



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 21, 2004

PRESENT: Alds. Grimm, Jenkins, Kopischke, Krill, Krol, Maher, McCarthy, Stepaniak, Subotich, Sullivan, Treis, Bruderle-Baran, Birschel, Casey -14

EXCUSED: Alds. Becker and Herzog

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; 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 7:40 p.m.

The Mayor acknowledged Finance Director Ron Braier as a contributing author of a book on governmental cost accounting.

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

POLL WORKER APPOINTMENTS

District 1

Ruth Vijayapal, 1514 N. 68th Street (13)
Laura Perez, 1708 N. 73rd Street (13)
Dolores Olmstead, 2006 N. 74th Street (13)
Lois Proft, 2233 N. 63rd Street (13)
Bernice Sisulak, 7358 Harwood Avenue (13)

Elton Smith, 6706 Revere Avenue (13)
James Landolt, 2212 N. 70th Street (13)
Lyle Madlung, 1821 N. 60 Street (08)
Lillian Alberts, 2225 N. 64th Street (13)
Evelyn A. Laabs, 2248 N. 70th Street (13)

Ann Larson, 6128 W. Washington Blvd. (13)
Bruce Johnson, 6325 W. North Avenue (13)
Mary O'Connell, 2219 N. 64th Street (13)
Margaret Strobel, 2021 N. 71st Street (13)
Bernice Laabs, 2248 N. 70th Street (13)

District 2

Lucile Dexter, 2213 N. 62nd Street (13)
Judy Persin, 2000 Forest Street (13)
Patricia Mundy, 2225 N. 103 Street (26)
Margaret Leising, 7628 Woodland Avenue (13)
Larry Decker, 8415 Kenyon Avenue (26)

Mary Foley, 2205 N. 102nd Street (26)
Anne Goyette, 9407 W. North Avenue #2 (26)
Lois Yanny, 8008 Hillcrest Drive (13)
Alice Voight 343 N. 113th Street (26)
Howard Baszynski, 8205 Chestnut Street (13)

Paul Gaus, 9040 Jackson Park Blvd. (26)
Francis Cotter, 605 N. 111th Street (26)
Joyce Schuller, 8137 Gridley Avenue (13)

District 3

Joanne Pitterle, 513 N. 106th Street (26)
Patricia D'Amore, 8720 Glencoe Circle (26)
Cornelia Hawkins, 8449 Ravenswood Circle (26)
Janet Pomush, 524 N. 98th Street (26)
Helen Davison, 10426 W. Michigan St. (26)

Marlene Brener, 10331 W. Wisconsin Avenue (26)
Kathryn Sommer, 812 Windsor Court (26)
Jean Malinowski, 8643 Glencoe Circle (26)
Kathy Wilfrath, 210 N. 110th Place (26)
Margaret Kusik, 11824 W. Homewood Ave. (26)

Norma Hollander, 519 N. 116th Street (26)
Margaret Mihm, 739 N. 114th Street (26)
Christine Cotter, 605 N. 111th Street (26)

District 4

Howard Nicholson, 619 N. 78th Street (13)
Dick Bulgrin, 7021 W. Blue Mound Road (13)
Joy Chasty, 1330 St. James Court (13)
Sadie Minnema, 6800 Auburn Avenue (13)
Geri Altmann, 7112 Auburn Avenue (13)

Kenneth Moe, 5917 W. Wells Street (13)
Rowena Radtke, 2336 N. 84th Street (26)
Eva Moe, 5917 W. Wells Street (13)
Gilbert Laur, 926 N. 76th Street (13)
Wayne Belling, 6320 W. Wells Street (13)

Richard Badenhop, 6323 W. Wisconsin Ave. (13)
Rita Musto, 7015 W. Wells Street (13)
Joan Badenhop, 6323 W. Wisconsin Avenue (13)
Dixie Szohr, 951 N. 70th Street (13)
Jeanette Laabs, 5805 W. Wisconsin Avenue (13)

