



Wauwatosa, WI

Common Council

Meeting Minutes

7725 W. North Avenue
Wauwatosa, WI 53213

Tuesday, February 6, 2024

7:30 PM

Council Chambers and Zoom:
<https://servetosa.zoom.us/j/273225010>,
Meeting ID: 273 225 010

Regular Meeting

CALL TO ORDER

Mayor Dennis McBride called the meeting to order at 7:30 PM.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

ROLL CALL

Present: 16

Aldersperson District 1 Andrew Meindl
Aldersperson District 1 James Moldenhauer
Aldersperson District 2 Margaret Arney
Aldersperson District 2 John Dubinski
Aldersperson District 3 Joseph Makhlof II
Aldersperson District 3 Robin Brannin
Aldersperson District 4 David Lewis
Aldersperson District 4 Ernst Franzen
Aldersperson District 5 Sean Lowe
Aldersperson District 5 Joel Tilleson
Aldersperson District 6 Council President Meagan O'Reilly
Aldersperson District 6 Joe Phillips
Aldersperson District 7 Mike Morgan
Aldersperson District 7 Amanda Fuerst
Aldersperson District 8 Jason Wilke
Aldersperson District 8 Melissa Dolan

APPROVAL OF MINUTES

1. Approval of minutes of the January 16, 2024 regular meeting

[24-0158](#)

RESULT: APPROVED
MOVER: Ernst Franzen
SECONDER: David Lewis

Aye: 16 Meindl, Moldenhauer, Arney, Dubinski, Makhlof II, Brannin, Lewis, Franzen, Lowe, Tilleson, O'Reilly, Phillips, Morgan, Fuerst, Wilke, and Dolan

APPOINTMENTS BY THE MAYOR

1. Reappointment by Mayor McBride of Julie Alexander (District 2) as a member of the Wauwatosa Commission for Persons with Disabilities, term ending March 31, 2027 [24-0006](#)
Recommendation: Second Reading
RESULT: APPROVED
MOVER: Meagan O'Reilly
SECONDER: Joseph Makhoul II
Aye: 16 Meindl, Moldenhauer, Arney, Dubinski, Makhoul II, Brannin, Lewis, Franzen, Lowe, Tilleson, O'Reilly, Phillips, Morgan, Fuerst, Wilke, and Dolan
2. Reappointment by Mayor McBride of Mary Walz-Chojnacki (District 4) as a member of the Wauwatosa Commission for Persons with Disabilities, term ending March 31, 2027 [23-1379](#)
Recommendation: Second Reading
RESULT: APPROVED
MOVER: Meagan O'Reilly
SECONDER: Joseph Makhoul II
Aye: 16 Meindl, Moldenhauer, Arney, Dubinski, Makhoul II, Brannin, Lewis, Franzen, Lowe, Tilleson, O'Reilly, Phillips, Morgan, Fuerst, Wilke, and Dolan
3. Reappointment by Mayor McBride of Scott Seis (District 7) as a member of the Wauwatosa Commission for Persons with Disabilities, term ending March 31, 2027 [24-0032](#)
Recommendation: Second Reading
RESULT: APPROVED
MOVER: Meagan O'Reilly
SECONDER: Joseph Makhoul II
Aye: 16 Meindl, Moldenhauer, Arney, Dubinski, Makhoul II, Brannin, Lewis, Franzen, Lowe, Tilleson, O'Reilly, Phillips, Morgan, Fuerst, Wilke, and Dolan
4. Appointment by Mayor McBride of Jeanne Sidner (District 1) as a member of the Wauwatosa Senior Commission, term ending April 30, 2024 [23-1360](#)
Recommendation: Second Reading
RESULT: APPROVED
MOVER: Meagan O'Reilly
SECONDER: Joseph Makhoul II

