

CITY OF WAUWATOSA
MEMORIAL CIVIC CENTER
7725 WEST NORTH AVENUE
WAUWATOSA, WI 53213
Telephone: (414) 479-8917
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COMMON COUNCIL
Regular Meeting, Tuesday, January 21, 2003

PRESENT: Alds. Treis, Becker, Casey, Ecks, Grimm, Heins, Herzog, Jenkins, Kopischke, Krol, Matthews, McCarthy, Stepaniak, Subotich, Sullivan, Bruderle-Baran -16

ALSO PRESENT: Mr. Wontorek, City Administrator; Mr. Braier, Finance Director; Mr. Kesner; City Attorney; Mr. Kappel, Dir. of Public Works; Ms. Welch, Community Development Director; Police Capt. Bozicevich; Mr. Brown, Personnel Dir.; Mr. Wehrley, City Engineer; Mr. Kelly, Street Design Engineer; Fire Chief Redman; Mr. Tschudy, Water Dept. Accountant; Mr. Coffaro, Asst. to the Administrator; Ms. Ledesma, City Clerk; Ms. Williams, Deputy City Clerk

Common Council President Bruderle-Baran in the Chair

The Common Council President called the meeting to order at 7:47 p.m.

It was moved by Ald. Grimm, seconded by Ald. Kopischke that the reading of the minutes of the last regular meeting be dispensed with and they be approved as printed. -16

PUBLIC HEARING

The first item on the agenda was a public hearing to consider the following resolution:

RESOLUTION

WHEREAS, the Common Council of the City of Wauwatosa, Wisconsin, held a public hearing at the Council Chambers in the City Hall at 7:30 p.m. Local Time, on the 21st day of January, 2003 for the purpose of hearing all interested persons concerning the preliminary resolution and report of the Board of Public Works on the proposed improvement by repaving of the following streets. Sidewalk replacement cost, on those streets so indicated, is included in the assessment rate for the paving work.

<u>Street & Location</u>	<u>Ald. Dist.</u>	<u>Exist&(Prop) Width</u>	<u>Pav't Type</u>	<u>Assessed Sdwk. Work</u>
N. 86TH ST. Watertown Plank Rd. to north cul-de-sac	2	30'	C	No
N. 88TH ST. Hawthorne Ave. to Ravenswood Circle	3	24'	B	Yes
N. 108TH PL. Blue Mound Rd. to Wisconsin Ave	3	30'	C	No
N. 113TH ST. Watertown Plank Rd. to Public Works Yard	7	36'	C	No
N. 116TH ST. Walnut Rd. to W. North Avenue	7	36'	C	No

N. 121ST ST. Locust St. to W. Burleigh St.	6/7	30'	C	No
*N. 124TH ST. W. Ruby Ave. to W. Hampton Ave.	8	24'(50')	A-conc	Yes
FIEBRANTZ AVE. N. 92nd St. to N. 100th St.	8	30'	C	No
ROBERTSON AVE. Blue Mound Rd. to Wisconsin Ave.	3	30'	C	No
WALNUT RD. 116th St. to Public Works Yard	7	36'	C	No
ALLEY from Hadley St. to W Center St./ N. 74th St. to N. 75th St.	5	20'	C	No
ALLEY from Hadley St. to W Center St./ N. 75th St. to N. 76th St.	5	20'	C	No
ALLEY from Garfield Ave. to Fisher Pkwy./ N. 107th St. to Mayfair Rd.	2	20'	C	No
ALLEY from W North Ave. to Jackson Pk. Blvd./ east of 81st St. to N. 83rd St.	2	20'	C	No
ALLEY from North Ave. to Jackson Pk. Blvd./ Swan Blvd. to N. 94th St.	2	20'	C	No
ALLEY from Stickney Ave. to Menomonee River Pkwy./Swan Blvd. to N. 93rd St	2	20'	C	No

* Joint project with City of Milwaukee and Village of Butler (Wauwatosa lead agency). Scheduled 2004 construction by WIDOT.

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

Reconstruction: Type "A" (Asph.) Completely removing existing curb and gutter and existing pavement, placing new concrete curb and gutter and asphalt pavement surface on a new stone or asphalt base.

