



**CITY OF WAUWATOSA**  
MEMORIAL CIVIC CENTER  
7725 WEST NORTH AVENUE  
Telephone: (414) 479-8917  
Fax: (414) 471-8989

**COMMON COUNCIL**  
**Regular Meeting, Tuesday, April 18, 2006**

**PRESENT:** Alds. Becker, Birschel, Didier, Donegan, Ewerdt, Grimm, Hanson, Herzog, Krill, Krol, Maher, Purins, Stepaniak, Sullivan, Treis -15

**EXCUSED:** Ald. Meaux

**ALSO PRESENT:** T. Wontorek, City Admin.; B. Aldana, Asst. City Attorney/Personnel Dir.; W. Kappel, Dir. of Public Works; B. Weber, Police Chief; D. Redman, Fire Chief; M. Murphy, Library Dir./ T. Szudy, Planner; B. Williams, Deputy City Clerk; E. Steinke, Recording Clerk

Mayor Estness in the Chair.

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

Nine Alderpersons took the oath of office.

The police chief accepted a proclamation observing the 90th anniversary of the creation of the police department.

Moved by Ald. Grimm, seconded by Ald. Didier  
that the reading of the minutes of the last regular meeting be  
dispensed with and that they be approved as printed. -15

Moved by Ald. Krol, seconded by Ald. Krill to elect Ald. Becker  
as Common Council President -15

Moved by Ald. Maher, seconded by Ald. Birschel to appoint Ald.  
Treis as aldermanic representative to the City Plan Commission -15

Moved by Ald. Krol, seconded by Ald. Herzog to appoint Ald. Krill  
as aldermanic representative to the Wauwatosa Economic  
Development Corporation -15

**OLD BUSINESS**

**ORDINANCE O-06-9**

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF WAUWATOSA BY  
REZONING THE PROPERTY LOCATED AT 3040 N. 117TH STREET FROM AA LIGHT  
MANUFACTURING DISTRICT TO AA BUSINESS 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:

A parcel described as follows: COMM IN CEN LIT OF N 117<sup>TH</sup> ST 78.11 FT S 2D58M53S W OF N 4 OF SE ¼ SEC TH S 78D11M10S E 50.36 FT TO PL OF BEG OF PARCEL TO BE DESC TH S 78D11M10S E 52.72 FT TH S 53D12M15S E 82.54 FT TH S 2D25M E 338.42 FT TH N 87D1M7S W 134.96 FT TH N 2D58M53S E 409.91 FT TO BEG in the NW ¼ of Section 18, Town 7 North, Range 21 East, in the City of Wauwatosa, County of Milwaukee, State of Wisconsin is Rezoned from AA Light Manufacturing District to AA Business 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.

Moved by Ald. Maher, seconded by Ald. Krill to approve the rezoning.  
Ayes: 14, Noes: 0 Present: 1 (Herzog)

### **ORDINANCE**

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF WAUWATOSA BY REZONING A PORTION OF 1215 N. 62<sup>ND</sup> STREET FROM AA LIGHT MANUFACTURING DISTRICT TO AA BUSINESS 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:

A tract of land being a part of the Parcel 1 of the Certified Survey Map No. 1731 and part of Lot 9, Block 2 of Assessor's Plat No. 11, being a part of the Southwest ¼ of the Southeast ¼ of Section 22 and the Northwest ¼ of the Northeast ¼ of Section 27 in Township 7 North, Range 21 East, City of Wauwatosa, County of Milwaukee, State of Wisconsin, is Rezoned from AA Light Manufacturing District to AA Business 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.

Moved by Ald. Sullivan, seconded by Ald. Krill to hold this item for two weeks. Upon a roll call vote, Ayes: 12 Noes: 3 (Becker, Grimm, Hanson)

### **APPOINTMENTS BY THE MAYOR**

#### Board of Park and Forestry Commissioners

Rosemary Wehnes, 7922 Jackson Park Boulevard (reappointment)

Dick Bachman, 2229 N. 115th Street (reappointment)

(Terms end 4/30/09)

Foregoing appointments ordered held as this was the first reading.