District 5

Lois Literski, 7724 W. Clarke Street (13)
Marjorie Eske, 2410 N. 81st Street (13)
Joyce Dunne, 2367 N. 63rd Street (13)
Janet Keller, 2423 N. 68th Street (13)
Doris Brostrom, 4535 N. 92nd Street (25)

Marilynn Pyron, 2551 N. 65th Street (13)
Beverly Peterson, 2509 N. 68th Street (13)
Joan Metz, 2363 N. 61st Street (13)
Mary Passage, 2554 N. 124th Street (26)
Ronald Bergold, 2408 N. 69th Street (13)

Lucille Wilk, 2640 N. 68th Street (13)
Leigh Zarse, 1812 Mountain Avenue (13)
Joanne O'Brien, 3335 N. Knoll Terrace (22)
Janet Templeman, 2341 N. 72nd Street (13)
Jean Yentz, 6525 W. Wright Street (13)

District 6

Jean Beam, 2505 N. 81st Street (13)
Doreen Horak, 2446 N. 83rd Street (13)
Judy Walsh, 2457 N. 90th Street (26)
Philip Pudleiner, 2351 N. 103rd Street (26)
Annette Worzala, 2604 N. 91st Street (26)

Lois Cullen, 3216 N. Knoll Terrace
Kathleen Blackburn, 2323 N. 100th Street (26)
Beverly Schwabe, 9416 Beverly Place (26)
Lois Schaefer, 2516 N. 86th Street (26)
Mary Dally, 2446 N. 102nd Street (26)

Eva Peychal, 2868 N. 118th Street (22)
Ardis Kelling, 9335 Beverly Place (26)
Frank J. Hallfeld, 12026 W. Chambers (22)
Lynn Koehler, 2471 N. 93rd Street (26)

District 7

Kenneth Schmidt, 12133 W. Meadow Court (22)
Pat Grant, 2450 N. 120th Street (26)
Emily Ganiere, 12250 W. North Avenue (26)
Leroy Herman, 2626 N. 122nd Street (26)
Thomas Savignac, 11407 W. Clarke Street (26)

Charlotte Soleski, 12000 W. Blue Mound Rd. (26)
Gerald Miller, 737 N. 117th Street (26)
Enid (Penny) Wolf, 12300 Christine Drive (26)
Richard Bachman, 2229 N. 115th Street (26)
Gloria Bachman, 2229 N. 115th Street (26)

Jim Gill, 11911 W. Meinecke Avenue (26)
Jeanine Savignac, 11407 W. Clarke Street (26)
Betty Weckwerth, 776 N. 117 Street (26)

District 8

Fred Muenta, 4434 N. 106th Street (25)
Jane Musch, 3191 N. Knoll Blvd. (22)
Barbara Sontag, 10920 W. Fiebrantz (22)
Dolores Gluth, 10720 W. York Place (22)
Nancy Kohnert, 4276 N. Glenway Street (22)

Donna Somers, 9804 W. Grantosa Dr. (22)
Eugene Hitz, 4122 N. Glenway Street (22)
Virginia Muenta, 4434 N. 106th Street (25)
Barbara Weber, 4244 Raymir Circle (22)
Lucille Dallmann, 4144 N. 96th Street (22)

Nancy Wellenstein, 4120 N. 97 Street (22)
Jean Yeager, 4573 N. 107th Street (25)
Marion Radspinner, 4535 N. 92nd Street (25)
Geraldine Brzykcy, 10323 W. Woodward Ave. (22)
Theresa K. Hitz, 4122 N. Glenway Street (22)
(Terms end December 31, 2006)

It was moved by Ald. McCarthy, seconded by Ald. Bruderle -
Baran to concur with the foregoing appointments. -14

OLD BUSINESS

The following was held after a public hearing on December 7, 2004:

