



CITY OF WAUWATOSA
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COMMON COUNCIL

Regular Meeting, Tuesday, November 3, 2009

PRESENT: Alds. Krol, McBride, Meaux, Nikcevich, Stepaniak, Walsh, Wilke, Berdan, Birschel, Dennik, Donegan, Ewerdt, Hanson, Herzog, Jay -15

EXCUSED: Ald. Organ

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. Wojcehowicz, Water Utility Supt; Mr. Wehrley, City Engineer; Fire Chief Redman; Ms. Ledesma, City Clerk; Ms. Van Hoven, Deputy City Clerk

Mayor Didier in the Chair

The Mayor called the meeting to order at 7:35 p.m.

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

PUBLIC HEARING

The first item of business was a public hearing concerning the proposed 2010 city budget.

Proof of publication is in the file.

Mr. Archambo gave a brief overview of the proposed 2010 budget, noting that it represents a balance of values, and the providing of services within available revenue. The proposed General Fund increase for 2010 is \$285,000, or 0.55% over 2009. A slight decrease in revenues is anticipated. The money applied to the budget from Surplus, \$1.8 million dollars, is down slightly from 2009, and less than the \$2 million applied in 2008.

The city's property tax levy will be increasing by \$300,000, due to the construction of fire station #1; this project was approved by voters in a referendum. Absent that project, the levy would be unchanged. Mr. Archambo noted that the assessed value for the city decreased by 0.6%. In 2009,

the assessed value increased by 0.38%. The tax rate will be ten cents higher than last year. For the average residential property, that is an increase of \$22.26, or a 1.38% increase.

There are numerous significant issues that must be dealt with within the confines of the 2010 budget:

- It is hoped that nearly \$900,000 can be recovered through the use of rolling vacancies, whereby a minimum number of FTE (full time equivalent) positions will be vacant throughout the year; some may be released for filling during the year based on whether this target amount is met. About 2 ½% - 2 ¾% of the full time staff that will be affected
- The health/life insurance fund expenditures are projected to be \$650,000 less than in 2006
- The General Fund contribution to the health/life fund is \$643,000 less than in 2009
- Total wages and benefits increase is 0.25%
- An economic development position will be created, with ancillary funding of \$180,000
- There will be an opportunity to examine the garbage collection operation
- The Debt Service increase of \$450,000 is due in large part (\$300,000) to fire station #1 construction
- The sanitary sewer average household charge will increase about \$36 annually
- Storm sewer rates are unchanged
- The water utility average household charge will increase about \$51 annually
- The city tax levy increase per average household will be \$22.26 annually
- An analysis of fire department operations will be conducted
- An analysis of the engineering department and capital planning operation will be conducted
- Efforts will continue to stabilize the worker's compensation fund balance, and to maintain a stable health/life fund balance
- Efforts will continue to maintain a balance between Surplus funds applied and rolling vacancies
- The second phase of the wireless system project will commence for \$100,000; the first phase of the project is already generating revenue for the city
- A K-9 police unit will be created principally through grants
- LED street lighting trial

Mr. Archambo stressed that staff is working to maximize existing resources and maintain existing services to the extent possible.

Mr. Archambo then reviewed the city's tax levy and tax rate history for the past 15 years, noting that the proposed 2010 increase of \$300,000 is the third lowest. The proposed ten-cent increase in the tax rate is the less than 2009's. The years between 2002 and 2010 which show a decrease (2007, 2003) are due to city-wide revaluations.

No one of the public present wished to be heard in favor of the proposed budget.

The following members of the public present spoke in opposition to the proposed budget:

Lee Meyer, 10116 W. Sunset, commended staff for trying to keep the budget very tight. He expressed concern, however, that there seem to be increases in the tax levy every year; in the last five years the increases total nearly 17%. What is the citizenry getting for that increase? He also questioned the level of fringe benefits and their near-constant increase. Can that be sustained?

Mr. Archambo pointed out that fringe benefits decreased by 2%; they include health insurance for existing and retired employees, payroll taxes, social security allocations, the Employee Assistance Program, life and vision insurance. Fringe benefits make up 48% of payroll presently; it has been as high as 55%. Some departments' budgets may reflect increases or decreases in these figures and often this reflects changing FTE distribution among programs. In other cases, a new position may have been created.

