



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, June 6, 2006 – 7:35 p.m.

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

EXCUSED: Ald. Krill

ALSO PRESENT: Mr. Kesner, Interim City Administrator/City Attorney; Mr. Braier, Finance Director; Mr. Kappel, Dir. of Public Works; Ms. Welch, Community Development Director; Police Chief Weber; Ms. Ledesma, City Clerk; Ms. Williams, Deputy City Clerk

Common Council President Becker in the Chair

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

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. -15

OLD BUSINESS

The following item was held after the public hearing on May 16, 2006:

RESOLUTION R-06-122

WHEREAS, the Common Council of the City of Wauwatosa, Wisconsin, held a public hearing at the Council Chambers in the City Hall at 7:30 p.m. Local Time, on the 16th day of May, 2006 for the purpose of hearing all interested persons concerning the preliminary resolution and report of the Board of Public Works on the proposed improvement by repaving of the following street. Sidewalk replacement cost, on those streets so indicated, is included in the assessment rate for the paving work.

<u>Street & Location</u>	<u>Ald.</u> <u>Dist.</u>	<u>Exist &</u> <u>(Prop.)</u> <u>Width</u>	<u>Pavement</u> <u>Construction</u> <u>Type</u>	<u>Assessed</u> <u>Sidewalk</u> <u>Work</u>
W. Blue Mound Rd. – N. 66 th Street to Glenview Ave.	4	Varies	C	Yes

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.

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

and has heard all persons desiring audience at such hearing;

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

Section 1. That the report of the Board of Public Works in connection with the construction of the above-described permanent public improvement, including preliminary plans and specifications therefore, is hereby adopted and approved.

Section 2. That the Board of Public Works is directed to carry out the work of such permanent improvement in accordance with the report of the Board of Public Works.

Section 3. That payment for said permanent improvement be made by assessing the cost to the property improved as indicated in said report.

Section 4. That the assessments shown on the report, are true and correct and are hereby confirmed.

Section 5. 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 66.0627 of the Wisconsin Statutes, levied in an amount of \$200 or less against any parcel of land in the City of Wauwatosa shall be entered in the tax rolls in one installment.

(b) All assessments will be collected in installments as provided below, except such assessments on property where the owner of the same shall file with the City Clerk within 30 days from date of billing, a written notice that he elects to pay the special assessment on his property to the City Treasurer on or before the next succeeding November 1, unless the election is revoked in writing 30 days prior to November 1. If, after making such election, said property owner fails to make the payment to the City Treasurer, the City Clerk shall place the entire assessment, and applicable interest, on the next succeeding tax roll.

(c) 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.

(d) 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.

(e) 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.

(f) 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.

(g) 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 6. 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 7. The City Clerk is directed to publish this resolution in the Wauwatosa News Times, official paper of the City of Wauwatosa.

Section 8. The City Clerk is further directed to mail a copy of this resolution to every property owner within the limits of the assessment district whose name appears on the assessment roll and whose post office address is known, or can with reasonable diligence be ascertained.

It was moved by Ald. Herzog, seconded by Ald. Krol
to approve the foregoing resolution. Roll call vote, Ayes 15

APPOINTMENTS BY THE MAYOR

Wauwatosa Historic Preservation Commission
Dan Jones, 7623 Livingston Avenue
(Term ends 11/30/06)

Foregoing appointment ordered held as this was the first reading.

Citizens Advisory Capital Improvements Committee
Tom Stacey, 1269 N. 123rd Street
(Term ends 6/30/09)

It was moved by Ald. Birschel, seconded by Ald. Maher
to concur with the foregoing appointments. -15

APPLICATIONS, COMMUNICATIONS, ETC.

1. Letter from John Peters, Vice President, Total Logistic Control, 8300 Logistic Dr., Zeeland, MI responding to recent comments made by city officials regarding the Burleigh Triangle
Director of Community Development
2. Notice of lawsuit: Robert C. Braun, 2160 S. 86th Street, West Allis and Whistle B. Currier, 1305 S. 102nd St., West Allis v. The City of Wauwautosa
Notice of claim: Atty. Frank Santilli on behalf of Tanisha M. Heavens and Tyeisha Heavens
City Attorney
3. Conditional Use application to install cellular antennas on a water tank and construction of a ground shelter at 9050 Watertown Plank Road
Plan Commission, Committee on Community Development

