



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, December 16, 2003

PRESENT: Alds. Heins, Herzog, Jenkins, Krol, Matthews, McCarthy, Stepaniak, Treis, Bruderle-Baran, Becker, Casey, Ecks, Grimm -13

EXCUSED: Alds. Kopischke, Subotich and Sullivan

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 Chief Weber; Police Capt. Reit; Dr. Kreuser, Health Officer; Ms. Nielsen, Nursing Supr.; Mr. Wojcehowicz, Water Utility 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. Jenkins that the reading of the minutes of the last regular meeting be dispensed with and they be approved as printed. -13

**OLD BUSINESS**

The following resolution was held for two weeks after the December 2, 2003 public hearing:

**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 2nd day of December, 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.

| Assessed<br><u>Street &amp; Location</u>      | Ald.<br><u>Dist.</u> | Exist&(Prop)<br><u>Width</u> | Pavement<br><u>Constr.Type</u> | Sdwk.<br><u>Work</u> |
|---|----------------------|------------------------------|--------------------------------|----------------------|
| A) N. 70TH ST. St. James St. to Blanchard St. | 4                    | 24'                          | B                              | Yes                  |
| B) N. 70TH ST. Blanchard St. to 340' north    | 4                    | 30'                          | B                              | Yes                  |
| C) N. 113TH ST. North Ave. to 350' north      | 7                    | 30'                          | C                              | No                   |
| D) N. 116TH ST. North Ave. to Center St.      | 7                    | 36'                          | C                              | No                   |
| E) N. 123RD ST. Diane Dr. to cul-de-sac       | 7                    | 30'                          | C                              | No                   |
| F) BLANCHARD ST. N. 70th to N. 71st Sts.      | 4                    | 26'                          | B                              | Yes                  |
| G) *BLUE MOUND RD. N 60th St. to N. 66th St.  | 4                    | 60'                          | A-Conc                         | Yes                  |

|  |      |     |        |     |
|--|------|-----|--------|-----|
| <b>H) CLARKE ST.</b> N. 61st St. to N. 68th St.  | 5    | 30' | B      | Yes |
| <b>I) GLENDALE AVE.</b> N. 100th St. to east end   | 8    | 40' | C      | No  |
| <b>J) HILL ST.</b> Glenview Ave. to N. 85th St.  | 3    | 30' | B      | Yes |
| <b>K) HOPE AVE.</b> N. 92nd St. to W. Palmetto Ave.                                      | 8    | 30' | C      | No  |
| <b>L) MARION ST.</b> N. 92nd St. to N. 95th St.  | 8    | 30' | C      | No  |
| <b>M) MEINECKE AVE.</b> N. 68th St. to N 74th St.  | 5    | 24' | B      | Yes |
| <b>N) PORTLAND AVE.</b> N. 76th St. to Kavanaugh Pl.                                     | 3, 4 | 36' | C      | No  |
| <b>O) RIVER PARK CT.</b> Hoyt Park Dr. to cul-de-sac                                     | 2    | 36' | C      | No  |
| <b>P) WALNUT RD.</b> N. 116th St. to N. 124th St.  | 7    | 36' | C      | No  |
| <b>Q) ALLEY</b> from Burleigh St. to Locust St. /<br>N. 122nd St to N. 124th St/n-s leg  | 7, 8 | 20' | A-Conc | No  |
| <b>R) ALLEY</b> from Burleigh St. to Locust St./<br>N. 122nd St. to N. 124th St./e-w leg | 8    | 20' | C      | No  |
| <b>S) ALLEY</b> from Fiebrantz to Sarasota/<br>N. 99th St. to N. 100th St./north portion | 8    | 20' | A-Conc | No  |
| <b>T) ALLEY</b> from Fiebrantz to Sarasota/<br>N. 99th St to N. 100th St./south portion  | 8    | 20' | C      | No  |
| <b>U) ALLEY</b> from Jackson Park Blvd. to Stickney/<br>N. 90th St. to Swan Blvd.        | 2    | 20' | C      | No  |
| <b>V) ALLEY</b> from Jackson Park Blvd. to Stickney/<br>Swan Blvd. to Stickney           | 2    | 20' | C      | No  |
| <b>W) ALLEY</b> from Meinecke Ave. to North Ave./<br>N. 101st to N. 102nd Sts.           | 6    | 20' | C      | No  |
| <b>X) ALLEY</b> from Stickney to Menomonee Riv. Pkwy./<br>91st St. to Swan Blvd.         | 2    | 18' | C      | No  |

\* Joint project with City of Milwaukee (Milwaukee lead agency).

