



Wauwatosa, WI

Common Council

Meeting Minutes

7725 W. North Avenue
Wauwatosa, WI 53213

Tuesday, March 7, 2023

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 regular Common Council meeting to order at 7:40 PM.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

ROLL CALL

Present: 12 Alderperson District 1 Andrew Meindl
Alderperson District 1 James Moldenhauer
Alderperson District 2 Margaret Arney
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 6 Council President Meagan O'Reilly
Alderperson District 6 Joe Phillips
Alderperson District 7 Amanda Fuerst
Alderperson District 8 Melissa Dolan
Excused: 4 Alderperson District 5 Sean Lowe
Alderperson District 5 Joel Tilleson
Alderperson District 7 Mike Morgan
Alderperson District 8 Jason Wilke

APPROVAL OF MINUTES

1. Approval of minutes of the February 22, 2023 regular meeting [23-589](#)
RESULT: APPROVED
MOVER: Ernst Franzen
SECONDER: David Lewis
Aye: 12 Ald Meindl, Ald Moldenhauer, Ald Arney, Ald Dubinski, Ald Makhlof II, Ald Brannin, Ald Lewis, Ald Franzen, Ald O'Reilly, Ald Phillips, Ald Fuerst, and Ald Dolan
Excused: 4 Ald Lowe, Ald Tilleson, Ald Morgan, and Ald Wilke

APPOINTMENTS BY THE MAYOR

1. Reappointment by Mayor McBride of James Bittner (District 6) as a member of the Wauwatosa Board of Zoning Appeals, his term to expire April 30, 2026 [23-591](#)
Recommendation: First Reading
RESULT: HELD
2. Reappointment by Mayor McBride of Laura Hyland (District 2) as a member of the Wauwatosa Board of Public Debt Commissioners, her term to expire April 30, 2026 [23-592](#)
Recommendation: First Reading
RESULT: HELD
3. Reappointment by Mayor McBride of Steven Kreklow (District 4) of the Wauwatosa Board of Public Debt Commissioners, his term to expire April 30, 2026 [23-601](#)
Recommendation: First Reading
RESULT: HELD
4. Reappointment by Mayor McBride of David Kern (District 1) of the Wauwatosa Board of Zoning Appeals, his term to expire April 30, 2026 [23-656](#)
Recommendation: First Reading
RESULT: HELD
5. Reappointment by Mayor McBride of Mary Callen (District 2) as a member of the Wauwatosa Commission for Persons with Disabilities, her term to expire March 31, 2026 [23-658](#)
Recommendation: First Reading
RESULT: HELD
6. Reappointment by Mayor McBride of Elizabeth (BJ) Ermenc (District 5) as a member of the Wauwatosa Commission for Persons with Disabilities, her term to expire March 31, 2026 [23-710](#)
Recommendation: First Reading
RESULT: HELD
7. Reappointment by Mayor McBride of Kevin Ausman (District 4) as a member of the Wauwatosa Plan Commission, his term to expire April 30, 2026 [23-711](#)
Recommendation: First Reading
RESULT: HELD
8. Reappointment by Mayor McBride of Victor Plantinga (District 6) as a member of the Wauwatosa Police and Fire Commission, his term to expire April 30, 2028 [23-732](#)

Recommendation: First Reading

RESULT: HELD

9. Reappointment by Mayor McBride of Michael Meier (District 7) as a member of the Wauwatosa Senior Commission, his term to expire April 30, 2026

[23-756](#)

Recommendation: First Reading

RESULT: HELD

10. Reappointment by Mayor McBride of Elsie Riepenhoff (District 1) of the Wauwatosa Senior Commission, her term to expire April 30, 2026

[23-811](#)

Recommendation: First Reading

RESULT: HELD

APPLICATIONS, COMMUNICATIONS, ETC.