4. Special Use application to construct a garage with a roof height over 16 feet at 2124 N. 70th Street
Plan Commission
5. Conditional Use application to expand with additional grocery space at the Target Store, 3900 N. 124th Street
Plan Commission, Committee on Community Development
6. Conditional Use application to construct a gymnasium/vestibule addition at 1214 Kavanaugh Place
Plan Commission, Committee on Community Development
7. Conditional Use application to operate a massage therapy establishment at 6513 W. North Avenue
Plan Commission, Committee on Community Development
8. Request by Richard Bachman, 2229 N. 115th Street for a resolution in support of the flags on North Avenue from Wauwatosa Avenue to N. 124th Street on all light poles
Interim City Administrator
9. Conditional Use application to install a seasonal greenhouse on the corner at 6123 W. North Avenue
Plan Commission, Committee on Community Development
10. Request by Ald. Herzog to repeal the no-smoking ordinance which becomes effective July 1, 2006
Committee on Community Development

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-06-123

WHEREAS, Mega Marts, LLC, d/b/a Pick 'N Save, has applied for a Class A beer and Class A liquor license at 6950 W. State Street, Wauwatosa;

NOW, THEREFORE, BE IT RESOLVED THAT Mega Marts, LLC, d/b/a Pick 'N Save is hereby awarded a Class A beer license and a Class A liquor license at its store located at 6950 W. State Street, Wauwatosa, for the period July 1, 2006 through June 30, 2007.

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-06-124

WHEREAS, Leff's Lucky Town, LLC, d/b/a Leff's Lucky Town has applied for a Class B beer and Class B liquor license at 7208 W. State Street, Wauwatosa;

NOW, THEREFORE, BE IT RESOLVED THAT Leff's Lucky Town, LLC, d/b/a Leff's Lucky Town is hereby awarded a Class B beer license and a Class B liquor license at 7208 W. State Street, Wauwatosa, for the period July 1, 2006 through June 30, 2007.

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

TO THE COMMON COUNCIL, CITY OF WAUWATOSA, WI –

The Committee on Legislation, Licensing and Communications, to whom was referred the matter of an advisory referendum on the Iraq war, recommends to the Common Council that the matter be accepted and placed on file.

Dated this 30th day of May 2006.

Comm. on Legislation, Licensing and Communications

It was moved by Ald. Krol, seconded by Ald. Birschel
to approve the two foregoing resolutions and one report. -15

FROM THE COMMITTEE ON TRAFFIC AND SAFETY

RESOLUTION R-06-125

WHEREAS, Michael Feker, d/b/a J'Ami, LLC, has requested a 30-foot loading zone at 6913 W. North Avenue in the City of Wauwatosa; and

WHEREAS, adjacent business owners have supported this request; and

WHEREAS, the applicant has agreed to be responsible for the cost of the signs and the annual permit fee;

NOW, THEREFORE, BE IT RESOLVED THAT the 30-foot loading zone at 6913 W. North Avenue, as more particularly described in the loading zone application is hereby approved and the special privilege permit for the establishment of this loading zone pursuant to Section 11.32.310 of the Wauwatosa Municipal Code is hereby granted.

It was moved by Ald. Donegan, seconded by Ald. Sullivan
to approve the foregoing resolution. -15

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-06-126

WHEREAS, Peter Schau, agent for Verizon Wireless, has applied for a Conditional Use to install a backup generator at an existing wireless facility at 12005 W. Hampton Avenue, located in the AA Industrial 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 Peter Schau, agent for Verizon Wireless to install a backup generator at an existing wireless facility located in the AA Industrial District at 12005 W. Hampton Avenue subject to obtaining any necessary licenses and permits.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-06-127

WHEREAS, Mike Fossell, Council President, Meadowbrook Church has applied for a Conditional Use for an elevator addition to an existing church located at 1025 N. 70th Street, located 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 Mike Fossell, Council President, Meadowbrook Church for an elevator addition to an existing church located in the AA Single Family Residence District at 1025 N. 70th Street subject to obtaining any necessary licenses and permits.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-06-128

WHEREAS, Kathleen and John Sheeley have applied for a Conditional Use to operate an office for bottled gas sales on the first floor of a building located at 7433 W. Blanchard Street, located in the Village Trade 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 Kathleen and John Sheeley to operate an office for bottled gas sales on the first floor of a building located in the Village Trade District at 7433 W. Blanchard Street subject to obtaining any necessary licenses and permits.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-06-130

WHEREAS, Alex Marlis of Sts. Constantine and Helen Greek Orthodox Church at 2160 Wauwatosa Avenue has applied for a street festival permit for the church's annual festival on June 9-11, 2006; and

