



CITY OF WAUWATOSA
MEMORIAL CIVIC CENTER
7725 WEST NORTH AVENUE
WAUWATOSA, WI 53213
Telephone: (414) 479-8917
Fax: (414) 479-8989

COMMON COUNCIL

Regular Meeting, Tuesday, November 15, 2005

PRESENT: Alds. Casey, Grimm, Herzog, Jenkins, Kopischke, Krill, Maher, Purins, Stepaniak, Subotich, Sullivan, Treis (8:52 p.m.), Bruderle-Baran, Becker, Birschel -15

EXCUSED: Ald. Krol

ALSO PRESENT: Mr. Wontorek, City Administrator; Mr. Braier, Finance Director; Mr. Kesner; City Attorney; Mr. Kappel, Dir. of Public Works; Ms. Welch, Community Development Director; Police Chief Weber; Fire Chief Redman; Dr. Kreuser, Health Officer; Ms. Murphy, Library Director; Mr. Wojcehowicz, Water Utility Supt.; Police Capt. Reit; Ms. Ledesma, City Clerk; Ms. Williams, Deputy City Clerk

Mayor Estness in the Chair

The Mayor called the meeting to order at 7:35 p.m.

It was moved by Ald. Grimm, seconded by Ald. Kopischke that the reading of the minutes of the last regular meeting be dispensed with and they be approved as printed. -14

OLD BUSINESS

The following item was held after a public hearing on November 1, 2005:

ORDINANCE O-05-33

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF WAUWATOSA BY REZONING 6533 W. CENTER STREET FROM AA BUSINESS DISTRICT TO DD EIGHT FAMILY RESIDENCE DISTRICT

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

Part 1. The Official Zoning Map of the City of Wauwatosa is hereby amended to reflect the following change:

The west 24.68 feet of Lot 1 and all of Lot 2, Block 1, Ritter Highland View Extension, a subdivision of a part of the southeast ¼ of Section 15, in Township 7 North, Range 21 East, City of Wauwatosa, County of Milwaukee, State of Wisconsin, is Rezoned from AA Business District to DD Eight Family Residence District.

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.

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

OLD BUSINESS

The following item was held after a public hearing on November 1, 2005:

RESOLUTION R-05-286

WHEREAS, a summary of the proposed budget for the year 2006 has been published in the official newspaper of the City on October 13, 2005, together with the notice of public hearing on the proposed budget to be held on November 1, 2005; and

WHEREAS, said public hearing was held at the time and place stated in said notice and opportunity given to everyone present who desired to be heard on the proposed 2006 budget;

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Wauwatosa THAT pursuant to said hearing as follows:

1. That the departmental balances, if any, in the general appropriations account shall, on December 31, 2005 revert to the Unappropriated General Fund Balance, except for the following:

<u>Account No.</u>	<u>Account Title</u>
113	Youth Commission
114	Historic Preservation Commission
211-5970	Other Equipment
211-5980-020	Police-Expenditures from Donations
211-5980-060	Federal Reimbursement Program
211-5980-061	Drug Prevention & Education Fund
211-5980-085	In-Squad Camera Replacement
211-5980-150	Drug Asset Forfeiture
211-5980-155	DCI Task Force Forfeiture
221-5980-015	Fire Expenditures from Donations
223	Fire Equipment Reserve
522	July Fourth
633-5980-080	Public Wks Bldg. Lighting Upgrades

2. That there be and there is hereby appropriated for the various City purposes for the year 2005, the amounts as shown in the attached estimated 2005 budget and for the year 2006, the amounts shown in the attached proposed budget as amended by the Budget Committee.

3. That the revenues and expenditures for the Debt Service Fund, Special Revenue Funds, Capital Projects Fund, Proprietary Funds and Insurance Reserve Funds are also approved as amended.