- Aye:** 16 Meindl, Moldenhauer, Arney, Dubinski, Makhlof II, Brannin, Lewis, Franzen, Lowe, Tilleson, O'Reilly, Phillips, Morgan, Fuerst, Wilke, and Dolan
5. Appointment by Mayor McBride of Patricia Bruce (District 5) as a member of the Wauwatosa Senior Commission, term expiring April 30, 2027 [24-0068](#)
- Recommendation:* Second Reading
- RESULT:** APPROVED
MOVER: Meagan O'Reilly
SECONDER: Joseph Makhlof II
- Aye:** 16 Meindl, Moldenhauer, Arney, Dubinski, Makhlof II, Brannin, Lewis, Franzen, Lowe, Tilleson, O'Reilly, Phillips, Morgan, Fuerst, Wilke, and Dolan
6. Reappointment by Mayor McBride of William Kopka (District 1) as a member of the Wauwatosa Community Development Block Grant Committee, term ending March 31, 2027 [23-1381](#)
- Recommendation:* Second Reading
- RESULT:** APPROVED
MOVER: Meagan O'Reilly
SECONDER: Joseph Makhlof II
- Aye:** 16 Meindl, Moldenhauer, Arney, Dubinski, Makhlof II, Brannin, Lewis, Franzen, Lowe, Tilleson, O'Reilly, Phillips, Morgan, Fuerst, Wilke, and Dolan
7. Appointment by Mayor McBride of William Kopka (District 1) as a member of the Wauwatosa Ad Hoc Community Land Trust Formation Committee [24-0075](#)
- Recommendation:* Second Reading
- RESULT:** APPROVED
MOVER: Meagan O'Reilly
SECONDER: Joseph Makhlof II
- Aye:** 16 Meindl, Moldenhauer, Arney, Dubinski, Makhlof II, Brannin, Lewis, Franzen, Lowe, Tilleson, O'Reilly, Phillips, Morgan, Fuerst, Wilke, and Dolan
8. Appointment by Mayor McBride of Beth Gleesing as the Wauwatosa representative to the VISIT Milwaukee Board of Directors [24-0067](#)
- Recommendation:* Second Reading
- RESULT:** APPROVED
MOVER: Meagan O'Reilly
SECONDER: Joseph Makhlof II
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- Aye:** 16 Meindl, Moldenhauer, Arney, Dubinski, Makhoul II, Brannin, Lewis, Franzen, Lowe, Tilleson, O'Reilly, Phillips, Morgan, Fuerst, Wilke, and Dolan
9. Reappointment by Mayor McBride of Dianne Dagelen (District 4) as a member of the Wauwatosa Senior Commission, term ending April 30, 2026 [24-0178](#)
- Recommendation:* First Reading
- RESULT:** HELD
10. Reappointment by Mayor McBride of Jurian Misawa Yee (District 2) as a member of the Wauwatosa Board of Parks and Forestry Commissioners, term to expire April 30, 2026 [24-0183](#)
- Recommendation:* First Reading
- RESULT:** HELD

APPLICATIONS, COMMUNICATIONS, ETC.

1. Claim - Deetra Staten [24-0114](#)
- Recommendation:* Refer to City Attorney
- RESULT:** REFERRED TO CITY ATTORNEY
2. Claim - Christopher Fink [24-0121](#)
- Recommendation:* Refer to City Attorney
- RESULT:** REFERRED TO CITY ATTORNEY
3. Claim - Arthur Fiet [24-0125](#)
- Recommendation:* Refer to City Attorney
- RESULT:** REFERRED TO CITY ATTORNEY
4. Claim for Unlawful Tax - Froedtert Memorial Lutheran Hospital, Inc. Tax Key No. 381-1008-000 [24-0146](#)
- Recommendation:* Refer to City Attorney
- RESULT:** REFERRED TO CITY ATTORNEY
5. Claim for Unlawful Tax - Froedtert Health Inc. Tax Key No. 291-297-873 and 291-297-875 [24-0147](#)
- Recommendation:* Refer to City Attorney
- RESULT:** REFERRED TO CITY ATTORNEY
6. Claim for Unlawful Tax - Froedtert Health, Inc. Tax Key No. 409-0059-002 [24-0148](#)
- Recommendation:* Refer to City Attorney
- RESULT:** REFERRED TO CITY ATTORNEY
7. Claim for Unlawful Tax - Froedtert Memorial Lutheran Hospital, Inc. [24-0149](#)

Tax Key No. 297-449-000, 297-450-000, 297-451-000 and 297-452-000

Recommendation: Refer to City Attorney

RESULT: REFERRED TO CITY ATTORNEY

8. Claim for Unlawful Tax - Ascension SE Wisconsin Hospital, Inc. Tax Key No. 411-9976-007 and 291-2974-61 [24-0173](#)

Recommendation: Refer to City Attorney

RESULT: REFERRED TO CITY ATTORNEY

9. Claim for Excessive Assessment - Walgreen Co. Tax Key No. 384-0009-02 [24-0174](#)

Recommendation: Refer to City Attorney

RESULT: REFERRED TO CITY ATTORNEY

FROM THE TRANSPORTATION AFFAIRS COMMITTEE

1. Ordinance amending Section 11.32.080 of the Wauwatosa Municipal Code to prohibit parking on the north side of Center Street from 125-feet east of 115th Street to 117th Street [24-0045](#)

Part I. The “W. Center Street - north side” portion of “Schedule of Streets, and Portions” subsection of Wauwatosa Code Section 11.32.080 is hereby amended by deleting the following subsection:

“(a) from the east driveway of Eisenhower School to the driveway of 11640 W. Center Street”

Part II. The “W. Center Street - north side” portion of “Schedule of Streets, and Portions” subsection of Wauwatosa Code Section 11.32.080 is hereby amended by adding the following subsection:

“(a) from 125-feet east of 115th Street to 117th Street”

Part III. This ordinance shall take effect upon completion and opening of the intersection of 117th and Center Streets as part of the 2024 Center Street pavement project.

By: Transportation Affairs Committee

Recommendation: Ready for adoption, Adopt 8-0

RESULT: ADOPTED

MOVER: Mike Morgan

SECONDER: Sean Lowe

Aye: 16 Meindl, Moldenhauer, Arney, Dubinski, Makhoulf II, Brannin, Lewis, Franzen, Lowe, Tilleson, O'Reilly, Phillips, Morgan, Fuerst, Wilke, and Dolan

Enactment No: O-24-05

2. Ordinance amending Section 11.36.190 of the Wauwatosa Municipal Code to prohibit left-turns at all approaches to the Center Street and 115th Street/Wauwatosa West School driveway intersection [24-0046](#)

Part I. Wauwatosa Code Section 11.36.190 is amended by adding the following subsection:

23. At all approaches to the Center Street and 115th Street/Wauwatosa West Driveway intersection.

Part II. This ordinance shall take effect upon the completion and opening of the above-described intersection as part of the 2024 Center Street pavement project.

