



CITY OF WAUWATOSA
MEMORIAL CIVIC CENTER
7725 WEST NORTH AVENUE
WAUWATOSA, WI 53213
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COMMON COUNCIL
Regular Meeting, Tuesday, October 7, 2003

PRESENT: Alds. Becker, Casey, Ecks, Grimm, Heins, Herzog, Jenkins, Kopischke, Krol, Matthews, McCarthy, Stepaniak, Subotich, Sullivan (7:40 p.m.), Treis - 15

EXCUSED: Alds. Bruderle - Baran

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 Sgt. Mastrocola; Fire Chief Redman; Mr. Wojcehowicz, Water Supt.; 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.

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. - 14

The Mayor presented award to the following Yards of Distinction winners:

District 1

Charles & Ruth Kirst, 1811 N. 60th Street
Carol & Jeff York, 7104 W. Lloyd Street
Jackie & Keith Landgrebe, 1283 N. 63rd Street

District 2

Katie Duckert, 7839 Hillcrest Drive
Renee & Dean Mabie, 7901 Jackson Park Blvd.
Randy Marks, 7434 Lincoln Place

District 3

Christopher & Noelle Kelley, 363 N. 120th St.
Bob & Karon Mehrstadt, 639 Glenview Avenue
Donald & Joan Heyse, 11825 Oxford Place

District 4

Ann Terwilliger & Lilo Sewell, 1024 Laurel Ct.
Kathy Franke, 610 N. 61st Street
Dan & Pat Butler, 7715 Mary Ellen Place

District 5

Joanne Lehman & Don Austin, 2359 N. 72nd St.
Brian Gasek, 2603 N. 68th Street
Craig Waltress, 2615 N. 69th Street

District 6

Fred & Judy Moeller, 2478 Pasadena Boulevard
Val & Marc Blazich, 2513 N. 90th Street
Ron & Julie Madlung, 9326 Harding Boulevard

District 7

Arlis Borchert, 1212 N. 119th Street
Jerry & Judy Suttner, 2371 N. 116th Street
Dan Mies & Irma Ryan, 1231 & 1233 N. 116th St.

District 8
Mark Rosnow, 4422 Glenway Street
Mike Seaman, 3215 N. Knoll Boulevard
Ron & Sue Hoff, 3554 Menomonee River Pkwy.

The Reserve at Wauwatosa Village, 6100 W. State Street
Mt. Zion Lutheran Church, 12012 W. North Avenue
Froedtert Memorial Lutheran Hospital, 9200 W. Wisconsin Avenue
Outpost Natural Foods, 7000 W. State Street

Commercial properties
Mayfair Crossing, 1233 Mayfair Road

A slide show of the winning properties was presented. An appeal was made for 'gardening angels' who may be interested in maintaining city flower beds in 2004. Interested persons may call 414-777-5000 ex. 107.

(Ald. Sullivan present 7:40 p.m.) -15

APPOINTMENTS BY THE MAYOR

Youth Commission
Brian Randall, 2602 N. 88th Street (26)
Lynne Schade, 6923 Wellauer Drive (13)
Lisa Winn, 8232 Avon Court (13)

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

APPLICATIONS, COMMUNICATIONS, ETC.

1. Special Use application to construct a three season sunroom to the rear of a legal, non-conforming property at 8831 Stickney Avenue
Plan Commission, Board of Zoning Appeals
2. City of Wauwatosa Bank Reconciliation of Depository Accounts as of August 31, 2003; Investment Summary as of September 30, 2003
Place on file
3. Donation: \$4,866.59 from Mr. Sieghard Hasler in memory of his mother Katharina Hasler to the Fire Department Diedrich Special Endowment Fund
Place on file
4. Special Use application to operate an art and furniture gallery selling antiques in the AA Business District at 8316 W. Blue Mound Road
Plan Commission, Board of Zoning Appeals
5. Special Use application to operate a restaurant at 10919 W. Blue Mound Road
Plan Commission, Board of Zoning Appeals
6. Application to amend the Zoning Code by permitting indoor go-cart tracks as a Conditional Use in the AA Light Manufacturing District
Plan Commission, Committee on Community Development
7. Special Use application to construct a garage with a height over the 16 ft. maximum allowed by code at 608 N. 115th Street
Plan Commission, Board of Zoning Appeals
8. Letter from Frank Bruce, president, The Enhancers, Inc., 3695 N. 126th Street, Brookfield, requesting consideration to relocate his business to the public works site
Director of Community Development

