

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

COMMON COUNCIL
Regular Meeting, Tuesday, February 4, 2003

PRESENT: Alds. Bruderle -Baran, Becker, Casey, Ecks, Grimm, Heins, Herzog, Jenkins, Kopischke, Krol, Matthews, McCarthy, Stepaniak, Subotich, Sullivan -15

EXCUSED: Ald. Treis

ALSO PRESENT: Mr. Kesner; City Attorney; Mr. Wehrley, City Engineer; Ms. Welch, Community Development Director; Police Capt. Bozicevich; Fire Chief Redman; Ms. Plass, Accounting Mgr.; Mr. Kucharski, Parks and Forestry Supr.; Ms. Ledesma, City Clerk; Ms. Williams, Deputy City Clerk

Mayor Estness in the Chair

The Mayor called the meeting to order at 7:30 p.m.

A moment of silence was observed in memory of the seven astronauts killed in the Columbia shuttle accident.

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. -15

OLD BUSINESS

The following resolution had been held after a public hearing on January 21, 2003:

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

<u>Street & Location</u>	<u>Ald. Dist.</u>	<u>Exist&(Prop) Width</u>	<u>Pav't Type</u>	<u>Assessed Sdwk. Work</u>
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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.

It was moved by Ald. Casey, seconded by Ald. Krol to approve the foregoing resolution, and to amend it by deleting the alley from W. North Avenue to Jackson Park Blvd./east of 81st St. to N. 83rd St., from this year's program and rescheduling it in a future year. Upon roll call vote, the vote was Ayes 15.

The amended resolution is as follows:

AMENDED RESOLUTION R-03-18

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.

Ald.	Exist&(Prop)	Pav't	Assessed Sdwk.
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<u>Street & Location</u>	<u>Dist.</u>	<u>Width</u>	<u>Type</u>	<u>Work</u>
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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 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

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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.

APPLICATIONS, COMMUNICATIONS, ETC.

1. Special Use application to renovate the existing day care center at 11401 W. Watertown Plank Road
Plan Commission, Board of Zoning Appeals
2. Special Use application to construct a dormer addition to a legal, non-conforming structure at 6933 Harvey Avenue
Plan Commission, Board of Zoning Appeals
3. Special Use application to construct stairs and landing on a rear second floor porch of a legal, non-conforming structure at 8701 W. Hawthorne Avenue
Plan Commission, Board of Zoning Appeals

4. Special Use application to construct an attached screen porch addition to a legal, non-conforming structure at 2361 N. 82nd Street
Plan Commission, Board of Zoning Appeals
5. Special Use application to operate a bar & restaurant with second floor living quarters at 6016-28 W. North Avenue
Plan Commission, Board of Zoning Appeals
6. Conditional Use application to construct an athletic field and related supporting facilities at 10340 Watertown Plank Road
Plan Commission, Committee on Community Development
7. Conditional use application to construct a 30,000 sq. ft. expansion of the building at 8700 Watertown Plank Road
Plan Commission, Committee on Community Development
8. City of Wauwatosa Bank Reconciliation of Depository Accounts as of December 31, 2002
Place on file
9. Board of Public Debt Commissioners annual report and statement of the Amortization Fund for year ended December 31, 2002
Place on file
10. Notice of claim: Douglas McLaughlin, 11411 W. Layton Ave., Greenfield
Claims for recovery of unlawful tax: United/Dynacare, LLC, 9200 W. Wisconsin Avenue;
Wauwatosa Reserve Ltd., 6100 W. State Street; F. H. Healthcare Development, Inc., 9200 W. Wisconsin Avenue
City Attorney
11. Lawsuit filed: Attorney Chad A. Kreblin for Richard Ottallah, 5051 N. 107th Street
City Attorney
12. Petition from property owners opposing the cost distribution for the repaving of the alley east of N. 81st Street to N. 83rd Street, between Jackson Park Boulevard and W. North Avenue
Add to existing file

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT FOR INTRODUCTION

1. Ordinance repealing a portion of Chapter 12.28 and creating Chapter 14.24 of the City Code entitled "Outdoor Burning"
Re-refer to originating committee
2. Ordinance amending Chapter 24.54.010A of the Zoning Code by eliminating the requirement for Design Review Board approval of garages and storage buildings
Re-refer to originating committee