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.) or (Conc.) Completely removing existing curb and gutter and existing pavement, placing new concrete curb and gutter (excluding alleys), and asphalt or concrete pavement surface on a new 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 therefor, 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. Stepaniak, seconded by Ald Matthews  
to approve the foregoing resolution –

The request was made to consider items C, P, Q, and R separately.

Vote on motion, except for items C, P, Q, and R, -13

Roll call vote on C, Ayes 7, Noes 6 (Heins, Herzog, Jenkins, Matthews,  
McCarthy, Grimm)

Roll call vote on P, Ayes 8, Noes 5 (Heins, Herzog, Matthews, McCarthy,  
Grimm)

On consideration of Q and R together, it was moved by Ald. Treis,  
seconded by Ald. Matthews to hold these items to the next meeting  
pending receipt of addition information on the question of vacating  
these alleys. Upon roll call vote, the vote was Ayes 13.

The amended resolution is as follows:

**AMENDED RESOLUTION R-03-410**

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 2nd day of December, 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>Assessed<br/>Street &amp; Location</u>   | <u>Ald.<br/>Dist.</u> | <u>Exist&amp;(Prop)<br/>Width</u> | <u>Pavement<br/>Constr.Type</u> | <u>Sdwk.<br/>Work</u> |
|---|-----------------------|-----------------------------------|---------------------------------|-----------------------|
| <b>N. 70TH ST.</b> St. James St. to Blanchard St.                                     | 4                     | 24'                               | B                               | Yes                   |
| <b>N. 70TH ST.</b> Blanchard St. to 340' north  | 4                     | 30'                               | B                               | Yes                   |
| <b>N. 113TH ST.</b> North Ave. to 350' north  | 7                     | 30'                               | C                               | No                    |
| <b>N. 116TH ST.</b> North Ave. to Center St.  | 7                     | 36'                               | C                               | No                    |
| <b>N. 123RD ST.</b> Diane Dr. to cul-de-sac   | 7                     | 30'                               | C                               | No                    |
| <b>BLANCHARD ST.</b> N. 70th to N. 71st Sts.  | 4                     | 26'                               | B                               | Yes                   |
| <b>*BLUE MOUND RD.</b> N 60th St. to N. 66th St.                                      | 4                     | 60'                               | A-Conc                          | Yes                   |
| <b>CLARKE ST.</b> N. 61st St. to N. 68th St.  | 5                     | 30'                               | B                               | Yes                   |
| <b>GLENDALE AVE.</b> N. 100th St. to east end   | 8                     | 40'                               | C                               | No                    |
| <b>HILL ST.</b> Glenview Ave. to N. 85th St.  | 3                     | 30'                               | B                               | Yes                   |
| <b>HOPE AVE.</b> N. 92nd St. to W. Palmetto Ave.                                      | 8                     | 30'                               | C                               | No                    |
| <b>MARION ST.</b> N. 92nd St. to N. 95th St.  | 8                     | 30'                               | C                               | No                    |
| <b>MEINECKE AVE.</b> N. 68th St. to N 74th St.  | 5                     | 24'                               | B                               | Yes                   |
| <b>PORTLAND AVE.</b> N. 76th St. to Kavanaugh Pl.                                     | 3, 4                  | 36'                               | C                               | No                    |
| <b>RIVER PARK CT.</b> Hoyt Park Dr. to cul-de-sac                                     | 2                     | 36'                               | C                               | No                    |
| <b>WALNUT RD.</b> N. 116th St. to N. 124th St.  | 7                     | 36'                               | C                               | No                    |
| <b>ALLEY</b> from Fiebrantz to Sarasota/<br>N. 99th St. to N. 100th St./north portion | 8                     | 20'                               | A-Conc                          | No                    |
| <b>ALLEY</b> from Fiebrantz to Sarasota/<br>N. 99th St to N. 100th St./south portion  | 8                     | 20'                               | C                               | No                    |
| <b>ALLEY</b> from Jackson Park Blvd. to Stickney/<br>N. 90th St. to Swan Blvd.        | 2                     | 20'                               | C                               | No                    |
| <b>ALLEY</b> from Jackson Park Blvd. to Stickney/<br>Swan Blvd. to Stickney           | 2                     | 20'                               | C                               | No                    |
| <b>ALLEY</b> from Meinecke Ave. to North Ave./<br>N. 101st to N. 102nd Sts.           | 6                     | 20'                               | C                               | No                    |
| <b>ALLEY</b> from Stickney to Menomonee Riv. Pkwy./<br>91st St. to Swan Blvd.         | 2                     | 18'                               | C                               | No                    |