9. Special Use application to construct an addition to a legal, non-conforming residence at 2202 N. 68th Street
Plan Commission, Board of Zoning Appeals
10. Special Use application to construct a rear addition to a legal, non-conforming residence at 2223 N. 73rd Street
Plan Commission, Board of Zoning Appeals
11. Application for a change of zoning from AAA Single Family District to AA Business District at 10747 W. York Place
Plan Commission, Committee on Community Development
12. Application for a land combination of two lots on N. Menomonee River Parkway
Plan Commission, Committee on Community Development
13. Letter from Karl Theile, Time Warner Cable, submitting FCC rate forms
City Attorney
14. Letter from Casper Balistreri regarding the proposed smoking ban in restaurants
Add to existing file
15. Letter from Robert Berlan, U.S. Dept. of Housing & Urban Development, regarding the 2002 Annual Community Assessment of CDBG grant compliance
Director of Community Development
16. Letter from William V. Reilly, Jr., General Partner, Courtyard Apartments, requesting to prohibit parking on both sides of N. 123rd Street north of North Avenue
Director of Public Works
17. Letter From Dan Stotmeister, U.S. Dept. of Housing & Urban Development, providing an analysis of the Fair Housing and Equal Opportunity monitoring review of the city's Community Development Block Grant Programs
Director of Community Development
18. Notice of Lawsuit: Annie Jemison and Humana Insurance Company vs. City of Wauwatosa
City Attorney

FROM THE COMMITTEE ON LEGISLATION, LICENSING & COMMUNICATIONS FOR INTRODUCTION

1. Ordinance amending Chapter 6.08 the City Code by adding a Class C wine license
Re-refer to originating committee

FROM THE COMMITTEE ON TRAFFIC & SAFETY FOR INTRODUCTION

1. Ordinance establishing two hour parking restrictions on portions of N. 104th and N. 105th Streets, south of North Avenue
Re-refer to originating committee
2. Ordinance establishing no parking restrictions at the entrance of Wisconsin Avenue Park
Re-refer to originating committee

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT FOR INTRODUCTION

1. Ordinance amending the Zoning Code by rezoning property at approximately 1601 N. 113th Street from AA Light Manufacturing District to Business Planned Development
Re-refer to originating committee

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-03-237

WHEREAS, Mehran Edalatpour, agent for Shiraz Persian Cuisine, LLC, 6030 W. North Avenue, has applied for a Class B Beer and Liquor;

NOW, THEREFORE, BE IT RESOLVED THAT Mehran Edalatpour, agent for Shiraz Persian Cuisine, LLC, 6030 W. North Avenue is hereby issued a Class B Beer and Liquor license for the period ending June 30, 2004.

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-03-238

WHEREAS, Richard Sasser, 6738 W. Lisbon Ave., #4, Milwaukee, WI applied for an operator’s license in conjunction with his employment at Shepherds, 6715 W. North Avenue; and

WHEREAS, a background investigation revealed a pending charge in Milwaukee County Circuit Court; and

WHEREAS, Mr. Sasser has failed to appear or respond to multiple requests from the Committee; and

WHEREAS, applicant’s pending charge and his failure to appear substantially relate to his ability to perform required duties as an operator in the City of Wauwatosa;

NOW, THEREFORE, BE IT RESOLVED THAT the operator’s license application of Richard Sasser is hereby denied;

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

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-03-239

WHEREAS, Samuel James, 7723 W. Sheridan, Milwaukee, WI applied for an operator’s license in conjunction with his employment at Jewel Foods, 3850 W. 124th St., Wauwatosa, WI;

NOW, THEREFORE, BE IT RESOLVED THAT Samuel James is hereby issued an operator’s license for the period ending June 30, 2004.