1. Claim - Holbus

[23-841](#)

Recommendation: Refer to City Attorney

RESULT: REFERRED TO CITY ATTORNEY

UNFINISHED BUSINESS

1. Resolution authorizing intent to perform certain street and alley improvement projects during the 2023 construction season and to assess neighboring property owners

[23-859](#)

BE IT RESOLVED, by the Board of Public Works of the City of Wauwatosa, Wisconsin, that

Section 1. The Board of Public Works 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. 115th St. from Bluemound Rd To Underwood Creek Pkwy.
Ald Dist: 3
Exist & Prop. Width: 36(36)
Pavement Construction Type: D- Asph
Assessed Sidewalk Work: No

Street & Location: North Ave. from N. 104th St. to Mayfair Rd.
Ald Dist: 7
Exist & Prop. Width: 36-28-36(25-24-31)
Pavement Construction Type: A-Asph
Assessed Sidewalk Work: Yes

Street & Location: North Ave. from Met-to-wee Ln. to N. 104th St.
Ald Dist: 6

Exist & Prop. Width: 36-28-36(25-17-31)
Pavement Construction Type: A-Asph
Assessed Sidewalk Work: Yes

Street & Location: Alley between W. Burleigh St. and Chambers St. from N. 122nd St. to N. 124th St. (East-West Leg)
Ald Dist: 7
Exist & Prop. Width: 20 (20)
Pavement Construction Type: A-Conc
Assessed Sidewalk Work: No

Street & Location: Alley between W. Burleigh St. and Chambers St. from N. 122nd St. to N. 124th St. (North-South Leg)
Ald Dist: 7
Exist & Prop. Width: 20 (20)
Pavement Construction Type: A- Green
Assessed Sidewalk Work: No

Street & Location: Alley between W. Meinecke Ave. And North Ave. from Lefebvre Ave. St. (East-West Leg)
Ald Dist: 5
Exist & Prop. Width: 20 (20)
Pavement Construction Type: A- Green
Assessed Sidewalk Work: No

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. The Common Council, beginning with its Financial Affairs Committee, shall readdress the applicability of the current assessment policy as applied to alleys, at a time prior to levy of said assessment amounts upon abutting properties.

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 Board of Public Works 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, February 22nd, 2023 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.

Recommendation: Public hearing held February 22, 2023, Ready for approval

Motion included an amendment that the Committee shall review the assessment policy to determine any potential changes in assessment practices prior to assessing properties.

RESULT: APPROVED AS AMENDED

MOVER: Amanda Fuerst

SECONDER: Melissa Dolan

Aye: 12 Ald Meindl, Ald Moldenhauer, Ald Arney, Ald Dubinski, Ald Makhoulf II, Ald Brannin, Ald Lewis, Ald Franzen, Ald O'Reilly, Ald Phillips, Ald Fuerst, and Ald Dolan

Excused: 4 Ald Lowe, Ald Tilleson, Ald Morgan, and Ald Wilke
Enactment No: R-23-29

ORDINANCES FOR INTRODUCTION

1. Ordinance creating Section 9.12.020 of the Wauwatosa Municipal Code, adopting state regulations prohibiting the feeding of wild animals

[23-569](#)

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

Part I. Section 9.12.020 of the Wauwatosa Municipal Code of Ordinances is hereby created to read in its entirety as follows:

Section 9.12.020 - Feeding of Wild Animals

- A. Adopted by Reference. That portion of the Administrative Code of the State of Wisconsin, NR 19.60 - Feeding of Wild Animals, is adopted and all amendments thereto are adopted and incorporated in this code by reference except as herein modified.
- B. Enforcement. The Police Department, Health Department, Building and Safety Division and all other City employees or agents designated by the City Administrator are authorized and directed to administer and enforce the

provisions of the Administrative Code adopted by this section.

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

By: Community Affairs Committee

Recommendation: Refer to Community Affairs Committee

RESULT: REFERRED TO ORIGINATING COMMITTEE

2. Ordinance amending Section 11.32.080 of the Wauwatosa Municipal Code to eliminate certain parking restrictions on River Parkway and 63rd Street

[23-860](#)

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

Part I. The portion of the "Schedule of Streets", and portions subsection of Wauwatosa Code Section 11.32.080 is hereby amended by creating the following subsection:

"(III) from 7AM to 5PM Monday-Friday"

Part II. The "River Parkway - north side" portion of the "Schedule of Streets", and portions subsection of Wauwatosa Code Section 11.32.080 is hereby amended by deleting all existing restrictions there under.

Part III. The "River Parkway - north side" portion of the "Schedule of Streets", and portions subsection of Wauwatosa Code Section 11.32.080 is hereby amended by adding the following new subsection:

"(a) from 68th Street to 705 feet east of 68th Street"

"(III) from 925 feet east of 68th Street to 1,240 feet east of 68th Street"

"(a) from 110 feet west of 63rd Street to 63rd Street"

Part IV. The "River Parkway - South Side" portion of the "Schedule of Streets", and portions subsection of Wauwatosa Code Section 11.32.080 is hereby amended by deleting all existing restrictions there under.

