

COMMON COUNCIL
Regular Meeting, Tuesday, November 2, 2004

PRESENT: Alds. Becker, Birschel, Casey, Grimm, Herzog, Jenkins, Kopischke, Krill, Krol, Maher, McCarthy, Stepaniak, Subotich, Sullivan, Treis, Bruderle-Baran -16

ALSO PRESENT: Mr. Wontorek, City Administrator; Mr. Braier, Finance Director; Mr. Kesner, City Attorney; Mr. Kappel, Dir. of Public Works; Ms. Welch, Community Development Director; Police Chief Weber; Police Capt. Reit; Ms. Aldana, Asst/ City Atty./Personnel Dir.; Fire Chief Redman; Mr. Wojcehowicz, Water Utility Supt.; Ms. Nielsen, Nursing 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.

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

PUBLIC HEARING

The first item of business was a public hearing concerning the proposed 2005 city of Wauwatosa budget.

Proof of publication is in the file.

Mr. Wontorek gave a brief presentation, stating that the proposed budget as recommended by the Budget Committee seeks to maintain services and infrastructure in relation to available revenues. The proposed budget appropriation and property tax levy meet the adopted limits of the Expenditure Restraint program and would meet the provisions of the TABOR (Taxpayers' Bill of Rights) legislation as drafted. He thanked department directors and staff for their work in developing well thought-out budget requests.

The recommended 2005 budget of \$45,493,373 is an increase of \$887,000 (2%) over the adopted 2004 budget. This budget covers services to residents such as street and tree maintenance, police and fire services, library services, refuse collection and recycling, public health programs, property maintenance, and voter registration and election operation. Most programs will remain at current levels.

In the 2004 budget, some lay-offs in personnel were made. No lay-offs will be required in the 2005 budget. Public safety and public works services to residents are maintained. The public works budget has reduced personnel by one vacant position; there is some increased funding for police and public health services.

On the revenue side, the proposed budget sees some reductions for 2005. The County has reduced funding for the paramedic program, requiring an increase of \$120,000 in city funding to maintain current program levels. All labor contracts with unions expire at the end of 2004 and work is

underway on successor agreements. The city will see a reduction of nearly \$200,000 in several state grants. Each year, the city uses a portion of its unappropriated surplus to offset part of the revenue reduction or appropriation increase. In 2005, it is proposed that \$950,000 be used, a reduction of \$350,000 from the amount used in 2004.

Mr. Wontorek noted that the property tax bill is the sum of six taxing entities: the city, the state, the county, the Wauwatosa school district, MATC, and MMSD. The city's portion of the tax bill is less than one-third of the total amount. The proposed property tax rate is \$8.10 per one thousand dollars of assessed valuation, an increase of \$0.20 (2.5%). The property tax levy of \$31,593,958 is an increase of 4.3%. A property owner with a house valued at \$175,000 will see an increase in the city's portion of the tax bill of about \$35.

The Chair inquired whether any member of the public present wished to speak concerning the proposed budget.

Robert Brunow, 10401 W. Vienna, voiced concerns about security issues in the public school and opined that the presence of a police officer in the schools is very important.

Linda Berg, 7015 Maple Terrace, commented about the failure to add a police officer for the schools to the 2005 budget when money could be found for flowers.

Mary Van Derven, 2339 N. 62nd Street, a member of the Neighborhood Watch Steering Committee and a liaison for the Neighborhood Association, spoke in support of an additional police officer who could be assigned part time to schools. The city has already lost D.A.R.E. and a community support officer, and is missing the police/school partnership connection.

Robert Naujokas, 177 N. 88 Street, commented that an overall increase of 2% in the proposed budget shows an attempt to assemble a good budget. The proposed modest increase in property taxes of 4.3% would be a generous raise in the private sector. He spoke of rising personnel costs and asked that employees shoulder more of these costs.

The public hearing was declared closed. Ordered held for two weeks.