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-03-240

WHEREAS, Wendy Manvilla, 3320 S. 66th Street, Milwaukee, WI applied for an operator’s license in conjunction with her employment at the Chancery Pub, 7615 W. State Street, Wauwatosa, WI; and

WHEREAS, a background investigation revealed a prior conviction; and

WHEREAS, Ms. Manvilla has failed to appear or respond to multiple requests from the Committee; and

WHEREAS, applicant’s prior conviction and her failure to appear substantially relate to her ability to perform required duties as an operator in the City of Wauwatosa;

NOW, THEREFORE, BE IT RESOLVED THAT the operator’s license application of Wendy Manvilla is hereby denied;

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

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-03-241

WHEREAS, Damien Watson, 2501 W. Kilbourn Ave., Apt. 10, Milwaukee, WI applied for an operator’s license in conjunction with his employment at Jewel, 3850 N. 124th Street; and

WHEREAS, a background investigation revealed a prior conviction; and

WHEREAS, Mr. Watson has failed to appear or respond to multiple requests from the Committee; and

WHEREAS, applicant’s prior conviction and his failure to appear substantially relate to his ability to perform required duties as an operator in the City of Wauwatosa;

NOW, THEREFORE, BE IT RESOLVED THAT the operator’s license application of Damien Watson is hereby denied;

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

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

The Committee on Legislation, Licensing and Communications, to whom was referred the operator license application by Daniel Puhek, 2341 S. 54th Street, West Allis, recommends to the Common Council that the application be placed on file.

Dated this 30th day of September 2003.

Committee on Legislation, Licensing and Communications

It was moved by Ald. Treis, seconded by Ald. Grimm to approve the five foregoing resolutions and one foregoing report. - 15

FROM THE COMMITTEE ON EMPLOYEE RELATIONS

ORDINANCE O-03-23

AN ORDINANCE AMENDING SECTIONS 2.59.050 AND 2.59.070 OF THE WAUWATOSA CODE REGARDING PAY PLAN FOR NONREPRESENTED CITY EMPLOYEES

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

Part I. Section 2.59.050 of the Wauwatosa Municipal Code is hereby amended to read as follows:

“The following salary ranges shall apply to each pay grade. Employees shall be paid consistent with the appropriate grade level for their position as described in Section 2.59.040, above:

A. Effective January 1, 2003, FLSA-exempt employees, as described in Section 2.59.040, above, shall be paid at the following bi-weekly rates:

See attached chart, Table 2.59.050A.

B. Effective January 1, 2003, part-time and FLSA non-exempt employees, as described in Section 2.59.040, above, shall be paid at the following hourly rate:

See attached chart, Table 2.59.050B.

C. Effective for the pay period which includes January 1, 2004, FLSA exempt employees, as described in Section 2.59.040, above, shall be paid at the following bi-weekly rates:

See attached chart labeled Table 2.59.050C.

D. Effective for the pay period which includes January 1, 2004, part-time and FLSA non-exempt employees, as described in Section 2.59.040, above, shall be paid at the following hourly rates:

See attached chart labeled Table 2.59.050D.

Part II. Section 2.59.070A. of the Wauwatosa Municipal Code is hereby repealed in its entirety and recreated as follows:

A. Effective for the pay period which includes January 1, 2004, temporary or casual employees shall be paid in the following pay ranges. A temporary or casual employee shall not be eligible for other benefits provided by the City.