Part V. The "River Parkway - South Side" portion of the "Schedule of Streets", and portions subsection of Wauwatosa Code Section 11.32.080 is hereby amended by adding the following new subsection:

"(a) from 68th Street to 65 feet east of 68th Street"

"(III) from 910 feet east of 68th Street to 1225 feet east of 68th Street"

"(a) from 1225 feet east of 68th Street to 63rd Street"

Part VI. The "63rd Street - east side" portion of the "Schedule of Streets" and portions subsection of the Wauwatosa Code Section 11.32.080 is hereby amended by deleting the following subsections:

"(a) from 110 feet south of the south railroad track to W. State Street"

"(a) from the south side of River Parkway to 300 feet south of the south railroad track"

Part VII. The "63rd Street - east side" portion of the "Schedule of Streets" and portions subsection of the Wauwatosa Code Section 11.32.080 is hereby amended by adding the following subsections:

"(a) from 170 feet south of the southernmost railroad track to State Street"

Part VIII. The "63rd Street - west side" portion of the "Schedule of Streets" and portions subsection of the Wauwatosa Code Section 11.32.080 is hereby amended by deleting the following subsections:

"(a) from River Parkway to 230 feet south of the south railroad track"

"(a) from 130 feet south of the south railroad track to W. State Street"

Part IX. The "63rd Street - west side" portion of the "Schedule of Streets" and portions subsection of the Wauwatosa Code Section 11.32.080 is hereby amended by adding the following subsections:

"(a) along the west side of 63rd Street from approximately 225-feet south of the southern-most railroad track to State Street"

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

By: Transportation Affairs Committee

Recommendation: Refer to Transportation Affairs Committee

RESULT: REFERRED TO ORIGINATING COMMITTEE

3. Ordinance amending Section 11.32.080 of the Wauwatosa Municipal Code to prohibit parking on a portion of 68th Street near Hillcrest Drive

[23-867](#)

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

Part I. The "68th Street - west side" portion of the "Schedule of Streets, and portions subsection of Wauwatosa Code Section 11.32.080 is hereby amended by deleting the following subsections:

"(a) from 175 feet north of Hillcrest Drive to 175 feet south of Hillcrest Drive"

Part II. NON-CODIFIED PROVISION: The prohibitions described above shall take effect immediately pursuant to the provisions of sec. 2.02.180 of the Wauwatosa Municipal Code, prior to and until the effective date of the ordinance created herein.

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

By: Transportation Affairs Committee

Recommendation: Refer to Transportation Affairs Committee

RESULT: REFERRED TO ORIGINATING COMMITTEE

FROM THE COMMUNITY AFFAIRS COMMITTEE

1. Resolution accepting the 2023 Housing Study

[23-868](#)

BE IT RESOLVED, by the Common Council of the City of Wauwatosa THAT the Comprehensive Housing Study & Needs Analysis presented to the Community Affairs Committee at its February 28, 2023, meeting, be and the same is hereby accepted; and

BE IT FURTHER RESOLVED THAT Comprehensive Housing Study & Needs Analysis shall serve as the basis for the Common Council to begin discussions regarding the creation of a comprehensive housing policy discussion.

By: Community Affairs Committee

Recommendation: Approve 7-0

RESULT: APPROVED

MOVER: Ernst Franzen

SECONDER: Meagan O'Reilly

Aye: 12 Ald Meindl, Ald Moldenhauer, Ald Arney, Ald Dubinski, Ald Makhoulf II, Ald Brannin, Ald Lewis, Ald Franzen, Ald O'Reilly, Ald Phillips, Ald Fuerst, and Ald Dolan

Excused: 4 Ald Lowe, Ald Tilleson, Ald Morgan, and Ald Wilke
Enactment No: R-23-30

2. Resolution supporting The Ability Center's request for State Funding for its Universal Park Capital Project

[23-870](#)

WHEREAS, the U.S. Centers for Disease Control and Prevention report that more than 1 in 5 Wisconsin adults have one or more disabilities;

WHEREAS, adults with disabilities are three times more likely to suffer from secondary health concerns (such as heart disease, stroke, diabetes, and cancer) compared with those without disabilities, and physical activity reduces the impact of these diseases, yet nearly half of all adults with disabilities get no leisure-time aerobic activity;