ORDINANCE

AN ORDINANCE AMENDING SECTION 24.23.015 BY INCLUDING A PROVISION TO ALLOW TATTOO AND BODY PIERCING ESTABLISHMENTS AS A CONDITIONAL USE IN THE AA BUSINESS DISTRICT

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

Part 1. That Section 24.23.015 is amended to include the following as a conditional use:

Tattoo and Body Piercing Establishments.....7299

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

It was moved by Ald. Kopischke, seconded by Ald. Krill
to deny the foregoing ordinance. -14

OLD BUSINESS

The following was held after a public hearing on December 7, 2004:

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 7th day of December, 2004 for the purpose of hearing all interested persons concerning the preliminary resolution and report of the Board of Public Works on the proposed improvement by repaving of the following streets. Sidewalk replacement cost, on those streets so indicated, is included in the assessment rate for the paving work.

| <u>Street & Location</u> | <u>Ald. Dist.</u> | <u>Width</u> | <u>Pavement Constr. Type</u> | <u>Assessed Sidewalk Work</u> |
|---|-------------------|--------------|------------------------------|-------------------------------|
| 59th Street Wisconsin Ave. to Wells St. | 4 | 24' | B | Yes |
| 61st Street Wisconsin Ave. to Wells St. | 4 | 24' | B | Yes |
| 75th Street 220' south of Clarke St. to W. Center St. | 5 | 30' | B | Yes |
| 114th Street Gilbert Ave. to W. North Ave. | 7 | 30' | C | No |
| 115th Street W. North Ave. to W. Center St. | 7 | 30' | C | No |
| 117th Place W. Center St. to Hadley St. | 6 | 30' | C | No |
| 117th Street Hadley St. to Locust St. | 6 | 30' | C | No |
| Fairwood Ct. Cul-de-sac to N. 120 th St. | 6 | 30' | C | No |

| | | | | |
|---|-----|-----|-----------|-----|
| Ludington Ct. Ludington Ave. to Cul-de-sac | 2 | 30' | C | No |
| Meadow Court east end to west end | 6/7 | 30' | C | No |
| Pasadena Blvd. W. North Ave. to north city limits | 6 | 36' | B | Yes |
| Wright Street N. 68 th Street to N. 74 th Street | 5 | 30' | B | Yes |
| Alley Burleigh St.–Locust St./N. 122 nd St. to N. 124 th St. (n/s leg) | 7,8 | 19' | A – Conc. | No |
| Alley Burleigh St.–Locust St./N. 122 nd St. to N. 124 th St. (e/w leg) | 7,8 | 20' | C | No |
| Alley Center St.–Clarke St./70 th St.–71 st St. | 5 | 18' | A – Conc. | No |
| Alley Center St.–Clarke St./71 st St.–72 nd St. | 5 | 18' | A – Conc. | No |
| Alley Center St.–Clarke St./72 nd St.–Lefebber Ave. | 5 | 18' | A – Conc. | No |
| Alley Center St.–Clarke St./Lefebber Ave.–73 rd St. | 5 | 18' | A – Conc. | No |
| Alley Center St.–Clarke St./73 rd St.–74 th St. | 5 | 18' | A – Conc. | No |
| Alley Center St.–Hadley St./Lefebber Ave.–east city limit | 5 | 20' | A – Conc. | No |
| Alley North Ave.–Jackson Park Blvd./East End–N. 81 st St. | 2 | 20' | C | No |
| Alley North Ave.–Jackson Park Blvd./N. 81 st St.–N. 83 rd St. | 2 | 20' | 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. Bruderle-Baran, seconded by Ald. Stepaniak to approve the foregoing resolution *except* for "Wright Street, N. 68th Street – N. 74th Street." Roll call vote, Ayes 14.

The approved resolution is as follows:

RESOLUTION R-04-278

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 7th day of December, 2004 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.