4. That the position distribution be amended to reflect those positions created or abolished by the budget.

BE IT FURTHER RESOLVED THAT the sum of \$33,076,013 be and it is hereby levied and assessed upon all of the taxable property, both real and personal, in the City of Wauwatosa, assessed for taxation in said City for the year 2006 for City purposes.

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

It was moved by Ald. Birschel, seconded by Ald. Herzog to amend the proposed budget by deleting \$75,000 allocated for the hiring of a consultant to update the comprehensive city plan. Roll call vote, Ayes 3 (Grimm, Herzog, Birschel), Noes 11. Motion failed.

It was moved by Ald. Herzog, seconded by Ald. Grimm that because of a proposed increase in hours for the property maintenance inspector, he be allowed to look for maintenance violations on his own initiative, rather than just respond to complaints. Roll call vote, Ayes 8, Noes 6 (Casey, Jenkins, Kopischke, Krill, Maher, Purins).

It was moved by Ald. Herzog, seconded by Ald. Grimm to amend the proposed budget by eliminating funding (\$31,000) for the mid-year hiring of an additional sanitarian. Roll call vote, Ayes 1 (Herzog), Noes 13. Motion failed.

It was moved by Ald. Herzog, seconded by Ald. Grimm to amend the proposed budget by eliminating the Conference and Travel line item (\$2,300) from the Administration budget. Roll call vote, Ayes 3 (Grimm, Herzog, Subotic h), Noes 11. Motion failed.

RECESS 8:40 – 8:50 P.M.

(Ald. Treis present 8:52 p.m.) -15

It was moved by Ald. Herzog, seconded by Ald. Birschel to amend the proposed budget by cutting \$35,000 from the Building Repairs line item of the Municipal Complex budget. Roll call vote, Ayes 4 (Grimm, Herzog, Subotich, Birschel), Noes 10, Present 1 (Treis). Motion failed.

It was moved by Ald. Herzog, seconded by Ald. Grimm to amend the proposed budget by cutting \$3,000 from the Reference Materials line item of the City Attorney budget. Roll call vote, Ayes 3 (Grimm, Herzog, Subotich), Noes 12. Motion failed.

It was moved by Ald. Herzog, seconded by Ald. Birschel to amend the proposed budget by cutting \$16,000 from the Reseal Public Lots line item of the Roadway Maintenance budget. Roll call vote, Ayes 4 (Grimm, Herzog, Subotich, Birschel), Noes 11. Motion failed.

It was moved by Ald. Herzog, seconded by Ald. Grimm to amend the proposed budget by eliminating membership in the Wisconsin Alliance of Cities organization. Roll call vote, Ayes 2 (Grimm, Herzog), Noes 13. Motion failed.

It was moved by Ald. Herzog to eliminate membership in the League of Wisconsin Municipalities. Motion failed for lack of a second.

Roll call vote on the motion to approve the 2006 budget, Ayes 10, Noes 5 (Grimm, Herzog, Subotich, Sullivan, Birschel)

APPLICATIONS, COMMUNICATIONS, ETC.

1. City of Wauwatosa Investment Summary as of October 31, 2005
Place on file
2. Wauwatosa Water Utility Statement of Receipts & Disbursements for month ended October 31, 2005
Place on file
3. Notices of Amended Claim: Robert C. Braun, 2160 S. 86th Street
City Attorney
4. Letter from Celeste Flynn, Dir. Public Affairs, Time Warner Cable, informing the city that Time Warner Cable, Inc. will become a publicly-traded company, with no impact on the City's cable system's operation or management
Place on file
5. Letter from Ald. Birschel requesting an amendment to Chapter 8.10.080(C)(2) of the City Code
City Attorney
6. Conditional Use application to operate a retail liquor store at 3122 N. Mayfair Road
Plan Commission, Committee on Community Development
7. Conditional Use application to operate a yoga studio with massage therapy at 6428 W. North Avenue
Plan Commission, Committee on Community Development