WHEREAS, The Ability Center's goal is to provide a higher quality of life for people of all abilities by transforming metropolitan Milwaukee into the world's most universally inclusive recreation destination;

WHEREAS, the City of Wauwatosa supports the partnership between The Ability Center and the Milwaukee County Parks to promote opportunities for residents with disabilities by constructing, operating, and maintaining the Universal Park project in Wisconsin Avenue Park in Wauwatosa;

WHEREAS, the City of Wauwatosa recognizes the need for, and value in, furthering access, inclusion, and accessibility for people affected by disabilities within Wauwatosa and beyond;
WHEREAS, the Universal Park project will provide accessibility and recreational programming and promote good health for those with disabilities;

NOW, THEREFORE, BE IT RESOLVED THAT the City of Wauwatosa does hereby urge the Governor and Legislature of Wisconsin to support The Ability Center's request for state funding for the Center's Universal Park Capital Project.

By: Community Affairs Committee

Recommendation: Approve 7-0

RESULT: APPROVED

MOVER: Ernst Franzen

SECONDER: Meagan O'Reilly

Aye: 12 Ald Meindl, Ald Moldenhauer, Ald Arney, Ald Dubinski, Ald Makhoulf II, Ald Brannin, Ald Lewis, Ald Franzen, Ald O'Reilly, Ald Phillips, Ald Fuerst, and Ald Dolan

Excused: 4 Ald Lowe, Ald Tilleson, Ald Morgan, and Ald Wilke

Enactment No: R-23-31

FROM THE BOARD OF PUBLIC WORKS

1. Resolution approving Change Order #3 for Contract 18-01 and approval of final payment for Contract 18-01, Project 1106, Village Redevelopment Phase 4 Project [23-871](#)

WHEREAS, the Board of Public Works has accepted the work of the Village Redevelopment -Phase 4

Project under Contract 18-01 / Project 1106 and the same is ready for final payment.

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

Section 1. Change order No. 3 for Contract 18-01/Project 1106 Village Redevelopment Phase 4 for a net deduction in the amount of \$1,822.54 for certain reductions in quantities, as well as specified additional scope items **related to the construction of the storm sewer and water main due to conflicts with other underground utilities** and unanticipated railroad flagging costs- is hereby approved.

Section 2. That the work of the Village Redevelopment -Phase 4 Project under Contract 18-01 / Project 1106 is hereby accepted.

Section 3. That the proper City officers be and they are hereby authorized and directed to draw and sign a City order in the sum of one hundred seventeen thousand, eight hundred ninety nine dollars and sixty-one cents (\$117,899.61) made payable to Zignego Company, Inc. 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 5-0

RESULT: APPROVED

MOVER: John Dubinski

SECONDER: Ernst Franzen

Aye: 12 Ald Meindl, Ald Moldenhauer, Ald Arney, Ald Dubinski, Ald Makhlof II, Ald Brannin, Ald Lewis, Ald Franzen, Ald O'Reilly, Ald Phillips, Ald Fuerst, and Ald Dolan

Excused: 4 Ald Lowe, Ald Tilleson, Ald Morgan, and Ald Wilke
Enactment No: R-23-32

2. Resolution authorizing approval of Contract 23-60, Fire Stations 52 and 53 Sleeping Quarters Renovation Project [23-880](#)

WHEREAS, the Board of Public Works of the City of Wauwatosa reports that pursuant to the official notice, published as required by law, for bids for Fire Stations 52 & 53 Sleeping Quarters Renovations under Contract 23-60, Project 6624; and

WHEREAS, bids were received until 11:01 o'clock in the morning, Wednesday, March 1st, 2023, and therefore publicly opened; and

WHEREAS, that said bids and proposals, excluding one bid rejected due to a non-complete bid, are returned herewith, and the bids received are as follows:

<u>Bidder Base</u>	<u>Bid Base</u>	<u>Bid Plus Alternate Bid</u>
JH Hassinger, Inc.	\$885,144.00	\$909,996.00
Duffek Construction, LLC	\$941,897.00	\$947,532.00
Altius Building Co.	\$1,031,306.00	\$1,049,450.00

WHEREAS, the lowest bid, including the alternate bid for additional HVAC work as Fire Station 52, received is from JH Hassinger, Inc in the amount of \$909,996.00; 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 JH Hassinger, Inc for the work for Fire Stations 52 & 53 Sleeping Quarters Renovations at and for their base bid price plus the alternate bid for a price of \$909,996.00, this being the lowest and best bid.