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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.

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And has heard all persons desiring audience at such hearing;

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(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.

**OLD BUSINESS**

The following ordinance was held for two weeks after the December 2, 2003 public hearing:

**ORDINANCE O-03-31**

AN ORDINANCE AMENDING SECTION 24.34.020 BY INCLUDING A PROVISION TO ALLOW INDOOR ELECTRIC GO-CART TRACKS AS A CONDITIONAL USE AND SECTION 24.34.030 SPECIFYING OUTDOOR GO-CART TRACKS AS A PROHIBITED USE IN THE AA LIGHT MANUFACTURING DISTRICT

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

Part 1. That Section 24.34.020 is amended to include the following as a conditional use:

Indoor Electric Go-Cart Tracks.....7394

And Section 24.34.030 is amended to specify the following as a prohibited use:

Outdoor Go-Cart Tracks.....7394

Part 2. This ordinance shall take effect and be in force from and after its passage and publication.

It was moved by Ald. Stepaniak, seconded by Ald Matthews to adopt the foregoing ordinance. -13

**APPOINTMENTS BY THE MAYOR**

Library Board

Mark Carlson, 4292 Raymir Place  
(Term ends 6/30/04)

Foregoing appointment ordered held as this was the first reading.

Historic Preservation Commission

Mary Jo Cole, 1609 Church Street (reappointment)  
(Term ends 11/30/06)

It was moved by Ald. Krol, seconded by Ald. Ecks to concur with the foregoing appointment. -13

**APPLICATIONS, COMMUNICATIONS, ETC.**

1. Letter from Daniel J. Hayes, President, Tosa Baseball League, Inc., informing the city of the league’s interest in the public works site as a potential development site for a youth sports complex  
**Director of Community Development**
2. City of Wauwatosa Investment Summary as of November 30, 2003  
**Place on file**
3. Donation: \$150 from Tyra Baumler to the fire department Diedrich Special Endowment Fund  
**Place on file**

4. Letter from Gloria & John Stearns, 1815 N. 116th Street, urging the city to consider youth sports when deciding development of the recently rezoned public works site  
**Add to existing file**
5. Wauwatosa Water Utility Statement of Receipts and Disbursements for month ended November 30, 2003  
**Place on file**
6. City of Wauwatosa Statement of Financial Condition as of 11/30/03  
**Place on file**
7. Request for payment of a workers compensation claim in the amount of \$15,000 for Leon Schwichtenberg  
**Requested under suspension of the rules**

It was moved by Ald. Ecks, seconded by Ald. McCarthy to consider Item 7 under suspension of the rules. -13

It was moved by Ald. Bruderle-Baran, seconded by Ald. Matthews to approve the following resolution. Ayes 12, Noes 1 (Herzog)

The resolution is as follows:

**RESOLUTION R-03-411**

BE IT RESOLVED THAT the full and final settlement of the worker's compensation claim filed by Leon Schwichtenburg in the amount of \$15,000.00 is hereby approved.

