



Wauwatosa, WI

Common Council

Meeting Minutes

7725 W. North Avenue
Wauwatosa, WI 53213

Tuesday, May 2, 2023

7:30 PM

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

Regular Meeting

CALL TO ORDER

Mayor Dennis McBride called the regular Common Council meeting to order at 7:33 PM.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

ROLL CALL

Present: 13 Alderperson District 1 Andrew Meindl
Alderperson District 1 James Moldenhauer
Alderperson District 2 John Dubinski
Alderperson District 3 Joseph Makhlof II
Alderperson District 3 Robin Brannin
Alderperson District 4 David Lewis
Alderperson District 4 Ernst Franzen
Alderperson District 5 Sean Lowe
Alderperson District 6 Council President Meagan O'Reilly
Alderperson District 6 Joe Phillips
Alderperson District 7 Mike Morgan
Alderperson District 8 Jason Wilke
Alderperson District 8 Melissa Dolan

Excused: 3 Alderperson District 2 Margaret Arney
Alderperson District 5 Joel Tilleson
Alderperson District 7 Amanda Fuerst

APPROVAL OF MINUTES

1. Approval of minutes of the April 18, 2023 regular meeting [23-717](#)
RESULT: APPROVED
MOVER: Ernst Franzen
SECONDER: David Lewis
Aye: 13 Meindl, Moldenhauer, Dubinski, Makhlof II, Brannin, Lewis, Franzen, Lowe, O'Reilly, Phillips, Morgan, Wilke, and Dolan
Excused: 3 Arney, Tilleson, and Fuerst

APPOINTMENTS BY THE MAYOR

1. Reappointment by Mayor McBride of Eileen McEnroe Hankes (District 1) as a member of the Board of Building and Fire Code of Appeals, term ending May 31, 2026 [23-1205](#)
Recommendation: Second Reading
RESULT: APPROVED
MOVER: Meagan O'Reilly
SECONDER: Ernst Franzen
Aye: 13 Meindl, Moldenhauer, Dubinski, Makhlouf II, Brannin, Lewis, Franzen, Lowe, O'Reilly, Phillips, Morgan, Wilke, and Dolan
Excused: 3 Arney, Tilleson, and Fuerst
 2. Reappointment by Mayor McBride of Steve Jung (District 4) as a member of the Wauwatosa Board of Building and Fire Code Appeals, term ending May 31, 2026 [23-1214](#)
Recommendation: Second Reading
RESULT: APPROVED
MOVER: Meagan O'Reilly
SECONDER: Ernst Franzen
Aye: 13 Meindl, Moldenhauer, Dubinski, Makhlouf II, Brannin, Lewis, Franzen, Lowe, O'Reilly, Phillips, Morgan, Wilke, and Dolan
Excused: 3 Arney, Tilleson, and Fuerst
 3. Reappointment by Mayor McBride of Patrick Nook (District 6) as a member of the Wauwatosa Board of Building and Fire Code of Appeals, term ending May 31, 2026 [23-1206](#)
Recommendation: Second Reading
RESULT: APPROVED
MOVER: Meagan O'Reilly
SECONDER: Ernst Franzen
Aye: 13 Meindl, Moldenhauer, Dubinski, Makhlouf II, Brannin, Lewis, Franzen, Lowe, O'Reilly, Phillips, Morgan, Wilke, and Dolan
Excused: 3 Arney, Tilleson, and Fuerst
 4. Reappointment by Mayor McBride of David G. Niles (District 7) as a member of the Wauwatosa Bicycle and Pedestrian Facilities Committee, term ending May 31, 2025 [23-1207](#)
Recommendation: Second Reading
RESULT: APPROVED
MOVER: Meagan O'Reilly
SECONDER: Ernst Franzen
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- Aye:** 13 Meindl, Moldenhauer, Dubinski, Makhlouf II, Brannin, Lewis, Franzen, Lowe, O'Reilly, Phillips, Morgan, Wilke, and Dolan
- Excused:** 3 Arney, Tilleson, and Fuerst
5. Reappointment by Mayor McBride of Ryan Wallace (District 5) as a member of the Wauwatosa Bicycle and Pedestrian Facilities Committee, term ending May 31, 2025 [23-1208](#)
- Recommendation:* Second Reading
- RESULT:** APPROVED
MOVER: Meagan O'Reilly
SECONDER: Ernst Franzen
- Aye:** 13 Meindl, Moldenhauer, Dubinski, Makhlouf II, Brannin, Lewis, Franzen, Lowe, O'Reilly, Phillips, Morgan, Wilke, and Dolan
- Excused:** 3 Arney, Tilleson, and Fuerst
6. Reappointment by Mayor McBride of Ava Frazer (District 4) as a student member of the Wauwatosa Youth Commission, term ending May 31, 2026 [23-1209](#)
- Recommendation:* Second Reading
- RESULT:** APPROVED
MOVER: Meagan O'Reilly
SECONDER: Ernst Franzen
- Aye:** 13 Meindl, Moldenhauer, Dubinski, Makhlouf II, Brannin, Lewis, Franzen, Lowe, O'Reilly, Phillips, Morgan, Wilke, and Dolan
- Excused:** 3 Arney, Tilleson, and Fuerst
7. Reappointment by Mayor McBride of Kristin Hagen (District 1) as a member of the Wauwatosa Youth Commission, term ending May 31, 2026 [23-1211](#)
- Recommendation:* Second Reading
- RESULT:** APPROVED
MOVER: Meagan O'Reilly
SECONDER: Ernst Franzen
- Aye:** 13 Meindl, Moldenhauer, Dubinski, Makhlouf II, Brannin, Lewis, Franzen, Lowe, O'Reilly, Phillips, Morgan, Wilke, and Dolan
- Excused:** 3 Arney, Tilleson, and Fuerst
8. Appointment by Mayor McBride of Thomas Stacey (District 7) as a member of the Wauwatosa Design Review Board, term ending June 30, 2025 [23-1213](#)
- Recommendation:* Second Reading