<u>Title</u>	<u>Minimum</u>	<u>Normal</u>	<u>Maximum</u>
Cable Technician/ Video Prod. Asst.	\$7.1973	\$7.6293	\$9.6077
Tax Collection Aide	9.6645	10.8016	13.0756

<u>Title</u>	<u>Rate</u>
Clerk	\$10.1903
Student Clerk	6.1821-7.2024
Library Security Guard	8.0386
Library Technical Equip. Asst.	9.0051
Public Health Nurse/Sanitarian	19.9659
Snow Plow Operator	18.0671

Part III. As otherwise noted above, this ordinance shall become effective on and after its date of publication.

It was moved by Ald. Jenkins, seconded by Ald. Heins to adopt the foregoing ordinance. –

It was moved by Ald. Krol, seconded by Ald. Herzog to refer the matter back to committee for further discussion. Upon roll call vote, the vote was Ayes 7, Noes 8 (Casey, Grimm, Heins, Jenkins, Kopischke, McCarthy, Stepaniak, Treis). –Motion failed.

Vote on original motion, upon roll call vote, was Ayes 9, Noes 6 (Becker, Herzog, Krol, Matthews, Subotich, Sullivan.)

FROM THE COMMITTEES ON EMPLOYEE RELATIONS & BUDGET AND FINANCE

RESOLUTION R-03-242

WHEREAS, the Wauwatosa Fire Department has suggested combining the duties of the part-time Fire Education Coordinator with the vacant Municipal Clerk I position; and

WHEREAS, the 2004 budget has been adjusted to cover the reclassification; and

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

WHEREAS, the Wauwatosa Fire Department has already met its required budget reductions under the budget reduction implementation plan;

NOW, THEREFORE, BE IT RESOLVED THAT the position distribution chart be and is hereby amended so as to make the change by deleting the position of part-time Fire Education Coordinator and the position of Municipal Clerk I in the Wauwatosa Fire Department and creating the position of Fire Education Coordinator/Municipal Clerk II;

BE IT FURTHER RESOLVED THAT the request for an exception to the hiring freeze to fill the newly created position of Fire Education Coordinator/Municipal Clerk II is hereby approved.

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

FROM THE COMMITTEE ON TRAFFIC AND SAFETY

RESOLUTION R-03-243

WHEREAS, the Public Works and the Wauwatosa Economic Development Corporation has requested the lifting of existing parking restrictions on a portion of W. Center Street to accommodate a construction project at the corner of 72nd and Center Streets; and

WHEREAS, the fiscal impact on removing the parking restrictions temporarily is minimal;

NOW, THEREFORE, BE IT RESOLVED THAT the following parking restrictions are hereby temporarily removed for a period not to exceed six months:

- 1. One hour parking between 9:00 AM and 7:00 PM in the 7100 block of Center Street on the south side; and
- 2. All day parking shall be allowed on the east side of N. 72nd Street from the alley to W. Center Street.

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

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-03-244

BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin THAT permission be and the same is hereby granted to Grace Forester to combine the parcels located at 2612 Menomonee River Parkway, Wauwatosa and 9832 Ridge Boulevard, Wauwatosa. These parcels are more particularly described as follows:

South part of Lot 6 being 65 ft on Front LI and 65.12 ft. on rear LI of Lot 6, Block 10 in the Beverly Hills Subdivision, in the Southeast ¼ of Section 17, in Township 7

North, Range 21 East, in the City of Wauwatosa, County of Milwaukee, State of Wisconsin and

Lot 7, Block 10 in the Beverly Hills Subdivision, in the Southeast ¼ of Section 17, in Township 7 North, Range 21 East, in the City of Wauwatosa, County of Milwaukee, State of Wisconsin.

All in accordance with the application attached hereto and made a part of this resolution, and in compliance with Section 24.56.010 of the Code of the city of Wauwatosa

BE IT FURTHER RESOLVED THAT this land combination is contingent upon the completion of the final sale of the property located at 9832 Ridge Boulevard to Grace Forester within six months of the date of this resolution, and the payment of all outstanding special assessments on the aforescribed property which is being subdivided.