By: Transportation Affairs Committee

Recommendation: Ready for adoption, Adopt 8-0

RESULT: ADOPTED

MOVER: Mike Morgan

SECONDER: Sean Lowe

Aye: 16 Meindl, Moldenhauer, Arney, Dubinski, Makhoul II, Brannin, Lewis, Franzen, Lowe, Tilleson, O'Reilly, Phillips, Morgan, Fuerst, Wilke, and Dolan

Enactment No: O-24-06

FROM THE GOVERNMENT AFFAIRS COMMITTEE

1. Resolution approving the temporary extension of licensed premises by Ray's Growler Gallery, LLC, d/b/a Ray's Growler Gallery, 8930 W North Avenue, for Showers to Flowers on April 28, 2024 from 12-4 PM; Rosé Day on May 19, 2024 from 1-4 PM; and Toppling Goliath Beer Fest on June 2, 2024 from 12-6 PM. [24-0155](#)

WHEREAS, Ray's Growler Gallery, 8930 W. North Avenue, has requested a temporary extension of the licensed premises on April 28, 2024 from 12:00 PM - 4:00 PM for the Showers to Flowers event; May 19, 2024 from 1:00 PM - 4:00 PM for the Rosé Day event; and June 2, 2024 from 12:00 PM - 6:00 PM for the Toppling Goliath Beer Fest event to include their parking lot and the parcel located at the Northeast corner of 90th Street and North Avenue; and

WHEREAS, the Government Affairs Committee reviewed the applications on January 30, 2024 and recommends approval.

NOW, THEREFORE, BE IT RESOLVED THAT the "Class B" licensed premises of Ray's Growler Gallery be extended on April 28, 2024 from 12:00 PM - 4:00 PM for the Showers to Flowers event; May 19, 2024 from 1:00 PM - 4:00 PM for the Rosé Day event; and June 2, 2024 from 12:00 PM - 6:00 PM for the Toppling Goliath Beer Fest event to include their parking lot and the parcel located at the Northeast corner of 90th Street and North Avenue.

By: Government Affairs Committee

Recommendation: Approve 8-0

RESULT: APPROVED

MOVER: Joel Tilleson

SECONDER: Margaret Arney

Aye: 16 Meindl, Moldenhauer, Arney, Dubinski, Makhoulf II, Brannin, Lewis, Franzen, Lowe, Tilleson, O'Reilly, Phillips, Morgan, Fuerst, Wilke, and Dolan

Enactment No: R-24-015

2. Resolution approving the Special Event Permit and temporary extension of licensed premises by Ray's Growler Gallery, Event Name: [24-0156](#)
Wuckfinter VI, Date/Time: February 25, 2024, 12-5 PM, Location: 8930 W North Avenue

WHEREAS, Ray's Growler Gallery, 8930 W. North Avenue, has requested a Special Event Permit and a temporary extension of the licensed premises on February 25, 2024 from 12:00 PM - 5:00 PM for the Wuckfinter VI event to include their parking lot and the parcel located at the Northeast corner of 90th Street and North Avenue;

WHEREAS, the Government Affairs Committee reviewed the applications on January 30, 2024 and recommends approval.

NOW, THEREFORE, BE IT RESOLVED THAT the Special Event permit is hereby approved and the "Class B" licensed premises of Ray's Growler Gallery be extended on February 25, 2024 from 12:00 PM - 5:00 PM for the Wuckfinter VI event to include their parking lot and the parcel located at the Northeast corner of 90th Street and North Avenue.

By: Government Affairs Committee

Recommendation: Approve 8-0

RESULT: APPROVED

MOVER: Joel Tilleson

SECONDER: Margaret Arney

Aye: 16 Meindl, Moldenhauer, Arney, Dubinski, Makhoulf II, Brannin, Lewis, Franzen, Lowe, Tilleson, O'Reilly, Phillips, Morgan, Fuerst, Wilke, and Dolan

Enactment No: R-24-016

3. Common Council proclamation recognizing the January 2024 severe weather emergency response in the City of Wauwatosa [24-0157](#)

Recommendation: Approve 8-0

RESULT: APPROVED

MOVER: Joel Tilleson

SECONDER: Margaret Arney

Aye: 16 Meindl, Moldenhauer, Arney, Dubinski, Makhoulf II, Brannin, Lewis, Franzen, Lowe, Tilleson, O'Reilly, Phillips, Morgan, Fuerst, Wilke, and Dolan

FROM THE FINANCIAL AFFAIRS COMMITTEE

1. Ordinance amending portions of Sections 3.20.040 and 3.20.060 of the Wauwatosa Municipal Code related to purchasing procedures [24-0049](#)

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

Part I. The introductory clause in Subsection 3.20.040 A. of the Wauwatosa Municipal Code is hereby amended to read as follows:

- A. All expenditures for supplies, materials, equipment or services shall be made in accordance with one of the following procedures, except as otherwise provided in subsections B or C of this section or by resolution of the common council:

Part II. Subsection 3.20.040 A.2. of the Wauwatosa Municipal Code is hereby amended to read in its entirety as follows:

2. When any single purchase or group of related purchases shall be neither less than 10,001 - 24,999, the purchase may be authorized without the taking of quotations or bids as described in Section 3.20.050 or 3.20.060 of the chapter, subject to the common council's approval of the payment for such purchase, unless a different threshold is required by applicable laws or regulations. Such purchases shall be made in a manner consistent with applicable administrative procedures related to doing business with Disadvantaged, Minority, Veteran or Women-owned Business Enterprises ("DBE/MBE/VOBE/WBE").