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

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

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

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

and has heard all persons desiring audience at such hearing;

NOW, THEREFORE, BE IT RESOLVED, By the Common Council of the City of Wauwatosa, Wisconsin as follows:

Section 1. That the report of the Board of Public Works in connection with the construction of the above-described permanent public improvement, including preliminary plans and specifications therefore is hereby adopted and approved.

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

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

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

Section 5. That the owners of the respective parcels of land fronting or abutting the street improvements, on which a public hearing has been held and preliminary assessments have been confirmed, shall have payment of the special assessments scheduled as follows:

(a) Each special assessment and special charge, pursuant to Section 66.0627 of the Wisconsin Statutes, levied in an amount of \$200 or less against any parcel of land in the City of Wauwatosa shall be entered in the tax rolls in one installment.

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

(c) Each special assessment for improvements levied in an amount exceeding \$200 against any parcel of land in the City of Wauwatosa shall be entered in the tax rolls in five equal annual installments of principal together with interest at the rate of twelve percent (12%) per year or the percentage rounded out to the next highest whole percentage number above the interest rate paid by the City for the sale of corporate purpose bonds, which include the project which is the subject of the special assessment, whichever figure is less, on the unpaid balance of said assessment. Individual assessments shall run concurrently except as provided under Section 3.08.040 of the City Code.

(d) Each special assessment levied against any parcel of land in the City of Wauwatosa for the installation of sanitary sewer main or water main or construction of permanent street pavement shall not be entered in the tax roll until all installments of special assessments for sanitary sewer or water main or construction of permanent street pavement levied previously against the same parcel of land have been entered into the tax rolls and have been paid. Such subsequent special assessment shall be deferred and only interest at the rate of twelve percent (12%) per year, or the percentage rounded out to the next highest whole percentage number above the interest rate paid by the City for the issuance of General Obligation Debt, which include the project which is the subject of the special assessment, whichever figure is less, on such subsequent special assessment shall be carried into the tax rolls in

addition to the scheduled installments of such prior assessments. After the last installment of such prior special assessment has been entered in the tax rolls, installments of the subsequent special assessment shall, beginning with the next subsequent tax roll, be entered in the tax rolls pursuant to Section 3.08.030 of the City Code.

(e) Whenever special assessments are levied against the frontage and side of a corner parcel of land in the City of Wauwatosa for the installation of sanitary sewers or water mains or construction of permanent pavements arising out of the same public works project, such special assessments levied against a corner parcel of land shall be deemed to be two separate special assessments, and the special assessment levied against the frontage of the corner parcel of land shall first be scheduled on the tax rolls for payment as provided in Section 3.08.030 of the City Code and the special assessment levied against the side of the corner parcel of land shall be scheduled on the tax rolls pursuant to (c) above, following such scheduling of the special assessment levied against the frontage of the corner parcel of land.

(f) Notwithstanding the provisions of (c) and (d) above, any owners of parcels of land assessed may at their option elect to pay both the scheduled installments of prior assessments as well as scheduled installments of subsequent special assessments on the same tax rolls as entered on those tax rolls pursuant to Section 3.08.030 of the City Code.

(g) If, after special assessments have been placed on the tax rolls in installments or otherwise, the taxpayer fails to pay the same within the time allowed for payment of general taxes, the same shall become delinquent and shall be treated in the same manner and subject to the same laws as delinquent general property taxes.

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

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

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

Proof of publication is in the file. The Board of Public Works recommended approval of the proposed resolution at its meeting of December 16, 2002. The public hearing was declared open.

N. 86TH ST. Watertown Plank Rd to north cul-de-sac. The street was constructed in 1971 in asphalt and sealcoated in 1990.

No one of the public present was present in favor, in opposition, or had any comments or questions.

N. 88TH ST. Hawthorne Ave. to Ravenswood Circle. This work will be done in conjunction with a water main project.

No one of the public present was present in favor, in opposition, or had any comments or questions.

N. 108TH PL. Blue Mound Rd. to Wisconsin Ave. This concrete street was constructed in 1971.

No one of the public present was present in favor, in opposition, or had any comments or questions.