It was moved by Ald. Heins, seconded by Ald. Herzog to approve the foregoing resolution. Ayes 14, Noes 1 (Sullivan)

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

ORDINANCE O-03-24

AN ORDINANCE AMENDING THE DEFINITION OF “SIGN” IN SECTION 15.14.020 OF THE WAUWATOSA SIGN CODE

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

Part I. The definition of “Sign” in Section 15.14.020 of the Wauwatosa Municipal Code is hereby amended to read as follows:

Sign means:

1. Any device for visual communications and the structure which supports it, which is used or intended to attract attention of the public, when the display of this device is visible from the City right-of-way.
2. The term “sign” shall not include flags.

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

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

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION

BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin THAT a public hearing be held before the Common Council in the Council Chambers at 7:30 p.m. Local Time, on Tuesday, November 4, 2003, in the City Hall of the City of Wauwatosa, Wisconsin at which time all persons interested, or their agents or attorneys, will be heard concerning a proposed ordinance rezoning the property at approximately 1601 N. 113th Street from AA Light Manufacturing District to Business Planned Development District.

BE IF FURTHER RESOLVED THAT the City Clerk be and is hereby directed to publish the proper notices of said hearing as required by law.

It was moved by Ald. Heins, seconded by Ald. McCarthy to approve the foregoing resolution with the following amendment: that the hearing date be changed from November 4th to November 18th. -15

The amended resolution is as follows:

RESOLUTION R-03-245

BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin THAT a public hearing be held before the Common Council in the Council Chambers at 7:30 p.m. Local Time, on Tuesday, November 18, 2003, in the City Hall of the City of Wauwatosa, Wisconsin at which time all persons interested, or their agents or attorneys, will be heard concerning a proposed ordinance rezoning the property at approximately 1601 N. 113th Street from AA Light Manufacturing District to Business Planned Development District.

BE IF FURTHER RESOLVED THAT the City Clerk be and is hereby directed to publish the proper notices of said hearing as required by law.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-03-246

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

WHEREAS, there currently exist vacancies in a detective and a sergeant position within the Wauwatosa Police Department;

NOW, THEREFORE, BE IT RESOLVED THAT the request for an exception to the hiring freeze to fill the positions of detective and sergeant within the Wauwatosa Police Department are hereby approved.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-03-247

WHEREAS, the Wauwatosa Water Utility has reached an agreement with Milwaukee Water Works regarding the purchase of water at wholesale; and

WHEREAS, the draft agreement is attached to this resolution and incorporated herein; and

WHEREAS, the Wauwatosa Water Utility has been purchasing water at wholesale from the City of Milwaukee since 1963 and has been without a current contract since December 31, 1993; and

WHEREAS, the purchase of water at wholesale from the City of Milwaukee pursuant to the attached agreement would not require any new infrastructure to be constructed;

NOW, THEREFORE, BE IT RESOLVED THAT the City of Wauwatosa is hereby authorized to enter into the attached agreement for purchase of water at wholesale from the Milwaukee Water Works.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-03-248

WHEREAS, the City of Wauwatosa hereby requests financial assistance under Section 287.23, *Wis. Stats.*, Chapters NR 542, 544 and 549, *Wis. Admin. Code*, for the purpose of planning, constructing, or operating a recycling program with one or more components specified in Section 287.11(2)(a) to (h), *Wis. Stats.*,

NOW, THEREFORE, BE IT RESOLVED THAT the City of Wauwatosa hereby authorizes the Director of Public Works to act on its behalf to submit an application to the Department of Natural Resources for financial assistance under Section 287.23, *Wis. Stats.*, Chapters NR 542, 544 and 549, *Wis. Admin. Code*, sign necessary documents, and submit a final report.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-03-249

WHEREAS, the Wauwatosa Department of Public Works has been receiving Recycling Grants for Responsible Units from the Wisconsin Department of Natural Resources since 1991; and