Bruce Held, 2907 N. 121st Street, applauded Ald. Jay's efforts to take further steps to eliminate the \$300,000 proposed tax levy increase. Residents should not have to pay more for benefits for public servants. If employees were to pay 2.5% of their health insurance costs, no budget increase would be necessary. This issue ought to be discussed further.

Joe Heder, 2641 N. 117th Street, stated that he pays much more in health and dental rates than do the city's employees. He contended that property values have dropped 20-30% of late and that homes in his area that have been lucky enough to sell are selling \$50-100,000 below the assessed value. Property taxes are high, which is somewhat more acceptable when property values are also high. He opined that people are moving out of the city because of high taxes.

Dick Bond, 2578 N. 88th Street, and owner of a laundromat at 6707 W. North Avenue, expressed concern with the proposed increases in the sanitary sewer charges and the water utility charges. His business is a large water user and it seems more and more charges are being moved to the water bills. He stated that the proposed 36% increase in water rates that the City of Milwaukee is proposing for its suburban customers (i.e., Wauwatosa) will have to be directly passed back to his customers in the form of higher prices; it can't be absorbed by the business.

The following members of the public present made additional remarks:

Lee Meyer, 10116 W. Sunset, asked exactly what percent of health insurance costs employees currently pay.

Mr. Archambo explained that on average it is 2.84% of the premium rate; additional co-pay and co-deductible amounts increase that figure to 25%. With the most recent union negotiations, both parties agreed to work cooperatively to lower overall costs, rather than concentrating solely on who was paying what percentage.

Bruce Held, 2907 N. 121st Street, asked for more information about the creation of the economic development position. Mayor Didier explained that the purpose of this position is to increase economic development opportunities in the city, thereby increasing the city's tax base.

Mr. Held also expressed concern over the continuing cost increases for the sanitary sewer charges and water utility charges, and questioned the wisdom of implementing the second phase of the wireless system project and the creation of the K-9 unit.

Joe Heder, 2641 N. 117th Street, opined that the quality of snow removal has deteriorated recently; the road is no longer cleared curb to curb and salting is not done as extensively as in the past.

Dick Bond, 2578 N. 88th Street, objected to the City of Milwaukee raising rates for the suburbs, while offering water free or at reduced rates as a way of enticing businesses to relocate there. Mayor Didier outlined steps being taken by suburban communities in response to Milwaukee's proposal.

The public hearing was declared closed. Ordered held to the next Common Council meeting on November 17, 2009.

OLD BUSINESS

The following was held after a public hearing on October 20, 2009:

ORDINANCE O-09-26

AN ORDINANCE AMENDING CHAPTER 24.02.090 TO REVISE THE DEFINITION OF BUILDING HEIGHT

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

Part I. Chapter 24.02.090 is amended to read as follows:

24.02.090 Building Height.

“Building Height” means the vertical distance measured from the established grade at the middle of the front of the building to the highest point of the roof. When a building is located on a natural terrace or slope the heights may be measured from the average ground level at the building wall.

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

It was moved by Ald. Herzog, seconded by Ald. McBride to adopt the foregoing ordinance. -15

APPOINTMENTS BY THE MAYOR

Citizens with Disabilities Committee

Julie Alexander, 7724 W. State Street
Paul Sokolowski, 7439 Harwood Avenue
Mary Callen, 7439 Harwood Avenue
Ann Fritsch, 10200 W. Blue Mound Road
Margaret Mirenda, 2616 N. 96th Street
(Terms end 12/31/11)

It was moved by Ald. Dennik, seconded by Ald. Birschel to concur with the foregoing appointments. -15

Citizens with Disabilities Committee

Margaret Tate-Techtman, 7203 W. Center Street
Macey Lyons, 1000 N. 92nd Street
(Terms end 12/31/12)

BID Board of Directors

Kent Ehley, 7437 Kenwood Avenue (reappointment)
Keith Trafton, 6005 W. Martin Drive
Gordon Goggin, 158 N. Water Street, Milwaukee
Bob Frederickson, 7615 W. State Street
Robert Keusel, 773 N. Van Buren, Milwaukee
Sean Phelan, PO Box 731, Milwaukee
Jeff Roznowski, 2609 N. 82nd Street
(Terms end 12/31/12)

Foregoing appointments ordered held as this was the first reading.