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-05-287

WHEREAS, WHG Real Estate North, d/b/a Applebee's Neighborhood Grill & Bar, 6750 W. State Street, Wauwatosa, WI, has applied for a Class B beer and Reserve Class B liquor license for its new location; and

WHEREAS, the applicant has submitted an application for a grant pursuant to Section 6.08.475 of the Wauwatosa Municipal Code; and

WHEREAS, the Common Council hereby finds that the new business establishment will serve the important public purpose of increasing the City's property tax base, providing employment and promoting tourism;

NOW, THEREFORE, BE IT RESOLVED THAT a Class B beer and Reserve Class B liquor license be awarded to WHG Real Estate North, d/b/a Applebee's Neighborhood Grill & Bar, 6750 W. State Street, Wauwatosa, WI, for the period ending June 30, 2006;

BE IT FURTHER RESOLVED THAT subsequent to issuance of the Reserve Class B liquor license, the applicant shall be awarded a grant of \$10,000.00 for economic development purposes as provided by Section 6.08.475B of the Wauwatosa Municipal Code.

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-05-288

WHEREAS, Tiffany Novak, 2800 S. 44th Street, Milwaukee, WI, has applied for an operator's license in conjunction with her employment at the Cheesecake Factory, 2550 N. Mayfair Road; and

WHEREAS, her previous application was denied; and

WHEREAS, the applicant subsequently informed the City that she had not previously received notices regarding the application process, at which point the Committee on Legislation, Licensing and Communications determined that it would be appropriate to reconsider the license application;

NOW, THEREFORE, BE IT RESOLVED THAT Tiffany Novak, 2800 S. 44th Street, Milwaukee, WI, is hereby issued an operator's license for the period ending June 30, 2006.

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-05-290

WHEREAS, Joshua R. Reinhardt, 8716 Jackson Park Blvd., Wauwatosa, WI, has applied for an operator's license in conjunction with his employment at the Cheesecake Factory, 2550 N. Mayfair Road;

NOW, THEREFORE, BE IT RESOLVED THAT Joshua R. Reinhardt, 8716 Jackson Park Blvd., Wauwatosa, WI, is hereby issued an operator's license for the period ending June 30, 2006.

It was moved by Ald. Treis, seconded by Ald. Grimm to approve the three foregoing resolutions. -15

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-05-289

WHEREAS, Ashley D. Pfaff, 4067 S. 35th Street, Greenfield, WI, has applied for an operator's license in conjunction with her employment at The Cheesecake Factory, 2550 N. Mayfair Road, Wauwatosa, WI;

NOW, THEREFORE, BE IT RESOLVED THAT Ashley D. Pfaff is hereby issued an operator's license for the period ending June 30, 2006, contingent upon a review of her record in six months, verification of the completion of counseling, and no further alcohol related problems occur;

BE IT FURTHER RESOLVED THAT the Wauwatosa Police Department is directed to review Ms. Pfaff's record six months after issuance of this initial license and report back to the Committee on Legislation, Licensing and Communications if any new significant issues or concerns are revealed at that time, and also the completion of counseling is completed, along with no further alcohol related problems.

It was moved by Ald. Treis, seconded by Ald. Grimm to approve the foregoing resolution. Roll call vote, Ayes 11, Noes 4 (Kopischke, Subotich, Bruderle-Baran, Becker)

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-05-291

WHEREAS, Angela Fullerton, MLG Commercial, has applied for a Conditional Use in the AA Business District at 2525 N. Mayfair Road for a workout/training facility and;

WHEREAS, this request was reviewed and recommended by the City Plan Commission and the Committee on Community Development and determined to be necessary for the public convenience at that location; located and proposed to be operated in such manner which will protect the public health, safety, and welfare; and was found to be compatible with surrounding uses;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin hereby grants a Conditional Use to Angela Fullerton, MLG Commercial, for a Conditional Use in the AA Business District at 2525 N. Mayfair Road for a workout/training facility contingent upon hours of operation from 6:00 a.m. to 9:00 p.m. Monday through Friday and 6:00 a.m. to 3:00 p.m. on Saturday.