WHEREAS, the Wauwatosa Department of Public Works has requested permission to apply for 2004 Recycling Grants for Responsible Units; and

WHEREAS, the 2004 budget estimates recycling grant revenue of approximately \$225,000.00;

NOW, THEREFORE, BE IT RESOLVED THAT the Wauwatosa Department of Public Works is hereby authorized to apply for 2005 Recycling Grants for Responsible Units.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-03-251

WHEREAS, the State of Wisconsin has approved distribution of Federal Homeland Security Funds directly to local police and fire departments through the GRANT program referred to as “Weapons of Mass Destruction Grant;” and

WHEREAS, the Wauwatosa Police and Fire Departments have requested permission to apply for these grants and to initiate purchases; and

WHEREAS, the expenditures required would total \$19,860.00 for the Fire Department and \$44,885.00 for the Police Department; and

WHEREAS, specific purchases have been described to the Budget and Finance Committee in a memorandum from the Police Chief and Fire Chief dated October 3, 2003;

NOW, THEREFORE, BE IT RESOLVED THAT the Wauwatosa Police and Fire Departments are hereby authorized to apply for and receive Weapons of Mass Destruction Grants from the State of Wisconsin as part of the Federal Homeland Security Funding Program for our State;

BE IT FURTHER RESOLVED THAT the Police and Fire Departments are required to make purchases outlined in the October 3, 2003 memorandum of the Police and Fire Chiefs and that the competitive bidding process for said purchases is hereby waived.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-03-252

WHEREAS, the Milwaukee Metropolitan Sewage District (MMSD) is inviting municipalities and others within its service area to participate in the 2004 Storm Water Best Management Practices (BMP) Partnership; and

WHEREAS, the Storm Water BMP Partnership Project will provide information related to the implementation, effectiveness, costs and maintenance for the 2020 facility plan; and

WHEREAS, MMSD has proposed \$233,000.00 in fiscal year 2004 capital budget to implement BMP demonstration projects within their service area; and

WHEREAS, a consulting team has approached the City of Wauwatosa and the Wauwatosa School District to partner in such a demonstration project; and

WHEREAS, the City of Wauwatosa Department of Public Works Yard would be a suitable location for such a demonstration project; and

WHEREAS, such a project may assist the City of Wauwatosa in complying with its proposed NR 216 Storm Water Discharge Permit; and

WHEREAS, the consultant team has indicated that the city and school district contribution to the project be limited to only staff time and no capital dollars.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Wauwatosa THAT the Engineering Services Division is hereby authorized to apply for the BMP Partnership; and

BE IT FURTHER RESOLVED THAT appropriate personnel from the Engineering Services Division are hereby authorized to apply for all appropriate grants or other sources of available funds to assist in these efforts.

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

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-03-250

WHEREAS, the Budget and Finance Committee has reviewed a number of proposals regarding alley assessments applicable to properties which do not, at the time of assessment, have complete access to alleys bordering the properties; and

WHEREAS, the alley assessment policies from various area communities to provide a fair and equitable manner for assessing such properties which do not have access to alleys as primary traffic corridors for access to the properties; and

WHEREAS, a change in the policy regarding alley assessments would mean that the cost of alley construction would be borne by those alley users who have primary traffic access to that alley; and

WHEREAS, recovering 100% of alley improvement costs with no maximum ceiling would reduce the growing debt for street and alley construction in the Capital Projects Fund;

NOW, THEREFORE, BE IT RESOLVED THAT the policy for construction assessments for alleys within the City of Wauwatosa shall be changed to provide that one-single and two-family residences with primary vehicle access from a public street, rather than the alley, shall receive a 50% reduction in alley assessment for construction and other related purposes;

BE IT FURTHER RESOLVED THAT the Department of Public Works is to budget alley assessments in a manner that would provide that the entire cost of each alley project should be recovered at 100% instead of a set maximum.