- RESULT:** APPROVED
MOVER: Meagan O'Reilly
SECONDER: Ernst Franzen
- Aye:** 13 Meindl, Moldenhauer, Dubinski, Makhlouf II, Brannin, Lewis, Franzen, Lowe, O'Reilly, Phillips, Morgan, Wilke, and Dolan
- Excused:** 3 Arney, Tilleson, and Fuerst
9. Appointment by Mayor McBride of Christopher Due (District 3) as a member of the Wauwatosa Plan Commission, term ending April 30, 2026 [23-1215](#)
- Recommendation:* Second Reading
- RESULT:** APPROVED
MOVER: Meagan O'Reilly
SECONDER: Ernst Franzen
- Aye:** 13 Meindl, Moldenhauer, Dubinski, Makhlouf II, Brannin, Lewis, Franzen, Lowe, O'Reilly, Phillips, Morgan, Wilke, and Dolan
- Excused:** 3 Arney, Tilleson, and Fuerst
10. Reappointment by Mayor McBride of Joseph Galbraith (District 1) of the Wauwatosa Design Review Board, for the term ending June 30, 2025 [23-718](#)
- Recommendation:* First Reading
- RESULT:** HELD
11. Reappointment by Mayor McBride of Edward Haydin (District 5) of the Wauwatosa Design Review Board, for the term ending June 30, 2025 [23-825](#)
- Recommendation:* First Reading
- RESULT:** HELD
12. Reappointment by Mayor McBride of Eric Harrmann (District 3) of the Wauwatosa Design Review Board, for the term ending June 30, 2025 [23-826](#)
- Recommendation:* First Reading
- RESULT:** HELD
13. Reappointment by Mayor McBride of Monica Deluhery (District 6) as a member of the Wauwatosa Library Board, for the term ending June 30, 2026 [23-827](#)
- Recommendation:* First Reading
- RESULT:** HELD
14. Appointment by Mayor McBride of Michael Hayden (District 5) as a member of the Wauwatosa Bicycle and Pedestrian Facilities Committee, for the term ending May 31, 2025 [23-828](#)
- Recommendation:* First Reading
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RESULT: HELD

15. Appointment by Mayor McBride of Meegan Archambo (District 8) as the School District representative member of the Wauwatosa Library Board, for the term ending June 30, 2026

[23-847](#)

Recommendation: First Reading

RESULT: HELD

APPLICATIONS, COMMUNICATIONS, ETC.