Civil Service Commission

James Warzon, 1930 N. 73rd Street (reappointment)

(Term ends 9/30/07)

Dennis McBride, 7003 Cedar Street (reappointment)

(Term ends 9/30/08)

Design Review Board A

Jeff Dodd, 1045 N. Perry Court

(Term ends 12/31/08)

Moved by Ald. Birschel, seconded by Ald. Maher to approve the foregoing appointments -15

**APPLICATIONS, COMMUNICATIONS, ETC.**

1. Canvass of votes cast at the Spring Election on April 4, 2006  
**Place on file**
2. Letter from Tom Chapman, Milwaukee Metropolitan Sewerage District, informing the city of a public hearing for public comment regarding permit applications for the design of the Milwaukee County Grounds Floodwater Management Facility and Underwood Creek Rehabilitation  
**Place on file**
3. Wauwatosa Water Utility Statement of Receipts and Disbursements for month ended March 31, 2006  
**Place on file**
4. Letter from Laura Wolski, 6319/21 Milwaukee Avenue, concerning the behavior of a council member in discussing condition of the property located at 6311/13 Milwaukee Avenue  
**Place on file**
5. Notice of Claim: Norman O. Brown, 3827 W. Congress Avenue, Milwaukee  
**City Attorney**
6. Petition submitted with 12 signatures protesting the rezoning of 1215 N. 62nd Street  
**Add to existing file**
7. E-mail from Bill McNamara withdrawing his name from the petition protesting the rezoning of 1215 N. 62nd Street  
**Add to existing file**

**FROM THE COMMITTEE ON LEGISLATION, LICENSING & COMMUNICATIONS**

**RESOLUTION R-06-92**

WHEREAS, Matthew Graff, 1824 Sunkist Avenue, Waukesha, WI, applied for an operator's license in conjunction with his employment at the Cheesecake Factory, 2500 N. Mayfair Road, Wauwatosa; and

WHEREAS, on the police form accompanying his application for an operator's license he failed to disclose all of his previous convictions and did not appear before the Committee; and

WHEREAS, a background investigation revealed a previous conviction; and

WHEREAS, the lack of integrity and honesty reflected in this omission of information regarding previous convictions is substantially related to the responsibilities of an operator's license holder in the City of Wauwatosa;

NOW, THEREFORE BE IT RESOLVED THAT the operator's license application of Matthew Graff is hereby denied;

BE IT FURTHER RESOLVED THAT the Clerk shall notify Mr. Graff in writing of this decision and the reasons for the denial.

**FROM THE COMMITTEE ON LEGISLATION, LICENSING & COMMUNICATIONS**

**RESOLUTION R-06-93**

WHEREAS, William Poull of the Club Tap, 8828 W. North Avenue, has requested a temporary extension of the licensed premises to include the patio in front of his bar and the parking lot of his business on June 3 and 4<sup>th</sup>, 2006, for his annual corn roast;

NOW, THEREFORE, BE IT RESOLVED THAT the licensed premises of the Club Tap be extended to include the parking area in the rear of the building on June 3 and 4, 2006, between the hours of 12:00 and 8:00 with live music from 2:00 PM to 6:00 PM, on the condition that refuse resulting from the event will be thoroughly cleaned by the premises owner and any outdoor music will be kept to a minimal volume.

Moved by Ald. Treis, seconded by Ald. Purins to approve the two foregoing resolutions -15

**FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT**

**RESOLUTION R-06-94**

BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin THAT permission be and the same is hereby granted to Peter Murphy and John Dean to divide the parcel located at 829 N. 63<sup>rd</sup> Street, Wauwatosa. The parcel to be created is more particularly described as follows:

A small portion measuring 1'6" wide extending 22 feet long taken from Lot 2 in Block 2 of Residence Park and combined with Lot 3 and the north 22.5 feet of Lot 4 in Block 2 of Residence Park, being a subdivision of a part of the Northeast ¼ of Section 27, 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-06-95**