It was moved by Ald. Kopischke, seconded by Ald. Subotich to approve the foregoing resolution. -15

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-05-292

WHEREAS, the Wauwatosa Recycling Committee has reviewed a number of recommendations before electronics recycling at the Wauwatosa Public Works yard; and

WHEREAS, the recommendation of the Recycling Committee is that Computer Solutions and Services, Inc. be authorized to pickup recyclable electronics at the Public Works yard at a cost of \$60.00 per week, or no cost if that company also receives a similar agreement to pickup Wauwatosa School District computers,

NOW, THEREFORE, BE IT RESOLVED THAT the appropriate City officials are hereby authorized to execute an agreement with Computer Solutions and Services, Inc. for purposes of allowing that company to pickup recyclable electronics at the Public Works yard as described above.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-05-293

WHEREAS, the fees collected by Wauwatosa City departments were reviewed and discussed by the Budget Committee during budget review; and

WHEREAS, any changes recommended in fees are reasonably related to changed conditions in City finances and the cost of providing the appropriate services; and

WHEREAS, the 2006 consolidated fee schedule for the City of Wauwatosa has been made available for review at the offices of the Wauwatosa City Clerk;

NOW, THEREFORE, BE IT RESOLVED THAT the 2006 consolidated fee schedule is hereby approved as recommended by the Budget Committee during the budget review process and made available for public review at the office of the City Clerk.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-05-294

WHEREAS, Milwaukee County has requested that the Wauwatosa Water Utility extend its customer service area to the Milwaukee County Zoo to provide service in a manner similar to that in which it provides service to individual customers in the City of Wauwatosa; and

WHEREAS, the Milwaukee Water Works, which provides water to the City of Wauwatosa Water Utility, requires that the Common Council provide a Resolution in favor of such extension in order to study the allocation of costs for any infrastructure improvements;

NOW, THEREFORE, BE IT RESOLVED THAT the Common Council of the City of Wauwatosa hereby approves the study and provision of cost estimates for the purpose of exploring the feasibility of extension of Wauwatosa Water Utility service areas to include the Milwaukee County Zoo;

BE IT FURTHER RESOLVED THAT the Wauwatosa Common Council hereby requests the Milwaukee Water Works, Milwaukee Commissioner of Public Works, and Milwaukee County Council to approve a study regarding the request and to review and update any engineering study of the capacities of this system to meet this request;

BE IT FINALLY RESOLVED THAT if it is determined that it would be advantageous for the City of Wauwatosa Water Utility to provide this service to the Milwaukee County Zoo, the City of Wauwatosa will provide a separate resolution and amendment to the existing contract between the Wauwatosa Water Utility and the Milwaukee Water Works for this purpose.

It was moved by Ald. Bruderle-Baran, seconded by Ald. Stepaniak to approve the three foregoing resolutions. -15

FROM THE COMMITTEE ON BUDGET AND FINANCE

BILLS AND CLAIMS FOR THE PERIOD 11/02/05 – 11/15/05 --

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

Total bills and claims for 11/02/05 – 11/15/05: \$1,156,184.99

It was moved by Ald. Casey, seconded by Ald. Bruderle-Baran that each and every one of the accounts of bills and claims be allowed and ordered paid. Roll call vote, Ayes 15.

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-05-295

BE IT RESOLVED, by the Common Council of the City of Wauwatosa, THAT permission be and the same is hereby granted to Daniel and Karen Diedrich, 2525 N. 88th Street, Wauwatosa, WI, to encroach onto City right-of-way with a service walk, subject to the applicants executing unto the City of Wauwatosa an indenture setting forth the terms, provisions and conditions relating to the granting of the aforesaid permission by said City to said applicants.