1. Claim - Andrea Wilkins

[23-874](#)

Recommendation: Refer to City Attorney

RESULT: REFERRED TO CITY ATTORNEY

FROM THE PLAN COMMISSION

1. Resolution approving a Land Combination via Certified Survey Map at 11400 W. Blue Mound Road, Jonathan Ward, Altius Building Company, applicant

[23-912](#)

BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin that permission be and the same is hereby granted for a Certified Survey Map to combine two adjacent parcels, 11400 W. Blue Mound Road and 11430 W. Blue Mound Road. The location of the parcels are more particularly described as follows:

Being Parcel 2 and the East 10 feet of Parcel 1 of Certified Survey Map 963 and also Parcel 2 of Certified Survey Map 1588 in Block "D" in Grand Avenue Highlands, all in the Northwest ¼ of Section 30, Township 7 North, Range 21 East in the City of Wauwatosa, County of Milwaukee, State of Wisconsin

All in accordance with the application attached hereto and made a part of this resolution, in compliance with Section 17.02.070 of the Code of the City of Wauwatosa and subject to the following conditions:

1. Any technical corrections as identified by the Register of Deeds and City staff.
2. Per State Statute 236.34 (2), the CSM is to be recorded within 12 months of the Common Council approval.

By: Plan Commission

Recommendation: Approve 7-0

RESULT: APPROVED

MOVER: Ernst Franzen

SECONDER: Robin Brannin

Aye: 13 Meindl, Moldenhauer, Dubinski, Makhlof II, Brannin, Lewis, Franzen, Lowe, O'Reilly, Phillips, Morgan, Wilke, and Dolan

Excused: 3 Arney, Tilleson, and Fuerst
Enactment No: R-23-80

FROM THE COMMUNITY AFFAIRS COMMITTEE

- 1. Ordinance amending the Official Zoning Map of the City of Wauwatosa from C2 District to C2 District/Planned Unit Development Overlay at 11400 W Blue Mound Road and 11430 W Blue Mound Road [23-1231](#)

The Common Council of the City of Wauwatosa ordains as follows:

Part I. The Official Zoning Map of the City of Wauwatosa is hereby amended to reflect a Zoning Map Amendment from C2 District to C2 District/Planned Unit Development Overlay at 11400 W Blue Mound Road and 11430 W. Blue Mound Road described as follows:

11400 W. Blue Mound Road - SE QUAR SEC 30-7-21 PARCEL 2 & E 10FT OF PARCEL 1 CERT SURVEY MAP

11430 W. Blue Mound Road - SE QUAR SEC 30-7-21 PARCEL 2 CERT SURV MAP NO 1588

Part II. The City Administrator is hereby directed to change the Official Zoning Map of the City of Wauwatosa to conform to the provisions of the Ordinance, and said Map is declared amended accordingly.

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

By: Plan Commission

Recommendation: Ready for adoption, Adopt 8-0

RESULT: ADOPTED

MOVER: Jason Wilke

SECONDER: Joseph Makhlof II

Aye: 13 Meindl, Moldenhauer, Dubinski, Makhlof II, Brannin, Lewis, Franzen, Lowe, O'Reilly, Phillips, Morgan, Wilke, and Dolan

Excused: 3 Arney, Tilleson, and Fuerst
Enactment No: O-23-10

- 2. Resolution approving Planned Unit Development preliminary plans at 11400 W Blue Mound Road for a multi-unit building, Jonathan Ward, Altius Building Company, applicant [23-937](#)

WHEREAS, Jonathan Ward, Altius Building Company, applied for preliminary plans for a Planned Unit Development at 11400 W Blue Mound Road for a multi-unit residential development; and,

WHEREAS, this request was reviewed and recommended by the City Plan Commission and the Community Affairs Committee 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 Planned Development preliminary plan approval to Jonathan Ward, Altius Building Company, for a multi-family housing development at 11400 W Blue Mound Road subject to:

1. Approval of the CSM and zoning map amendment applications. Filing the CSM prior to issuing building permits.
2. Approval from the Design Review Board is required prior to submitting for Final PUD approval.
3. The final PUD submission shall include a signage plan describing the allowable number and area of signs or confirm that the base sign code will be utilized for this development.
4. Providing detailed costs of any alterations and/or new construction as well as income and expense information as requested by the Assessor's office.
5. Site plans showing adequate sewer capacity, construction staging information, traffic/access improvements, site lighting, bike parking, and storm water management subject to approval by the Engineering Division. An applicant response to all initial Engineering site plan review comments must be received by the Engineering Department prior to Final PUD application submittal.
6. Fire and domestic water demand calculations must be submitted prior filing Final PUD application.
7. Final plans must meet all requirements pertaining to landscaping and screening in WMC 24.12.
8. Filing application for Final PUD approval within 12 months of the date of Preliminary PUD approval.
9. Obtaining all necessary approvals, licenses, and permits.

