



CITY OF WAUWATOSA
MEMORIAL CIVIC CENTER
7725 WEST NORTH AVENUE
WAUWATOSA, WI 53213
Telephone: (414) 479-8917
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COMMON COUNCIL
Regular Meeting, Tuesday, February 6, 2007

PRESENT: Alds. Donegan, Ewerdt, Grimm, Hanson, Herzog, Krol, Meaux, Minear, Purins, Stepaniak, Treis, Becker, Birschel, Didier -14

EXCUSED: Alds. Krill and Maher

ALSO PRESENT: Mr. Archambo, City Administrator; Mr. Kesner, City Attorney; Mr. Braier, Finance Director; Mr. Kappel, Public Works Director; Ms. Welch, Community Development Director; Police Capt. Sutter; Fire Chief Redman; Mr. Wehrley, City Engineer; Mr. Kelly, Street Design Engineer; Ms. Ledesma, City Clerk; Ms. Williams, Deputy City Clerk

Mayor Estness in the Chair

The Mayor called the meeting to order at 7:30 p.m.

It was moved by Ald. Herzog, seconded by Ald. Stepaniak to appoint Paul Minear to fill the vacancy in the Fifth Aldermanic District. -13

City Clerk Carla Ledesma swore in Paul Minear as Fifth District Alderman.

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

POLL WORKER APPOINTMENTS

The following names were submitted as regular poll workers for 2007:

District 2

Mary Baker, 2131 N. 72nd Street
Tony Ostry, 1409 N. 64th Street

District 5

Victoria Ostry, 1409 N. 64th Street

District 7

Michael Anich, 6324 Upper Parkway North
Patty Zimmerman, 131 N. 87th Street

PUBLIC HEARING

A public hearing was held to consider the proposed 2007 street improvement program. Proof of publication and proof of mailing are in the file. The Board of Public Works recommended approval of the projects.

<u>Street & Location</u>	<u>Ald. Dist.</u>	<u>Exist & (Prop.) Width</u>	<u>Pavement Construction Type</u>	<u>Assessed Sidewalk Work</u>
*N. 97th St. - Sarasota Pl. to Fiebrantz Ave.	8	30	C	No
W. Congress St.-N. 92nd St. to N. 94th	8	30-30-30	C	No
W. Congress St.-N. Mayfair Rd to Menom. Rvr Pkwy	8	30	C	No
Maple Lane- N. Mayfair Road to east end	8	30	C	No
W. Sarasota Place-N. 95th St. to N. 100th St.	8	30	C	No
Alley - Hill St to Hawthorne Ave., Glenview to N. 85th	3	15	C	No
*Alley-Marion St to Grantosa Dr./99th to 100th St.	8	20	C	No
Alley- Meinecke Ave to North Ave./114th to 115th St	7	20	C	No
*Joint project with the City of Milwaukee				

The Mayor declared the public hearing open.

N. 97th Street, Sarasota Place to Fiebrantz Avenue

No one of the public present appeared in favor or in opposition to the proposed project nor had any questions or comments.

W. Congress Street, N. 92nd – N. 94th Streets

John Galanis, 1200 Woodlawn Circle, Elm Grove, questioned the extent of the proposed improvement. Mr. Kappel explained that a Type C construction is a re-surfacing.

W. Congress Street, N. Mayfair Road – Menomonee River Parkway

No one of the public present appeared in favor or in opposition to the proposed project nor had any questions or comments.

Maple Lane, N. Mayfair Road to the east end

No one of the public present appeared in favor or in opposition to the proposed project nor had any questions or comments.

W. Sarasota Place, N. 95th – N. 100th Streets

No one of the public present appeared in favor or in opposition to the proposed project nor had any questions or comments.

Alley, Hill Street to Hawthorne Avenue, Glenview to N. 85th Street

Amber Cordova, 161 N. Glenview Avenue, opined that the alley area to the north needs work; the area to the south does not.