APPLICATIONS, COMMUNICATIONS, ETC.

1. Preliminary Planned Development application for an 8-unit, townhouse condominium development at 6745 W. Wells Street, William Ibach, applicant
Plan Commission, Community Development Committee
2. Conditional Use application in the AA Business District for Five Guys Burgers & Fries, eat-in and carry-out restaurant, 2500 N. Mayfair Road, Thomas Reid, Soos & Associates, Inc. and Gregg Elstro, Regional Construction Mgr., applicants
Plan Commission, Community Development Committee
3. Conditional Use application in the AA Business District for a massage spa at 737 N. Mayfair Road, John Zinda and Yin Wang applicants
Plan Commission, Community Development Committee
4. Conditional Use application in the AA Business District for a massage clinic at 2380 N. 124th Street, Thomas Kruse, applicant
Plan Commission, Community Development Committee
5. Application for a Land Combination of property at 431 and 443 N. 108th Place in the Off Street Parking District, John A. Vassallo, Kosmos LLC, applicant
Plan Commission, Community Development Committee
6. Special Use application in the Trade District for a consignment shop at 7219 W. North Avenue, Cynthia Jashinske, applicant
Plan Commission

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT FOR INTRODUCTION

1. Ordinance amending Section 11.44 of the Code regarding regulation of inoperable vehicles
Re-referred to originating committee

FROM THE COMMITTEE ON TRAFFIC AND SAFETY

ORDINANCE O-09-27

AN ORDINANCE AMENDING SECTION 11.32.080 OF THE CODE PROVIDING PARKING RESTRICTIONS ON NORTH 72ND, NORTH 74TH, BLANCHARD AND STATE STREETS

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

Part I. The “North 72nd Street – east side” portion of the “schedule of streets, and portions” subsection of Wauwatosa Code Section 11.32.080 is hereby amended by adding the following line:

(a) From State Street to Blanchard Street

Part II. The “North 72nd Street – west side” portion of the “schedule of streets, and portions” subsection of Wauwatosa Code Section 11.32.080 is hereby amended by deleting the following line:

(a) From West State Street to 142 feet north thereof

Part III. The “North 74th Street – east side” portion of the “schedule of streets, and portions” subsection of Wauwatosa Code Section 11.32.080 is hereby amended by amending the line which reads as follows:

(a) From West State Street to 70 feet north thereof

to read as follows:

(a) From West State Street to 35 feet north thereof

Part IV. The “North 74th Street – east side” portion of the schedule of streets, and portions” subsection of Wauwatosa Code Section 11.32.080 is hereby amended by amending the following line:

(a) From 70 feet north of West State Street to Blanchard Street,

to read as follows:

(b) From 35 feet north of West State Street to Blanchard Street

Part V. The “Blanchard Street – south side” portion of the “schedule of streets, and portions” section of Wauwatosa Code Section 11.32.080 is hereby amended by adding the following line:

(a) From North 74th Street to North 75th Street

Part VI. The “West State Street – north side” portion of the “schedule of streets, and portions, section of Wauwatosa Code Section 11.32.080 is hereby amended by amending the following line:

(m) From a point 40 feet west of North 72nd Street to a point 275 feet east of North 74th Street,

to read as follows:

- (m) From a point 140 feet west of North 72nd Street to a point 275 feet east of North 74th Street

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

FROM THE COMMITTEE ON TRAFFIC AND SAFETY

ORDINANCE O-09-28

AN ORDINANCE AMENDING WAUWATOSA CODE SECTION 2.02.180 TO PERMIT THE COMMITTEE ON TRAFFIC AND SAFETY TO EXTEND TRIAL PERIODS BEYOND 90 DAYS

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

Part I. Section 2.02.180 of the Wauwatosa Municipal Code is hereby amended by renumbering the two existing paragraphs as “A” and “D”, and adding the following paragraphs between the existing paragraphs as paragraphs “B” and “C”:

- B. The committee on traffic and safety may extend this ninety day period upon a majority vote of the committee members then present, and the regulation shall continue to have the full force and effect of an ordinance enacted by the common council. Such extensions shall not be for more than ninety days at any one time, and the total time period for a related set of trial regulations at any location may not exceed twelve months.
- C. During the course of any trial period described herein, the committee on traffic and safety may make such changes to the trial regulation as it deems appropriate, upon a majority vote of the members then present.