WHEREAS, Richard P. Conley, Metropolitan Development, has applied for an amendment to a Business Planned Development at 10900 W. Blue Mound Road to convert an existing apartment building to condominium units, and;

WHEREAS, the applicant received TIF assistance for the project, 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 an amendment to Richard P. Conley, Metropolitan Development, to allow the conversion of existing apartments to condominium units in the Business Planned Development District at 10900 W. Blue Mound Road subject to the following conditions:

- 1) units will be sold as condominiums,
- 2) proper documentation is filed ensuring that minimum payments to the City for Tax Increment Financing District continue under the new ownership structure, and
- 3) filing all necessary documents for the condominium conversion.

Moved by Ald.Krol, seconded by Ald. Sullivan to approve the two foregoing resolutions -15

## **FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT**

### **RESOLUTION**

WHEREAS, David Israel has submitted a preliminary plan for a Business Planned Development at 1215 N. 62<sup>nd</sup> Street to construct a multi-family residential development; and

WHEREAS, these preliminary plans have been reviewed and recommended by the City Plan Commission and the Committee on Community Development; and

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin hereby approves the preliminary plans for a Business Planned Development at 6600 River Parkway submitted by the Laureate Group based upon the plans submitted to the City and the public hearings conducted on this matter subject to the following conditions:

- 1) Plans showing adequate sewer capacity, environmental remediation, and stormwater management subject to approval by City Engineer; and
- 2) Parking lot and traffic circulation plans subject to approval by City Engineer; and
- 3) Plans for water supply to site subject to approval by City Water Superintendent; and
- 4) Building plans designating design and materials subject to approval by the City Design Review Board; and
- 5) Plan for preservation and protection of Schoonmaker Reef subject to approval by the City Community Development Director; and
- 6) Lighting plan specifying cut-off light fixtures and minimizes and spillover of light onto adjacent residential neighborhoods subject to approval by the City Community Development Director; and

- 7) Plan showing all ventilation and heating equipment directed away from adjacent residential neighborhoods subject to approval by the City Community Development Director; and
- 8) Site plan showing locations of fencing and other appropriate security matters subject to approval by the City Community Development Director; and
- 9) Residential units will be condominium units; and
- 10) Emergency vehicle access plan subject to approval by City Police and Fire Departments.

The Mayor ordered the foregoing item held two weeks.

## **FROM THE COMMITTEE ON BUDGET & FINANCE**

### **ORDINANCE O-06-10**

#### **AN ORDINANCE REPEALING AND REPLACING SECTION 3.52.010 OF THE WAUWATOSA MUNICIPAL CODE PERTAINING TO POLICE DEPARTMENT DISPOSITION OF ABANDONED PROPERTY**

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

Part I. Section 3.52.010 of the Wauwatosa Municipal Code is hereby repealed in its entirety and replaced with the following:

3.52.010 – Disposal of Property. A. The Chief of Police shall dispose of all personal lost, found, stolen, abandoned, evidentiary, confiscated or surplus City property that is delivered to his/her control or possession in accordance with Section 66.0139 of the Wisconsin Statutes.

B. The Police Department may dispose of such property that has remained unclaimed for a period of 30 days by public auction, a sale bid by contract, a trade on other property to be acquired by the City, or retention for the use of the City. If the property is not disposed of at a public auction, the Police Department shall maintain an inventory of the property, a record of the date and method of disposal, including the consideration received for the property, if any, and the name and address of the person taking possession of the property, if any. The inventory shall be kept as a public record for a period of not less than 7 years from the date of disposal of the property.

C. A sale by public auction may include the sale of items through an auction website via the internet using a third party to assist in the sale of the items, provided that a list shall be preserved of the articles so sold, the price for which each was sold, and the names of the owners or supposed owners (if known) from whom the articles were taken or received. It shall not be necessary to publish a list of the articles to be sold, but it shall be sufficient to give notice that the unclaimed articles remaining at the police station, which have remained unclaimed for 30 days, will be sold at auction via the internet, naming the site. The City shall also include a copy of the notice on its official website, if such technology is available.