By: Community Affairs Committee

Recommendation: Approve 8-0

RESULT: APPROVED

MOVER: Jason Wilke

SECONDER: Joseph Makhlof II

Aye: 13 Meindl, Moldenhauer, Dubinski, Makhlof II, Brannin, Lewis, Franzen, Lowe, O'Reilly, Phillips, Morgan, Wilke, and Dolan

Excused: 3 Arney, Tilleson, and Fuerst
Enactment No: R-23-72

3. Resolution approving a Conditional Use Permit in the M1 District at 1435 N 113th Street for a sports and recreation participant establishment, Bron Launsby, Innovative Heights Wauwatosa, LLC, applicant [23-1222](#)

WHEREAS Bron Launsby, Innovative Heights Wauwatosa, LLC., applied for a Conditional Use Permit in the M1 District at 1435 N 113th Street for a sports and recreation participant establishment, and;

WHEREAS, this request was reviewed and recommended by the City Plan Commission 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 Permit to Bron Launsby, Innovative Heights Wauwatosa, LLC., subject to:

1. Hours of operation Monday through Thursday from 1:00 pm to 8:30 pm; Friday 11:00 am to 10:00 pm; Saturday from 10:00 am to 10:00 pm; and Sunday from 11:00 am to 8:30 pm.
2. If the City receives complaints regarding parking, the applicant shall take corrective action to resolve all parking issues to the satisfaction of the Planning Manager and Public Works Director.
3. Providing detailed costs of any alterations and/or new construction, as well as income & expense as requested by the Assessor's office.
4. Short- and long-term bicycle parking must be provided in compliance with City Code 24.11.080.
5. Prior to occupancy permit issuance, submitting a site plan/parking lot plan for Engineering approval that provides pedestrian accessibility to the public right-of-way and provides trash container screening. If any modifications to parking lot lighting are proposed, a photometric plot must be submitted to Engineering for review and approval.
6. Any building project in excess of \$100,000 is subject to sanitary sewer lateral replacement or repair if the existing lateral does not pass Board of Public Works testing requirements according to City Code 13.30.030.
7. Under WMC 24.16.040I., a Conditional Use will lapse and have no further effect one year after it is approved by the Common Council, unless a building permit has been issued (if required); the use or structure has been lawfully established; or unless a different lapse of approval period or point of expiration has been expressly established by the Common Council.
8. Obtaining other required licenses, permits, and approvals.
9. Installation of a 6-foot fence with arborvitaes on the northern border of the property.
10. Adoption of a policy and posting signage prohibiting the presence of firearms,
11. Installation of exterior security cameras. Adding security guards if determined needed by Wauwatosa Police Department
12. Installation of right-turn-only signs and painted directional arrows at the driveway exits along N 113th Street.

By: Plan Commission

Recommendation: Approve 8-0

RESULT: APPROVED

MOVER: Jason Wilke

SECONDER: Joseph Makhlof II

Aye: 13 Meindl, Moldenhauer, Dubinski, Makhlouf II, Brannin, Lewis, Franzen, Lowe, O'Reilly, Phillips, Morgan, Wilke, and Dolan

Excused: 3 Arney, Tilleson, and Fuerst
Enactment No: R-23-73

FROM THE GOVERNMENT AFFAIRS COMMITTEE

- 1. Resolution authorizing amusement arcade license for 6930 Bar LLC [23-938](#)
d/b/a Walter's on North, 6930 W North Avenue for the period ending June 30, 2023

WHEREAS, under Sec. 6.12.060 of the Wauwatosa Municipal Code, 6930 Bar LLC is required to obtain an amusement arcade license as the business will have 8 amusement devices;

NOW, THEREFORE, BE IT RESOLVED that 6930 Bar LLC is granted an amusement arcade license for a maximum of 8 amusement devices for the period ending June 30, 2023.