Alley, Marion Street to Grantosa Drive, N. 99th – N. 100th Streets

Kyle Matusinec, 4271 N. 99th Street, stated there is only one bad spot in their alley, that being at the south end where the alleys “T” together.

Jay Douglas, 4231 N. 99th Street, submitted a petition with ten names of people opposing the project.

Frederick Krause, 4265 N. 99th Street, stated the alley is still in satisfactory condition; the project should be revisited in a few years.

Mr. Kappel stated that this is a joint project with the City of Milwaukee for which Wauwatosa is the lead agency. If the Wauwatosa Common Council approves the project, City of Milwaukee staff will submit it for consideration to the Milwaukee Common Council. If either Council does not approve the project, it will not be done. Each municipality will pay for its own portion of the work. The alley has deteriorated somewhat, but will still be serviceable for many years if it is resurfaced now. If nothing is done, it is likely that a complete reconstruction will be required in the future, at a much higher cost than resurfacing.

Alley, Meinecke Avenue to North Avenue, N. 114th – N. 115th Streets

No one of the public present appeared in favor or in opposition to the proposed project nor had any questions or comments.

The public hearing was declared closed. Ordered held to the next Common Council meeting, February 20, 2007.

APPOINTMENTS BY THE MAYOR

Library Board

Maureen Klein, 1816 Alta Vista Avenue
(Term ends 6/30/09)

Design Review Board A (reappointments)

Kent Ehley, 7437 Kenwood Avenue
Peter Muller, 8120 W. Woodland Avenue
(Terms end 12/31/08)

Design Review Board B (reappointment)

Carmen Bolger-Linna, 12030 W. Hadley Street
(Term ends 12/31/08)

Design Review Board C (reappointments)

Dennis Scherr, 2380 N. 100th Street
Mark Weseloh, 6407 Powell Place
John Kissinger, 1829 N. 68th Street
(Terms end 12/31/08)
Gary G. Woodward, 6934 Cedar Street
Edward Haydin III, 2568 N. 71st Street
(Terms end 12/31/09)

Historic Preservation Commission (reappointments)

Carolyn Edwards, 1850 N. 74th Street
(Term ends 11/30/07)
Dan Jones, 7623 Livingston Avenue
Kathleen Ehley, 7437 Kenwood Avenue

Sharon Eiff, 1417 Lombard Court
(Terms end 11/30/09)

Civic Celebration Commission (reappointments)

Kevin Mullen, 1937 N. 73rd Street
(Term ends 12/31/10)

Cheryl Berdan, 2049 N. 114th Street
(Term ends 12/31/11)

Foregoing appointments ordered held as this was the first reading.

APPLICATIONS, COMMUNICATIONS, ETC.

1. Letter from Steven P. Looft, VJS Development Group, requesting the establishment of a Tax Incremental District for a development at 2979 N. Mayfair Road
Director of Community Development
2. Notice of partial waiver and release of lien by Dawes Rigging & Crane Rental, Inc.
Add to existing file
3. Conditional Use application to add to an existing grocery store at 10633 W. North Avenue
Plan Commission, Committee on Community Development
4. Conditional Use application to place a telephone fiber conversion cabinet at 2186 N. 74th Street
Plan Commission, Committee on Community Development
5. Conditional Use application to place a telephone conversion cabinet at 9993 W. North Avenue
Plan Commission, Committee on Community Development
6. Conditional Use application to place a telephone conversion cabinet at 10000 W. North Avenue
Plan Commission, Committee on Community Development
7. Application for Final Approval of a Business Planned Development at 6745 W. Wells Street
Plan Commission, Committee on Community Development
8. Conditional Use application for a martial arts studio at 11931 W. Blue Mound Road
Plan Commission, Committee on Community Development
9. Southeastern Wisconsin Regional Planning Commission Planning Report N. 51, A Wireless Antenna Siting and Related Infrastructure Plan for Southeastern Wisconsin
Place on file
10. Request by Wauwatosa Village Task Force for a street festival permit for Tosafest 2007
Committee on Community Development
11. Conditional Use application for a telephone conversion cabinet at 11118 W. Wisconsin Avenue
Plan Commission, Committee on Community Development
12. Letter from William R. Blanton Jr., Federal Emergency Management Agency, regarding a flood insurance study report and flood insurance rate map for Wauwatosa
Director of Community Development
13. Letter from Delbert Reynolds, U. S. Dept. of Housing & Urban Development, regarding the 2005 annual community assessment for Community Development Block Grant funds
Director of Community Development