FROM THE COMMITTEE ON TRAFFIC AND SAFETY

RESOLUTION R-03-19

WHEREAS, a recently completed 90 day trial of one-hour parking restrictions on N. 77th Street has made the parking situation better, although not completely solving the issues between the neighbors; and

WHEREAS, it is apparent that additional discussions between the neighbors and the businesses on Blue Mound Road would assist in achieving a final resolution of the parking problems in that area; and

WHEREAS, the Common Council must approve an extension of the 90-day trial in appropriate situations;

NOW, THEREFORE, BE IT RESOLVED THAT the trial of the following parking regulations is hereby extended for an additional 90 days unless a permanent resolution of the matter can be obtained sooner:

It shall be unlawful to park for more than one hour from 9 am to 3 pm, except Saturdays, Sundays, and Holidays, at the following locations:

North 77th Street – west side. From West Blue Mound Road to the north property line of 529 N. 77th Street; and

Mary Ellen Place – south side. From the east property line of 7705 Mary Ellen Place to the west lot line of 7729 Mary Ellen Place.

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

FROM THE COMMITTEE ON EMPLOYEE RELATIONS

RESOLUTION R-03-20

WHEREAS, recent changes in federal laws, effective January 1, 2003, require changes in the City's Flexible Benefits Plan administered by Flex-Ben Corporation; and

WHEREAS, the personnel director has forwarded a memorandum to the Employee Relations Committee, dated January 22, 2003, which is accompanied by a summary of changes to the plan;

NOW, THEREFORE, BE IT RESOLVED THAT the necessary changes to the City of Wauwatosa's Flexible Benefits Plan per the requirements of federal law, as summarized in the attachment to the memorandum of the personnel director, dated January 22, 2003, a copy of which is attached and incorporated herein, are hereby approved, with an effective date of January 1, 2003.

It was moved by Ald. Jenkins, seconded by Ald. Casey to approve the foregoing resolution. -15

FROM THE COMMITTEE ON EMPLOYEE RELATIONS

TO THE COMMON COUNCIL, CITY OF WAUWATOSA, WI,

The Committee on Employee Relations, to whom was referred the request for severance pay for the Public Works Facility/Safety Specialist, recommends to the Common Council that the request for severance be denied.

Dated this 28th day of January 2003.

Committee on Employee Relations

It was moved by Ald. Jenkins, seconded by Ald. Casey to approve the foregoing report. –

It was by Ald. McCarthy, seconded by Ald. Ecks to amend the motion by awarding two months' severance pay to Mr. Wozny because of his loyal and capable service to the City. –

It was moved by Ald. Sullivan, seconded by Ald. Kopischke to refer the matter back to the Employee Relations Committee for further discussion. Upon roll call vote, the vote was Ayes 13, Noes 2 (McCarthy, Subotich)

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-03-22

WHEREAS, the Common Council has previously determined the need to eliminate flood damage to property by approving the Hart Park Flood Improvement Projects; and

WHEREAS, Resolution R-00-30 authorized the purchase of properties pursuant to authority granted under Section 32 of the Wisconsin Statutes; and

WHEREAS, the City has filed a Relocation Order with the Clerk of Milwaukee County pursuant to the provisions of Section 63.22 (1m), Wisconsin Statutes; and

WHEREAS, it has become necessary to amend the Relocation Order approved by the City on July 20, 2001; and

WHEREAS, the Acquisition Plat amended January 15, 2003 is attached hereto and made a party of hereof delineates a revised schedule of interest required for said improvement project.

NOW, THEREFORE, BE IT RESOLVED THAT the Common Council of the City of Wauwatosa declares that the acquisition of properties or interests therein, as defined by the attached revised Acquisition Plat, be declared a public necessity and that the City will proceed with the acquisition of said properties and/or interests therein upon the filing of the Amended Relocation Order with the Clerk of Milwaukee County.

BE IF FURTHER RESOLVED THAT the Director of Community Development for the City of Wauwatosa is hereby authorized to file the amended relocation order with attached Acquisition Plat revised January 15, 2003 within 20 days as required by Wisconsin Statute from the approval date of this resolution, with the Clerk of Milwaukee County.

It was moved by Ald. Heins, seconded by Ald. Becker to approve the foregoing resolution. -15

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

TO THE COMMON COUNCIL, CITY OF WAUWATOSA, WI,

The Committee on Community Development, to whom was referred the matter of an appeal of the master tree plan for Glencoe Circle, recommends to the Common Council that the matter be placed on file.