By: Government Affairs Committee

Recommendation: Approve 6-0

RESULT: APPROVED

MOVER: Joseph Makhlouf II

SECONDER: Jason Wilke

Aye: 13 Meindl, Moldenhauer, Dubinski, Makhlouf II, Brannin, Lewis, Franzen, Lowe, O'Reilly, Phillips, Morgan, Wilke, and Dolan

Excused: 3 Arney, Tilleson, and Fuerst
Enactment No: R-23-74

- 2. Resolution approving application for Special Event Permit by [23-948](#)
Wauwatosa Tourism Commission, Event Name: ART64 - A Live Painting Competition, Date: June 9-10, 2023, Location: Harwood Avenue, Underwood Avenue, State Street

WHEREAS, the Wauwatosa Tourism Commission has requested a Special Event Permit for ART64 on June 9-10, 2023, located at Harwood, Underwood and State Street in the Village of Wauwatosa from noon on June 9, 2022 until midnight on June 10, 2023, with a rain date scheduled for June 11, 2023;

NOW, THEREFORE, BE IT RESOLVED THAT the Special Event Permit is hereby approved and for Art64 from noon on June 9, 2024 until midnight on June 10, 2023 with a rain date scheduled for June 11, 2023.

By: Government Affairs Committee

Recommendation: Approve 6-0

RESULT: APPROVED

MOVER: Joseph Makhlouf II

SECONDER: Jason Wilke

Aye: 13 Meindl, Moldenhauer, Dubinski, Makhlouf II, Brannin, Lewis, Franzen, Lowe, O'Reilly, Phillips, Morgan, Wilke, and Dolan

Excused: 3 Arney, Tilleson, and Fuerst
Enactment No: R-23-75

3. Resolution expressing support for CROWN Act legislation in the Wisconsin Legislature, 2023 Senate Bill 246 and 2023 Assembly Bill 240

[23-1005](#)

WHEREAS, despite great strides made by citizens, legislators, and courts to reverse and resolve the long-lasting damaging effects of racism, hair remains a source of racial discrimination with serious economic and health consequences, especially for Black individuals; and

WHEREAS, this sort of discrimination is encouraged by purportedly “race neutral” grooming and dress code policies in the workplace that enforce a Eurocentric image of professional hair. Enforcing an image of professionalism that was created with European features as the norm disparately affects individuals who do not naturally fall into that norm; and

WHEREAS, black women, adhering to such grooming policies, must often employ harmful styling practices like time consuming heat straightening, or chemical permanent relaxers, both of which can lead to hair damage and hair loss. Thus, braids, locks, and twists, also known as “protective hairstyles,” are necessary for healthy black hair maintenance; and

WHEREAS, while anti-discrimination laws presently protect the choice to wear an afro, afros are not the only natural presentation of black hair. The CROWN Act (Creating a Respectful and Open Workplace for Natural hair) will ensure protection against discrimination based on hairstyles by extending statutory protection to hair texture and protective styles in the Fair Employment and Housing Act (FEHA); and

WHEREAS, adding hair texture and protective hairstyles as a protected class will prohibit an employer from withholding or terminating employment or promotion based on discrimination against the protected employee or applicant’s hairstyle; and

WHEREAS, according to the Dove CROWN Research Study, black women are (1) made to be more aware of corporate grooming policies than white women, (2) hair is judged differently on black women, (3) workplace bias against hairstyles impact black women’s ability to celebrate their natural beauty and (4) black women’s hair is 3.5 time more likely to be perceived as unprofessional;

NOW, THEREFORE, BE IN RESOLVED THAT The City of Wauwatosa will continue to advocate for the CROWN Act, prohibiting discrimination based on physical traits historically associated with race, including hair texture and protective hairstyles, at the state and federal level and support protections for Natural Hair: and

BE IT FURTHER RESOLVED THAT the City of Wauwatosa Common Council urge the State of Wisconsin to pass the CROWN Act proposed as Assembly Bill 240 and Senate Bill 246 by State Representative Lakeisha Myers and State Senator Lena Taylor.