14. Notices of Claim: Wheaton Franciscan Health-Southeast Wisconsin, Inc. and Wheaton Franciscan Healthcare-St. Joseph, Inc. for unlawful taxes and excessive assessment for parcel numbers 411-9976-05, 411-9994-03, 411-9978-06, and Account No. 060212; Milwaukee Regional Medical Center, 8624 Watertown Plank Road (tax key #372-9999-06; personal property #043-900) for refund of unlawful 2006 taxes paid in 2007
City Attorney
15. E-mails from: Kelly Kritz, 2329 N. 89th Street, Kurt & Vicki Spiering, Michele Tschopp, 2354 N 89th Street, Janet Blair, Lanier Korsmeyer, Marie Dupuis, Peter Westergard, Steve & Renae Engel, 2349 N. 89th Street, David Shelstad, 8904 Jackson Park Blvd., Amy and Jason Kite, Suzanne Garr, Andy Klein, and Leanne Jaques opposing the conditional use request by The Club Tap, 8828 W. North Avenue
Add to existing file
16. City of Wauwatosa Bank Reconciliation of Depository Accounts as of December 31, 2006
Place on file
17. E-mails from Janine Gruna, 7424 Maple Terrace, Kathy Barry, 608 N. 62nd Street, and Sue Ogden, 3159 N. Knoll Terrace, opposing the granting of hardship exemptions from the smoking ban for Hector's and Bigg's Roadhouse restaurants
Add to existing files

FROM THE COMMITTEE ON TRAFFIC & SAFETY FOR INTRODUCTION

1. Ordinance amending Chapter 11.36.190 of the City Code to prohibit left turns for westbound Watertown Plank Road at N. 86th Street
Re-refer to originating committee
2. Ordinance amending Section 11.32.080 of the City Code by creating a 2 hour parking restriction on W. Meinecke Avenue between N. 86th and N. 88th Streets
Re-refer to originating committee
3. Ordinance amending the City Code by imposing No Standing, Stopping, or Parking on School Days from 8:00 –9:00 a.m. and 3:00 – 4:00 p.m. and a 3-hour parking restriction from 9:00 a.m. - 3:00 p.m. on the east side of N. 73rd Street between W. Wright and W. Clarke Streets
Re-refer to originating committee

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-07-17

WHEREAS, Charles P. Bartelt, 10218 Dunkelow Road, Franksville, WI, has applied for an operator's license in conjunction with his employment at Applebee's, 6750 W. State Street Wauwatosa, WI;

NOW, THEREFORE, BE IT RESOLVED THAT Charles P. Bartelt is hereby issued an operator's license for the period ending June 30, 2007.

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-07-18

WHEREAS, Michael J. Kissel, 1223 Elm Lawn Street, Wauwatosa, WI, applied for an operator's license in conjunction with his employment at Colonel Hart, 7342 W. State Street, Wauwatosa, WI;

NOW, THEREFORE, BE IT RESOLVED THAT Michael J. Kissel is hereby issued an operator's license for the period ending June 30, 2007;

BE IT FURTHER RESOLVED THAT the Wauwatosa Police Department is hereby directed to conduct a further review of the criminal records concerning Mr. Kissel six months from the date of this license issuance and is directed to report back to the Legislation, Licensing & Communications Committee if any new concerns regarding Mr. Kissel's fitness for this operator's license are found.