Dated this 28th day of January 2003.

Committee on Community Development

It was moved by Ald. Heins, seconded by Ald. Becker to approve the foregoing report. –

It was moved by Ald. Ecks, seconded by Ald. Krol to amend by directing the Forestry Department to accommodate the property owner by planting a larger than standard maple tree. Upon roll call vote, the vote was Ayes 11, Noes 4 (Bruderle-Baran, Herzog, Stepaniak, Sullivan.)

Vote on motion, as amended, upon roll call vote, was Ayes 11, Noes 4 (Bruderle-Baran, Herzog, Stepaniak, Sullivan.)

The resolution approved by Council in place of the foregoing report is as follows:

RESOLUTION R-03-21

WHEREAS, Mr. Peter Beitzel, 8634 Glencoe Circle, has asked that the ruling of the Board of Parks and Forestry be overturned and that the city plant a maple tree instead of a ginkgo in front of his home, and he has offered to pay the city for the increased cost of a maple over a ginkgo,

NOW, THEREFORE, BE IT RESOLVED THAT the Parks and Forestry Division Supervisor be directed to replace Mr. Beitzel's current street tree with a maple tree, with any cost above that which would be required to put a ginkgo there being billed directly to the property owner.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-03-24

WHEREAS, the GEMS Computer System (formerly known as "SCI") utilized by the City of Wauwatosa supports most of the essential functions of the City, including financial accounting, purchasing, payroll; and

WHEREAS, future upgrades of the GEMS system will require the use of a new browser interface by users; and

WHEREAS, upgrades to the system are necessary, and will continue to be necessary, in order to assure future compliance with regulatory and other reporting requirements; and

WHEREAS, the 2003 City of Wauwatosa Budget includes funding in the amount of \$36,000 in anticipation of this anticipated browser interface upgrade; and

WHEREAS, GEMS is the only provider of the software interface necessary to access data in the GEMS system;

NOW, THEREFORE, BE IT RESOLVED THAT the purchase of an upgraded browser interface from GEMS in the amount of \$28,000, plus a \$4,000 annual maintenance fee, is hereby approved;

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

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-03-25

WHEREAS, the enclosure of the Garden Room will soon be complete and no half-rate rental policy has been set for this room; and

WHEREAS, the Riverview, Firefly and Park View Rooms have a rental rate available for groups wishing to rent a room on Tuesday or Thursday evenings for meetings only equal to one-half of the regular rate;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Wauwatosa THAT the 2003 Consolidate Fee Schedule be amended to include a rental rate of \$60 for the Garden Room on Tuesday and Thursday evenings for meetings only.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-03-26

WHEREAS, the 2003 City of Wauwatosa budget requires over \$240,000.00 to be reduced from the budget of the Wauwatosa Fire Department; and

WHEREAS, the Chief of the Wauwatosa Fire Department has recommended, in a memorandum to the Budget & Finance Committee dated January 22, 2003, a series of reductions totaling \$240,309.00, more specifically detailed in that memorandum, a copy of which is attached hereto and incorporated herein, and

WHEREAS, the Fire Department administration and the firefighters Union have reached consensus on this recommended budget reduction plan, the key aspects of which are to reduce overtime, leave 1.4 firefighter positions vacant, operate ladder #2 on a part-time basis, and to implement a paramedic first responder program;

NOW, THEREFORE, BE IT RESOLVED THAT the 2003 budget for the City of Wauwatosa Fire Department be reduced by a total of \$240,309.00 by adoption of the specific recommendations of the Fire Chief as outlined in his memorandum of January 22, 2003, a copy of which is attached hereto and incorporated herein.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-03-28

BE IT RESOLVED, by the Common Council of the City of Wauwatosa THAT the claim filed by Arnold Kellenberger for damages be and the same is hereby denied and placed on file for the reason that no liability exists on the part of the City.

BE IT FURTHER RESOLVED THAT the City Clerk is hereby authorized and directed to notify said claimant of this action of the Common Council as provided by law.