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-05-297

BE IT RESOLVED, By the Common Council of the City of Wauwatosa, Wisconsin that the following be and hereby are the policies for 2006 construction pertaining to street improvements and corresponding rates:

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

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

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

- a) Repaving Type “A” \$33.00 for completely removing existing curb and pavement regrading and replacing with new concrete curb and gutter and either concrete pavement or asphalt pavement with a new road base.
- b) Repaving Type “B” \$26.40 for completely removing existing curb and gutter, milling the existing pavement as required, and replacing with concrete curb and gutter and asphalt pavement on the existing road base.

Note: To recover the cost of public sidewalk replacement when done in conjunction with Type “A” or Type “B” repaving, the assessable rates shall reflect an amount of \$8.50 added against each frontage foot of adjacent properties.

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

- c) Repaving Type “C” \$13.20 for replacing defective curb and gutter (not to exceed 25% of the total length of curb and gutter existing on the street segment to be improved), milling the existing pavement surface as required, and surfacing with new asphalt pavement.

If Type “C” Repaving is required on arterial streets less than 25 years after Type “A” repaving has been performed, all one and two family residences shall receive total assessment credit equal to 4% for each year under 25 years.

Sidewalk or drive approach replacement shall be assessed at actual cost plus the cost of engineering and overhead as described in paragraph 11 when done in conjunction with Type “C” repaving.

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

Property Classification Factors

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

Assessable Factors

- (a) Rear alley - Average of front and rear lot lines.
 - (b) Side alley - Average of front and rear lot lines.
 - (c) Rear and side alley - Single assessment only: average of front and rear lot lines.
 - (d) One and two family lots with primary vehicle access from a public street assessed at 50% of the unit rate.
- (4) (a) Side yards, consistent with the definition in sec. 24.02.340 of the Wauwatosa Municipal Code, for original permanent pavement, reconstruction of permanent pavement, and asphalt resurfacing shall be assessed at the rate of 50% of the assessable side yard footage, abutting on the street being improved, for 1 and 2 family, church, school, and public park uses only. All other classes of property shall be assessed for full assessable footage.
- (b) A platted or divided lot that extends through and abuts two streets, provided such lot does not consist of two or more platted or divided lots, shall have the longer of the two sides considered a side yard for purposes of assessment. The rate of assessment shall be determined as described in Paragraph (4) (a) herein.

Should both abutting frontages be equal in length, the frontage first improved or reconstructed or resurfaced, as the case may be, shall be considered the front for assessment purposes. Irregular shaped lots may be assessed based on the actual abutting frontages.

- (c) Properties with 3 sides adjacent to streets shall have the two longest assessable footage sides assessed at 50%. Remaining side is assessed at 100% of assessable footage.
- (5) Permanent asphalt driveway approaches placed at existing driveways, in connection with the construction of original permanent pavement, shall be assessed at cost plus 12.5% for engineering and overhead.
- (6) Concrete drive approaches replaced under public contract, in connection with the construction of all permanent paving, shall be assessed at actual cost plus the cost of

engineering and overhead as described in paragraph 11. Concrete drive approaches six years old or less are to be replaced at no cost, and those seven to twelve years old at one-half cost.