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

FROM THE COMMITTEE ON TRAFFIC AND SAFETY

TO THE COMMON COUNCIL, CITY OF WAUWATOSA –

The Committee on Traffic and Safety, to whom was referred a request for a stop sign at the intersection of N. 78th and Eagle Streets, recommends to the Common Council that the matter be placed on file.

Dated this 27th day of October 2009.

Committee on Traffic and Safety

It was moved by Ald. Meaux, seconded by Ald. Krol to adopt the two foregoing ordinances and to approve the foregoing report. -15

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-09-237

WHEREAS, Deon D. Schmalholz, 4001 S. 76th Street, #3, Greenfield, WI, has applied for an operator's license in conjunction with her employment at The Cheesecake Factory on Mayfair Road, Wauwatosa, WI;

NOW, THEREFORE, BE IT RESOLVED THAT Deon D. Schmalholz, 4001 S. 76th Street, #3, Greenfield, WI, is hereby issued an operator's license for the period ending June 30, 2010.

It was moved by Ald. Birschel, seconded by Ald. Nikcevich to approve the foregoing resolution. -15

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-09-238

WHEREAS, Michael Feker has applied for a Conditional Use in the Trade District at 6913 W. North Avenue for an outdoor dining area at rear of the property, 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 Michael Feker for an outdoor dining area at rear of the property at 6913 W. North Avenue in the Trade District subject to the following conditions:

- 1) hours of operation 11:00 a.m. to 11:00 p.m. Monday through Friday, 10:00 a.m. to 10:00 p.m. Saturday and Sunday, and
- 2) adequate landscaping and screening on the south property line, and
- 3) submission and approval of an acceptable plan of egress;
- 4) obtaining all necessary licenses and permits.

It was moved by Ald. Herzog, seconded by Ald. Meaux to approve the foregoing resolution. -15

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-09-239

WHEREAS, the Solid Waste Sundry Contractual Services Account is experiencing a shortfall in 2009 due to a lack of revenue from the sale of recyclables, as well as an additional State fee for solid waste disposal in landfills; and

WHEREAS, the shortage is expected to be up to \$142,500.00; and

WHEREAS, the Director of Public Works is requesting an allocation of \$94,000.00 from the Reserve for Contingencies to meet current expenses;

NOW, THEREFORE, BE IT RESOLVED THAT the request to provide funding to the Solid Waste Sundry Contractual Services Account in the amount of \$94,000.00 from the Reserve for Contingencies is hereby approved.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-09-240

WHEREAS, the Community Development Block Grant Committee reviewed project proposals submitted to the Committee for the year 2010; and

WHEREAS, the recommendations of the CDBG Committee for 2010 funding approvals are specifically described in a memorandum from City Planning staff dated October 21, 2009, a copy of which is on file in the office of the City Clerk and available for public review; and

NOW, THEREFORE, BE IT RESOLVED THAT the 2010 Community Development Block Grant Project request funding in the amounts recommended by the CDBG Committee as reflected in the memorandum from Planning staff dated October 21, 2009 are hereby approved.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-09-241

WHEREAS, the Department of Community Development has requested authorization for the Historic Preservation Commission to apply for a reimbursable Certified Local Government sub-grant in the amount of \$10,000.00 from the State Historical Society of Wisconsin; and

WHEREAS, the grant funds would be utilized to explore the possibility of nominating a portion of Wauwatosa Avenue for the National Register of Historic Places by hiring a consultant to perform such study; and

WHEREAS, further progress on the application for National Registry will involve meetings with the residents to gauge their interest, and the application will not proceed if the residents are not interested in such registration;