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

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-03-23

WHEREAS, the 2003 City of Wauwatosa Budget requires \$179,264 to be reduced from the budgets of the Administrative Departments in City Government; and

WHEREAS, the City Administrator has recommended, in his memorandum dated January 23, 2003, budget reduction measures for the City Newsletter totaling \$11,020.00; and

WHEREAS, the budget reductions for the City Newsletter recommended by the Committee on Budget and Finance would result in a reduction of service to citizens, therefore requiring council approval pursuant to the budget reduction guidelines approved December 3, 2002;

NOW, THEREFORE, BE IT RESOLVED THAT the 2003 budget for the City of Wauwatosa Newsletter be reduced by a total of \$11,020 through the following means:

1. The City Newsletter shall be printed in one color, rather than two-color printing as has been utilized in the past, and
2. The newsletter account shall be authorized to pay for the printing of only four pages for each issue of the newsletter, with any additional pages or insert material being charged to grants or other departmental accounts providing funding for distribution of the materials included on the additional pages or inserts.

It was moved by Ald. Stepaniak, seconded by Ald. Casey to approve the foregoing resolution. Ayes 14, Noes 1 (McCarthy)

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-03-27

BE IT RESOLVED, by the Common Council of the City of Wauwatosa THAT the claim filed by Edward Van Aacken for damages be and the same is hereby denied and placed on file for the reason that no liability exists on the part of the City.

BE IT FURTHER RESOLVED THAT the City Clerk is hereby authorized and directed to notify said claimant of this action of the Common Council as provided by law.

It was moved by Ald. Stepaniak, seconded by Ald. Casey to approve the foregoing resolution. Ayes 12, Noes 2 (Becker, Bruderle -Baran), Present 1 (Herzog)

FROM THE COMMITTEE ON BUDGET AND FINANCE

BILLS AND CLAIMS FOR THE PERIOD 1/22/03 – 2/04/03 --

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 1/22/03 – 2/04/03: \$1,069,697.61

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 15.

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-03-29

WHEREAS, the Purchasing Manager has reported that the City of Milwaukee provides the best prices and very high quality for annual flowers to be planted throughout the City in public spaces;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Wauwatosa THAT the purchase of annual flowers from the City of Milwaukee for the year 2003 in the amount of \$9,491.38 is hereby approved.

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-03-30

WHEREAS, the City of Wauwatosa has had great past successes by annually participating with the Milwaukee Metropolitan Sewerage District (MMSD) and acting as a host site for household hazardous waste collection; and

WHEREAS, the City of Wauwatosa has been approached by MMSD to act as a host site for a Household Hazardous Waste Collection Day at the Civic Center municipal parking lot in the southwest corner; and

WHEREAS, each resident of the City of Wauwatosa benefits from the removal of hazardous products from the city's waste stream.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Wauwatosa THAT Saturday, September 13, 2003 be set aside as a household hazardous waste collection day in the City of Wauwatosa, and

BE IT FURTHER RESOLVED THAT the proper city officials are authorized to enter into an agreement with MMSD to hold this event in the southwest corner of the Civic Center municipal parking lot.

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-03-31

WHEREAS, the Common Council of the City of Wauwatosa did, by a resolution passed and dated December 18, 2001, approve and adopt a report of the Board of Public Works in connection with repaving, and work appurtenant thereto, in the following streets:

Street & Location

N. 65th St.* from Clarke St. to Center St.
N. 78th St. from Wisconsin Ave. to 140' north
N. 86th St. from North Ave. to 130' north
N. 86th St. from 130' north of North Ave. to Wright St.
N. 121st St. from Fairview Ave. to Blue Mound Rd.
W. Blue Mound Road from Mayfair Rd. to west city limits**
Currie Ave. from Robertson St. to west end
Currie Place from Currie Ave. to south end
Dearbourn Ave. from N. 121st to N. 116th St.
Grantosa Dr. from N. 100th St. to N. 94th St.
Jackson Park Blvd. from Ludington Ave. to 120' east of N. 81st St.
Lefebber Ave. from Center St. to north city limit
Maywood Avenue from Blue Mound Road to north end
Alley from Congress St. to Marion/99th St. to 100th St.*
Alley from Grantosa Dr. to Fiebrantz/98th St. to 100th St.*

* Joint project with City of Milwaukee (Wauwatosa lead agency)

** Resolution passed and dated February 20, 2001

WHEREAS, the construction of the improvement above-described having now been completed in the aforementioned street, it is the desire of the Board of Public Works to place the special assessments on the tax roll.