BE IT FURTHER RESOLVED that Project 6624 is approved as part of the 2023 CIP Budget which fully funds this project.

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

By: Board of Public Works

Recommendation: Approve 5-0

RESULT: APPROVED

MOVER: John Dubinski

SECONDER: Ernst Franzen

Aye: 12 Ald Meindl, Ald Moldenhauer, Ald Arney, Ald Dubinski, Ald Makhoulf II, Ald Brannin, Ald Lewis, Ald Franzen, Ald O'Reilly, Ald Phillips, Ald Fuerst, and Ald Dolan

Excused: 4 Ald Lowe, Ald Tilleson, Ald Morgan, and Ald Wilke

Enactment No: R-23-33

FROM THE FINANCIAL AFFAIRS COMMITTEE

1. Resolution amending the Consolidated Fee Schedule related to the snow and ice removal from sidewalks [23-881](#)

BE IT RESOLVED, by the Common Council of the City of Wauwatosa THAT the fees for City snow removal on sidewalks contained within the Public Works section of the Consolidated Fee Schedule be amended to a base fee of \$100 per location plus \$0.25/linear foot, with such changes to become effective immediately, and retroactively to November 1st, 2022.

By: Financial Affairs Committee

Recommendation: Approve 7-0

RESULT: APPROVED

MOVER: James Moldenhauer

SECONDER: Amanda Fuerst

Aye: 12 Ald Meindl, Ald Moldenhauer, Ald Arney, Ald Dubinski, Ald Makhoulf II, Ald Brannin, Ald Lewis, Ald Franzen, Ald O'Reilly, Ald Phillips, Ald Fuerst, and Ald Dolan

Excused: 4 Ald Lowe, Ald Tilleson, Ald Morgan, and Ald Wilke
Enactment No: R-23-34

2. Resolution for an award of contract of recyclable materials to Waste Management [23-892](#)

WHEREAS, the Board of Public Works director for the City of Wauwatosa reports that the City's costs to recyclable materials increased drastically in 2019 and proposals for processing of recyclable materials were acquired from all available vendors in 2020 and the City entered into a contract with Republic Services in 2021;

WHEREAS, in 2021, there were approximately 20 days and in 2022, there were 123 days where the City was not able to haul recyclable to the Joint MRF making this location unreliable and the City has requested to terminate the contract with Republic Services, who is agreeable to early termination;

WHEREAS, the City acquired pricing for recycling processing with the remaining available recycling vendors in the area which are Waste Management and John's Disposal and Waste Management came in with the lowest bid;

NOW THEREFORE BE IT RESOLVED by the Common Council of the Wauwatosa, that the proper City Officials be and they are hereby authorized and directed to enter into a three year contract with Waste Management for processing of recyclable materials with a processing fee of \$95/ton, an environmental fee of \$5/ton, and a potential fuel surcharge of \$4/ton.

By: Financial Affairs Committee

Recommendation: Approve 7-0

RESULT: APPROVED

MOVER: James Moldenhauer

SECONDER: Amanda Fuerst

Aye: 12 Ald Meindl, Ald Moldenhauer, Ald Arney, Ald Dubinski, Ald Makhlouf II, Ald Brannin, Ald Lewis, Ald Franzen, Ald O'Reilly, Ald Phillips, Ald Fuerst, and Ald Dolan

Excused: 4 Ald Lowe, Ald Tilleson, Ald Morgan, and Ald Wilke
Enactment No: R-23-35

3. Resolution approving multi-year agreement with Perry Weather for a software subscription for the outdoor warning system at Hart Park [23-905](#)

WHEREAS, the Board of Public Works director for the City of Wauwatosa reports that the City replaced the lightning detection system at Hart Park Stadium with a more advanced outdoor warning system that serves a larger area of Hart Park;

WHEREAS, in 2022, the City installed two Perry Weather outdoor warning system modules at Hart Park to ensure outdoor warning systems will still operate during a power failure and there is an annual software subscription fee;

NOW THEREFORE BE IT RESOLVED by the Common Council of the City of Wauwatosa that the proper City Officials enter into a 5 year software subscription contract with Perry Weather for the outdoor warning system at Hart Park with an initial fee of \$3,000 per year and an annual cost increase limited to 3% during the term of the agreement.