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| 114th Street Gilbert Ave. to W. North Ave. | 7 | 30' | C | No |
| 115th Street W. North Ave. to W. Center St. | 7 | 30' | C | No |
| 117th Place W. Center St. to Hadley St. | 6 | 30' | C | No |
| 117th Street Hadley St. to Locust St. | 6 | 30' | C | No |
| Fairwood Ct. Cul-de-sac to N. 120 th St. | 6 | 30' | C | No |
| Ludington Ct. Ludington Ave. to Cul-de-sac | 2 | 30' | C | No |
| Meadow Court east end to west end | 6/7 | 30' | C | No |
| Pasadena Blvd. W. North Ave. to north city limits | 6 | 36' | B | Yes |
| Alley Burleigh St.–Locust St./N. 122 nd St. to N. 124 th St. (n/s leg) | 7,8 | 19' | A – Conc. | No |
| Alley Burleigh St.–Locust St./N. 122 nd St. to N. 124 th St. (e/w leg) | 7,8 | 20' | C | No |
| Alley Center St.–Clarke St./70 th St.–71 st St. | 5 | 18' | A – Conc. | No |
| Alley Center St.–Clarke St./71 st St.–72 nd St. | 5 | 18' | A – Conc. | No |
| Alley Center St.–Clarke St./72 nd St.–Lefebber Ave. | 5 | 18' | A – Conc. | No |
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Repaving: Type “C” (Asph.) Milling the existing pavement as required, repairing curbs (and abutting approaches and sidewalks where necessary), and surfacing with asphalt pavement. Also included is the placing of necessary water and sewer service pipes and storm sewer and appurtenances, and relaying sanitary sewer and storm sewer as required.

and has heard all persons desiring audience at such hearing;

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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.

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(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. Sullivan, seconded by Ald. Stepaniak to hold a decision on Wright Street until January 4, 2005 so that a pertinent court case can be reviewed. Upon roll call vote, Ayes 14.

APPOINTMENTS BY THE MAYOR

Design Review Board A

Kent Ehley, 7437 Kenwood Avenue (reappointment)
Mark Weseloh, 6407 Powell Place (alternate)
(Terms end 12/31/06)

Foregoing appointments ordered held as this was the first reading.

Design Review Board A

Jim Ruzicka, 2127 N. 74th Street (reappointment)
Peter Muller, 8120 W. Woodland Avenue (reappointment)
(Term ends 12/31/06)

Design Review Board B

Patricia Bohach, 4284 Raymir Place (reappointment)
Carmen Bolger-Linna, 12030 W. Hadley Street (reappointment)
James Olsen, 11625 Underwood Parkway (Chair) (reappointment)
(Terms end 12/31/06)

Design Review Board C

Robert Kennedy, 2312 N. 80th Street (reappointment)
John Kissinger, 1924 N. 83rd Street (reappointment)
Mark Linsere, 2402 N. 72nd Street (reappointment)
Dennis Scherr, 2380 N. 100th Street (reappointment)
Ursula Twombly, 2641 N. 81st Street (reappointment)
(Terms end 12/31/06)

Civil Service Commission

Christy Brooks, 8837 Jackson Park Blvd. (reappointment)
John F. Hovel, 2559 N. 97th Street (reappointment)
Thomas Mongan, 8425 W. Clarke Street (reappointment)
(Terms end 9/30/07)

Redevelopment Authority

Mark Sobczak, 2616 N. 90th Street (reappointment)
(Term ends 10/31/09)

Historic Preservation Commission

Brian Cumming, 7410 Watson (reappointment)
Sharon Eiff, 1417 Lombard Court (reappointment)
John Klett, 6133 Washington Blvd. (reappointment)
(Terms end 12/31/06)

Board of Review

Bill Bode, 6930 Cedar Street (reappointment)
(Term ends 6/30/09)

It was moved by Ald. Krol, seconded by Ald. Birschel
to concur with the forgoing appointments. -14

APPLICATIONS, COMMUNICATIONS, ETC.