D. Any monies shall be turned over to the City Treasurer, any items of appraised value may be sold by accepting sealed bids, and any property deemed to be of usable value to the City or any of its departments, may be assigned for use to that Department.

E. The Chief of Police will maintain a record of all such items retained for public use for a minimum of seven years, after transfer of such property to another City department.

**FROM THE COMMITTEE ON BUDGET & FINANCE**

**ORDINANCE O-06-11**

**AN ORDINANCE REPEALING AND RECREATING SECTION 3.20 OF THE CODE OF THE CITY OF WAUWATOSA PERTAINING TO THE PURCHASING DEPARTMENT**

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

Part I. Section 3.20 of the Code of the City of Wauwatosa is hereby repealed and recreated to read as follows:

**3.20.010 Purchasing department--Established--Appointment, salary and bond of purchasing manager.**  
Organization of Purchasing Department. There is hereby established a central purchasing department, the head of which shall be the city purchasing manager. The city purchasing manager shall be appointed by the mayor, subject to the civil service commission rules and regulations, and subject to the approval of the common council. He/she shall receive an annual salary to be fixed by the common council. He/she shall give an official bond in the sum of two thousand dollars. The city purchasing manager shall have had, prior to his/her appointment, at least two years' experience in a purchasing office of a public or private corporation and shall have such other qualifications as the civil service commission shall determine.

**3.20.020 Purchasing manager--Scope of purchasing authority.**  
The city purchasing manager shall have the power, and it shall be his/her duty, to purchase or contract for all supplies, materials, equipment, and contractual services needed by any and all departments, boards, commissions, and other departments which derive their support from public funds and which are hereafter referred to as the using departments with exception of contractual professional services. This section shall not apply to the purchase of books for the public library. It is provided always that such other using departments excepted by state statute shall be permitted to include purchases by agreement with the purchasing manager.

**3.20.030 Requisitions and estimates.**  
All using departments of the city shall file detailed estimates of their requirements in supplies, materials, equipment, and contractual services in such a manner, at such time, and for such future periods as the purchasing manager shall prescribe. This shall in no wise prevent any using department from filing with the city purchasing manager at any time a requisition for supplies, materials, equipment, or contractual services, the need for which was not foreseen when the detailed estimates were filed.

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

1. When any single purchase or group of related purchases shall exceed fifteen thousand dollars (or such other amount as the State of Wisconsin may set in Wisconsin Statutes Section 62.15), competitive bids shall be obtained in accordance with the procedure prescribed in Section 3.20.050 and if the bid is awarded to other than the lowest responsible bidder, acceptance of any such bid shall be only with the consent and approval of the common council.

2. When any single purchase or group of related purchases shall be neither less than one thousand dollars nor more than fifteen thousand dollars (or such other amount as specified in Section 3.20.040A1), the purchasing manager may issue a city purchase order only after obtaining quotations in accordance with the procedure

prescribed in Section 3.20.060. Acceptance of any of such bids may be made without obtaining the consent and approval of the common council, subject to the common council's approval of the payment for such purchase.

3. When any single purchase or group of related purchases shall be less than one thousand dollars, the purchasing manager may issue a city purchase order without the taking of quotations or bids as prescribed in Section 3.20.050 or 3.20.060, subject to the common council's approval of the payment for such purchase.

4. In the case of emergency which requires immediate purchase of supplies, materials, equipment or services, any using department, city official or department head may secure such supplies, materials, equipment or contractual services by purchase order, without the taking of quotations or bids as prescribed in Section 3.20.050 or 3.20.060 subject only to the consent and approval of the common council; provided, however, that a full explanation of the circumstances of such emergency shall be entered in the minutes of the common council and shall be open to public inspection.

5. Except as provided in subsection (A)(7) of this section, the common council delegates authority to the board of parks and forestry commissioners to approve expenditure without further approval by the common council, when any single purchase or group of related purchases of less than five thousand dollars is made under the direction of the board of parks and forestry commissioners. This provision is an exception to subsections (A)(2) and (A)(3) of this section.