APPOINTMENTS BY THE MAYOR

Design Review Board B

Nick Loughrin, 2415 N. 82nd Street
(Term ends 12/31/06)

Civic Celebration Commission
Bill Berdan, 2049 N. 114th Street
(Term ends 12/31/08)

Board of Zoning Appeals Chair
James O'Connell

Foregoing appointments ordered held as this was the first reading.

APPLICATIONS, COMMUNICATIONS, ETC.

1. Special Use application to extend hours for Nova Cena Restaurant, 1427 Underwood Avenue
Plan Commission, Board of Zoning Appeals
2. Application for a Land Combination to combine property at 7106 W. North Avenue
Plan Commission, Committee on Community Development
3. Special Use application to construct a garage height of 20 feet at 6313 Washington Circle
Plan Commission, Board of Zoning Appeals
4. Donation: \$210 from the Serafino Square Annual Charity Bake Sale to the fire department
Place on file
5. City of Wauwatosa Statement of Financial Condition as of 9/30/04
Place on file
6. Letter from Jim Strobel, 1531 N. 116th Street, urging support of the police department's request for additional funding in the 2005 police budget
Add to existing file
7. Letter from Robert Brunow, 10401 W. Vienna Ave., urging funding of an additional police officer in the community support division in the 2005 city budget
Add to existing file

FROM THE COMMITTEE ON LEGISLATION, LICENSING & COMMUNICATIONS FOR INTRODUCTION

1. Ordinance amending Section 5.04 of the City Code regarding cable television
Re-refer to originating committee

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT FOR INTRODUCTION

1. Ordinance amending the Zoning Code to allow tattooing/body piercing facilities as a Conditional Use in the AA Business District
Re-refer to originating committee

REPORTS FROM STANDING COMMITTEES

ORDINANCE O-04-27

AN ORDINANCE AMENDING WAUWATOSA CODE SECTION 11.32.080 TO ADD PARKING RESTRICTIONS ON NORTH 115th STREET

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

Part I. The “115TH Street – east side” portion of the “Schedule of Streets, and Portions” subsection of Wauwatosa Code Section 11.32.080 is hereby amended by deleting the following line:

(t) from the alley north of West North Avenue to the north lot line of
2320 N. 115th Street

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

It was moved by Ald. Becker, seconded by Ald. McCarthy
to adopt the foregoing ordinance. -16

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-04-231

WHEREAS, Michael Reichhart, 9019 N. Park Plaza Court, Milwaukee, WI, applied for an operator’s license in conjunction with his employment at Bowlero, 11737 W. Burleigh, Wauwatosa, WI;

NOW, THEREFORE, BE IT RESOLVED THAT Michael Reichhart is hereby issued an operator’s license for the period ending June 30, 2005;

BE IT FURTHER RESOLVED THAT the Wauwatosa Police Department is hereby directed to conduct a further review of the criminal records concerning Mr. Reichhart six months from the date of this license issuance and is directed to report back to the Legislation, Licensing & Communications Committee if any new concerns regarding Mr. Reichhart’s fitness for this operator’s license are found.

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-04-232

WHEREAS, Christopher Barber, 800 Lincoln Avenue, Waukesha, WI, has applied for an operator’s license in conjunction with his employment at The Cheesecake Factory, 2250 N. Mayfair Road;

NOW, THEREFORE, BE IT RESOLVED THAT Christopher Barber, 800 Lincoln Avenue, Waukesha, WI, is hereby issued an operator’s license for the period ending June 30, 2005.

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-04-233

WHEREAS, Rebecca Klusman, 2435 W. Wisconsin Avenue, Milwaukee, WI, has applied for an operator’s license in conjunction with her employment at The Cheesecake Factory, 2250 N. Mayfair Road;

NOW, THEREFORE, BE IT RESOLVED THAT Rebecca Klusman, 2435 W. Wisconsin Avenue, Milwaukee, WI, is hereby issued an operator’s license for the period ending June 30, 2005.