1. Conditional Use application to operate a tanning salon at 11050 W. Blue Mound Road
Plan Commission, Committee on Community Development
2. Wauwatosa Water Utility Statement of Receipts and Disbursements for month ended
November 30, 2004
Place on file
3. Letter from Jeffrey S. Polenske, City of Milwaukee Engineer, requesting the city allow
temporary placement of traffic control devices requiring traffic exiting Highway 45 at N.
95th Street to turn right
Director of Public Works
4. Request by Milwaukee County for a vacation of a portion of Gridley Street in the 8400 block
Plan Commission, Committee on Community Development
5. Land Division/Combination application for property at 8410-8420 W. Gridley Street
Plan Commission, Committee on Community Development
6. Application for a change of zoning at 8410-8420 W. Gridley Street from DD-8 Family
Residential District to Medical Center & Institutions District
Plan Commission, Committee on Community Development
7. City of Wauwatosa Statement of Financial Condition as of November 30, 2004
Place on file
8. Conditional Use application to perform massage therapy at 6330 W. North Avenue
Plan Commission, Committee on Community Development

FROM THE COMMITTEE ON TRAFFIC & SAFETY FOR INTRODUCTION

1. Ordinance amending Section 11.32.080 of the City Code by establishing a 15-minute parking
zone on the west side of N. 91st Street between W. Center and W. Clarke Streets
Re-refer to originating committee
2. Ordinance amending Section 11.32.080 of the City Code by establishing two-hour parking on
the north side of W. State Street, from N. 75th Street to Harwood Avenue
Re-refer to originating committee

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT FOR INTRODUCTION

- 1. Ordinance amending Section 12.04 of the City Code pertaining to newspaper vending in Business Improvements Districts
Re-refer to originating committee
- 2. Ordinance amending Title 15 of the City Code regarding building code updates
Re-refer to originating committee

FROM THE COMMITTEE ON TRAFFIC AND SAFETY

ORDINANCE O-04-33

AN ORDINANCE AMENDING WAUWATOSA CODE SECTION 11.32.080 TO REMOVE PARKING RESTRICTIONS ON WEST CLARKE STREET

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

Part I. The “Clarke Street – south 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:

- (a) from 90 feet east of North 62nd Street to North 62nd Street

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

It was moved by Ald. Stepaniak, seconded by Ald. Grimm to adopt the foregoing ordinance. -14

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-04-279

WHEREAS, Willie B. Davis, CEO Leadership Academy, has applied for a Conditional Use in the MedicalCenter and Institutions District at 9501 Watertown Plank Road to allow six basketball games to be played in building “C” of the county's mental health facility 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 Willie B. Davis, CEO Leadership Academy, to allow six basketball games to be played in building “C” of the county's mental health facility in the Medical Center and Institutions District at 9501 Watertown Plank Road subject to the following conditions:

1) games are limited to 6:30 to 8:30 p.m. on January 7, 21, 28 and February 4 and 18, 2005 and one game from 8 a.m. to 10 a.m. on Saturday, January 15, 2005; and 2) provision of adequate security during the games.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-04-280

WHEREAS, Kathleen Mistele, Luna Day Spa, LLC, and Mark Camp, Wauwatosa Redevelopment Corporation, have applied for a Conditional Use in the Village Trade District at 7601 Harwood Avenue to operate a massage therapy establishment 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 Kathleen Mistele, Luna Day Spa, LLC, and Mark Camp, Wauwatosa Redevelopment Corporation, for the operation of a massage therapy establishment in the Village Trade District at 7601 Harwood Avenue.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-04-281

WHEREAS, the Wauwatosa fire Department has recommended entering into the proposed Memorandum of Understanding with Milwaukee County regarding Basic Life Support Medical Control; and

WHEREAS, the proposed Agreement is acceptable for purposes of continuing the services;