Part III. Subsection 3.20.060 B. of the Wauwatosa Municipal Code is hereby amended to read in its entirety as follows:

- B. Such solicitation shall be by direct mail, facsimile, telephone, e-mail or personal contact, or any combination thereof.

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

By: Financial Affairs Committee

Recommendation: Ready for adoption, Adopt 7-0

RESULT: ADOPTED

MOVER: James Moldenhauer

SECONDER: Amanda Fuerst

Aye: 16 Meindl, Moldenhauer, Arney, Dubinski, Makhoulf II, Brannin, Lewis, Franzen, Lowe, Tilleson, O'Reilly, Phillips, Morgan, Fuerst, Wilke, and Dolan
Enactment No: O-24-07

2. Resolution approving rates for prequalified consultant firms for 2024 construction inspection services [24-0163](#)

WHEREAS, the City of Wauwatosa utilizes two in-house inspectors and supplements that staff with consultant staff as necessary for proper inspection coverage across both public construction and private construction projects requiring inspection through Engineering;

WHEREAS, in 2023 the city submitted an RFP to 27 firms with the intent to utilize consultants for the 2023 and 2024 construction season and awarded the bid to 6 firms based upon price, convenience and availability, at prices which had been quoted for one year; and

WHEREAS, the City reached out to the 6 firms awarded in 2023 for staff availability for upcoming projects and any rate changes for 2024 season. 5 firms responded to the request with 4 firms increasing some or all rates from 2023 to 2024, although these rates remain within the acceptable cost range;

NOW THEREFORE BE IT RESOLVED by the Common Council of the City of Wauwatosa that the five firms who responded with rates for 2024 be approved for prequalification to provide Construction Inspection Services, and that city staff be authorized to contract with any of the prequalified firms for public and private construction as appropriate based upon price, convenience and availability at the submitted rates.

By: Financial Affairs Committee

Recommendation: Approve 7-0

RESULT: APPROVED
MOVER: James Moldenhauer
SECONDER: Amanda Fuerst

Aye: 16 Meindl, Moldenhauer, Arney, Dubinski, Makhoulf II, Brannin, Lewis, Franzen, Lowe, Tilleson, O'Reilly, Phillips, Morgan, Fuerst, Wilke, and Dolan
Enactment No: R-24-017

3. Ratification of Comptroller's Office bills and claims report, January 17 through February 6, 2024 [24-0160](#)

RESULT: RATIFIED
MOVER: James Moldenhauer
SECONDER: Amanda Fuerst

Aye: 16 Meindl, Moldenhauer, Arney, Dubinski, Makhoulf II, Brannin, Lewis, Franzen, Lowe, Tilleson, O'Reilly, Phillips, Morgan, Fuerst, Wilke, and Dolan

FROM THE BOARD OF PUBLIC WORKS

1. Resolution accepting dedication of public water main improvements on Watertown Plank Road from 118th Street in Wauwatosa to Church Street in the Village of Elm Grove [24-0165](#)

WHEREAS, public improvements were constructed within the Watertown Plank Road right-of-way and a proposed public easement from 118th Street in Wauwatosa to Church Street in the Village of Elm Grove and a significant portion of the required public water main improvements are complete and lien waivers received and approved by the City Attorney;

NOW THEREFORE BE IT RESOLVED that the dedication of the completed public water main improvements in Watertown Plank Road from 118th Street in Wauwatosa to Church Street in the Village of Elm Grove be accepted; and

BE IT FURTHER RESOLVED THAT the remaining water main improvements related to this public construction project, when completed, and all lien waivers have been received, may be accepted by appropriate City officials, upon approval of the Director of Public Works, without further action by the Common Council.

By: Board of Public Works

Recommendation: Approve 6-0

RESULT: APPROVED

MOVER: John Dubinski

SECONDER: Robin Brannin

Aye: 16 Meindl, Moldenhauer, Arney, Dubinski, Makhoul II, Brannin, Lewis, Franzen, Lowe, Tilleson, O'Reilly, Phillips, Morgan, Fuerst, Wilke, and Dolan

Enactment No: R-24-018

2. Resolution accepting a water main easement at 3900 N. 124th Street [24-0166](#)

WHEREAS, public water improvements were constructed within an intended easement located on the property at 3900 North 124th Street in the City of Wauwatosa, although the easement was never dedicated and accepted by the City;

NOW THEREFORE BE IT RESOLVED that the dedication of the easement for a water main previously constructed on behalf of the City at 3900 North 124th Street be accepted.