WHEREAS, it is the desire of the Board of Public Works to adjust the assessments for approaches and service walks, contained in said report, in relation to the actual costs of construction involved.

WHEREAS, the Director of Public Works has prepared amended special assessments taking into account the aforementioned differences.

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

Section 1. That the special assessments for paving set forth in the aforesaid reports of the Board of Public Works, approved by resolution passed and dated as listed are hereby directed to be entered upon the tax roll as hereinafter set forth and as reiterated in the special assessments attached hereto.

Section 2. That the attached amended special assessments for approaches and service walks, against the respective lots, tracts, and parcels of land abutting on the aforementioned streets, reflecting the

actual amount of construction, be and the same are hereby approved and adopted and are directed to be entered upon the tax roll as hereinafter set forth.

Section 3. That the owners of the respective parcels of land fronting or abutting the street improvements on which public hearings have been held and preliminary assessments have been confirmed, shall have payment of the special assessments scheduled as follows:

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

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

(c) Each special assessment levied against any parcel of land in the City of Wauwatosa for the installation of sanitary sewer main or water main or construction of permanent street pavement shall not be entered in the tax roll until all installments of special assessments for sanitary sewer or water main or construction of permanent street pavement levied previously against the same parcel of land have been entered into the tax rolls and have been paid. Such subsequent special assessment shall be deferred and only interest at the rate of twelve percent (12%) per year, or the percentage rounded out to the next highest whole percentage number above the interest rate paid by the City for the issuance of General Obligation Debt, which include the project which is the subject of the special assessment, whichever figure is less, on such subsequent special assessment shall be carried into the tax rolls in addition to the scheduled installments of such prior assessments. After the last installment of such prior special assessment has been entered in the tax rolls, installments of the subsequent special assessment shall, beginning with the next subsequent tax roll, be entered in the tax rolls pursuant to Section 3.08.030 of the City Code.

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

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

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

Section 4. That the City Clerk publish the installment assessment notice, as by Section 66.54 of the Wisconsin Statutes provided, including therein that the owners of the property benefited by said improvement may elect within thirty (30) days from the date of said notice to pay the said assessment on their property on or before the next succeeding November 1.

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-03-32

BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin THAT the attached account of the expense of sidewalk repairs under Contract 02-19 Concrete Sidewalk Repairs be submitted to the City Comptroller in accordance with Section 66.615(3)(f) of the Wisconsin Statutes.

BE IT FURTHER RESOLVED THAT the City Clerk be and she is hereby directed to send out the proper bills to the owners of the property, as listed in the accompanying assessment for sidewalk repairs under Contract 02-19 Concrete Sidewalk Repair.

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-03-33

WHEREAS, the Wauwatosa Purchasing Department has received bids for the purchase of miscellaneous electrical supplies to meet 2003 requirements; and

WHEREAS, the results of the bids are reflected in the memorandum of the Purchasing Manager to the Board of Public Works dated January 23, 2003; and

WHEREAS, the bid of Neher Electric, in the amount of \$8,434.00, was the lowest bid;

NOW, THEREFORE, BE IT RESOLVED THAT the City of Wauwatosa Purchasing Department is hereby authorized to issue a purchase order for the purchase of Miscellaneous Electrical Supplies from Neher Electric of Milwaukee, Wisconsin, in the amount of \$8,434.00, pursuant to the bid from that company received January 22, 2003.

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-03-34

WHEREAS, the Water Department has requested the Purchasing Manager to solicit prequalification statements and pricing for plumbing contractors to perform plumbing and/or repair of water main breaks and service line leaks on an as-needed basis; and

WHEREAS, five contractors responded with acceptable rates, as outlined in the memorandum of the Purchasing Manager to the Board of Public Works dated January 28, 2003, a copy of which is attached hereto;

NOW, THEREFORE, BE IT RESOLVED THAT the five separate contractors described in the memorandum of the Purchasing Manager are hereby pre-qualified to perform work for the Wauwatosa Water Utility on an as-needed basis pursuant to the proposals attached to the memorandum.

It was moved by Ald. Herzog, seconded by Ald. Bruderle -
Baran to approve the six foregoing resolutions. -15

There being no further business, the meeting adjourned at 8:25 p.m.

cal

Carla A. Ledesma, CMC, City Clerk