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-04-234

WHEREAS, Tiffany Hill, 3036 N. 70th Street, Milwaukee, WI, applied for an operator’s license in conjunction with her employment at The Cheesecake Factory, 2250 N. Mayfair Road, Wauwatosa, WI;

NOW, THEREFORE, BE IT RESOLVED THAT Tiffany Hill is hereby issued an operator’s license for the period ending June 30, 2005;

BE IT FURTHER RESOLVED THAT the Wauwatosa Police Department is hereby directed to conduct a further review of the criminal records concerning Ms. Hill six months from the date of this license issuance and is directed to report back to the Legislation, Licensing & Communications Committee if any new concerns regarding Ms. Hill’s fitness for this operator’s license are found.

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-04-235

WHEREAS, Jennifer Petaschnick, 4464 S. 49th Street, Greenfield, WI, has applied for an operator’s license in conjunction with her employment at The Cheesecake Factory, 2250 N. Mayfair Road;

NOW, THEREFORE, BE IT RESOLVED THAT Jennifer Petaschnick, 4464 S. 49th Street, Greenfield, WI, is hereby issued an operator’s license for the period ending June 30, 2005.

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-04-236

WHEREAS, Laura Maddison, 1938 Swartz Drive, Waukesha, WI, applied for an operator’s license in conjunction with her employment at The Cheesecake Factory, 2250 N. Mayfair Road, Wauwatosa, WI;

NOW, THEREFORE, BE IT RESOLVED THAT Laura Maddison is hereby issued an operator’s license for the period ending June 30, 2005;

BE IT FURTHER RESOLVED THAT the Wauwatosa Police Department is hereby directed to conduct a further review of the criminal records concerning Ms. Maddison six months from the date of this license issuance and is directed to report back to the Legislation, Licensing & Communications Committee if any new concerns regarding Ms. Maddison's fitness for this operator's license are found.

It was moved by Ald. Treis, seconded by Ald. Becker to approve the six foregoing resolutions. -16

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION

WHEREAS, Justin Wichman, N46 W28635 Willow Brook Court, Hartland, WI, applied for an operator's license in conjunction with his employment at The Cheesecake Factory, 2250 N. Mayfair Road, Wauwatosa, WI;

NOW, THEREFORE, BE IT RESOLVED THAT Justin Wichman is hereby issued an operator's license for the period ending June 30, 2005;

BE IT FURTHER RESOLVED THAT the Wauwatosa Police Department is hereby directed to conduct a further review of the criminal records concerning Mr. Wichman six months from the date of this license issuance and is directed to report back to the Legislation, Licensing & Communications Committee if any new concerns regarding Mr. Wichman's fitness for this operator's license are found.

It was moved by Ald. Becker, seconded by Ald. Bruderle - Baran to hold the matter for two weeks for more information. -16

FROM THE COMMITTEE ON EMPLOYEE RELATIONS

RESOLUTION R-04-237

WHEREAS, the City is the fiscal agent for the Milwaukee/Waukesha County Emergency Preparedness Consortium and in that capacity has authorized three positions that are consortium grant- funded; and

WHEREAS, the City initially limited the health insurance eligibility of employees in consortium granted-funded positions to the City's HMO plan; and

WHEREAS, the Health Officer requests that the health insurance for employees in consortium grant-funded positions be the same as other City employees and include both the HMO and the self-funded plan; and

WHEREAS, the Employee Relations Committee having determined that fiscal agents for other bioterrorism consortia throughout the state offer the same benefits to consortium grant-funded positions as other municipal positions, and that the City receives significant benefits in its role as fiscal agent and recognizing the recruiting advantage and other equitable considerations, recommends that the eligibility of the employees in the City's consortium grant-funded positions for

health insurance benefits be the same as other City employees and include both the HMO and the self-funded plan; and

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF WAUWATOSA THAT employees in consortium grant-funded positions shall have the same eligibility for the City's health insurance plans as other City employees and that such eligible employees shall be offered both the HMO and self-funded plan.