N. 113TH ST. Watertown Plank Rd. to Public Works Yard. This street was constructed in concrete in 1979.

No one of the public present was present in favor, in opposition, or had any comments or questions.

N. 116TH ST. Walnut Rd to W. North Avenue. This street was constructed in concrete in 1970.

Gloria Stearns, 1815 N. 116th Street, asked about the scheduling of utility work, how much notice residents will receive before the work is started, and how far into the right-of-way the work will intrude.

Mr. Kappel replied that utility work will be completed in June and that meetings will be scheduled with residents prior to the start of any work (utility or paving) to discuss staging issues. In response to the third question, Mr. Kappel stated that the road surface will be milled down to the curb face and work will extend into driveways to match roadway elevations.

N. 121ST ST. Locust St. to W. Burleigh Street. Water main work will precede the paving work.

No one of the public present was present in favor, in opposition, or had any comments or questions.

***N. 124TH ST.** W. Ruby Ave. to W. Hampton Ave. This is a 2004 DOT construction project that will add sidewalk, trees and street lighting. It is a joint project with the Village of Butler and Wauwatosa will act as the lead agency.

Mike Boris, General Manager of SK Williams, 4600 N. 124th Street, asked about the schedule for the utility work and expressed concern about a possible loss of access. Mr. Kappel assured Mr. Boris that the company will not lose access and advised that meetings will be held with affected property owners in advance of the start of the work.

Joel Knutson, also of SK Williams, asked about the scope of the work. Mr. Kappel replied that a four-lane street will be built, and storm water management facilities will be constructed to correct longstanding drainage problems. Mr. Wehrley, City Engineer, added that preliminary engineering work will begin early in the summer of 2003.

FIEBRANTZ AVE. N. 92nd St. to N. 100th St. This street was constructed in asphalt in 1972 and seal coated in 1990.

No one of the public present was present in favor, in opposition, or had any comments or questions.

ROBERTSON AVE. Blue Mound Rd. to Wisconsin Ave. The street was constructed in 1952.

No one of the public present was present in favor, in opposition, or had any comments or questions.

WALNUT RD. 116th St. to Public Works Yard. This street was constructed in concrete in 1969.

No one of the public present was present in favor, in opposition, or had any comments or questions.

ALLEY from Hadley St. to W Center St./N. 74th St. to N. 75th St. The alley was built in 1930 and resurfaced in 1975.

ALLEY from Hadley St. to W Center St./N. 75th St. to N. 76th St. The alley was built in 1948 and resurfaced in 1976.

These items were considered together and no one of the public present was present in favor, in opposition, or had any comments or questions.

ALLEY from Garfield Ave. to Fisher Pkwy./N. 107th St. to Mayfair Rd. The alley was built in 1959.

No one of the public present was present in favor, in opposition, or had any comments or questions.

ALLEY from W. North Ave. to Jackson Pk. Blvd./east of 81st St. to N. 83rd St. The portion of the alley east of N. 81st Street was built in 1960; that section between N. 81st and N. 83rd Streets was built in 1953.

Chris Draeger, 8222 Jackson Park Boulevard, noted that Jackson Park Boulevard was just resurfaced this past summer; it is unfair to subject residents to street work two years in a row. He questioned the cost distribution of the project, noting that the home owners on the south side of the alley are paying 45% of the cost of resurfacing, while the properties on the north side – which are apartments – are paying 55%. The property owners on the south side of the alley (except for the homes at the very east and west ends) don't even have access to the alley; everyone has driveways. These property owners are subsidizing the improvement of the alley for use by others

Mr. Kappel acknowledged that this neighborhood has recently experienced street improvements, but noted that alley repair work has been deferred for years and many are in serious need of repair. This alley was selected for improvement based upon a rating system which evaluates many physical conditions of a roadway. If the work is deferred much longer, complete reconstruction (\$2,750) may be necessary, instead of the proposed Type "C" construction with a cost cap of \$1,050.