**FROM THE COMMITTEE ON EMPLOYEE RELATIONS FOR INTRODUCTION**

1. Ordinance amending Section 2.52.010A.1 regarding uniform allowance for non-represented police department employees  
**Re-refer to originating committee**

**FROM THE COMMITTEE ON TRAFFIC & SAFETY FOR INTRODUCTION**

1. Ordinance amending Section 11.32.080 of the City Code by removing two-hour parking restriction from the east side of N. 70th Street adjacent to the Pick 'N Save parking lot  
**Re-refer to originating committee**
2. Ordinance amending Section 11.32.080 of the City Code by removing two-hour parking restrictions on W. Wisconsin between N. 67th and N. 68th Streets  
**Re-refer to originating committee**

**FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT FOR INTRODUCTION**

1. Ordinance amending the Zoning Code regarding non-conforming properties  
**Re-refer to originating committee**

**FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT**

**RESOLUTION R-03-414**

WHEREAS, Robert and Sandra Lacourciere have applied for a Conditional Use in the AA Light Manufacturing District at 12132 W. Capitol Drive to operate an indoor electric go-cart track and;

WHEREAS, this request was reviewed and recommended by the City Plan Commission and the Committee on Community Development and determined to be necessary for the public convenience at that location; located and proposed to be operated in such manner which will protect the public health, safety, and welfare; and was found to be compatible with surrounding uses;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin hereby grants a Conditional Use to Robert and Sandra Lacourciere to operate an indoor electric go-cart track in the AA Light Manufacturing District at 12132 W. Capitol Drive.

**FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT**

**RESOLUTION R-03-415**

WHEREAS, the Wauwatosa Health Department in conjunction with the 14 other participating health departments in the Milwaukee/Waukesha County Consortium for Emergency Public Health Preparedness has submitted a proposed Mutual Aid Agreement among members of the consortium to formalize the relationship and expectations between departments; and

WHEREAS, it is expected that all members of the consortium will approve the Mutual Aid Agreement as prepared; and

WHEREAS, the City of Wauwatosa is the fiscal agent for the consortium;

NOW, THEREFORE, BE IT RESOLVED THAT the City of Wauwatosa Health Department is hereby authorized to enter into the proposed Mutual Aid Agreement along with members of the Milwaukee/Waukesha County Consortium for Emergency Public Health Preparedness as presented to the Committee on Community Development at its December 9, 2003 meeting.

**FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT**

**RESOLUTION R-03-416**

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, January 20, 2004, 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 amending Section 24.50 of the Code regarding non-conforming uses, structures and lots.

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 three foregoing resolutions. -13

**FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT**

**RESOLUTION R-03-412**

BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin THAT permission be and the same is hereby granted to Milwaukee County to subdivide the parcels located at approximately 10340 Watertown Plank Road, Wauwatosa more particularly described as follows:

Commencing at the Southeast corner of the Southwest ¼ of Section 20, Township 7 N, Range 21 E; thence S 88°18'28" W along the south line of said ¼ Section, 287.53 feet; thence N 01°41'32" W, 65.00 feet; thence N 24°52'22" E, 66.00 feet; thence N 01°47'46" W, 182.00 feet; thence N 16°52'43" W, 81.65 feet; thence N 28°01'23" W, 505.62; thence N 50°16'36"W, 427.09 feet; thence N 03°35'51" W, 59.38 feet to the point of beginning, thence N 77°45' 31" W, 265.61 feet; thence S 11°34'19" W, 329.61 feet; thence S 01°40'36" E, 137.02 feet; thence N 89°04'56" W, 217.66 feet; thence N 77°52'28" W, 775.41 feet; thence N 04°18'49" E, 150.91 feet; thence northeasterly 319.49 feet along the arc of a curve whose center lies to the east, whose radius is 801.02 feet, whose chord bears north 15°44'23" E, 317.37 feet; thence N 27°09'57"E, 267.00 feet; thence northeasterly 503.03 feet along the arc of a curve whose center lies to the west, whose radius is 1675.94 feet, whose chord bears N 18°34'02" E, 501.14 feet; thence northwesterly 328.29 feet along the arc of a curve whose center lies to the west, whose radius is 618.00 feet, whose chord bears N 05°14'58" W, 324.44 feet; thence northwesterly 291.13 feet along the arc of a curve whose center lies to the west, whose radius is 1668.18 feet, whose chord bears N 25°28'01" W, 290.76 feet; thence N 30°28'00" W, 169.92 feet; thence northwesterly 327.92 feet along the arc of a curve whose center lies to the east, whose radius is 621.92, whose chord bears N 15°22'40" W, 324.13 feet; thence S 65°00'05" E, 248.37 feet; thence S 47°44'00" E, 473.81 feet; thence S 35°49'19" E, 626.82 feet; thence S 27°39'14" E. 580.48 feet; thence S 03°35'51" E, 530.94 feet to the point of beginning.