6. For purposes of renting or leasing equipment or property, the procedure to be followed shall be determined by considering the maximum total expenditure for such lease or rental agreement over the term of such agreement.

7. a. Contracts. If any purchase is to be made by contract, the contract shall first be submitted to the city attorney for review. All contracts shall be countersigned by the comptroller as provided in Section 62.09 of the Wisconsin Statutes.

b. Except as provided in subsection (A)(7)(c) of this section, all contracts must be approved by the common council.

c. Department directors are authorized to execute contracts on behalf of the common council provided: (1) the contract is one year or less in duration; and (2) the city's total liability under the contract is fifteen thousand dollars (or such other amount as specified in Section 3.20.040A1) or less; and (3) the amount of the contract does not exceed the amount approved in the annual budget by the common council for the purchase.

**B.** Materials and metering equipment, purchased by the water utility shall be exempt from the requirements of subsection (A)(1) through (A)(3) of this section provided that:

1. The purchase is funded by a party other than the water utility; and
2. The purpose of the materials and equipment is to improve or extend water service; and
3. The materials and equipment are to be owned by the water utility.

### **3.20.050 Sealed bid procedure.**

Whenever sealed bids are required by this chapter, the following procedure shall be observed:

1. The city purchasing manager shall solicit sealed bids from all prospective suppliers who shall have requested that their names be maintained on an appropriate list, and from any other suppliers, by sending them a notice sufficient to acquaint them with the proposed award and such other requirements herein contained.

2. The city purchasing manager shall advertise for bids by the posting of such notice on the public bulletin board in his office.

3. All bids shall be submitted sealed to the city purchasing manager. The city purchasing manager may, at his discretion, require a surety to accompany any bid in the form of a surety bond in such amount as the city purchasing manager shall prescribe. If the successful bidder shall not, within ten days after the award, enter into a contract with the city of Wauwatosa pursuant to his bid, he shall forfeit such surety.
4. All bids shall be opened in public at the time and place specified in the above-mentioned notices.
5. Any bid with alterations or erasures therein may be rejected, and any or all bids may be rejected by the city purchasing manager.
6. After taking into consideration the quality offered with a bid, delivery terms and service reputation of the bidder, the contract shall be awarded to the lowest responsible bidder. In the event the award shall be of a long-term contract, a copy of such contract shall be filed with the city comptroller.
7. After examination and tabulation by the city purchasing manager, bids may be inspected by the competing bidders.
8. In the event all bids received are of the same total amount or unit price, the city purchasing manager shall break the tie by having the bidders draw lots.

### **3.20.060 Quotations.**

Whenever sealed bids are not required and unless otherwise provided by this chapter, the following procedure shall be observed:

1. Wherever possible, the using department shall solicit at least three competitive quotations from prospective suppliers.
2. Such solicitation shall be by direct mail, facsimile, telephone, e-mail or personal contact, or any combination thereof, and by the posting of public notice on the public bulletin board in his office whenever possible.
3. The using department shall forward evidence of the solicitation of quotations to the city purchasing manager for review and approval, who shall keep a record of all open market orders and the quotations submitted in competition thereon, and such record shall be open to public inspection.

### **3.20.070 Encumbrance of funds.**

The purchasing manager shall not issue any order for delivery on a contract or any open market order unless and until the city comptroller certifies that there is to the credit of each of the using departments concerned a sufficient appropriation balance, in excess of all unpaid obligations, to defray the cost of such supplies, materials, equipment, or contractual services. The city comptroller shall countersign all contract and open market orders.