In addressing the access issue, Mr. Kappel noted that residents may access the alley if they wish. Common Council policy has been that abutting property owners help pay for the improvement of streets and alleys. Access situations similar to this one exist in other parts of the City. Some homes don't have alleys or driveways, yet they are still charged for street assessments. Mr. Kappel noted that property owners already paying special assessment charges may defer payment of a second (except for interest) until the first bill is paid for.

Don Amacher, 8144 Jackson Park Boulevard, opined that just because "it has always been done this way" does not make this policy correct. Forty-two rental units abut North Avenue; they use the alley heavily. These properties would be worth much less with no alley access. Single family dwellings on the south side of the alley are paying an equal rate to the apartments, yet don't use the alley. During the street work on Jackson Park Boulevard last summer, residents were not even allowed to park in the alley. Mr. Amacher pointed out that landlords can raise rent to cover special assessment charges; single family home owners don't have this luxury.

Karen Roy, 8130 Jackson Park Boulevard, disagreed that property owners can use the alley if they want. They are limited to only one point of ingress and egress per city ordinance. Their home has been devalued because of the alley and the apartments.

ALLEY from North Ave. to Jackson Pk. Blvd./Swan Blvd. to N. 94th St.

No one of the public present was present in favor, in opposition, or had any comments or questions.

The public hearing was declared closed. Ordered held to the next Common Council meeting on February 4, 2003.

OLD BUSINESS

The following ordinance was held for two weeks after the public hearing on January 7, 2003:

ORDINANCE O-03-3

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF WAUWATOSA BY REZONING THE LAND AT 2281 SWAN BOULEVARD FROM DD EIGHT FAMILY RESIDENCE DISTRICT TO AA PROFESSIONAL OFFICE DISTRICT

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

Part 1. The Official Zoning Map of the City of Wauwatosa is hereby amended to reflect the following change:

Beginning at the Northeast corner of Lot 12, in Block 1, in Parkway Estates, a recorded subdivision in said ¼ Section, thence east parallel to the North line of said ¼ Section 67.12 feet to a point 55 feet West, of the East line of said ¼ Section; thence South parallel to the East line of said ¼ Section 113 feet to a point; thence West parallel to the North line of said ¼ Section 67.12 feet in the Southeast corner of said Lot 12, in block 1, in Parkway Estates; thence North along the East line of said Lots 12, 113 feet to the place of beginning in that part of the Northeast ¼ of Section 2, Town 7 North, Range 21 East, in the City of Wauwatosa, County of Milwaukee, State of Wisconsin, is Rezoned from DD Eight Family Residence District to AA Professional Office District.

Part II. The City Administrator is hereby directed to change the Official Zoning Map of the City of Wauwatosa to conform to the provisions of the Ordinance, and said Map is declared amended accordingly.

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

It was moved by Ald. Krol, seconded by Ald. Heins to adopt the foregoing ordinance. Upon roll call vote, the vote was Ayes 13, Noes 3 (Treis, Grimm, Subotich)

OLD BUSINESS

The following ordinance was held for two weeks after the public hearing on January 7, 2003:

ORDINANCE

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF WAUWATOSA BY REZONING THE LAND ON THE WEST SIDE OF N. 99TH STREET, SOUTH OF W. WISCONSIN AVENUE, FROM AA SINGLE FAMILY RESIDENCE DISTRICT TO AA INSTITUTIONS DISTRICT

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

Part 1. The Official Zoning Map of the City of Wauwatosa is hereby amended to reflect the following change:

Lots 11,12,13,15,16,17 and 18, all in Block 1 in Assessment Subdivision No. 65 and also including Parcels 1 and 2 of Certified Survey Map No. 6421, as recorded in the Register of Deeds for Milwaukee County, as Document No. 7436913, being a subdivision of Lot 14 in Assessment Subdivision No. 65, and as all of the foregoing are part of the Southeast ¼ of Section 29, Town 7 North, Range 21 East, in the City of Wauwatosa, County of Milwaukee, State of Wisconsin, excepting those portions as previously dedicated for street right-of-way, is Rezoned from AA Single Family Residence District to AA Institutions District.

Part II. The City Administrator is hereby directed to change the Official Zoning Map of the City of Wauwatosa to conform to the provisions of the Ordinance, and said Map is declared amended accordingly.