By: Government Affairs Committee

Recommendation: Approve 6-0

RESULT: APPROVED

MOVER: Joseph Makhlouf II

SECONDER: Jason Wilke

Aye: 13 Meindl, Moldenhauer, Dubinski, Makhlouf II, Brannin, Lewis, Franzen, Lowe, O'Reilly, Phillips, Morgan, Wilke, and Dolan

Excused: 3 Arney, Tilleson, and Fuerst
Enactment No: R-23-76

FROM THE TRANSPORTATION AFFAIRS COMMITTEE

1. Ordinance deleting Subsection 11.32.360 2. of the Wauwatosa Municipal Code to allow two-way traffic in the alley between 113th and 115th Streets north of North Avenue [23-1232](#)

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

Part I. Subsection 2. of Wauwatosa Municipal Code Section 11.32.360 is hereby deleted in its entirety.

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

By: Transportation Affairs Committee

Recommendation: Ready for adoption, Adopt 7-0

RESULT: ADOPTED

MOVER: Mike Morgan

SECONDER: Sean Lowe

Aye: 13 Meindl, Moldenhauer, Dubinski, Makhlouf II, Brannin, Lewis, Franzen, Lowe, O'Reilly, Phillips, Morgan, Wilke, and Dolan

Excused: 3 Arney, Tilleson, and Fuerst
Enactment No: O-23-11

2. Ordinance creating Subsection 11.28.035 14. of the Wauwatosa Municipal Code to prohibit right turns on red on the eastbound and northbound approaches to the intersection of Swan Boulevard and Menomonee River Parkway [23-1233](#)

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

Part I. Subsection 14. of Wauwatosa Municipal Code Section 11.28.035 is hereby created to read in its entirety as follows:

14. At the eastbound and northbound approaches to the intersection of Swan Boulevard and Menomonee River Parkway.

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

By: Transportation Affairs Committee

Recommendation: Ready for adoption, Adopt 8-0

RESULT: ADOPTED

MOVER: Mike Morgan

SECONDER: Sean Lowe

Aye: 13 Meindl, Moldenhauer, Dubinski, Makhlouf II, Brannin, Lewis, Franzen, Lowe, O'Reilly, Phillips, Morgan, Wilke, and Dolan

Excused: 3 Arney, Tilleson, and Fuerst
Enactment No: O-23-12

3. Resolution authorizing the installation of a two-way stop control on Wellauer Drive at the intersection of 72nd Street and Wellauer Drive [23-1009](#)

BE IT RESOLVED, by the Common Council of the City of Wauwatosa THAT the official stop sign map of the City of Wauwatosa be amended to reflect that two-way stop signs be added in the eastbound and westbound lanes on Wellauer Drive at the intersection of North 72nd Street and Wellauer Drive.

By: Transportation Affairs Committee

Recommendation: Approve 8-0

RESULT: APPROVED

MOVER: Mike Morgan

SECONDER: Sean Lowe

Aye: 13 Meindl, Moldenhauer, Dubinski, Makhlouf II, Brannin, Lewis, Franzen, Lowe, O'Reilly, Phillips, Morgan, Wilke, and Dolan

Excused: 3 Arney, Tilleson, and Fuerst
Enactment No: R-23-77

FROM THE FINANCIAL AFFAIRS COMMITTEE

1. Resolution authorizing the approval of the State Municipal Agreement for the design of North Avenue reconstruction from 95th Street to 73rd Street [23-1010](#)

WHEREAS, in Resolutions R-23-17, the Common Council approved a State Municipal Agreement (SMA) with the Department of Transportation (DOT) for the reconstruction of North Avenue bridges and Menomonee River and this project includes the reconstruction of

North Avenue between Met-To-Wee Lane and 95th Street;

WHEREAS, the City of Wauwatosa was awarded partial funding for the project from the DOT with the opportunity to apply for the remainder of funding later this year;

WHEREAS, the total estimated cost is \$1,011,966 and the cost of the City funded items is estimated at \$202,393 and funds from the City would be covered from any 2023 capital project savings or a 2024 capital budget request;

NOW THEREFORE BE IT RESOLVED, by the Common Council of the City of Wauwatosa THAT, for the reasons provided at the meeting of the Financial Affairs Committee on April 25, 2023 permission be granted for the reconstruction be approved.