WHEREAS, the Committee on Community Development recommends issuance of a permit subject to certain conditions;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Wauwatosa THAT the City Clerk is authorized to issue a street festival permit to Alex Marlis of Sts. Constantine and Helen Greek Orthodox Church for the purpose of conducting the church's proposed festival, subject to the conditions of the permit and further specifically subject to the following:

1. The permit shall be valid only for conduct of Greekfest.
2. The festival shall be conducted on June 9 through 11, 2006. Hours of operation shall be June 9th 4:00 p.m. to 10:00 p.m.; June 10th Noon to 10:00 p.m.; and June 11th Noon to 10:00 p.m.
3. The permittee shall pay all costs incurred by the City for this event.
4. Noise associated with music and exhibits shall not be excessive as that term is defined by Section 7.48.040 of the Wauwatosa Municipal Code. The City in its sole discretion shall determine whether noise associated with the festival is excessive and upon request of the City the permittee shall immediately reduce the volume of said noise.
5. The permittee shall be responsible for removing all refuse associated with the event. Failure of the permittee to do so will result in additional charges by the City.
6. No carnival rides will be used.
7. Live music is permitted on Saturday, June 10th and Sunday, June 11th from 3:30 p.m. to 9:30 p.m.
8. The Police Department will develop a plan to eliminate parking on one side of the streets in the immediate area, as appropriate.
9. The church shall be responsible to provide and install signs directing patrons to the City Hall parking lot and to M & I Wauwatosa State Bank; the church parishioners shall be encouraged to park in the City Hall parking lot; a mechanism will be established to make announcements at the festival if a driveway is reported to be blocked.
10. Security will be provided during the event.
11. The church grounds and immediate neighborhood shall be patrolled daily to remove litter.

12. Neighbors will be invited to meet with church officials to review plans and discuss solutions to other potential concerns before the event.
13. The dumpster on the church grounds shall be removed by 5 p.m. on Monday, June 12, 2006. Permittee shall provide a copy of its contract for removal of the garbage dumpster to the Director of Public Works. The semi-trailers shall be removed from the grass by 5 p.m. on June 12, 2006.
14. Beer sales shall end one-half hour before the closing of the festival each evening.
15. Temporary “NO PARKING AT ANY TIME” restrictions will be posted and will be in effect only during the hours of the festival on the north side of Rogers Avenue, between Wauwatosa Avenue and Underwood Avenue, and the west side of North 74th Street, between Kenwood and Garfield Avenues.
16. Officers assigned to this area and adjacent streets are to check the area frequently for traffic congestion and parking violations. No parking permission has been given in any of the “No Parking at Any Time” zones.
17. Barricades will be placed across Garfield Avenue and Wauwatosa Avenue, and at the north driveway to the church parking lot. A barricade and sign will also be placed on Garfield Avenue at North 74th Street indicating that the street is open to local traffic only.
18. The phone number of the person in charge of the site during the festival shall be provided to the City.

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

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION

WHEREAS, William Poull has applied for a Conditional Use for outdoor dining located at 8828 W. North Avenue, located 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 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., and
- 3) posting of a sign in the patio area indicating that patrons must have food in order to use the patio and must be 21 or older or accompanied by a parent or guardian, and

- 4) maximum of 16 seats, and
- 5) no music, and
- 6) review of the Conditional Use at the beginning of November, 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. Grimm, seconded by Ald. Birschel to amend the resolution to require that waste receptacles be provided for the outside dining area. -15

It was moved by Ald. Herzog, seconded by Ald. Sullivan to amend the resolution's provision #3 to read, "...patrons must have food *ordered* in order to use..." -15

Vote on motion, as amended, -15

The amended resolution is as follows:

RESOLUTION R-06-129

WHEREAS, William Poull has applied for a Conditional Use for outdoor dining located at 8828 W. North Avenue, located 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 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., and
- 3) posting of a sign in the patio area indicating that patrons must have ordered food in order to use the patio and must be 21 or older or accompanied by a parent or guardian, and
- 4) maximum of 16 seats, and
- 5) no music, and
- 6) review of the Conditional Use at the beginning of November, and
- 7) decorative outdoor lighting to provide adequate, but not excessive lighting for patrons, and
- 8) a refuse container must be placed in the patio area.

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 auditor's report and financial statements for the year ended December 31, 2005, recommends to the Common Council that the matter be accepted and placed on file.

Dated this 30th day of May 2006.