It was moved by Ald. Jenkins, seconded by Ald. Kopischke to approve the foregoing resolution. Roll call vote, Ayes 9, Noes 7 (Becker, Grimm, Herzog, Krill, Krol, McCarthy, Subotich)

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-04-238

BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin THAT permission be and the same is hereby granted to Stephen Smith to combine the parcels located at 2500 North Mayfair Road, Wauwatosa. These parcels are more particularly described as follows:

Certified Survey Map No. 5460, Outlot 1, and Certified Survey Map No. 3066, Parcel 1, in the Southwest 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 and subject to the payment of all outstanding special assessments on the aforescribed property which is being subdivided.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-04-239

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, December 7, 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 24.23.015 of the Municipal Code by adding tattooing/body piercing as a conditional use in the AA Business 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. Kopischke, seconded by Ald. Becker to approve the two foregoing resolutions. -16

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-04-240

WHEREAS, electronic locks for the employee entrance of the police department building recently required repair; and

WHEREAS, the Building and Safety Department did not have adequate funding to pay for such repair; and

WHEREAS, the police department recently experienced savings by foregoing repairs on some in-squad video systems, which funds are available for use in repairing the locks;

NOW, THEREFORE, BE IT RESOLVED THAT the requested transfer of \$576.00 from the police department account #01-211-5730-000 to account #01-213-5710-000 is hereby approved pursuant to the request of the police captain dated October 18, 2004.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-04-241

WHEREAS, the Wauwatosa Police Department recently concluded a contract with Professional Account Management (Citation Management) for the processing and collection of fines for parking citations; and

WHEREAS, the Police Department has negotiated additional changes with the contractor for the benefit of the City of Wauwatosa in the process of negotiating renewal of the contract, which changes are outlined in the October 22, 2004 memorandum of the Police Captain and City Administrator to the Budget & Finance Committee;

NOW, THEREFORE, BE IT RESOLVED THAT the appropriate City officials are hereby authorized to enter into the new three year contract with Professional Account Management for processing and collection of fines from parking citations, as described in the October 26, 2004 memorandum of the Police Captain, upon conclusion of the current contract extension.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-04-242

WHEREAS, the 2004 budget of the Department of Public Works Fleet section allowed for purchase of chassis, body, and certain accessories for a step van for use of the Wauwatosa Water Utility; and

WHEREAS, the Wauwatosa Water Utility has budgeted additional funds in 2004 for additional accessories to be utilized with the new step van, as more particularly described in the October 5, 2004 memorandum from the Purchasing Manager and Water Superintendent; and

WHEREAS, the additional accessories to be purchased by the water utility from Utility Sales & Service, total \$26,284.00 pursuant to a bid submitted to the City of Milwaukee for identical items;

NOW, THEREFORE, BE IT RESOLVED THAT the Wauwatosa Water Utility is hereby authorized to purchase additional accessories for the new water utility step van pursuant to the bid specifications included with the City of Milwaukee's purchase of an identical van, from Utility Sales & Service in an amount not to exceed \$26,284.00.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-04-243

WHEREAS, the Community Development Block Grant Committee reviewed project proposals submitted to the Committee for the year 2005; and

WHEREAS, the recommendations of the CDBG Committee for 2004 funding approvals following two public hearings, each properly noticed, were sent to the Committee on Budget & Finance on October 26, 2004 and the Common Council on November 2, 2004 for comment and review;

NOW, THEREFORE, BE IT RESOLVED THAT the Common Council of the City of Wauwatosa approves the use of \$1,400,000 of 2005 CDBG funds for the following purposes:

Administration, Planning, and Studies - \$280,000

| | |
|-----------|-------------------------------------|
| \$125,000 | Administrative Costs |
| \$27,500 | Milwaukee Metropolitan Fair Housing |
| \$40,000 | Water Study |
| \$25,000 | WEDC – Economic Development Study |
| \$50,000 | Traffic Impact Study |