### **3.20.080 Inspection of deliveries.**

The city purchasing manager shall inspect, or supervise the inspection of all deliveries of supplies, materials, equipment, or contractual services to determine their conformance with the specifications set forth in the order or contract, except that in the case of public works under the jurisdiction of the board of public works, the city engineer shall inspect or supervise the inspection of such deliveries. Any department having the staff and facilities for adequate inspection may be authorized by the city purchasing manager to inspect all deliveries made to such using departments under rules and regulations which the city purchasing manager shall establish. The city purchasing manager shall have authority to prescribe chemical and physical tests of samples submitted with bids and samples of deliveries to determine their quality and conformance with the city's specifications. In the performance of such tests, the city purchasing manager shall have the authority to make use of laboratory

facilities of any department of the city government. The cost of such tests shall be charged to the appropriation of the using department in whose behalf the test is made.

### **3.20.090 Surplus stock.**

All using departments shall submit to the city purchasing manager, at such times and in such form as he shall prescribe, reports showing stocks of supplies, materials, and equipment on hand awaiting use. When any stock is surplus or no longer of use to any using department, the city purchasing manager may transfer it to another or other departments which have need for it. The city purchasing manager (or in the case of vehicles, the Board of Public Works) shall also have power to sell all supplies, materials, and equipment not needed for public use or that may have become unsuitable for public use. Any such sale shall be based on competitive bids or public auction and conducted in accordance with regulations to be prescribed by the common council unless such requirement is specifically waived by the common council.

### **3.20.100 Rules and regulations.**

The city purchasing manager shall establish and from time to time amend all rules and regulations authorized by this chapter and any others necessary to its operations; such rules and regulations and amendments thereto shall be subject to the approval of the mayor and common council. The city purchasing manager shall also submit to the common council an annual report on the work of his office as conducted in accordance with the provisions of this chapter, and may submit from time to time recommendations for changes which he deems necessary.

### **3.20.110 Records of perpetual inventories, tools on check and equipment.**

The city purchasing manager shall keep accurate perpetual inventory records of all commodities, supplies, materials, tools and equipment owned and purchased by the city. The control accounts of these records shall be kept by the city comptroller, and he shall make such reports daily, weekly, or monthly as the city comptroller deems necessary. He shall supervise all physical inventory checks on supplies, materials, tools, and equipment, and make reports of all inventory shortages to the city comptroller stating reasons. Such inventory records shall be interlocked with the general cost and accounting system of the city of Wauwatosa.

### **3.20.120 City's transactions covered by purchase orders.**

All purchases for using departments of the city covering any and all expenditures for supplies, materials, equipment, and services must be covered by a city purchase order or contract.

### **3.20.130 Financial and other interests in contracts and orders prohibited.**

Neither the city purchasing manager, nor any member of his staff, shall be financially interested or have any personal benefit, either directly or indirectly, in any contract or purchase for any supplies, materials, equipment, or contractual services purchased by the city. Nor shall the purchasing manager and his subordinates accept or receive, directly or indirectly, from any individual, firm or corporation to which any contract or purchase order may be awarded, any gifts, commission, compensation, or remuneration other than from the city of Wauwatosa in connection with the performance of their duties.

### **3.20.140 Purchases from state or federal government.**

Notwithstanding the provisions of this chapter, the city purchasing manager may make purchases from another unit of government, including the state or federal government or public cooperative buying group, provided the price of the purchase was set by open, competitive bids, without the intervention of city bids.

### **3.20.150 Escalator clauses.**

In bids for the purchase of commodities or services in excess of one year, the specifications may allow the bidders to submit a proposal for an annual increase so long as the criteria for the increase is included in the bid.

### **3.20.160 Waiver of the Bidding Process.**

The Common Council may by resolution waive the bidding process for the purchase of specific commodities, products, equipment or services when it is deemed to be in the public interest. Such waiver may be done at any time and shall remain in effect until changed by the Common Council.

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

**FROM THE COMMITTEE ON BUDGET & FINANCE**

**ORDINANCE R-06-96**

WHEREAS, the City's Fund Transfer Policy has not been amended since 1991; and

WHEREAS, the Budget & Finance Committee recommends that the policy be revised to:

1. increase the maximum amount for a level 1 transfer to \$5,000;
2. increase the maximum amount for a level II and minimum level III transfer to \$15,000 which will be modified consistent with the State construction contract amounts in Section 62.15, Wis. Stats.;
3. modify or delete the restrictions as to which sub-accounts can be considered for the transfer levels;
4. revise the reference to Exhibit C under the level 3 category to reflect the current budget reference.