NOW, THEREFORE, BE IT RESOLVED THAT the appropriate City officials are hereby authorized to execute, on behalf of the City, the proposed Memorandum of Understanding between Milwaukee County Department of Health and Human Services and the City of Wauwatosa for the provision of Basic Life Support Medical Control, a copy of which is attached to the December 9, 2004 letter of Patricia Haslbeck to Mayor Theresa Estness.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-04-282

WHEREAS, in 1998 the Common Council adopted a resolution expressing its preference with respect to future development at the Milwaukee County grounds located in the City of Wauwatosa; and

WHEREAS, in 2000 the Common Council adopted a resolution affirming these preferences affecting future development at the Milwaukee County grounds located in the City of Wauwatosa; and

WHEREAS, Milwaukee County and the City of Wauwatosa agreed to a plan for proceeding with development at two public meetings held at Wauwatosa West High School on December 4, 2002 and January 8, 2003; and

WHEREAS, the Common Council has stated its desire to support quality, tax-producing development of the frontage area along the Watertown Plank Road, provided that the depth of any such development does not exceed the maximum depth of existing development, and provided that such development is compatible with and protective of the historic integrity of the surrounding buildings and the wish to encourage the preservation, when economically feasible, of historically significant buildings in the area including the Eschweiler buildings; and

WHEREAS, the Common Council authorized hiring Kubala Washatko Architects, Conservation Design Forum and EarthTech to prepare a Master Plan and Design Guidelines for the Milwaukee County grounds; and

WHEREAS, on April 6, 2004 the Common Council of the City of Wauwatosa endorsed the Master Plan and Design Guidelines for the Milwaukee County grounds and stated their support for the principles of historic preservation, environmentally sound development and high quality design as appropriate goals for development on the economic development portion of the Milwaukee County grounds; and

WHEREAS, the Milwaukee County staff and the Committee on Economic and Community Development did not recommend adoption of the Master Plan and the Committee directed staff to prepare a plan to seek proposals for the development of the land.

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Wauwatosa reaffirms its desire to support the principles of historic preservation, environmentally sound development and high quality design promoted by the Master Plan and Design Guidelines for the Milwaukee County grounds; and

BE IT FURTHER RESOLVED that all City staff, Boards and Commissions are instructed to review all development proposals on the County grounds and limit approval to those that are in compliance with the adopted Master Plan.

It was moved by Ald. Kopischke, seconded by Ald. Krill to approve the four foregoing resolutions. Roll call vote, Ayes 14.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-04-285

WHEREAS, the platform scale at the Wauwatosa Public Works yard has been broken and unusable since November, 2004; and

WHEREAS, such scales usually have an expected operating life of approximately 10 years; and

WHEREAS, the existing scale was originally installed in 1991; and

WHEREAS, accounts in the Department of Public Works for Sundry Contractual Services and Monitoring Wells contain sufficient remaining funds to replace the scale; and

WHEREAS, the purchase price quoted by Fairbanks Scale for a new scale is \$35,036.00;

NOW, THEREFORE, BE IT RESOLVED THAT the transfer of \$29,926.00 from Public Works Sundry Contractual Services Account and \$9,718.00 from Public Works Monitoring Well Account into the Public Works "Other Equipment" Account for purposes of replacing the Public Works yard scale is hereby approved;

BE IT FURTHER RESOLVED THAT the purchase of a new scale from Fairbanks Scale, consistent with the quote provided to the Department of Public Works, is hereby approved in an amount not to exceed \$35,036.00, and the competitive bidding process is hereby waived for this purchase.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-04-286

WHEREAS, a balance of funds remains in the Public Works Geographic Information Systems Account which, in conjunction with a \$335.00 transfer will make available \$9,400.00; and