By: Board of Public Works

Recommendation: Approve 6-0

RESULT: APPROVED

MOVER: John Dubinski

SECONDER: Robin Brannin

Aye: 16 Meindl, Moldenhauer, Arney, Dubinski, Makhoulf II, Brannin, Lewis, Franzen, Lowe, Tilleson, O'Reilly, Phillips, Morgan, Fuerst, Wilke, and Dolan

Enactment No: R-24-019

3. Resolution approving an intermunicipal agreement between the City of Brookfield and the City of Wauwatosa to upgrade pedestrian facilities and associated traffic controls at the 124th Street and Lisbon Road intersection [24-0167](#)

WHEREAS the City of Brookfield has requested that Wauwatosa enter into an intermunicipal agreement to allow for intersection upgrades at 124th Street and Lisbon Road to be designed and constructed through Brookfield's Lisbon Road project in Year 2024, with each city to pay half of the cost for traffic signal equipment, additions, or revisions necessary to comply with changed laws or traffic conditions and providing that each city will pay for modifications to access ramps and landings within their municipality;

NOW THEREFORE BE IT RESOLVED THAT appropriate City officials are hereby authorized to enter into an intermunicipal agreement with the City of Brookfield to allow for intersection upgrades at 124th Street and Lisbon Road, consistent with the terms of the agreement presented to the Board of Public Works at its meeting of February 5, 2024.

By: Board of Public Works

Recommendation: Approve 6-0

RESULT: APPROVED

MOVER: John Dubinski

SECONDER: Robin Brannin

Aye: 16 Meindl, Moldenhauer, Arney, Dubinski, Makhoulf II, Brannin, Lewis, Franzen, Lowe, Tilleson, O'Reilly, Phillips, Morgan, Fuerst, Wilke, and Dolan

Enactment No: R-24-020

4. Resolution declaring the City's intent to perform street and alley improvements during the 2024 construction season and assess neighboring property owners and set a public hearing date of March 5, 2024 [24-0184](#)

BE IT RESOLVED, by the Common Council of the City of Wauwatosa, Wisconsin, that

Section 1. The Common Council of the City of Wauwatosa, Wisconsin hereby declares its intention to exercise its police power, under Section 66.0703 of the Wisconsin Statutes, to levy special assessments upon property in the City of Wauwatosa within the following described area for the benefits conferred upon such property by the repaving of:

Street & Location: N. 109th St. from Wisconsin Ave. to Potter Rd.

Ald Dist: 3
Exist & Prop. Width: 36 (36)
Pavement Construction Type: C-Asph
Assessed Sidewalk Work: No

Street & Location: N. 115th St. from Park Hill Ave. to Blue Mound Rd.
Ald Dist: 3
Exist & Prop. Width: 30 (30)
Pavement Construction Type: D-Asph
Assessed Sidewalk Work: No

Street & Location: Center St. from N. 114th St. to N. 117th St.
Ald Dist: 7
Exist & Prop. Width: 52 (52)
Pavement Construction Type: D-Asph
Assessed Sidewalk Work: Yes

Street & Location: Colonial Dr. from Auer Ave. to Concordia Ave.
Ald Dist: 8
Exist & Prop. Width: 30 (30)
Pavement Construction Type: D-Asph
Assessed Sidewalk Work: Yes

Street & Location: Sarasota Pl. from N 95th St to
Ald Dist: 8
Exist & Prop. Width: 30 (30)
Pavement Construction Type: D-Asph
Assessed Sidewalk Work: Yes

Section 2. Said public improvement shall include the following work to be done during the 2023 construction season:

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.

Repaving: Type “D” Replacing defective curb and gutter, removing, milling and/or pulverizing the existing pavement surface as required, and surfacing with new 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.

Repaving: Type “E” Replacing minimal defective curb and gutter, minor pavement milling, overlay existing pavement 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.

Section 3. The total amount assessed shall be upon a reasonable basis as determined by the Common Council.

Section 4. 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 66.0703 of the Wisconsin Statutes, levied in an amount of \$200 or less against any parcel of land in the City of Wauwatosa shall be entered in the tax rolls in one installment.
- (b) Each special assessment for improvements levied in an amount exceeding \$200 against any parcel of land in the City of Wauwatosa shall be entered in the tax rolls in five equal annual installments of principal together with interest at the rate of twelve percent (12%) per year or the percentage rounded out to the next highest whole percentage number above the interest rate paid by the City for the sale of corporate purpose bonds, which include the project which is the subject of the special assessment, whichever figure is less, on the unpaid balance of said assessment. Individual assessments shall run concurrently except as provided under Section 3.08.040 of the City Code.
- (c) Each special assessment levied against any parcel of land in the City of Wauwatosa for the installation of sanitary sewer main or water main or construction of permanent street pavement shall not be entered in the tax roll until all installments of special assessments for sanitary sewer or water main or construction of permanent

street pavement levied previously against the same parcel of land have been entered into the tax rolls and have been paid. Such subsequent special assessment shall be deferred and only interest at the rate of twelve percent (12%) per year, or the percentage rounded out to the next highest whole percentage number above the interest rate paid by the City for the issuance of General Obligation Debt, which include the project which is the subject of the special assessment, whichever figure is less, on such subsequent special assessment shall be carried into the tax rolls in addition to the scheduled installments of such prior assessments. After the last installment of such prior special assessment has been entered in the tax rolls, installments of the subsequent special assessment shall, beginning with the next subsequent tax roll, be entered in the tax rolls pursuant to Section 3.08.030 of the City Code.

