185

By: Legislation, Licensing and Communications

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WHEREAS, Beth Selky, 8504 W. Beacon Hill Drive, Franklin, WI, applied for an operator's license in the City of Wauwatosa; and

WHEREAS, the Committee on Legislation, Licensing & Communications requested that Ms. Selky appear before the Committee on two occasions to discuss her record but applicant did not appear; and

WHEREAS, the failure to appear upon request or communicate reasons for her failure to appear indicates that the applicant has chosen not to exercise the level of responsibility necessary to be a holder of an operator's license in the City of Wauwatosa;

NOW, THEREFORE, BE IT RESOLVED THAT the operator's license application of Beth Selky is hereby denied;

BE IT FURTHER RESOLVED THAT the Clerk shall notify Ms. Selky in writing of this decision and the reasons for the denial.

Passed and Dated \_\_\_\_\_

\_\_\_\_\_

Clerk

Approved \_\_\_\_\_

\_\_\_\_\_

Mayor

CITY OF WAUWATOSA  
Resolution

R-13-187

By: Budget and Finance Committee

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BE IT RESOLVED, by the Common Council of the City of Wauwatosa, THAT Amendment No. 1 to Tower/Land Lease Agreement at Feerick Water Tower with Sprint Spectrum Realty Company, LP, a copy of which is attached hereto and incorporated herein, be and the same is hereby approved.

Passed and Dated \_\_\_\_\_

\_\_\_\_\_

Clerk

Approved \_\_\_\_\_

\_\_\_\_\_

Mayor

CITY OF WAUWATOSA  
Resolution

R-13-188

By: Budget and Finance Committee

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BE IT RESOLVED, by the Common Council of the City of Wauwatosa, THAT the Amendment to Tower/Land Lease Agreement at Glenview Water Tower with Verizon Wireless, a copy of which is attached hereto and incorporated herein, be and the same is hereby approved.

Passed and Dated \_\_\_\_\_

\_\_\_\_\_

Clerk

Approved \_\_\_\_\_

\_\_\_\_\_

Mayor

CITY OF WAUWATOSA  
Resolution

R-13-189

By: Budget and Finance Committee

---

BE IT RESOLVED, by the Common Council of the City of Wauwatosa, THAT the Amendment to the Tower/Land Lease Agreement at Burleigh Water Tower with Verizon Wireless, a copy of which is attached hereto and incorporated herein, be and the same is hereby approved.

Passed and Dated \_\_\_\_\_

\_\_\_\_\_

Clerk

Approved \_\_\_\_\_

\_\_\_\_\_

Mayor

CITY OF WAUWATOSA  
Resolution

R-13-191

By: Budget and Finance Committee

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BE IT RESOLVED THAT the appropriate City officials be authorized to enter into a contract for claims administrative with United Healthcare for the contract year October 1, 2013 through September 30, 2014 with a rate of \$54.04 per member per month which is an annual amount based on current enrollments of \$324,050.

Passed and Dated \_\_\_\_\_

\_\_\_\_\_

Clerk

Approved \_\_\_\_\_

\_\_\_\_\_

Mayor

CITY OF WAUWATOSA  
Resolution

R-13-190

By: Budget and Finance Committee

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BE IT RESOLVED THAT the appropriate City officials be authorized to enter into a contract for stop loss insurance for the City's self-insured health plan for a contract year of October 1, 2013 through September 30, 2014 with ING with an annual premium based on current enrollments of \$903,309.00 based on the following rates per member per month:

Specific premium \$150.26  
Aggregate premium \$2.12

Passed and Dated \_\_\_\_\_

\_\_\_\_\_

Clerk

Approved \_\_\_\_\_

\_\_\_\_\_

Mayor

CITY OF WAUWATOSA  
Resolution

R-13-186

By: Budget and Finance Committee

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BE IT RESOLVED, by the Common Council of the City of Wauwatosa, THAT Amendment No. 2 to Tower/Land Lease Agreement at Glenview Water Tower with Sprint Spectrum Realty Company, LP, a copy of which is attached hereto and incorporated herein, be and the same is hereby approved.

Passed and Dated \_\_\_\_\_

\_\_\_\_\_

Clerk

Approved \_\_\_\_\_

\_\_\_\_\_

Mayor

CITY OF WAUWATOSA  
Resolution

R-13-192

By: Board of Public Works

BE IT RESOLVED, By the Common Council of the City of Wauwatosa, Wisconsin that the following be and hereby are the policies for 2014 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:
  - ) \$67.00 for one or two family residences, churches, schools, public parks (“single family rate”)
  - ) \$83.75 for multiple family residences of three or more (1-1/4 x single family rate)
  - ) \$100.50 for business or commercial property (1-1/2 x single family rate)
  - ) \$134.00 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 *pro rata* 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 the City does not have maintenance jurisdiction, the rate of assessment may be adjusted to recover 60% of the paving costs abutting each parcel.
- d) 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” \$48.00 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” \$38.40 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” \$19.20 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 or in-place recycling. 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 an assessment credit equal to 4% of their previous Type “A” paving assessment for each year under 25 years. If Type “A” repaving is required on arterial streets less than 20 years after Type “C” repaving has been performed, all one and two family residences shall receive an assessment credit equal to 5% of their previous Type “C” paving assessment for each year under 20 years. To recover the cost of public sidewalk replacement when done in conjunction with repaving, the assessable rates may reflect an amount of \$13.50 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 \$45.00 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) Special assessments in amounts greater than \$5,000.00 can be paid in annual installments up to ten (10) years.

Passed and Dated \_\_\_\_\_

\_\_\_\_\_

Clerk

Approved \_\_\_\_\_

\_\_\_\_\_

Mayor