NOW, THEREFORE, BE IT RESOLVED THAT the Historic Preservation Commission is hereby authorized to submit an application for a Certified Local Government sub-grant from the State Historical Society of Wisconsin in the amount of \$10,000.00 for purposes of conducting a study regarding the possible nomination of a portion of Wauwatosa Avenue in the City of Wauwatosa to the National Register of Historic Places, on the condition that the residents of the proposed district agree to such registration.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-09-242

WHEREAS, the Purchasing Manager and the Water Superintendent sought bids for consultants to establish a Comprehensive Cross Connection Control Program as required by the Wisconsin Department of Natural Resources (Chapter NR811); and

WHEREAS, the results of the bids were presented to the Committee on Budget & Finance by a memorandum from the Purchasing Manager and Water Superintendent dated October 22, 2009; and

WHEREAS, the bid of Aqua Backflow of Elgin, Illinois at a cost of \$20,400.00 per year is the bid that is in the best interest of the City;

NOW, THEREFORE, BE IT RESOLVED THAT the appropriate City officials are hereby authorized to enter into an agreement to establish a Comprehensive Cross Connection Control Program with Aqua Backflow of Elgin, IL, for a two year term, renewable annually, with an additional two year option, at a cost of \$20,400.00 per year, consistent with the bids submitted to the Budget & Finance Committee at its meeting of October 27, 2009.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-09-243

BE IT RESOLVED THAT the Wauwatosa City Attorney is hereby authorized to proceed with settlement in the matter of Archonix v. City of Wauwatosa, et al consistent with the parameters discussed in a closed session of the Committee on Budget & Finance at its meeting of October 27, 2009.

It was moved by Ald. Ewerdt, seconded by Ald. Walsh
to approve the five foregoing resolutions. -15

FROM THE COMMITTEE ON BUDGET AND FINANCE

BILLS AND CLAIMS FOR THE PERIOD 10/21/09 – 11/03/09 --

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 10/21/09 – 11/03/09: \$2,542,457.88

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

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-09-244

WHEREAS, the Wauwatosa purchasing department has received bids for the purchase of stone, sand, and gravel to meet 2010 requirements; and

WHEREAS, it has been past practice to award the bid to multiple bidders for purchases during 2010 on an as needed basis because of price, convenience and availability;

NOW, THEREFORE, BE IT RESOLVED THAT the City of Wauwatosa purchasing department is hereby authorized to purchase stone, sand, and gravel for the year 2010 from any of the six bidders submitting bids, with individual purchases being evaluated on an as needed basis pursuant to price, convenience, and availability.

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-09-245

BE IT RESOLVED, by the Common Council of the City of Wauwatosa, THAT permission be and the same is hereby granted to the Milwaukee County Transit System to encroach onto City right-of-way with concrete passenger boarding pads on the northeast and southwest corners of Watertown Plank Road and 87th Street, subject to the applicant(s) executing unto the City of Wauwatosa an indenture setting forth the terms, provisions and conditions relating to the granting of the aforesaid permission by said City to said applicant(s).

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-09-246

BE IT RESOLVED, by the Common Council of the City of Wauwatosa, that the proper city officials be and they are hereby authorized and directed to enter into a contract with Wanasek Corporation for the work of improvements to Hart Park, from N. 68th – N. 70th Streets under Contract 09-25, Hart Park Improvements, at and for their bid price of \$473,333.70, this being the lowest and best bid.

BE IT FURTHER RESOLVED that the surety deposits, if any, be returned to the unsuccessful bidders.

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-09-247

BE IT RESOLVED, By the Common Council of the City of Wauwatosa, Wisconsin that the following be and hereby are the policies for 2010 construction pertaining to street improvements and corresponding rates:

(1) Due to the relative value of the benefits conferred upon different types of properties by the public improvements described herein, assessments for original permanent pavement shall be at the following rates per assessable foot based upon property classification:

- a) \$55.00 for one or two family residences, churches, schools, public parks (“single family rate”)
- b) \$68.75 for multiple family residences of three or more (1-1/4 x single family rate)
- c) \$82.50 for business or commercial property (1-1/2 x single family rate)
- d) \$110.00 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” \$40.00 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” \$32.00 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” \$16.00 for replacing defective curb and gutter (not to exceed 25% of the total length of curb and gutter existing on the street segment to be improved), milling the existing pavement surface as required, and surfacing with new asphalt pavement.