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; and subject to the payment of all outstanding special assessments on the aforescribed property which is being subdivided and to the filing of a certified survey map.

It was moved by Ald. Heins, seconded by Ald. McCarthy to approve the foregoing resolution. Ayes 11, Present 2 (Heins, Jenkins)

**FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT**

**RESOLUTION R-03-413**

WHEREAS, Scott Marquardt have applied for a Conditional Use in the AA Business District at 12201 W. North Avenue to sell secondhand merchandise and;

WHEREAS, this request was reviewed and recommended by the City Plan Commission and the Committee on Community Development and determined to be necessary for the public convenience at that location; located and proposed to be operated in such manner which will protect the public health, safety, and welfare; and was found to be compatible with surrounding uses;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin hereby grants a Conditional Use to Scott Marquardt to sell secondhand merchandise in the AA Business District at 12201 W. North Avenue.

It was moved by Ald. Heins, seconded by Ald. McCarthy to approve the foregoing resolution. Ayes 12, Noes 1 (McCarthy)

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

**RESOLUTION R-03-418**

WHEREAS, the Wauwatosa Police Department has budgeted during the year 2003 for the replacement of VHS video cameras in squad cars with digital cameras and recording equipment; and

WHEREAS, the Department has not yet implemented the purchase and installation of the digital cameras and recording devices in squad cars; and

WHEREAS, the Department has asked the Common Council to allow 2003 funds for purchase of in-squad camera replacements to be carried over to the year 2004;

NOW, THEREFORE, BE IT RESOLVED THAT the carryover of funds from the Wauwatosa Police Department's 2003 In-squad Camera Replacement Account to the year 2004 for the same purpose is hereby approved.

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

**RESOLUTION R-03-419**

WHEREAS, the Wauwatosa Police Department has budgeted during the year 2003 for the replacement of VHS video cameras in squad cars with digital cameras and recording equipment; and

WHEREAS, the Department has not yet implemented the purchase and installation of the digital cameras and recording devices in squad cars; and

WHEREAS, the Department has asked the Common Council to allow 2003 funds for purchase of in-squad camera replacements to be carried over to the year 2004;

NOW, THEREFORE, BE IT RESOLVED THAT the carryover of funds from the Wauwatosa Police Department's 2003 In-squad Camera Replacement Account to the year 2004 for the same purpose is hereby approved.

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

**RESOLUTION R-03-421**

WHEREAS, the City of Wauwatosa Engineering Department has requested the carryover of Sundry Contractual Services funds from the 2003 budget to the 2004 construction season; and

WHEREAS, the Director of Public Works has outlined specific projects to be funded by the carryover funding including permit compliance, hydraulic analysis, and storm water issues;

NOW, THEREFORE, BE IT RESOLVED THAT the carryover of the remaining balance from the 2003 Engineering Sundry Contractual Services Account to the year 2004 is hereby approved.

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

**RESOLUTION R-03-422**

WHEREAS, the Department of Public Works has submitted preliminary data to the Environmental Protection Agency in support of the WASTECAP application for the EPA’s office of Solid Waste and Emergency Response (OSWER) Innovation Grant; and

WHEREAS, the City of Wauwatosa produces more wood chips that can be utilized by residents and the City’s Forestry Department;

WHEREAS, OSWER Innovation Grant would assist the Public Works Program Analyst in continuing to find ways to utilize the City yard’s wood waste as a fuel source for production of energy in cooperation with UW extension, WE Energies, and others; and

NOW, THEREFORE, BE IT RESOLVED THAT the Public Works Director is authorized to pursue a partnership with other agencies in supporting the application of WASTECAP for an EPA office of Solid Waste and Emergency Response Innovation Grant at no cost to the City.

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

**RESOLUTION R-03-423**

WHEREAS, the City of Wauwatosa Department of Public Works Traffic and Electrical section has requested the transfer of funds from various accounts within the 2003 budget to provide for the purchase of LED signals, as more particularly outlined in the December 2, 2003 memorandum of the Director of Public Works; and

WHEREAS, transfer of these funds would provide funds for the purchase, but carryover the funds to the year 2004 would be necessary to provide adequate time for the purchase;

NOW, THEREFORE, BE IT RESOLVED THAT the transfers of funds outlined in the memorandum of the Director of Public Works dated December 2, 2003 for the purchase of LED signals and related LED lighting equipment is hereby approved;

BE IT FURTHER RESOLVED THAT the funds so transferred and designated for LED signal purchases shall be carried forward into the year 2004 to allow adequate time for the purchase of the items.