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-07-19

WHEREAS, William Poull of the Club Tap, 8828 W. North Avenue, has requested a temporary extension of the licensed premises to include the rear parking lot on February 18, 2007;

NOW, THEREFORE, BE IT RESOLVED THAT the licensed premises of the Club Tap be extended to include the rear parking lot on February 18, 2007, between the hours of 12:00 and 6:00 pm with the condition surrounding neighbors are notified.

It was moved by Ald. Krol, seconded by Ald. Birschel
to approve the three foregoing resolutions. -14

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-07-20

BE IT RESOLVED, by the Legislation, Licensing & Communications Committee of the City of Wauwatosa THAT certain restaurant establishments may apply for an exception to the smoke free restaurant ban due to Hardship based on the City of Wauwatosa ordinance, section 8.12.040 (B), and

THAT upon application to the city for approval for an exception to the smoke free restaurant ban, Biggs Roadhouse has met requirements for a Hardship exemption in accordance with City Code section 8.12.040 (B) as an exception to the smoke-free restaurant ban;

THEREFORE BE IT RESOLVED THAT the above noted establishment is hereby granted a Hardship exemption to the smoke free restaurant ordinance, which exemption shall expire July 1, 2008.

It was moved by Ald. Krol, seconded by Ald. Birschel
to approve the foregoing resolution. Ayes 13, Noes 1
(Donegan)

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-07-21

BE IT RESOLVED, by the Legislation, Licensing & Communications Committee of the City of Wauwatosa THAT certain restaurant establishments may apply for an exception to the smoke free restaurant ban due to Hardship based on the City of Wauwatosa ordinance, section 8.12.040 (B), and

THAT upon application to the city for approval for an exception to the smoke free restaurant ban, Hector's A Mexican Restaurant has met requirements for a Hardship exemption in accordance with City Code section 8.12.040 (B) as an exception to the smoke-free restaurant ban;

THEREFORE BE IT RESOLVED THAT the above noted establishment is hereby granted a Hardship exemption to the smoke free restaurant ordinance, which exemption shall expire July 1, 2008.

It was moved by Ald. Krol, seconded by Ald. Birschel to approve the foregoing resolution. -14

FROM THE COMMITTEE ON TRAFFIC AND SAFETY

ORDINANCE O-07-02

AN ORDINANCE AMENDING WAUWATOSA CODE SECTION 11.32.080 TO ADD PARKING RESTRICTIONS ON A PORTION OF NORTH 113th STREET

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

Part I. The "113TH Street – west side" portion of the "Schedule of Streets, and Portions" subsection of Wauwatosa Code Section 11.32.080 is hereby amended by adding the following:

- (a) from the northernmost driveway of the property at 11320 Watertown Plank Road to a location 15 feet south thereof

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

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

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-07-22

BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin THAT permission be and the same is hereby granted to Ed Boesen to divide the parcel located at 9125 W. North Avenue, Wauwatosa into three parcels, creating one commercial property fronting on North

Avenue and two residential properties fronting on Jackson Park with a depth of 130 feet. The original parcel is more particularly described as follows:

That part of East 58.55 feet of Lot 26 and west 53.65 feet of Lot 25, Block 2, Ridge Lawn Subdivision No. 2, lying North of Jackson Park Boulevard, except North 40.00 thereof for street in the Northwest ¼ of the Southeast ¼ and the Northeast ¼ of Section 21, in Township 7 North, Range 21 East, in the City of Wauwatosa, County of Milwaukee, State of Wisconsin.