- (d) Whenever special assessments are levied against the frontage and side of a corner parcel of land in the City of Wauwatosa for the installation of sanitary sewers or water mains or construction of permanent pavements arising out of the same public works project, such special assessments levied against a corner parcel of land shall be deemed to be two separate special assessments, and the special assessment levied against the frontage of the corner parcel of land shall first be scheduled on the tax rolls for payment as provided in Section 3.08.030 of the City Code and the special assessment levied against the side of the corner parcel of land shall be scheduled on the tax rolls pursuant to (c) above, following such scheduling of the special assessment levied against the frontage of the corner parcel of land.
- (e) Notwithstanding the provisions of (c) and (d) above, any owners of parcels of land assessed may at their option elect to pay both the scheduled installments of prior assessments as well as scheduled installments of subsequent special assessments on the same tax rolls as entered on those tax rolls pursuant to Section 3.08.030 of the City Code.
- (f) If, after special assessments have been placed on the tax rolls in installments or otherwise, the taxpayer fails to pay the same within the time allowed for payment of general taxes, the same shall become delinquent and shall be treated in the same manner and subject to the same laws as delinquent general property taxes.

Section 5. 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 6. The City Engineer has prepared a report consisting of:

- a) Preliminary and/or final plans and specifications for said improvements
- b) An estimate of the entire cost of the proposed improvements
- c) A schedule of the proposed assessments in connection therewith upon a reasonable basis as determined by the Board of Public Works.

The City Engineer is directed to file a copy of these in the City Clerk's Office for public inspection.

BE IT FURTHER RESOLVED, By the Common Council of the City of Wauwatosa, Wisconsin, that the City Clerk is directed to give notice, as by law provided, of a public hearing to all owners, to be assessed for the proposed improvements herein before listed, and to publish notice of the hearing at least once in the official newspaper at least ten days and not more than 40 days before the time set for the hearing; and

BE IT FURTHER RESOLVED, that the Common Council be requested to schedule the public hearing to be held before the Common Council both in-person in the Council Chambers and virtually via use of the Zoom platform, at 7:30 P.M., on Tuesday, March 5, 2024 at which time all persons interested, or their agents or attorneys, concerning matters contained in the resolution and report, including the proposed assessment of benefits will be heard.

By: Board of Public Works

Recommendation: Approve 6-0

RESULT: APPROVED

MOVER: John Dubinski

SECONDER: Robin Brannin

Aye: 16 Meindl, Moldenhauer, Arney, Dubinski, Makhoul II, Brannin, Lewis, Franzen, Lowe, Tilleson, O'Reilly, Phillips, Morgan, Fuerst, Wilke, and Dolan

Enactment No: R-24-021

5. Resolution approving the Board of Public Works 2024 paving assessment resolution [24-0185](#)

BE IT RESOLVED, By the Common Council of the City of Wauwatosa, Wisconsin that the following be and hereby are the policies for 2024 construction pertaining to utility and 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 of streets and alleys shall be at the following rates per assessable foot based upon property classification:
 - A) \$95.20 for one or two family residences, churches, schools, public parks ("single family rate")
 - B) \$119.00 for multiple family residences of three or more (1-1/4 x single family rate)
 - C) \$142.80 for business or commercial property (1-1/2 x single family rate)
 - D) \$190.40 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 the City does not have maintenance jurisdiction, the rate of assessment may be adjusted to recover 60% of the paving costs abutting each parcel.

D) 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) 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) Reconstruction Type "A" \$68.00 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" \$54.40 for completely removing existing curb and gutter, milling the existing pavement as required, and replacing with new concrete curb and gutter and asphalt pavement on the existing road base.

C) Repaving Type "C" \$27.20 for replacing defective curb and gutter, milling the existing pavement surface as required, and surfacing with new asphalt pavement or in-place recycling.

D) Repaving Type "D" \$34.00 for replacing defective curb and gutter, removing, milling and or pulverizing the existing pavement surface as required, and surfacing with new asphalt pavement.

E) Repaving Type "E" \$13.60 for minimal defective curb and gutter replacement, minor pavement milling, overlay existing pavement with 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 an assessment credit equal to 4% of their previous Type "A" paving assessment for each year under 25 years.

If Type "A" repaving is required on arterial streets less than 20 years after Type "C" repaving has been performed, all one and two family residences shall receive an assessment credit equal to 5% of their previous Type "C" paving assessment for each year under 20 years.

To recover the cost of public sidewalk replacement when done in conjunction with repaving, the assessable rates may reflect an amount of \$22.00 added against each frontage foot of adjacent properties.