Public Service and Community Programs - \$210,000

| | |
|-----------|-------------------------|
| \$153,000 | Wauwatosa Senior Center |
| \$16,000 | Interfaith |
| \$10,500 | ARC Milwaukee |
| \$10,500 | Elena's House |
| \$9,000 | PEP Program |
| \$6,000 | Tosa Food Pantry |
| \$5,000 | Tosa For Kids |

Public Facilities, Economic Development and Rehab - \$849,944

| | |
|-----------|---|
| \$324,065 | Engineering – Storm sewers in LMI |
| \$192,454 | Engineering – Sanitary sewers in LMI |
| \$255,070 | Engineering – Water mains in LMI |
| \$50,000 | WEDC – Economic Development programs |
| \$23,355 | Health Dept. – Lead Abatement Program |
| \$5,000 | Badger Association for the Blind – Computer Lab |

Contingencies - \$72,556

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

FROM THE COMMITTEE ON BUDGET AND FINANCE

BILLS AND CLAIMS FOR THE PERIOD 10/20/04 – 11/2/04 --

The Committee on Budget and Finance hereby reports to the Common Council that it has examined the accounts of bills and claims and hereby certifies the same as correct and recommends that each of said accounts be allowed and paid.

Total bills and claims for 10/20/04 – 11/2/04: \$1,343,603.32

It was moved by Ald. Casey, seconded by Ald. Bruderle -
Baran that each and every one of the accounts of bills and
claims be allowed and ordered paid. Roll call vote, Ayes 16.

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-04-244

WHEREAS, the Purchasing Department has solicited bids for mogul base high pressure sodium light fixtures for the City of Wauwatosa; and

WHEREAS, said bids were received on October 22, 2004, and are tabulated in their memorandum from the Purchasing Manager of that same date; and

WHEREAS, the lowest bid is from JaMar Electric of Pewaukee, WI, in the amount of \$10,640.00;

NOW, THEREFORE, BE IT RESOLVED THAT the bid of JaMar Electric of Pewaukee, WI, for mogul base high pressure sodium light fixtures is hereby accepted as the bid in the best interests of the City of Wauwatosa and appropriate City officials are authorized to issue a purchase order in an amount not to exceed \$10,640.00.

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-04-245

BE IT RESOLVED, By the Common Council of the City of Wauwatosa, Wisconsin that the following be and hereby are the policies for 2005 construction pertaining to street improvements and corresponding rates:

- (1) Due to the relative value of the benefits conferred upon different types of properties by the public improvements described herein, assessments for original permanent pavement shall be at the following rates per assessable foot based upon property classification:
 - a) \$49.00 for one or two or two family residences, churches, schools, public parks (“single family rate”)
 - b) \$61.25 for multiple family residences of three or more (1-1/4 x single family rate)
 - c) \$73.50 for business or commercial property (1-1/2 x single family rate)
 - d) \$98.00 for industrial property (2 x single family rate)

- (1.1) a) A pavement improvement that terminates only partially abutting a parcel of land, shall have only such *prorata* portion assessed in the year that the Final Resolution is adopted by the Common Council
- b) On streets that Federal and/or State Aid is not available, the rate of assessment may be adjusted to recover 60% of the paving costs.
- c) On streets where sidewalks are to be newly constructed on one side only, in conjunction with a street scheduled for improvement, the cost of the sidewalk plus 25% for engineering and overhead may be prorated by total street frontage and added to the basic assessment for each property abutting said improvement or on both sides of that portion of said street.

- (2) The assessments for reconstruction of a permanent pavement shall be at the following rates per assessable foot (average width) for one or two family residences (other classes proportioned as in (1) above).

a) Repaving Type "A" \$33.00 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" \$26.40 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 \$7.90 added against each frontage foot of adjacent properties.