All in accordance with the survey attached hereto and made a part of this resolution, and in compliance with Section 24.56.010 of the Code of the city of Wauwatosa and subject to the payment of all outstanding special assessments on the aforescribed property which is being subdivided.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-07-23

WHEREAS, Don Soderberg has applied for a Conditional Use for a worship and fellowship hall at 4373 N. 92nd Street in the AA Single Family Residence District, 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 that the Common Council of the City of Wauwatosa, Wisconsin hereby grants a revised Conditional Use to Don Soderberg for a worship and fellowship hall located in the AA Single Family Residence District at 4373 N. 92nd Street subject to obtaining any necessary licenses and permits.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-07-24

WHEREAS, Joseph Kresl of Hawks Nursery has applied for a Conditional Use for a retail addition at 12217 W. Watertown Plan Road in the AA Single Family Residence District, 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 that the Common Council of the City of Wauwatosa, Wisconsin hereby grants a Conditional Use to Joseph Kresl of Hawks Nursery for retail addition located in the AA Single Family Residence District at 12217 Watertown Plank Road subject to the following:

- 1) obtaining any necessary licenses and permits, and
- 2) maintaining the hours of operation from 8:00 a.m. to 8:00 p.m. Monday through Sunday, and
- 3) review of the storm water drainage plan with the City Engineer, and
- 4) posting the rules for truck deliveries on the fence, and
- 5) fixing the damaged fence.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-07-26

WHEREAS, Clear Channel Outdoor has requested permission to install new transit shelters for Milwaukee County Transit System bus stops which would include illuminated advertising; and

WHEREAS, the Wauwatosa Municipal Code gives the Common Council the power to determine location and design of shelters located in the public right-of-way; and

WHEREAS, the Wauwatosa Common Council finds that in no other instance has it approved or authorized any transit shelters or other structures in the City of Wauwatosa which contain off premises advertising or billboards, such as those included in the Clear Channel Outdoor proposal;

NOW, THEREFORE, BE IT RESOLVED THAT the Wauwatosa Common Council hereby denies the request of Clear Channel Outdoor to install new transit shelters with illuminated advertising in the public right-of-way within the City of Wauwatosa for the Milwaukee County Transit System.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-07-27

WHEREAS, the City of Milwaukee owns the Hartung Quarry property, approximately the western one third of which is located within the city of Wauwatosa; and

WHEREAS, per a document prepared by the Southeast Wisconsin Regional Plan Commission dated March 1998 entitled "A Park and Open Space Plan for the City of Wauwatosa", the quarry abuts a residential area of the city not adequately served by neighborhood parks; and

WHEREAS, the quarry has been used for several decades by the City of Milwaukee as a depository for the City's clean fill generated by various public improvement activities; and

WHEREAS, the quarry is now reaching its fill capacity; and

WHEREAS, in 2005, the City of Milwaukee initiated a quarry reuse planning exercise which involved officials and residents from both Wauwatosa and Milwaukee; and

WHEREAS, the outcome of that exercise was a plan for converting most of the quarry into a park with the potential for several single family home lots along perimeter sections located within Milwaukee; and

WHEREAS, it has been determined that a phased approach would be the most desirable strategy for development of the park; and

WHEREAS, phase I of the park development would be located generally in the quarry's northwest corner and would largely be within the city of Wauwatosa; and

WHEREAS, the City of Milwaukee intends to pursue a State of Wisconsin Stewardship Grant to help fund the phase I improvements;

NOW THEREFORE, BE IT RESOLVED by the Common Council of the City of Wauwatosa THAT it supports the City of Milwaukee's plans to convert the Hartung Quarry into a park;

BE IT FURTHER RESOLVED THAT the City of Wauwatosa also supports linking the new Hartung Park to the Menomonee River Corridor located immediately to the west across the Menomonee River Parkway;

BE IT FURTHER RESOLVED THAT the City of Wauwatosa will, at its expense, make and maintain crosswalk improvements across the Parkway and to W. Keefe Avenue upon completion of the new park's phase I;

BE IT FINALLY RESOLVED THAT the City of Wauwatosa hereby expresses its support for Stewardship Grant funding for the Hartung Park project so that phase I of the park can be developed as planned in 2008.