Sidewalk replacement when not assessed by frontage foot shall be assessed at actual cost plus the cost of engineering and overhead as described in paragraph 11, or at the fixed rate of \$315.00 per sidewalk square with nominal size of 22 to 28 square feet, for 5" thick walks and \$340.00 for 7" thick walk. When sidewalk is assessed by actual cost per square foot, the rates for 5" walk shall be no less than \$9.00 per square foot and no greater than \$13.00 per square foot, and no less than \$10.00 per square foot and no greater than \$14.00 per square foot for 7" walk.

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

Drive approach replacement shall be assessed at actual cost plus the cost of engineering and overhead as described in paragraph 11, with a minimum

assessment rate of \$10.00 per square foot and a maximum assessment rate of \$14.00 per square foot.

- (3) The assessments for reconstruction of alleys shall be at the following rates per assessable foot (average width) for one of two family residences (other classes proportioned as below).

A) Repaving Type "A" \$78.00 for completely removing existing alley pavement regarding and replacing with either concrete pavement or asphalt pavement with a new road base.

B) Repaving Type "C" \$31.20 for milling the existing pavement surface as required, and surfacing with new asphalt pavement.

The assessment rate for "green" alleys shall remain the same as if the alley was intended for standard resurfacing or reconstruction.

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) The front lot line is the lot line along the narrowest side of any lot that borders an existing or dedicated street lot line. The side lot line is any lot line that is not the front or rear lot line. Side lot assessments for original permanent pavement, reconstruction of permanent pavement, asphalt resurfacing, and sidewalk when assessed on a frontage foot rate, shall be assessed at the rate of 50% of the assessable side lot 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, or average lot width.

(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 installed or 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, with a minimum

assessment rate of \$10.00 per square foot and a maximum assessment rate of \$14.00 per square foot. 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 \$50.00 per foot replaced.
- (8) Service walk replacement shall be assessed per square foot as described in paragraphs 2 and 11, the same as sidewalk replacement.
- (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 per paragraph 2 or 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 Services Division, 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 or at the unit rates in paragraph 2.
- (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) Special assessments in amounts greater than \$5,000.00 can be paid in annual installments up to ten (10) years.
- (16) Private sanitary sewer, sanitary laterals, storm sewer and/or storm laterals replaced under public contract in excess of that required for construction of publicly owned utilities as determined by the Engineering Services Division, when requested by the property owner in writing, shall be assessed at actual cost plus 10% for engineering and overhead.
- (17) Private sanitary sewer, sanitary laterals, storm sewer and/or storm laterals when ordered replaces by the Board of Public Works due to deterioration or defective condition, when done under public contract shall be assessed at actual cost plus 10% for engineering and overhead.

By: Board of Public Works

Recommendation: Approve 6-0

RESULT: APPROVED

MOVER: John Dubinski

SECONDER: Robin Brannin

Aye: 16 Meindl, Moldenhauer, Arney, Dubinski, Makhoulf II, Brannin, Lewis, Franzen, Lowe, Tilleson, O'Reilly, Phillips, Morgan, Fuerst, Wilke, and Dolan
Enactment No: R-24-022

6. Resolution awarding emulsion and street patching bids for the [24-0168](#)
spring/summer 2024 repair season

WHEREAS, the Purchasing Manager requested bids on emulsion and street patching materials for use by the DPW Operations Section during the 2024 spring/summer repair season;

WHEREAS, the City of Wauwatosa received four bids, three of which maintained the prices from 2023;

NOW THEREFORE BE IT RESOLVED BY THE COMMON COUNCIL of the City of Wauwatosa that the purchasing department award to each of the responding vendors on an "as needed" basis based upon price, convenience and availability.

By: Board of Public Works

Recommendation: Approve 6-0

RESULT: APPROVED

MOVER: John Dubinski

SECONDER: Robin Brannin

Aye: 16 Meindl, Moldenhauer, Arney, Dubinski, Makhoulf II, Brannin, Lewis, Franzen, Lowe, Tilleson, O'Reilly, Phillips, Morgan, Fuerst, Wilke, and Dolan
Enactment No: R-24-023

7. Resolution awarding Contract 24-01 W. Potter Road and N. 109th [24-0169](#)
Street - Utilities and Paving to Dorner, Inc. in the amount of
\$11,639,353.60

WHEREAS, the Board of Public Works of the City of Wauwatosa reports that pursuant to the official notice, published as required by law, for proposals for Contract 24-01 / Project 1024 & 5022, W Potter Rd & N 109th St. Utilities & Paving Project, bids and proposals were received at the office of the City Clerk until 11:00 o'clock in the fore noon Thursday, January 25th, 2024, and therefore publicly opened; and

WHEREAS, that said bids and proposals are returned herewith, and the bids received are as follows:

Dorner Inc. \$11,639,353.60
Globe Contractors, Inc. \$11,958,018.40

PTS Contractors, Inc. \$12,386,000.00
Vinton Construction Company \$12,522,418.25
Mid City Corporation \$19,990,989.68

WHEREAS, the lowest bid received is from Dorner Inc.; and

WHEREAS the Board of Public Works recommends that the proper City Officials be authorized to enter into a contract for doing said work of improvement; and

NOW, THEREFORE, 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 Dorner Inc. for the work of Contract 24-01 / Project 1024 & 5022, W Potter Rd & N 109th St. Utilities & Paving Project at and for their bid price of \$11,639,353.60, this being the lowest and best bid; and