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

It was moved by Ald. Herzog, seconded by Ald. Heins to adopt the foregoing ordinance conditional upon passage within the next 60 days, and recording thereof, of a boundary agreement with the City of Wauwatosa. –

It was moved by Ald. Ecks, seconded by Ald. Sullivan to suspend the rules to allow a representative of Covenant Healthcare to speak. –

Following discussion, the motion was withdrawn at the consent of the Second.

Vote on original motion, upon roll call vote, was Ayes 14, Present 2 (Bruderle -Baran, Sullivan).

(A motion to approve the boundary agreement appears later in this meeting.)

The amended ordinance is as follow:

ORDINANCE O-03-04

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF WAUWATOSA BY REZONING THE LAND ON THE WEST SIDE OF N. 99TH STREET, SOUTH OF W. WISCONSIN AVENUE, FROM AA SINGLE FAMILY RESIDENCE DISTRICT TO AA INSTITUTIONS DISTRICT

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

Part 1. The Official Zoning Map of the City of Wauwatosa is hereby amended to reflect the following change:

Lots 11,12,13,15,16,17 and 18, all in Block 1 in Assessment Subdivision No. 65 and also including Parcels 1 and 2 of Certified Survey Map No. 6421, as recorded in the Register of Deeds for Milwaukee County, as Document No. 7436913, being a subdivision of Lot 14 in Assessment Subdivision No. 65, and as all of the foregoing are part of the Southeast ¼ of Section 29, Town 7 North, Range 21 East, in the City of Wauwatosa, County of Milwaukee, State of Wisconsin, excepting those portions as previously dedicated for street right-of-way, is Rezoned from AA Single Family Residence District to AA Institutions District.

Part II. The City Administrator is hereby directed to change the Official Zoning Map of the City of Wauwatosa to conform to the provisions of the Ordinance, and said Map is declared amended accordingly.

Part III. This ordinance shall be conditioned upon execution and recording of a 20 year boundary agreement within the next 60 days.

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

RECESS 8:55 P.M. – 9:00 P.M.

APPOINTMENTS BY THE MAYOR

Board of Zoning Appeals

Thomas Stacey, 1269 N. 123rd Street
(Term ends 4/30/06)

It was moved by Ald. Grimm, seconded by Ald. Heins
to concur with the foregoing appointment. -16

APPLICATIONS, COMMUNICATIONS, ETC.

1. Donation: Medical supplies valued at \$1,350.45 by Abbot Laboratories to the fire department

Place on file

2. Wauwatosa Water Utility Statement of Receipts and Disbursements for month ended December 31, 2002
Place on file
3. City of Wauwatosa Investment Summary as of December 31, 2002
Place on file
4. Letter from Peter Beitzel, 8634 Glencoe Circle, appealing a decision of the Board of Parks and Forestry Commissioners regarding a street tree
Committee on Community Development
5. Special Use application to construct a dormer on a legal, non-conforming structure at 1920 Underwood Avenue
Plan Commission, Board of Zoning Appeals
6. Petition signed by 6 property owners opposed to the proposed rezoning land on the west side of N. 99th Street, south of W. Wisconsin Avenue
Add to existing file
7. Special Use application to construct a dormer addition to a legal, non-conforming property at 7828 Milwaukee Avenue
Plan Commission, Board of Zoning Appeals
8. Application for a Land Division at 1734 N. 69th Street
Plan Commission, Committee on Community Development
9. Protest to rezoning of 2281 Swan Boulevard by James J. Petronovich, 9223 W. North Avenue
Add to existing file
10. Notice of Claim: Wendy A. Kamerling, 7025 W. Hillcrest Drive
City Attorney
11. Letter from Allen Silverstein regarding request to rezone 2281 Swan Boulevard
Add to existing file

FROM THE COMMITTEE ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-03-06

WHEREAS, Metcalfe Foods – Waunakee, LLC, d/b/a Sentry Foods #560, 6700 W. State Street, Wauwatosa, WI, Jeff Greenheck, agent, has applied for a Class A Beer and a Class A liquor license for the above store; and