By: Financial Affairs Committee

Recommendation: Approve 7-0

RESULT: APPROVED

MOVER: James Moldenhauer

SECONDER: Amanda Fuerst

Aye: 12 Ald Meindl, Ald Moldenhauer, Ald Arney, Ald Dubinski, Ald Makhlouf II, Ald Brannin, Ald Lewis, Ald Franzen, Ald O'Reilly, Ald Phillips, Ald Fuerst, and Ald Dolan

Excused: 4 Ald Lowe, Ald Tilleson, Ald Morgan, and Ald Wilke
Enactment No: R-23-36

4. Resolution authorizing a 2022 Operating Budget Carryover [23-907](#)

BE IT RESOLVED, by the Common Council of the City of Wauwatosa THAT an amendment to the 2023 budget to reflect the general fund operating carryovers from the 2022 budget, as more particularly described by the Finance Director in the memorandum and attached tables presented at the February 24, 2023 meeting of the Committee on Financial Affairs, and summarized in the table below, is hereby approved;

Fund #	Fund	Amount
10	General Fund	432,308
22	Municipal Complex	27,000
51	Sanitary	1,475,000
52	Storm	25,000

By: Financial Affairs Committee

Recommendation: Approve 7-0

RESULT: APPROVED

MOVER: James Moldenhauer

SECONDER: Amanda Fuerst

Aye: 12 Ald Meindl, Ald Moldenhauer, Ald Arney, Ald Dubinski, Ald Makhlouf II, Ald Brannin, Ald Lewis, Ald Franzen, Ald O'Reilly, Ald Phillips, Ald Fuerst, and Ald Dolan

Excused: 4 Ald Lowe, Ald Tilleson, Ald Morgan, and Ald Wilke
Enactment No: R-23-37

5. Resolution authorizing a contract with Prism Technical for creation and monitoring of Procurement Equity Participation Plan for the MSP multi-unit residential proposal

[23-957](#)

WHEREAS, the City of Wauwatosa received an application from MSP Real Estate for financial assistance through Tax Increment Financing (TIF) to assist with financing a portion for construction at an 80 unit housing project at the Mayfair Collection;

WHEREAS, included in the proposal are requirements of the City's Procurement Equity policy and the city staff do not have capacity or technical knowledge to conduct this type of monitoring and Prism Technical was the sole company that submitted a proposal in 2021;

NOW THEREFORE BE IT RESOLVED by the Common Council of the City of Wauwatosa that the proper city officials enter into a contract with Prism Technical and authorize a level three fund transfer to establish a budget for the contract to be paid with TIF 7 funds.

By: Financial Affairs Committee

Recommendation: Approve 6-0

RESULT: APPROVED

MOVER: James Moldenhauer

SECONDER: Amanda Fuerst

Aye: 12 Ald Meindl, Ald Moldenhauer, Ald Arney, Ald Dubinski, Ald Makhlouf II, Ald Brannin, Ald Lewis, Ald Franzen, Ald O'Reilly, Ald Phillips, Ald Fuerst, and Ald Dolan

Excused: 4 Ald Lowe, Ald Tilleson, Ald Morgan, and Ald Wilke
Enactment No: R-23-38

6. Resolution approving a term sheet with MSP Real Estate, Inc. to construct affordable multi-family and senior apartments at Burleigh Triangle [23-958](#)

WHEREAS, MSP Real Estate, Inc. has proposed a project that will consist of a total of 80 apartment units in two separate four story buildings that will include family, senior and affordable housing and has requested tax incremental financing assistance for site preparation, demolition, construction, and related costs associated with that site; and

WHEREAS, the Financial Affairs Committee has considered the financial viability of providing assistance to promote the development of the Project on this site and has recommended an offer of financial terms for such assistance which are described on the Term Sheet attached hereto and incorporated herein; and

WHEREAS, the Financial Affairs Committee has also recognized that the provision of such financial assistance is anticipated by the approved Project Plan for Tax Incremental District Number 7 in the City of Wauwatosa, and implementation of this portion of the Project Plan will serve to promote further development in this area of the City of Wauwatosa; and

WHEREAS the provision of such assistance to the Project will aid the City of Wauwatosa in addressing the acknowledged needs for low to moderate income or workforce housing, senior housing and housing which is otherwise accessible for persons with disabilities;

NOW, THEREFORE, BE IT RESOLVED THAT the proposal for development assistance described in the attached Term Sheet for multi-family and senior apartments at Burleigh Triangle for the purpose of site preparation, demolition, construction, and related costs associated with development on the site located in the City of Wauwatosa, is hereby approved; and

BE IT FINALLY RESOLVED THAT the appropriate City officials are hereby authorized to draft and execute a Development Agreement with MSP Real Estate, Inc. or a related party, which incorporates the financial terms and is substantially similar to the attached Term Sheet, as well as approved development plans.