It was moved by Ald. Stepaniak, seconded by Ald. Becker to approve the five foregoing resolutions. -13

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

**RESOLUTION R-03-417**

WHEREAS, the fees collected by Wauwatosa City departments were reviewed and discussed by the Budget Committee during budget review; and

WHEREAS, any changes recommended in fees are reasonably related to changed conditions in City finances and the cost of providing the appropriate services; and

WHEREAS, the 2004 consolidated fee schedule for the City of Wauwatosa has been made available for review at the offices of the Wauwatosa City Clerk;

NOW, THEREFORE, BE IT RESOLVED THAT the 2004 consolidated fee schedule is hereby approved as recommended by the Budget Committee during the budget review process and made available for public review at the office of the City Clerk.

It was moved by Ald. Stepaniak, seconded by Ald. Becker to approve the foregoing resolution. Ayes 11, Noes 2 (Grimm, Herzog)

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

**RESOLUTION R-03-420**

WHEREAS, the City of Wauwatosa Water Utility is in the process of connecting existing water mains at 119<sup>th</sup> Street from Capitol Drive to the Harley Davidson property; and

WHEREAS, possible environmental contamination has been detected during Phase I and Phase II Environmental Site Assessments; and

WHEREAS, K. Singh & Associates has performed these site assessments on behalf of the City of Wauwatosa; and

WHEREAS, further assessment is necessary to fully characterize the soils in the project location;

NOW, THEREFORE, BE IT RESOLVED THAT the City of Wauwatosa Water Utility is hereby authorized to retain K. Singh & Associates, Inc. for a Phase III Environmental Site Assessment and regulatory coordination regarding the water main extension project on 119<sup>th</sup> Street between Capitol Drive and the Harley Davidson properties, in an amount not to exceed \$17,390.00.

It was moved by Ald. Stepaniak, seconded by Ald. Becker to approve the foregoing resolution. Ayes 12, Present 1 (Casey)

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

**BILLS AND CLAIMS FOR THE PERIOD 12/03/03 -12/16/03 --**

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 12/03/03 – 12/16/03: \$1,571,920.98

It was moved by Ald. McCarthy, seconded by Ald. Heins 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 13.

**FROM THE BOARD OF PUBLIC WORKS**

**RESOLUTION** R-03-424

WHEREAS, the City of Wauwatosa Purchasing Department obtained sealed bids for decorative streetlight poles to be utilized as replacements in the Village and North Avenue Business Districts; and

WHEREAS, the only bid received for this proposal was from Enterprise Lighting Ltd.; and

WHEREAS, prices quoted in this bid appear to be routine in the ordinary course of business;

NOW, THEREFORE, BE IT RESOLVED THAT the City of Wauwatosa is hereby authorized to purchase from Enterprise Lighting Ltd. five Sternberg decorative light poles at a cost of \$2,184.00 each and one Sun Valley decorative light pole at a cost of \$2,386.00, for a total expenditure of \$13,306.00, pursuant to the bid of Enterprise Lighting Ltd. submitted December 1, 2003.

**FROM THE BOARD OF PUBLIC WORKS**

**RESOLUTION** R-03-425

WHEREAS, the Purchasing Manager solicited pricing for traffic control equipment for purposes of upgrades and replacements; and

WHEREAS, Traffic and Parking Control Company (TAPCO) of Elm Grove, WI, is the only authorized distributor in the State of Wisconsin for Eagle traffic signal controllers; and

WHEREAS, the items proposed for purchase from TAPCO, as reflected in the attachments to the December 12, 2003 memorandum of the Purchasing Manager have a total cost of \$34,757.00, for which funding is available;

NOW, THEREFORE, BE IT RESOLVED THAT the purchase of \$34,757.00 in traffic signal controllers and equipment from TAPCO of Elm Grove, WI, pursuant to the December 12, 2003 memorandum of the Purchasing Manager is hereby approved;