WHEREAS, Ruckert & Mielke, the engineering firm which has created and operates the City's geographic information system has indicated that \$9,400.00 would be the project cost to create a sanitary sewer manhole inspection database in order for the City of Wauwatosa to maintain compliance with upcoming requirements of Milwaukee Metropolitan Sewerage District and the Wisconsin Department of Natural Resources;

NOW, THEREFORE, BE IT RESOLVED THAT a change of purpose for the balance of funds in the geographic information systems account for purposes of creating a manhole inspection database is hereby approved;

BE IT FURTHER RESOLVED THAT the appropriate City officials are hereby authorized to accept the proposal from Ruckert & Mielke to create a manhole inspection database within the geographic information system at a cost not to exceed \$9,400.00.

It was moved by Ald. Bruderle-Baran, seconded by Ald. Casey to approve the two foregoing resolutions. -14

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION

WHEREAS, the Wauwatosa Water Utility has presented its 2005 budget proposal;

NOW, THEREFORE, BE IT RESOLVED THAT the proposed budget of the Wauwatosa Water Utility for the year 2005 and presented to the Committee on Budget & Finance is hereby approved.

It was moved by Ald. Bruderle-Baran, seconded by Ald. Casey to approve the foregoing resolution. –

It was moved by Ald. Maher, seconded by Ald. Krol to amend the resolution by providing that the appropriate committee receives quarterly reports concerning water sales and expenditures. -14

Vote on original motion as amended, -14

The amended resolution is as follows:

RESOLUTION R-04-284

WHEREAS, the Wauwatosa Water Utility has presented its 2005 budget proposal;

NOW, THEREFORE, BE IT RESOLVED THAT the proposed budget of the Wauwatosa Water Utility for the year 2005 and presented to the Committee on Budget & Finance is hereby approved.

BE IT FURTHER RESOLVED THAT the Water Utility Superintendent shall provide the Committee on Budget & Finance with quarterly reports regarding actual water sales and expenses.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-04-283

WHEREAS, the Board of Directors of the Village of Wauwatosa Business Improvement District has submitted its 2005 Work Plan for review and approval; and

WHEREAS, the assessments in conjunction with the Work Plan have previously been approved by the Common Council;

NOW, THEREFORE, BE IT RESOLVED THAT the 2005 Village of Wauwatosa Business Improvement District work plan, a copy of which is attached to this resolution and incorporated herein, is hereby accepted, approved, and placed on file.

It was moved by Ald. Bruderle-Baran, seconded by Ald. Casey to approve the foregoing resolution. –

It was moved by Ald. Treis, seconded by Ald. Birschel to refer the matter back to committee for further discussion. –

Ald. Bruderle-Baran called for the question. Ald. Krol objected, asked a question, and withdrew his objection.

Ald. Treis objected to the call for the question.

It was moved by Ald. McCarthy, seconded by Ald. Bruderle-Baran to move the question and close debate. Ayes 12, Noes 2 (Grimm, Treis)

Roll call vote on the motion to refer back to committee, Ayes 4 (Grimm, Subotich, Treis, Birschel), Noes 10. –Motion failed.

Roll call vote on the original motion, Ayes 11, Noes 3 (Subotich, Treis, Birschel)

It was moved by Ald. Grimm, seconded by Ald. Birschel to reconsider the matter. Roll call vote, Ayes 4 (Grimm, Subotich, Treis, Birschel), Noes 10.

FROM THE COMMITTEE ON BUDGET AND FINANCE

BILLS AND CLAIMS FOR THE PERIOD 12/08/04 – 12/21/04 --

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 12/08/04 – 12/21/04: \$1,650,970.83

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 14.