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

By: Board of Public Works

Recommendation: Approve 6-0

RESULT: APPROVED

MOVER: John Dubinski

SECONDER: Robin Brannin

Aye: 16 Meindl, Moldenhauer, Arney, Dubinski, Makhoul II, Brannin, Lewis, Franzen, Lowe, Tilleson, O'Reilly, Phillips, Morgan, Fuerst, Wilke, and Dolan

Enactment No: R-24-024

8. Resolution awarding Contract 24-43 - Washington Highlands Railings Replacement Project, to Janke General Contractors, in the amount of \$155,528.00

[24-0170](#)

WHEREAS, the Board of Public Works of the City of Wauwatosa reports that pursuant to the official notice, published as required by law, for proposals for Contract 24-43 / Project 2102 Washington

Highlands Railings Replacement, bids and proposals were received at the City Hall until 11:01 o'clock in the fore noon Wednesday, January 24, 2024, and thereafter publicly opened; and

WHEREAS, that said bids and proposals are returned herewith, and the bids received are as follows:

Janke General Contractors \$155,528.00
Norcon Corporation \$232,505.00
Highway Landscapers, Inc. \$232,585.00
Zenith Tech, Inc. \$287,695.00

WHEREAS, the lowest bid received is from Janke General Contractors in the amount of \$155,528.00; and

WHEREAS the Board of Public Works recommends that the proper City Officials be authorized to enter into a contract for doing said work of improvement;

NOW, THEREFORE, 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 Janke

General Contractors for the work of Contract 24-43 / Project 2102 Washington Highlands Railings

Replacement at and for their bid price of \$155,528.00, this being the lowest and best bid.

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

By: Board of Public Works

Recommendation: Approve 6-0

RESULT: APPROVED

MOVER: John Dubinski

SECONDER: Robin Brannin

Aye: 16 Meindl, Moldenhauer, Arney, Dubinski, Makhoul II, Brannin, Lewis, Franzen, Lowe, Tilleson, O'Reilly, Phillips, Morgan, Fuerst, Wilke, and Dolan

Enactment No: R-24-025

9. Resolution awarding Contract 24-19 - Project 2024, 2024 Sidewalk Repair Program, to State Contractors, Inc. in the amount of \$780,921.03

[24-0171](#)

WHEREAS, the Board of Public Works of the City of Wauwatosa reports that pursuant to the official notice, published as required by law, for proposals for Concrete Sidewalk Repair under Contract 24-19, Project 2024, bids and proposals were received at the office of the City Clerk until 11:01 o'clock in the morning, Thursday, January 11th, 2024, and thereafter publicly opened; and

WHEREAS, that said bids and proposals are returned herewith, and the bids received are as follows:

State Contractors, Inc.	\$780,921.03
Milwaukee General Construction	\$977,303.94
LaLonde Contractors, Inc.	\$979,667.18

WHEREAS, the lowest bid received is from State Contractors, Inc. in the amount of \$780,921.03; and

WHEREAS the Board of Public Works recommends that the proper City Officials be

authorized to enter into a contract for doing said work of improvement;

NOW, THEREFORE, 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 State Contractors, Inc. for the work of Concrete Sidewalk Repair at and for their bid price of \$780,921.03, this being the lowest and best bid.

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

By: Board of Public Works

Recommendation: Approve 6-0

RESULT: APPROVED

MOVER: John Dubinski

SECONDER: Robin Brannin

Aye: 16 Meindl, Moldenhauer, Arney, Dubinski, Makhoulf II, Brannin, Lewis, Franzen, Lowe, Tilleson, O'Reilly, Phillips, Morgan, Fuerst, Wilke, and Dolan
Enactment No: R-24-026

10. Resolution approving final payment for Contract 20-12 / Project 1019 & 1104A - Center Street Roadway [24-0172](#)

WHEREAS, the Board of Public Works has recommended acceptance of the work of Zenith Tech, Inc. and work incidental thereto in the City of Wauwatosa under Contract 20-12 / Project 1019 & 1104A, Center Street Roadway and Retaining Wall Project, and the same is ready for final payment.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin that the Common Council hereby approves this Final Payment pursuant to the following:

Section 1. That the work of Zenith Tech, Inc. under Contract 20-12 is hereby accepted.

Section 2. That the proper City officers be and they are hereby authorized and directed to draw and sign a City order in the sum of \$ 20,831.80 as the final payment under said contract, upon receipt of waivers of lien and for labor and materials furnished under said contract.

By: Board of Public Works

Recommendation: Approve 6-0

RESULT: APPROVED

MOVER: John Dubinski

SECONDER: Robin Brannin

Aye: 16 Meindl, Moldenhauer, Arney, Dubinski, Makhoulf II, Brannin, Lewis, Franzen, Lowe, Tilleson, O'Reilly, Phillips, Morgan, Fuerst, Wilke, and Dolan

Enactment No: R-24-027

FUTURE COUNCIL COMMITTEE AGENDA ITEMS

1. Future Council committee agenda items

[24-0159](#)

No new items.

RESULT: INFORMATIONAL ONLY

ADJOURNMENT

Meeting adjourned at 7:42 PM.