It was moved by Ald. Stepaniak, seconded by Ald. Matthews to approve the foregoing resolution. Upon roll call vote, the vote was Ayes 11, Noes 3 (Ecks, Grimm, McCarthy), Present 1 (Casey)

FROM THE COMMITTEE ON BUDGET AND FINANCE

BILLS AND CLAIMS FOR THE PERIOD 9/17/03 – 10/7/03 --

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 9/17/03 – 10/7/03: \$2,027,106.27

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 BUDGET COMMITTEE

RESOLUTION R-03-253

BE IT RESOLVED, by the Common Council of the City of Wauwatosa, Wisconsin THAT pursuant to Section 65.90, Wis. Stats., the public hearing regarding passage of the City of Wauwatosa 2004 budget be held on November 4, 2003 at 7:30 p.m. in the Council Chambers, Wauwatosa City Hall, 7725 W. North Avenue.

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

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-03-254

BE IT RESOLVED by the Common Council of the City of Wauwatosa THAT subsequent to the bidding process the bid of Utility Sales and Service, Inc. to furnish one Terex Telelect Aerial Man Lift be declared non-compliant with specifications.

BE IT FURTHER RESOLVED THAT the second low bid of Dueco, Inc. to furnish one Terex Telelect Aerial Man Lift for their bid price of \$132,130.00 be and the same is hereby accepted.

BE IT FURTHER RESOLVED THAT Fleet equipment number R-05, a 1982 Ford with aerial man lift, be declared surplus and that the purchasing manager is hereby authorized to dispose of this unit in a manner most advantageous to the City.

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

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-03-255

BE IT RESOLVED, by the Common Council of the City of Wauwatosa, Wisconsin THAT the following be and hereby are the policies for 2004 construction pertaining to street improvements and corresponding rates:

- (1) The assessments for original permanent pavement shall be at the following rates per assessable foot based upon property classification:
 - a) \$46.00 for one or two or two family residences, churches, schools (1 family rate)
 - b) \$57.50 for multiple family residences of three or more (1-1/4 x 1 family rate)
 - c) \$69.00 for business or commercial property (1-1/2 x 1 family rate)
 - d) \$92.00 for industrial property (2 x 1 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 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 and added to the basic assessment for each class of property abutting or benefiting from said improvement.
- (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" \$32.00 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" \$25.60 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.

Note: To recover the cost of public sidewalk replacement when done in conjunction with Type "A" or Type "B" repaving, the assessable rates shall reflect an amount of \$7.30 added against each frontage foot of adjacent properties.

- c) Repaving Type "C" \$12.80 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 total assessment credit equal to 4% for each year under 25 years.

Sidewalk replacement shall be assessed at cost plus 12.5% for engineering and overhead when done in conjunction with Type "C" repaving.

- (3) Alleys shall be considered individually assessable at actual cost plus 12.5% for engineering and overhead 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 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 cost plus 12.5% for engineering and overhead. 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. The work of removal and replacement of existing deteriorated and defective permanent driveway approaches, ordered replaced by the Board of Public Works and which are done under public contract, shall be assessed at cost plus 25% for engineering and overhead.

- (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 \$39.00 per foot replaced.
- (8) Service walk replacement shall be assessed at cost plus 12.5% for engineering, and overhead 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 shall be assessed at cost plus 25% for engineering and overhead when not done in conjunction with permanent paving. Sidewalks and service walks when not done in conjunction with permanent paving requiring 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 work involving special assessments, a charge of 12.5% shall be made against the contract amount of such work.
- (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 cost plus 12.5% for engineering and overhead.
- (13) Federal, state, and railroad properties are exempt from special assessments.
- (14) 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. Herzog, seconded by Ald. Becker to approve the foregoing resolution. Ayes 13, Noes 1 (Ecks), Present 1 (Casey).

There being no further business, the meeting adjourned at 9:05 p.m.

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Carla A. Ledesma, CMC, City Clerk