If Type “C” Repaving is required on arterial streets less than 25 years after Type “A” repaving has been performed, all one and two family residences shall receive 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 \$11.00 added against each frontage foot of adjacent properties.

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

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

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

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

Property Classification Factors

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

Assessable Factors

- (a) Rear alley - Average of front and rear lot lines.
 - (b) Side alley - Average of front and rear lot lines.
 - (c) Rear and side alley - Single assessment only: average of front and rear lot lines.
 - (d) One and two family lots with primary vehicle access from a public street assessed at 50% of the unit rate.
- (4) (a) Side yards, consistent with the definition in sec. 24.02.340 of the Wauwatosa Municipal Code, for original permanent pavement, reconstruction of permanent pavement, and asphalt resurfacing shall be assessed at the rate of 50% of the assessable side yard footage, abutting on the street being improved, for 1 and 2 family, church, school, and public park uses only. All other classes of property shall be assessed for full assessable footage.
- (b) A platted or divided lot that extends through and abuts two streets, provided such lot does not consist of two or more platted or divided lots, shall have the longer of the two sides considered a side yard for purposes of assessment. The rate of assessment shall be determined as described in Paragraph (4) (a) herein.

Should both abutting frontages be equal in length, the frontage first improved or reconstructed or resurfaced, as the case may be, shall be considered the front for assessment purposes. Irregular shaped lots may be assessed based on the actual abutting frontages.

- (c) Properties with 3 sides adjacent to streets shall have the two longest assessable footage sides assessed at 50%. Remaining side is assessed at 100% of assessable footage.

- (5) Permanent asphalt driveway approaches placed at existing driveways, in connection with the construction of original permanent pavement, shall be assessed at cost plus 12.5% for engineering and overhead.
- (6) Concrete drive approaches replaced under public contract, in connection with the construction of all permanent paving, shall be assessed at actual cost plus the cost of engineering and overhead as described in paragraph 11. Concrete drive approaches six years old or less are to be replaced at no cost, and those seven to twelve years old at one-half cost.
- (7) Defective permanent curb replaced either by contract or City forces, when requested by the property owner in writing, or replacements not in connection with the resurfacing of a permanent street, shall be assessed at the rate of \$42.00 per foot replaced.
- (8) Service walk replacement shall be assessed at actual cost plus the cost of engineering and overhead as described in paragraph 11, when done in conjunction with all permanent paving.
- (9) Costs of service walks removed and replaced with sod in conjunction with permanent paving or sidewalk repair contract are not assessed to abutting property owners.
- (10) Sidewalk, driveway approaches, and service walk removal and replacement, when not done in conjunction with permanent paving or when ordered replaced by the Board of Public Works due to deterioration or defective condition, when done under public contract, shall be assessed at cost plus 25% for engineering and overhead. Sidewalks and service walks when not done in conjunction with permanent paving, which require replacement because of city tree roots damaging same, shall receive a 1/3 credit.
- (11) To recover the cost of engineering and overhead in connection with repaving and related work involving special assessments, a charge of 12.5% shall be made against the contract amount of such work, unless a different amount is specifically stated in this resolution.
- (12) Drive approaches, sidewalk, service walk, and/or sodding replaced under public contract in excess of that required for construction of all permanent paving as determined by the Engineering Department, when requested by the property owner in writing, shall be assessed at actual cost plus the cost of engineering and overhead as described in paragraph 11.
- (13) Federal, state, and railroad properties are exempt from special assessments.
- (14) Street projects that have been postponed shall be assessed at the rate the project was originally approved by the Common Council unless the Common Council subsequently sets a new rate.
- (15) This policy of assessment shall apply commencing with the date of adoption and will remain in effect until such time as modified by the Common Council.

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

There being no further business, the meeting adjourned at 8:33 p.m.

cal

Carla A. Ledesma, CMC, City Clerk