Committee on Budget and Finance

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-06-131

WHEREAS, the 2006 Community Development Block Grant (CDBG) funds have previously been allocated to provide \$291,459.00 for storm sewer projects and \$289,361.00 for a water main project; and

WHEREAS, anticipated projects in the 2006 construction season require an additional \$157,000.00 for water mains and \$515,000.00 for storm water projects; and

WHEREAS, the Planner from the Department of Community Development for the City of Wauwatosa has identified twenty-three closed or ineligible CDBG projects from prior years, in his May 25, 2006, memorandum to the Budget & Finance Committee, which funds can provide adequate funding for the additional \$672,000.00 of expenditures described in the previous paragraph; and

WHEREAS, the Planner has recommended that the CDBG funds be reallocated in the specific amounts described in his May 25, 2006, memorandum;

NOW, THEREFORE, BE IT RESOLVED THAT \$672,000.00 of previously allocated CDBG funds are hereby reallocated to provide \$157,000.00 additional funding for water main projects in the 2006 construction season and \$515,000.00 in additional funds for storm sewer projects in the 2006 season, as more particularly described in the May 25, 2006, memorandum of the Planner, a copy of which is attached hereto and incorporated herein.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-06-132

WHEREAS, the Department of Public Works sought bids for replacement garbage carts during the year 2006; and

WHEREAS, upon receiving bids, although the Amerikart bid is the lowest priced, review of the advantages and disadvantages of each cart by Citizens' Advisory Solid Waste Recycling Committee, Sanitation Supervisor, and route collectors, has indicated that the OTTO carts from RNOW, Inc. of

West Allis, WI, provide greater advantages to the City of Wauwatosa for a minimal additional cost such that the award of the bid to RNOW, Inc. would be most advantageous to the City, with a cost of only \$244.08 more than the Amerikart product for the year 2006;

NOW, THEREFORE, BE IT RESOLVED THAT the bid of RNOW, Inc. for the replacement of refuse carts and parts at a price of \$23,987.70 is hereby approved as being the most advantageous to the City of Wauwatosa and the appropriate City officials are hereby authorized to purchase the product described therein.

It was moved by Ald. Stepaniak, seconded by Ald. Purins to approve the two foregoing resolutions and one foregoing report. -15

FROM THE COMMITTEE ON BUDGET AND FINANCE

BILLS AND CLAIMS FOR THE PERIOD 5/17/06 – 6/06/06 --

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 5/17/06 – 6/06/06: \$1,667,868.54

It was moved by Ald. Meaux, seconded by Ald. Krol 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-06-134

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 D.C. Burbach, Inc., for the work of asphalt pavement repaving (portions of Stickney Avenue; the alley bounded by North Avenue/Jackson Park Boulevard/N. 90th Street/Ludington Avenue; the alley bounded by North Avenue/Meinecke Avenue, N. 62nd and N. 63rd Streets) and work incidental thereto under contract 06-6 Asphalt Pavement Repaving at and for their bid price of \$363,348.25, this being the lowest and best bid.

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

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-06-135

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 sanitary sewer, storm sewer, and water main relay, repair, extension and relining of portions of N. 118th Street, N. 122nd Street, and Hadley Street, and work incidental thereto under Contract 06-03 at and for their bid price of \$1,175,742.50, this being the lowest and only bid, contingent upon Common Council approval of proposed budget amendment which was considered by the Budget and Finance Committee on May 30, 2006.

BE IT FURTHER RESOLVED that an amount of \$45,000 is transferred from 13-101-5980-070 CDBG Storm Sewer to 13-101-5980-560 CDBG Water Main.

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

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-06-136

BE IT RESOLVED, by the Common Council of the City of Wauwatosa, THAT permission be and the same is hereby granted to Paul and Rhonda Ladewig, 2529 Wauwatosa Avenue, Wauwatosa, WI, to encroach onto City right-of-way with landscaping, 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 the proposed berm will not exceed three feet in height.

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

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-06-133

BE IT RESOLVED, by the Common Council of the City of Wauwatosa, THAT the following revised account of special assessment for concrete replacement in conjunction with 2005 repaving projects be submitted to the City Comptroller;

BE IT FURTHER RESOLVED THAT the City Clerk be and she is hereby directed to send out the proper amended notices to the owner of the property listed below:

<u>Address</u>	<u>Key Number</u>	<u>Original Assessment</u>	<u>Amended Assessment</u>
6331 W. Wisconsin Avenue	384-0407-00	\$957.83	\$100.00

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

There being no further business, the meeting adjourned at 7:55 p.m.

cal

Carla A. Ledesma, CMC, City Clerk