NOW, THEREFORE, BE IT RESOLVED THAT the Fund Transfer Policy be amended to reflect changes 1-4 above.

**FROM THE COMMITTEE ON BUDGET & FINANCE**

**ORDINANCE R-06-97**

WHEREAS, the Fire Department has been asked to function as fiscal agent for the Department of Homeland Security Exercise Planning Grant received by the Milwaukee County Emergency Management Office; and

WHEREAS, the grant funds total \$34,517.86 and will be dispersed by the City for expenses incurred by the City and other entities for a table top and full scale mass casualty exercise;

NOW, THEREFORE, BE IT RESOLVED THAT the Wauwatosa Fire Department is hereby authorized to act as fiscal agent for the Department of Homeland Security Exercise Planning Grants.

Moved by Ald. Maher , seconded by Ald. Stepaniak to approve the four foregoing resolutions and ordinances -15

**FROM THE COMMITTEE ON BUDGET & FINANCE**

BILLS AND CLAIMS FOR THE PERIOD 4/5/06 - 4/18/06 --

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 4/5/06 - 4/18/06: \$1,161,070.36

Moved by Ald. Purins, seconded by Ald. Birschel that each and every one of the accounts of bills and claims be allowed and ordered paid. Upon a roll call vote, Ayes: 15

**FROM THE BOARD OF PUBLIC WORKS**

**RESOLUTION R-06-98**

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:

<u>Street &amp; Location</u>	<u>Ald. Dist.</u>	<u>Exist &amp; (Prop.) Width</u>	<u>Pavement Construction Type</u>	<u>Assessed Sidewalk Work</u>
W. Blue Mound Road - 66 <sup>th</sup> Street to Glenview Avenue	4	Varies (Same)	C	Yes

Section 2. Said public improvement shall include the following work to be done during the 2006 construction season:

Original Construction: New (Conc.) or (Asph.) Grading, placing new concrete curb and gutter, and concrete or asphalt pavement surface (as indicated) on a new stone or asphalt base.

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.

Resurfacing: Type "C" (Asph.) Milling the existing pavement as required, repairing curbs (and abutting approaches and sidewalks where necessary), and resurfacing with asphalt pavement. Also included is the placing of necessary water and sewer service pipes and storm sewer and appurtenances, and relaying sanitary sewer and storm sewer as required.

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

Section 4. That the owners of the respective parcels of land fronting or abutting the street improvements, on which a public hearing has been held and preliminary assessments have been confirmed, shall have payment of the special assessments scheduled as follows:

(a) Each special assessment and special charge, pursuant to Section 66.0703 of the Wisconsin Statutes, levied in an amount of \$200 or less against any parcel of land in the City of Wauwatosa shall be entered in the tax rolls in one installment.

(b) Each special assessment for improvements levied in an amount exceeding \$200 against any parcel of land in the City of Wauwatosa shall be entered in the tax rolls in five equal annual installments of principal together with interest at the rate of twelve percent (12%) per year or the percentage rounded out to the next highest whole percentage number above the interest rate paid by the City for the sale of corporate purpose bonds, which include the project which is the subject of the special assessment, whichever figure is less, on the unpaid balance of said assessment. Individual assessments shall run concurrently except as provided under Section 3.08.040 of the City Code.

(c) Each special assessment levied against any parcel of land in the City of Wauwatosa for the installation of sanitary sewer main or water main or construction of permanent street pavement shall not be entered in the tax roll until all installments of special assessments for sanitary sewer or water main or construction of permanent street pavement levied previously against the same parcel of land have been entered into the tax rolls and have been paid. Such subsequent special assessment shall be deferred and only interest at the rate of twelve percent (12%) per year, or the percentage rounded out to the next highest whole percentage number above the interest rate paid by the City for the issuance of General Obligation Debt, which include the project which is the subject of the special assessment, whichever figure is less, on such subsequent special assessment shall be carried into the tax rolls in addition to the scheduled installments of such prior assessments. After the last installment of such prior special assessment has been entered in the tax rolls, installments of the subsequent special assessment shall, beginning with the next subsequent tax roll, be entered in the tax rolls pursuant to Section 3.08.030 of the City Code.