WHEREAS, the applicant has requested special consideration in the liquor license allowing up to 250 square feet of “displays or merchandising at large” for the display of wine or beer in parts of the store outside the liquor department; and

WHEREAS, the applicant has outlined additional safeguards it utilizes to assure that alcohol sales are conducted legally, including “monthly alcohol stings,” programming of cash registers to not allow any beer, wine, or liquor sales after 9:00 PM, and the display of only wine and beer at locations outside the liquor department but not other “fermented malt beverages”;

NOW, THEREFORE, BE IT RESOLVED THAT Metcalfe Foods – Waunakee, LLC, d/b/a Sentry Foods #560, 6700 West State Street, Wauwatosa, WI, Jeff Greenheck, agent, is hereby issued a retail “Class A” fermented malt beverage license and a retail Class “A” intoxicating liquor license for the above-described premises for the period ending June 30, 2003;

BE IT FURTHER RESOLVED THAT beer and wine may be displayed at locations outside the liquor department of the above licensed premises in up to 250 square feet of “displays or merchandising at large” so long as additionally described safeguards against illegal sales are maintained by the licensor.

FROM THE COMMITTEE ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-03-07

WHEREAS, Anthony Gonzalez, N71 W23795 Lorraine Court, Sussex, WI applied for an operator’s license in conjunction with his employment at Applebee’s in Mayfair, 2500 N. Mayfair Road, Wauwatosa, WI;

NOW, THEREFORE BE IT RESOLVED THAT Anthony Gonzalez is hereby issued an operator’s license for the period ending June 30, 2003.

It was moved by Ald. Grimm, seconded by Ald. Kopischke to approve the two foregoing resolutions. -16

FROM THE COMMITTEE ON TRAFFIC AND SAFETY

ORDINANCE O-03-5

ORDINANCE AMENDING WAUWATOSA CODE SECTIONS 11.36.190 AND 11.356.210 TO REMOVE “NO RIGHT TURN” AND “NO LEFT TURN” RESTRICTIONS ON WEST BURLEIGH STREET AT NORTH 119TH STREET

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

Part I. Section 11.36.190 of the Wauwatosa Municipal Code is hereby amended by deleting item #2 within that section.

Part II. Section 11.36.210 of the Wauwatosa Municipal Code is hereby amended by deleting item #4 within that section.

Part III. 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 the matter of the school crossing on W. North Avenue at N. 90th Street, recommends to the Common Council that the matter be placed on file.

Dated this 14th day of January 2003.

Committee on Traffic and Safety

It was moved by Ald. Matthews, seconded by Ald. Herzog to adopt the foregoing ordinance and to approve the foregoing report. -16

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-03-08

WHEREAS, Covenant Healthcare Systems, Inc. has requested rezoning for a parcel of land it owns on the west side of 99th Street in the City of Wauwatosa; and

WHEREAS, Covenant Healthcare owns numerous parcels on the east side of 99th Street, in the area directly opposite the street from the rezoning parcel; and

WHEREAS, the neighbors in the adjacent neighborhood have expressed concern over the possible expansion of Covenant's institutional uses across 99th Street, thus interfering with the continued residential character of that neighborhood; and

WHEREAS, Covenant has agreed in discussions with the City of Wauwatosa to commit, for a period of up to 20 years, to not expand its institutional uses to those properties immediately opposite 99th Street from the parcel which it has requested be rezoned; and

WHEREAS, City staff has recommended a "Boundary Agreement," in the form attached hereto and incorporated herein, in order to memorialize and record Covenant's agreement;

NOW, THEREFORE, BE IT RESOLVED THAT the City of Wauwatosa is hereby authorized to enter into a "Boundary Agreement" with Covenant Healthcare Systems, Inc. regarding Covenant's future use of the properties it owns on the east side of 99th Street in the City of Wauwatosa, the terms of which agreement are outlined in the proposal attached hereto and incorporated herein.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-03-09

WHEREAS, Jerrold and Verna Fix have requested a land division within the AA Single Family Residence District at 7014 Hillcrest Drive to transfer 178.7 square feet of land from the adjacent property at 7020 W. Hillcrest Drive; and