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

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION

WHEREAS, William Poull has applied for modifications to a Conditional Use for outdoor dining located at 8828 W. North Avenue in the AA Business District, 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 that the Common Council of the City of Wauwatosa, Wisconsin hereby grants a revised Conditional Use to William Poull for outdoor dining located in the AA Business District at 8828 W. North Avenue subject to the following conditions:

- 1) obtaining any necessary licenses and permits, and
- 2) hours of operation of 11:00 a.m. to 9:00 p.m., Sunday through Thursday, and 11:00 a.m. to 10:00 p.m. on Friday and Saturday, and
- 3) maximum of 16 seats, and
- 4) no music, and
- 5) review of the Conditional Use in November 2007, and

7) decorative outdoor lighting to provide adequate, but not excessive lighting for patrons.

It was moved by Ald. Treis, seconded by Ald. Herzog to approve the foregoing resolution. –

It was moved by Ald. Treis, seconded by Ald. Ewerdt to amend the motion by changing the hours of operation to end at 9 p.m. (but with discussion of a cushion to allow completion of a meal). –

Following further discussion, the second was withdrawn.

Motion failed for lack of a second.

It was moved by Ald. Birschel, seconded by Ald. Meaux to amend the motion by restoring the condition of food service, and allowing hours of operation for outside seating to end at 10 p.m. on Fridays and Saturdays. Roll call vote, Ayes 1 (Birschel), Noes 13. –Motion failed.

Roll call vote on original motion, Ayes 1 (Herzog), Noes 13. Motion failed.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-07-28

WHEREAS, the City of Wauwatosa currently owns and uses 6 trackless 4-wheel drive articulating tractors for multiple purposes depending upon the season and other attachments; and

WHEREAS, one of the existing vehicles is a 1992 model which costs approximately \$100.00 per hour more to operate than others because of its poor condition; and

WHEREAS, replacement with a new model including the necessary attachments would cost approximately \$104,000.00, which replacement would have been proposed in the 2008 Equipment budget; and

WHEREAS, the Public Works Director has been notified of the availability of a used 2002 model year vehicle in excellent condition with multiple attachments at a price of \$54,950.00; and

WHEREAS, necessary funds for purchase of the vehicle are available in the Equipment Reserve as a result of sales of surplus equipment in 2006 through an auction service;

NOW, THEREFORE, BE IT RESOLVED THAT the purchase of a year 2002 4-wheel drive articulating tractor with attachments at a price of \$54,950.00 with funds from the Equipment Reserve fund is hereby approved.

FROM THE COMMITTEE ON BUDGET AND FINANCE

TO THE COMMON COUNCIL, CITY OF WAUWATOSA, WI –

The Committee on Budget and Finance, to whom was referred the matter of the WEDC 2007 Budget and Work Plan, recommends to the Common Council that the matter be accepted and placed on file.

Dated this 30th day of January 2007.

Committee on Budget & Finance

It was moved by Ald. Stepaniak, seconded by Ald. Meaux
to approve the foregoing resolution and the foregoing report. -14

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-07-29

WHEREAS, the City of Wauwatosa has an existing contract with Graef, Anhalt, Schloemer & Associates (GAS) for construction inspection services; and

WHEREAS, the terms of the contract allow a one year extension for the year 2007 with a 3.4% increase in fees billed to the City of Wauwatosa;

NOW, THEREFORE BE IT RESOLVED THAT the Wauwatosa Common Council hereby approves a one year extension of the existing construction inspection services contract with GAS with a 3.4% increase in rates for the year 2007.

It was moved by Ald. Stepaniak, seconded by Ald. Meaux
to approve the foregoing resolution. 13-1 (Grimm)

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-07-30

BE IT RESOLVED, by the Common Council of the City of Wauwatosa THAT the claim filed by Robin & Angel Rice for damages be and the same is hereby denied and placed on file for the reason that no liability exists on the part of the City;

BE IT FURTHER RESOLVED THAT the City Clerk is hereby authorized and directed to notify said claimant of this action of the Common Council as provided by law.