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

**FROM THE BOARD OF PUBLIC WORKS**

**RESOLUTION** R-03-426

BE IT RESOLVED, by the Common Council of the City of Wauwatosa, THAT permission be and the same is hereby granted to Charles LaForce, 191 N. 87<sup>th</sup> Street, Wauwatosa, WI, to encroach into City property with a paving stone walkway between the curb and sidewalk, subject to the applicant executing unto the City of Wauwatosa an indenture setting forth the terms, provisions and conditions relating to the granting of the aforesaid permission by said City to said applicant and also subject to claimant registering with the engineering services division;

BE IT FURTHER RESOLVED THAT the street occupancy fee is hereby waived.

**FROM THE BOARD OF PUBLIC WORKS**

**RESOLUTION** R-03-427

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 City Hall 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 11, 2004 be set aside as a household hazardous waste collection day in the City of Wauwatosa,

BE IT FURTHER RESOLVED THAT the proper city officials are authorized to enter into an agreement with the Milwaukee Metropolitan Sewerage District to hold this event in the southwest corner of the City Hall Municipal Parking Lot.

**FROM THE BOARD OF PUBLIC WORKS**

**RESOLUTION** R-03-428

WHEREAS, the Public Works Department is in the final phase of a three year program to convert all existing public works radio equipment to the new 800 MHz standard; and

WHEREAS, Milwaukee 2-Way Radio is the exclusive distributor for Motorola 800 MHz radios which have previously been purchased for this project; and

WHEREAS, the memorandum of December 12, 2003 from the Purchasing Manager reflects the remaining equipment necessary to complete this project, at a total cost of \$23,700.00;

NOW, THEREFORE, BE IT RESOLVED THAT the purchase of 800 MHZ two-way radios and associated equipment in the amount of \$23,700.00 from Milwaukee 2-Way Radio, pursuant to the December 12, 2003 memorandum of the Purchasing Manager, is hereby approved;

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

**FROM THE BOARD OF PUBLIC WORKS**

**RESOLUTION** R-03-429

WHEREAS, the Purchasing Manager and Special Projects Engineer solicited bids for Contract 03-26 providing for office repairs and improvements at the Parks Administration Building; and

WHEREAS, the bid of Ford Construction Company in the amount of \$14,298.00, which is the lowest total bid when including the base bid and the three alternate bid items and is most advantageous to the City; and

WHEREAS, the Public Works Director has indicated that fund transfers will be executed, without the requirement of Council approval, to fund this contract;

NOW, THEREFORE, BE IT RESOLVED THAT the City of Wauwatosa hereby awards the bid for Contract 03-26, Office Repairs and Improvements at the Parks Administration Building, to Ford Construction Company in the amount of \$14,298.00, pursuant to the bid received on December 10, 2003, contingent upon completion of the appropriate fund transfer for this project.

**FROM THE BOARD OF PUBLIC WORKS**

**RESOLUTION** R-03-430

BE IT RESOLVED by the Common Council of the City of Wauwatosa that the proper city officials be and they are hereby authorized and directed to enter into a contract with Underground Pipeline, Inc., of New Berlin, Wisconsin, for the work of water main relay and extension under Contract 04-03, West Blue Mound Road Water Main Relay and Extension, at and for their bid price of \$399,774.70, this being the lowest and best bid.

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

**FROM THE BOARD OF PUBLIC WORKS**

**RESOLUTION** R-03-431

WHEREAS, the 2003 City Hall budget requires a reduction in prices for renewal of the cleaning contract; and

WHEREAS, the Chief Inspector has negotiated a reduced price contract for cleaning of the library, City Hall, and police station, which includes a reduced cleaning schedule in those locations by Leffler Cleaning Contractors, for a total savings per year of \$26,532.00;

NOW, THEREFORE, BE IT RESOLVED THAT the execution of the 2004 contract for custodial cleaning services for the Wauwatosa library, City Hall, and police station with Leffler Cleaning Contractors, pursuant to the memorandum of the Chief Inspector dated December 11, 2003, is hereby approved.

It was moved by Ald. Herzog, seconded by Ald. Bruderle -  
Baran to approve the eight foregoing resolutions. -13

There being no further business, the meeting adjourned at 7:55 p.m.

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Carla A. Ledesma, CMC, City Clerk