WHEREAS, the land division requested would create a nonconforming lot on the property at 7020 W. Hillcrest Drive; and

WHEREAS, a Court Order to allow the land division has been issued by the Circuit Court of Milwaukee County, the Honorable Thomas Cooper presiding, directing that the land division be implemented pursuant to the application by Jerrold and Verna Fix, as a result of previous litigation in that Court;

NOW, THEREFORE, BE IT RESOLVED THAT the land division in the AA Single Family Residence District at 7014 W. Hillcrest Drive to transfer 178.7 square feet of land from the adjacent

property at 7020 W. Hillcrest Drive, as more particularly described in the application of Jerrold and Verna Fix, which is incorporated herein, is hereby approved.

It was moved by Ald. Heins, seconded by Ald. Ecks to approve the two foregoing resolutions. -16

FROM THE COMMITTEES ON EMPLOYEE RELATIONS & BUDGET AND FINANCE

RESOLUTION R-03-10

WHEREAS, the City of Wauwatosa Public Works Department has been directed to implement a 2% budget reduction during the year 2003, totaling \$187,730.00; and

WHEREAS, the Director of Public Works has presented a plan for budget reductions requiring the layoff of two employees and a reorganization of the management of the department; and

WHEREAS, the Director of Public Works has represented that he has found no other viable alternative to reaching the \$187.730.00 budget reduction target without reducing services;

NOW, THEREFORE, BE IT RESOLVED THAT the 2003 budget reduction proposal presented by the Director of Public Works in a memorandum dated December 26, 2002, which includes the layoff of two managers and allowing two other positions to remain vacant, is hereby approve d.

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

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-03-11

WHEREAS, the Milwaukee Metropolitan Sewerage District has notified the City of increases in sewer user charge rates in the 2003 operation and maintenance budget; and

WHEREAS, current rates charged to users in the City of Wauwatosa are not sufficient to pay that portion of the expenses related to sewer user rates charged by the Milwaukee Metropolitan Sewerage District in addition to the expenses required to maintain the local sewers within the City of Wauwatosa;

NOW, THEREFORE, BE IT RESOLVED THAT the recommendation that the Comptroller/Treasurer for an increase in 2003 sanitary sewer rates, as reflected in his memorandum of January 3, 2003, a copy of which is attached hereto, are hereby approved.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-03-12

WHEREAS, the budget reduction implementation plan for the year 2003 requires a hiring freeze on all vacant positions during the year 2003 without specific approval of the Common Council; and

WHEREAS, the vacant Municipal Clerk II position in the office of the Municipal Court Clerk creates a significant backlog in the operations of the Municipal Court, therefore, reducing the services to those involved in Court as well as collection of fines and fees to fund other revenue sources;

NOW, THEREFORE, BE IT RESOLVED THAT the request for an exception to the hiring freeze to fill the position of Municipal Clerk II in the Municipal Court Clerk’s office is hereby approved.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-03-13

WHEREAS, Wauwatosa Fire Department has budgeted \$10,200.00 for the purchase three new automatic electronic defibrillators during the year 2003; and

WHEREAS, the Wauwatosa Fire Department had originally requested and expressed a need for five of these new devices; and

WHEREAS, the procurement contract price for the new electronic defibrillators now allows the purchase of four devices within the funds previously allocated to purchase only three; and

WHEREAS, a donation has been received from WE Energies for purposes of purchasing a fifth automatic electronic defibrillator; and

WHEREAS, the purchase of five devices would allow one to be placed in each frontline apparatus unit within the Wauwatosa Fire Department;

NOW, THEREFORE, BE IT RESOLVED THAT a change of purpose from the Capital Equipment Account for the purchase of four rather than three automatic electronic defibrillators is hereby approved;

BE IT FURTHER RESOLVED THAT the grant from WE Energies for the purchase of the fifth device is hereby accepted and the purchase of the fifth AED is hereby approved.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-03-15

WHEREAS, the Wauwatosa Police Department has been planning for more than one year to improve its patrol efficiency at Mayfair Mall by the establishment of a remote worksite at the Mall allowing for the processing of arrested persons and other necessary police activity at the Mall; and