(d) Whenever special assessments are levied against the frontage and side of a corner parcel of land in the City of Wauwatosa for the installation of sanitary sewers or water mains or construction of permanent pavements arising out of the same public works project, such special assessments levied against a corner parcel of land shall be deemed to be two separate special assessments, and the special assessment levied against the frontage of the corner parcel of land shall first be scheduled on the tax rolls for payment as provided in Section 3.08.030 of the City Code and the special assessment levied against the side of the corner parcel of land shall be scheduled on the tax rolls pursuant to (c) above, following such scheduling of the special assessment levied against the frontage of the corner parcel of land.

(e) Notwithstanding the provisions of (c) and (d) above, any owners of parcels of land assessed may at their option elect to pay both the scheduled installments of prior assessments as well as scheduled installments of subsequent special assessments on the same tax rolls as entered on those tax rolls pursuant to Section 3.08.030 of the City Code.

(f) If, after special assessments have been placed on the tax rolls in installments or otherwise, the taxpayer fails to pay the same within the time allowed for payment of general taxes, the same shall become delinquent and shall be treated in the same manner and subject to the same laws as delinquent general property taxes.

Section 5. The properties against which the assessments are proposed are benefited. Such benefits may include, but are not necessarily limited to, enhancement of value or marketability, improved drainage, improved pedestrian safety (walks), improved vehicular access, improved skid resistance and cross sectional elements.

Section 6. The Director of Public Works 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 Director of Public Works 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 in the Council Chambers, at 7:30 P.M., on Tuesday, May 16, 2006 in the City Hall of the City of Wauwatosa, Wisconsin at which times 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.

#### **FROM THE BOARD OF PUBLIC WORKS**

##### **RESOLUTION R-06-99**

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, May 16, 2006 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 on W. Blue Mound Road in the City of Wauwatosa.

#### **FROM THE BOARD OF PUBLIC WORKS**

##### **RESOLUTION R-06-102**

WHEREAS, the VALUE cooperative governmental purchasing organization obtained a bid for hot-poured elastic sealer (rubberized crack sealer) from Gerdau Ameristeel at a price of \$0.274/lb.; and

WHEREAS, the street department has determined that, although crack sealing on City streets as performed privately under a contract with the City, it is more efficient and cost effective for the City to purchase the materials and provide them to the contractor;

NOW, THEREFORE, BE IT RESOLVED THAT the purchase of 45,000 lbs. of rubberized crack sealer from Gerdau Ameristeel, at a price not to exceed \$12,500.00, is hereby approved pursuant to the bid obtained by the VALUE Purchasing Cooperative.

Moved by Ald. Herzog, seconded by Ald. Krill to approve the three foregoing resolutions -15

**FROM THE BOARD OF PUBLIC WORKS**

**RESOLUTION R-06-100**

BE IT RESOLVED, by the Common Council of the City of Wauwautosa 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 Sanitary Sewer Manhole Rehabilitation and work incidental thereto under Contract 06-05 at and for their bid price of \$257,575.00, this being the lowest and best bid.

**FROM THE BOARD OF PUBLIC WORKS**

**RESOLUTION R-06-101**

BE IT RESOLVED, by the Common Council of the City of Wauwautosa THAT the proper city officials be and they are hereby authorized and directed to enter into a contract with Snorek Construction, Inc. for the work of Concrete Sidewalk Repair and work incidental thereto under Contract 06-19 at and for their bid price of \$188,630.00, this being the lowest and best bid.

Moved by Ald. Herzog, seconded by Ald. Krill to approve the two foregoing resolutions -15

There being no further business, the meeting adjourned at 7:53 p.m.

---

Bernadette A. Williams, Deputy City Clerk

bw