By: Financial Affairs Committee

Recommendation: Approve 5-0

RESULT: APPROVED

MOVER: James Moldenhauer

SECONDER: Joe Phillips

Aye: 13 Meindl, Moldenhauer, Dubinski, Makhlouf II, Brannin, Lewis, Franzen, Lowe, O'Reilly, Phillips, Morgan, Wilke, and Dolan

Excused: 3 Arney, Tilleson, and Fuerst
Enactment No: R-23-78

2. Ratification of Comptroller's Office bills and claims report, April 19 through May 2, 2023

[23-1011](#)

RESULT: RATIFIED

MOVER: James Moldenhauer

SECONDER: Joe Phillips

Aye: 13 Meindl, Moldenhauer, Dubinski, Makhlouf II, Brannin, Lewis, Franzen, Lowe, O'Reilly, Phillips, Morgan, Wilke, and Dolan

Excused: 3 Arney, Tilleson, and Fuerst

FROM THE BOARD OF PUBLIC WORKS

1. Resolution authorizing the addition of the 2022 Street Improvement Project to the tax roll

[23-1012](#)

WHEREAS, the Common Council of the City of Wauwatosa passed resolutions dated January 18, 2022 approving special assessments for work in connection with repaving, and work appurtenant thereto, in the following streets:

Street & Location: N. 68TH St. from Wisconsin Ave. to River Pkwy.

Ald Dist: 2/4

Exist & (Propr.) Width: 40 (40)

Pavement Construction Type: D-Asph

Assessed Sidewalk Work: No

Street & Location: North Ave. from W. of UPRR Bridge to N. 116th St.

Ald Dist: 6/7

Exist & (Propr.) Width: 36-28-26 (36-28-26)

Pavement Construction Type: A-Asph

Assessed Sidewalk Work: Yes

Street & Location: North Ave. from N. 116th St. to to N. 117th St.

Ald Dist: 7

Exist & (Propr.) Width: 36-28-26 (36-28-26)

Pavement Construction Type: E-Asph

Assessed Sidewalk Work: No

WHEREAS, the construction of the improvement above-described having now been completed in the aforementioned streets, it is the desire of the Board of Public Works to place the special assessments on the tax roll.

WHEREAS, it is the desire of the Board of Public Works to adjust the assessments for approaches and service walks, contained in said report, in relation to the costs of construction involved.

WHEREAS, the City Engineer has prepared amended special assessments taking into account the aforementioned differences.

NOW, THEREFORE, BE IT RESOLVED, By the Common Council of the City of Wauwatosa, Wisconsin, as follows:

Section 1. That the special assessments for paving set forth in the aforesaid reports of the Board of Public Works, approved by resolution passed and dated as listed are hereby directed to be entered upon the tax roll as hereinafter set forth and as reiterated in the special assessments attached hereto.

Section 2. That the amended special assessments for approaches and service walks, against the respective lots, tracts, and parcels of land abutting on the aforementioned streets be and the same are hereby approved and adopted and are directed to be entered upon the tax roll as hereinafter set forth.

Section 3. That the owners of the respective parcels of land fronting or abutting the street improvements on which public hearings have 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) 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 4. That the City Clerk publish the installment assessment notice, as by Section 66.0715 of the Wisconsin Statutes provided, including therein that the owners of the property benefited by said improvement may elect within thirty (30) days from the date of said notice to pay the said assessment on their property on or before the next succeeding November 1.

By: Board of Public Works

Recommendation: Approve 6-0

RESULT: APPROVED

MOVER: John Dubinski

SECONDER: David Lewis

Aye: 13 Meindl, Moldenhauer, Dubinski, Makhoulf II, Brannin, Lewis, Franzen, Lowe, O'Reilly, Phillips, Morgan, Wilke, and Dolan

Excused: 3 Arney, Tilleson, and Fuerst
Enactment No: R-23-79

FUTURE COUNCIL COMMITTEE AGENDA ITEMS

1. Future Council Committee agenda items

[23-1016](#)

Ald Lowe would like to propose a City-wide anti-discrimination ordinance.

RESULT: INFORMATIONAL ONLY

ADJOURNMENT

Meeting adjourned at 7:58 PM.