- (7) Defective permanent curb replaced either by contract or City forces, when requested by the property owner in writing, or replacements not in connection with the resurfacing of a permanent street, shall be assessed at the rate of \$35.00 per foot replaced.
- (8) Service walk replacement shall be assessed at actual cost plus the cost of engineering and overhead as described in paragraph 11, when done in conjunction with all permanent paving.
- (9) Costs of service walks removed and replaced with sod in conjunction with permanent paving or sidewalk repair contract are not assessed to abutting property owners.
- (10) Sidewalk, driveway approaches, and service walk removal and replacement, when not done in conjunction with permanent paving or when ordered replaced by the Board of Public Works due to deterioration or defective condition, when done under public contract, shall be assessed at cost plus 25% for engineering and overhead. Sidewalks and service walks when not done in conjunction with permanent paving, which require replacement because of city tree roots damaging same, shall receive a 1/3 credit.
- (11) To recover the cost of engineering and overhead in connection with repaving and related work involving special assessments, a charge of 12.5% shall be made against the contract amount of such work, unless a different amount is specifically stated in this resolution.
- (12) Drive approaches, sidewalk, service walk, and/or sodding replaced under public contract in excess of that required for construction of all permanent paving as determined by the Engineering Department, when requested by the property owner in writing, shall be assessed at actual cost plus the cost of engineering and overhead as described in paragraph 11.
- (13) Federal, state, and railroad properties are exempt from special assessments.
- (14) Street projects that have been postponed shall be assessed at the rate the project was originally approved by the Common Council unless the Common Council subsequently sets a new rate.
- (15) This policy of assessment shall apply commencing with the date of adoption and will remain in effect until such time as modified by the Common Council.

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-05-298

BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin that a public hearing be held before the Common Council in the Council Chambers at 7:30 p.m. Local Time, on Tuesday, December 20, 2005 in the City Hall of the City of Wauwatosa, Wisconsin at which time all persons interested, or their agents or attorneys, will be heard concerning matters relating to the City's intent to perform street construction work in the City of Wauwatosa.

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-05-299

BE IT RESOLVED, by the Common Council of the City of Wauwatosa, THAT permission be and the same is hereby granted to Robert and Karen Kraemer, 1522 N. 124th Street, Wauwatosa, WI, to encroach onto City right-of-way with a driveway turn-around area, subject to the applicants executing unto the City of Wauwatosa an indenture setting forth the terms, provisions and conditions relating to the granting of the aforesaid permission by said City to said applicants.

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-05-300

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 American Sewer Services, Inc., for the work of water main relay servicing areas within TIF No. 3 and work incidental thereto at and for their bid price of \$1,609,949.00.

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

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-05-301

WHEREAS, the Wauwatosa purchasing department has received bids for the purchase of stone, sand, and gravel to meet 2006 requirements; and

WHEREAS, it has been past practice to award the bid to multiple bidders for purchases during 2006 on an as needed basis because of price, convenience and availability;

NOW, THEREFORE, BE IT RESOLVED THAT the City of Wauwatosa purchasing department is hereby authorized to purchase stone, sand, and gravel for the year 2006 from any of the six bidders submitting bids, with individual purchases being evaluated on an as needed basis pursuant to price, convenience, and availability.

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-05-302

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 Northern Pipe Equipment, Inc., of Green Bay, Wisconsin for the work of sanitary sewer cleaning and TV inspection and storm sewer TV inspection and work incidental thereto under Contract 05-11 at and for their bid price of \$31,270.07, this being the lowest and best bid.

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

It was moved by Ald. Herzog, seconded by Ald. Birschel to approve the seven foregoing resolutions. -15

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-05-296

WHEREAS, Common Council Resolution R-05-112 removed the alley between N. 124th and N. 122nd Streets between Burleigh Street and W. Chambers Street from the 2005 City of Wauwatosa Capital Improvement Plan as the City explored vacating the alley and transferring it to neighboring property owners; and

WHEREAS, the property owners involved in this potential vacation of the alley have subsequently declined to accept the vacation of the alley; and

WHEREAS, during the interim period, the alley was paved by a private party at no expense to the City of Wauwatosa;

NOW, THEREFORE, BE IT RESOLVED THAT the Wauwatosa Common Council hereby confirms its previous decision to remove the above-described alley from the 2005 City of Wauwatosa Capital Improvement Plan, and property owners shall not be assessed for any improvements to said alley.

It was moved by Ald. Maher, seconded by Ald. Treis to approve the foregoing resolution. 14-0-1 (Krill)

There being no further business, the meeting adjourned at 9:27 p.m.

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Carla A. Ledesma, CMC, City Clerk