WHEREAS, such remote worksite would allow officers to more efficiently utilize their time in patrolling and reacting to any incidents which may occur at the Mall or elsewhere in the City; and

WHEREAS, the memorandum of the Police Captain of January 9, 2003 indicates four recommendations necessary to implement the remote worksite at Mayfair Mall;

NOW, THEREFORE, BE IT RESOLVED THAT the Wauwatosa Police Department is hereby authorized to accept \$72,900.00 from Mayfair Mall in order to partially fund the remote worksite and the Wauwatosa Police Department is hereby authorized to spend up to an additional \$32,000.00 from LLEBG grant funds to fund the costs for the remote worksite;

BE IT FURTHER RESOLVED THAT the police department is hereby authorized to enter into an agreement with I.D. software to purchase the necessary mug search video imaging identification system and print search software pursuant to its previous agreement with said company;

BE IT FINALLY RESOLVED THAT the Wauwatosa Police Department is hereby authorized to enter into an agreement with Identix for the fingerprint scan hardware necessary to operate the remote worksite.

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

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-03-14

WHEREAS, the 2003 budget reduction guidelines require a hiring freeze on all vacant positions without the specific approval of the Common Council; and

WHEREAS, the part-time position of Fire Education Coordinator in the Wauwatosa Fire Department is currently vacant; and

WHEREAS, the activities connected by this position are highly valuable for public awareness of the goals of the department in providing important service to the community; and

WHEREAS, filling this position does not impact the budget reduction goal which the fire department plans to meet through other options;

NOW, THEREFORE, BE IT RESOLVED THAT an exception to the hiring freeze to fill the part-time Fire Education Coordinator position in the Wauwatosa Fire Department is hereby approved.

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

FROM THE COMMITTEE ON BUDGET AND FINANCE

BILLS AND CLAIMS FOR THE PERIOD 01/08/03 - 01/21/03

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 01/08/03 – 01/21/03: \$1,235,665.51

It was moved by Ald. Ecks, seconded by Ald. Casey that each and every one of the accounts of bills and claims be allowed and ordered paid. Upon roll call vote, the vote was Ayes 16.

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-03-16

BE IT RESOLVED by the Common Council of the City of Wauwatosa THAT the cooperative purchase bid with the City of West Allis for Bark River Culvert & Equipment to furnish one E40 Vac All for their bid price of \$132,245.00 without trade-in be and the same are hereby accepted.

BE IT FURTHER RESOLVED THAT the cooperative bid purchase with the City of West Allis for Peterbilt of Wisconsin to furnish one cab & chassis for their bid price of \$62,370.00 without trade-in be and the same hereby accepted.

BE IT FURTHER RESOLVED THAT the purchasing manager is hereby authorized and directed to issue purchase orders for this equipment as directed by the proper City officers.

BE IT FURTHER RESOLVED THAT Fleet numbers X-07 a 1988 Infrared Asphalt Heater, S-90 a 1976 International Dump with T-35 a 1980 Leaf Sucker attached, and S-91 a 1976 International Dump with T-36 a 1980 Leaf Sucker attached be declared surplus and the purchasing manager is hereby authorized and directed to dispose of this equipment in a manner most advantageous to the City.

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-03-17

WHEREAS, JCH Water Meter Testing and Repair of Wauwatosa has provided testing and repair of large water meters to the City of Wauwatosa by a contract which expired December 31, 2002; and

WHEREAS, JCH has agreed to extend its contract pricing from the previous agreement with us which prices have remained the same since 1995,

NOW, THEREFORE, BE IT RESOLVED THAT an extension of the City's previous contractual agreement with JCH Water Meter Testing and Repair of Wauwatosa at the previous prices for a period of one year is hereby approved;

BE IT FURTHER RESOLVED THAT the competitive bidding process is hereby waived.

It was moved by Ald. Casey, seconded by Ald. Kopischke
to approve the two foregoing resolutions. -16

There being no further business, the meeting adjourned at 9:10 p.m.

cal

Carla A. Ledesma, CMC, City Clerk