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-04-287

WHEREAS, infiltration and inflow reduction efforts require the replacement of sanitary sewer manhole lids to minimize the flow of clear water into the sanitary sewer system; and

WHEREAS, the City of Wauwatosa Purchasing Manager requested bids for the purchase of 2,500 sanitary manhole lids, with an alternate bid for disposal of old sanitary sewer manhole covers; and

WHEREAS, the bid of Neenah Foundry to provide 2,500 sanitary sewer manhole lids at a price of \$81.00 each, and the alternate bid to dispose of old sanitary manhole covers with a \$14.00 credit per manhole cover is in the best interests of the City;

NOW, THEREFORE, BE IT RESOLVED THAT the bid of Neenah Foundry for the purchase of 2,500 sanitary sewer manhole lids at a total price of \$202,500.00 is hereby approved;

BE IT FURTHER RESOLVED THAT the alternate bid for disposal of old sanitary sewer manhole lids at \$14.00 per lid is also accepted.

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-04-288

WHEREAS, Traffic and Parking Control Company is the only authorized distributor for Eagle Traffic Signal Controller Equipment in the southeastern Wisconsin region; and

WHEREAS, the Department of Public Works Electrical Maintenance Department requested funding for certain traffic controller equipment purchases more particularly detailed in the December 16, 2004 memorandum of the Purchasing Manager; and

WHEREAS, the total price of the requested equipment, \$39,845.50, is within the amount of funding available in the 2004 budget for this purchase;

NOW, THEREFORE, BE IT RESOLVED THAT the purchase of traffic signal controller equipment as outlined in the December 16, 2004 memorandum of the Purchasing Manager at a price of \$39,845.50 is hereby approved;

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

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-04-289

WHEREAS, the City of Wauwatosa Fleet Maintenance Department was able to utilize State contract pricing, which was obtained pursuant to the competitive bidding process, to purchase 7 full-size 2005 Ford Crown Victoria police vehicles at a total cost of \$21,977.00 each, which is within the budgeted amount for 2005; and

WHEREAS, the State contract also allows for the purchase of one 2005 Ford Explorer at a cost of \$19,045.00 and one 2005 Ford Escape SUV at a cost of \$18,894.00, both of which vehicles are to be purchased within the Fire Department budget;

NOW, THEREFORE, BE IT RESOLVED THAT the City of Wauwatosa Fleet and Traffic Maintenance Department is hereby authorized to purchase the above-listed vehicles during the year 2005 from Ewald Automotive pursuant to the State contract in the total amount of \$191,778.00 during the year 2005, and is also authorized to declare vehicles P-104, P-105, P-106, P-113, P-114, P-115 and P-118 as surplus for disposal in a manner most advantageous to the City when the appropriate replacement vehicles are put into services.

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-04-290

WHEREAS, the VALUE cooperative governmental purchasing organization obtained a bid for hot-poured elastic sealer (rubberized crack sealer) from Gerdau Ameristeel at a price of \$0.221/lb.; and

WHEREAS, the street department has determined that, although crack sealing on City streets as performed privately under a contract with the City, it is more efficient and cost effective for the City to purchase the materials and provide them to the contractor;

NOW, THEREFORE, BE IT RESOLVED THAT the purchase of 45,000 lbs. of rubberized crack sealer from Gerdau Ameristeel, at a price not to exceed \$10,200.00, is hereby approved pursuant to the bid obtained by the VALUE Purchasing Cooperative.

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-04-291

WHEREAS, the Street Department requested proposals for the purchase of 250 internal sewer rubber chimney seals; and

WHEREAS, the Purchasing Manager obtained proposals from two suppliers for the purchase, of which the proposal from National Water Works, Inc. at the price of \$149.50 each was the most beneficial to the City;

NOW, THEREFORE, BE IT RESOLVED THAT the purchase of 250 Cretex, size 26 inch, internal sewer rubber chimney seals from National Water Works, Inc. in an amount not to exceed \$37,375.00 is hereby approved, consistent with the bid received on December 16, 2004.

It was moved by Ald. Subotich, seconded by Ald. Grimm
to approve the five foregoing resolutions. -14

There being no further business, the meeting adjourned at 8:33 p.m.

cal

Carla A. Ledesma, CMC, City Clerk