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

c) Repaving Type "C" \$13.20 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 or drive approach replacement shall be assessed at actual cost plus the cost of engineering and overhead as described in paragraph 11 when done in conjunction with Type "C" repaving.

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

Property Classification Factors

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

Assessable Factors

- (a) Rear alley - Average of front and rear lot lines.
 - (b) Side alley - Average of front and rear lot lines.
 - (c) Rear and side alley - Single assessment only: average of front and rear lot lines.
 - (d) One and two family lots with primary vehicle access from a public street assessed at 50% of the unit rate.
- (4) (a) Side yards, consistent with the definition in sec. 24.02.340 of the Wauwatosa Municipal Code, for original permanent pavement, reconstruction of permanent pavement, and asphalt resurfacing shall be assessed at the rate of 50% of the assessable side yard footage, abutting on the street being improved, for 1 and 2 family, church, school, and public park, uses only. All other classes of property shall be assessed for full assessable footage.
- (b) A platted or divided lot that extends through and abuts two streets, provided such lot does not consist of two or more platted or divided lots, shall have the longer of the two sides considered a side yard for purposes of assessment. The rate of assessment shall be determined as described in Paragraph (4) (a) herein.
- Should both abutting frontages be equal in length, the frontage first improved or reconstructed or resurfaced, as the case may be, shall be considered the front for assessment purposes. Irregular shaped lots may be assessed based on the actual abutting frontages.
- (c) Properties with 3 sides adjacent to streets shall have the two longest assessable footage sides assessed at 50%. Remaining side is assessed at 100% of assessable footage.
- (5) Permanent asphalt driveway approaches placed at existing driveways, in connection with the construction of original permanent pavement, shall be assessed at cost plus 12.5% for engineering and overhead.
- (6) Concrete drive approaches replaced under public contract, in connection with the construction of all permanent paving, shall be assessed at actual cost plus the cost of engineering and overhead as described in paragraph 11. Concrete drive approaches six years old or less are to be replaced at no cost, and those seven to twelve years old at one-half cost.
- (7) Defective permanent curb replaced either by contract or City forces, when requested by the property owner in writing, or replacements not in connection with the resurfacing of a permanent street, shall be assessed at the rate of \$35.00 per foot replaced.
- (8) Service walk replacement shall be assessed at actual cost plus the cost of engineering and overhead as described in paragraph 11, when done in conjunction with all permanent paving.
- (9) Costs of service walks removed and replaced with sod in conjunction with permanent paving or sidewalk repair contract are not assessed to abutting property owners.
- (10) Sidewalk, driveway approaches, and service walk removal and replacement, when not done in conjunction with permanent paving or when ordered replaced by the Board of Public Works due to deterioration or defective condition, when done under public contract, shall be assessed at cost plus 25% for engineering and overhead. Sidewalks and service walks when

not done in conjunction with permanent paving, which require replacement because of city tree roots damaging same, shall receive a 1/3 credit.

- (11) To recover the cost of engineering and overhead in connection with repaving and related work involving special assessments, a charge of 12.5% shall be made against the contract amount of such work, unless a different amount is specifically stated in this resolution.
- (12) Drive approaches, sidewalk, service walk, and/or sodding replaced under public contract in excess of that required for construction of all permanent paving as determined by the Engineering Department, when requested by the property owner in writing, shall be assessed at actual cost plus the cost of engineering and overhead as described in paragraph 11.
- (13) Federal, state, and railroad properties are exempt from special assessments.
- (14) Street projects that have been postponed shall be assessed at the rate the project was originally approved by the Common Council unless the Common Council subsequently sets a new rate.
- (15) This policy of assessment shall apply commencing with the date of adoption and will remain in effect until such time as modified by the Common Council.

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-04-246

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, December 7, 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 matters relating to the City's intent to perform street construction work in the City of Wauwatosa.

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

There being no further business, the meeting adjourned at 8:05 p.m.

cal

Carla A. Ledesma, CMC, City Clerk