By: Financial Affairs Committee

Recommendation: Approve 7-0

The Common Council may convene into closed session regarding this item pursuant to Wis. Stat. §19.85 (1)(e), to deliberate or negotiate the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session. The Common Council may reconvene into open session to consider the balance of the agenda.

RESULT: APPROVED

MOVER: James Moldenhauer

SECONDER: Amanda Fuerst

Aye: 12 Ald Meindl, Ald Moldenhauer, Ald Arney, Ald Dubinski, Ald Makhoulf II, Ald Brannin, Ald Lewis, Ald Franzen, Ald O'Reilly, Ald Phillips, Ald Fuerst, and Ald Dolan

Excused: 4 Ald Lowe, Ald Tilleson, Ald Morgan, and Ald Wilke
Enactment No: R-23-39

7. Resolution approving terms for a Development Agreement with Brookfield Properties regarding future redevelopment of the former Boston Store parcel located at 2400 North Mayfair Road, Wauwatosa [23-959](#)

WHEREAS, the Wauwatosa Community Development Authority ("CDA") purchased the parcel containing the former Boston Store located at 2400 North Mayfair Road in Wauwatosa in 2022; and

WHEREAS, the City and the CDA have a mutual interest in redeveloping the parcel in such a way as to retain the future value and viability of Mayfair Mall, while utilizing this opportunity to substantially increase the taxable value of the parcel as a whole in order to benefit the taxpayers of the City of Wauwatosa; and

WHEREAS, the Financial Affairs Committee has considered in closed session the terms of a possible Development Agreement with Brookfield Properties, the owner of Mayfair Mall, and its redevelopment affiliate, which would accomplish the above goals while also protecting the City and the CDA from future liability in the event of changes in economic circumstances; and

WHEREAS, the Financial Affairs Committee reviewed the confidential terms proposed for a transaction between the City, CDA and Brookfield Properties, and the committee provided further direction to City staff in closed session regarding the terms which would be acceptable in moving forward with the redevelopment of the former Boston Store parcel;

NOW, THEREFORE, BE IT RESOLVED THAT the confidential proposed terms for a Development Agreement between the City of Wauwatosa, the Wauwatosa Community Development Authority, Brookfield Properties and its redevelopment affiliates, as reviewed in closed session with the Committee on Financial Affairs at its meeting of February 28, 2023, are deemed to be appropriate for moving forward toward execution of a final Development Agreement for redevelopment of the parcel as described above, with modifications and parameters outlined to staff in the confidential closed session; and

BE IT FURTHER RESOLVED THAT staff are hereby authorized to continue negotiation with representatives of Brookfield Properties regarding the redevelopment described above, consistent with the parameters and direction provided to staff during that closed session; and

BE IT FURTHER RESOLVED THAT appropriate City officials are hereby authorized at a future date to execute a Development Agreement between the City of Wauwatosa, the Wauwatosa Community Development Authority, Brookfield Properties and its redevelopment affiliates, with terms which shall be substantially similar to and consistent with the terms and parameters discussed in closed session at the above-described meeting on February 28, 2023; and

BE IT FINALLY RESOLVED THAT staff are directed to return to the committee and council

for further approval of the Development Agreement in the event that the terms and conditions are not substantially consistent with the terms and parameters discussed previously, including the directions provided by the committee and the Common Council of the City of Wauwatosa.

By: Financial Affairs Committee

Recommendation: Approve 7-0

The Common Council may convene into closed session regarding this item pursuant to Wis. Stat. §19.85 (1)(e), to deliberate or negotiate the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session. The Common Council may reconvene into open session to consider the balance of the agenda.

RESULT: WITHDRAWN

8. Ratification of Comptroller's Office bills and claims report - February 23 to March 7, 2023

[23-960](#)

RESULT: RATIFIED

MOVER: James Moldenhauer

SECONDER: Amanda Fuerst

FUTURE COUNCIL COMMITTEE AGENDA ITEMS

1. Future Council Committee agenda items

[23-961](#)

No new items.

RESULT: INFORMATIONAL ONLY

ADJOURNMENT

Meeting adjourned at 8:56 PM.