It was moved by Ald. Stepaniak, seconded by Ald. Meaux
to approve the foregoing resolution. –

It was moved by Ald. Treis to refer the matter back to
committee. –Motion failed for lack of a second.

Vote on original motion, 13-1 (Treis)

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-07-31

WHEREAS, there is a need for an interim recycling option for the collection of recycled materials in the City of Wauwatosa due to the November 25, 2006 fire at the “Blue Bag” sorting facility ; and

WHEREAS, Waste Management has given the city a price per ton for sorting the Blue Bags from the Waste Stream at the Waste Management MRC at 9601 N. Wausaukee Road; and

WHEREAS, the adjuster for the insurance company has contacted the department and agreed to pay the difference to have the blue bags sorted at this facility for a total per ton cost of \$91.21/ton; and

WHEREAS, the City has reviewed the various options for interim recycling and agrees that option # 1 as stated above is in the best interests of the residents as it provides the same service level for the blue bag recycling program prior to the November 25 2006 fire,

NOW, THEREFORE, BE IT RESOLVED THAT the City of Wauwatosa will choose an interim recycling option of having Waste Management haul the garbage and recyclables from the City owned transfer station to the 9601 N. Wausaukee Road Site to sort the blue bags and recyclables from the waste stream for a price of \$91.21 ton as an interim recycling option until the long term options can be reviewed and acted upon;

BE IT FURTHER RESOLVED THAT costs for the difference between the price per ton paid for by the City for sorting of blue bags (including any CPI increase for 2007) prior to the fire and the \$91.21/ton cost for sorting the bags at the Wausaukee Road site be paid for by the insurance company as agreed to on Friday February 2, 2007 by Kelmann Corporation.

It was moved by Ald. Stepaniak, seconded by Ald .Meaux
to approve the foregoing resolution. -14

FROM THE COMMITTEE ON BUDGET AND FINANCE

BILLS AND CLAIMS FOR THE PERIOD 1/17/07 – 2/6/07 --

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 1/17/07 – 2/6/07: \$37,458,018.48

It was moved by Ald. Meaux, seconded by Ald. Hanson
that each and every one of the accounts of bills and claims
be allowed and ordered paid. Roll call vote, Ayes 14

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-07-32

BE IT RESOLVED, by the Common Council of the City of Wauwatosa, THAT permission be and the same is hereby granted to BBC Investments of Des Moines, Iowa, to encroach onto City right-of-way with landscaping and overhanging balconies at their building at 9125 W. North Avenue, Wauwatosa, WI, 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 and also with the submittal of certificates of insurance acceptable to the City Attorney.

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-07-33

WHEREAS, the Wauwatosa Purchasing Department has requested bids for emulsion and street patching materials for the Spring/Summer 2007 repair season; and

WHEREAS, each of the three bidders reflected in the memorandum of the Purchasing Manager dated January 29, 2007, provide different advantages based upon the price, convenience and availability;

NOW, THEREFORE, BE IT RESOLVED THAT each of the three vendors described in the memorandum of the Purchasing Manager are hereby qualified to provide emulsion and street patching materials for the Spring/Summer 2007 repair season on an as-needed basis, with individual purchases being made on the basis of price, convenience and availability.

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-07-34

BE IT RESOLVED, by the Common Council of the City of Wauwatosa, THAT permission be and the same is hereby granted to Jaime and Michael Kristof, 7707 Harwood Avenue, Wauwatosa, WI, to encroach onto City right-of-way with a popcorn wagon at the north end of the Village pedestrian bridge adjacent to 7707 Harwood Avenue, 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 and also with execution of a one-year lease with month-to-month terms thereafter.

It was moved by Ald. Birschel, seconded by Ald. Donegan
to approve the three foregoing resolutions. -14

There being no further business, the meeting adjourned at 8:40 p.m.

cal

Carla A. Ledesma, CMC, City Clerk