



CITY OF WAUWATOSA
MEMORIAL CIVIC CENTER
7725 WEST NORTH AVENUE
WAUWATOSA, WI 53213
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COMMON COUNCIL
Regular Meeting, Tuesday, April 15, 2008

PRESENT: Alds. Birschel, Donegan, Ewerdt, Hanson, Herzog, Jay, Krol, Maher, McBride, Meaux, Nikcevich, Purins, Stepaniak, Walsh -14

EXCUSED: Ald. Treis

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 Chief Weber; Fire Chief Redman; Mr. Wojcehowicz, Water Utility Supt.; Ms. Ledesma, City Clerk; Ms. Van Hoven, Deputy City Clerk

Mayor Estness in the Chair

The Mayor called the meeting to order at 7:54 p.m.

The Honorable Dennis Moroney swore in Jill Didier as Mayor of Wauwatosa.

Mayor Didier assumed the Chair.

City Clerk Carla Ledesma swore in Alds.-Elect Nikcevich, Jay, McBride, and Walsh, and Alds. Meaux, Herzog, Purins, and Maher.

It was moved by Ald. Birschel, seconded by Ald. Meaux to nominate Ald. Jim Krol as Common Council President. -14

It was moved by Ald. Ewerdt, seconded by Ald. Krol to nominate Ald. Jerry Stepaniak as aldermanic representative to the Wauwatosa Economic Development Corporation. -14

It was moved by Ald. Maher, seconded by Ald. Birschel to nominate Ald. Atis Purins as aldermanic representative to the Plan Commission. -14

In tribute to outgoing Ald. Bernie Grimm, the long-time maker of this motion, it was moved by Ald. Birschel, seconded by Ald. McBride that the reading of the minutes of the last regular meeting be dispensed with and they be approved as printed. -14

Mayor Didier and Common Council President Krol presented plaques to outgoing Alds. Paul Minear, R. Jeffrey Krill, George Becker, and Bernie Grimm, and a gift to outgoing Mayor Theresa Estness in appreciation for their years of service to the city.

OLD BUSINESS

The following item had been held after public hearings before the Common Council:

RESOLUTION R-08-56

WHEREAS, the Common Council of the City of Wauwatosa, Wisconsin, held public hearings at the Council Chambers in the City Hall at 7:30 p.m. Local Time, on the 4th day of March, and the 1st day of April, 2008 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 streets. Sidewalk replacement cost, on those streets so indicated, is included in the assessment rate for the paving work.

<u>Street & Location</u>	<u>Ald. Dist.</u>	<u>Exist & (Prop.) Width</u>	<u>Pavement Construction Type</u>	<u>Assessed Sidewalk Work</u>
N. 74 th Street – W. Center Street to north city limit	5	30'	B – Asph.	Yes
N. 84 th Street – W. North Avenue to W. Wright Street	6	30'	B – Asph.	Yes
W. Hadley Street – N. 117 th Street to N. 124 th Street	6,7	30'	C – Asph.	No
Mayfair Court – N. 117 th Street to cul-de-sac	6	30'	C – Asph.	No
Alley – W. Center Street-W. Clarke Street/N. 66 th Street-N. 67 th Street	5	18'/20'	C-Asph.	No
Alley – W. Fiebrantz Avenue-W. Capitol Drive/N. Mayfair Road-N. 110 th Street	8	20'	C-Asph.	No
Alley – W. Wright Street-W. Meinecke Avenue/N. 64 th Street-N. 65 th Street	5	20'	A – Conc.	No
Alley – Jackson Park Boulevard-Stickney Avenue/Ludington Avenue-N. 90 th Street	2	20'	A – Conc.	No
Alley – Stickney Avenue-Menomonee River Parkway/N. 89 th Street-N. 90 th Street	2	18'	A – Conc.	No
Alley – W. Wells Street-Menomonee River Parkway/N. 60 th Street-West End	4	20'	A – Conc.	No

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

APPOINTMENTS BY THE MAYOR

Board of Public Debt Commissioners

James Maloney, 9419 Ridge Boulevard
Joel E. Simpson, 130 N. 89th Street
(Terms end 4/30/11)

Senior Commission

Eileen Hayes, The Lutheran Home, 7500 W. North Avenue
Judy Parmeter, 8143 Richmond Court
(Terms end 4/30/2011)
Diane Euting, 2404 N. 66th Street
(Term ends 4/30/10)

Board of Park and Forestry Commissioners

Howard Baszynski, 8205 Chestnut Street
(Term ends 4/30/11)

Board of Zoning Appeals

James O'Connell, 2550 N. 85th Street
William Pennoyer, 11222 W. Congress Street
Brian Randall, 2602 N. 88th Street
Elizabeth Bruderle -Baran, 2208 N. 72nd Street
Thomas Pluster, 2853 N. 122nd Street
(Terms end 4/30/11)

City Plan Commission

John Albert, 1922 N. 122nd Street
David Perhach, 11637 W. Clarke Street
(Terms end 4/30/11)

It was moved by Ald. Stepaniak, seconded by Ald. Purins
to concur with the foregoing appointments. -14

APPLICATIONS, COMMUNICATIONS, ETC.

1. Letter from Sts. Constantine & Helen Greek Orthodox Church, 2160 Wauwatosa Avenue, requesting a street festival permit for June 13-15, 2008
Committee on Community Development
2. Wauwatosa Water Utility Statement of Receipts and Disbursements for the period ending March 31, 2008
Place on file
3. City of Wauwatosa Investment Summary as of March 31, 2008
Place on file
4. Letter from Janice Watzke and Kathryn Dustin of the Department of Transportation authorizing the 2008-2009 Local Roads Improvement Program State/Municipal Project Agreement
City Engineering, Public Works

5. Notice of Claim: Megan O'Rourke (minor), 4954 N. 106th Street, Milwaukee; Ken Kortas, 151 N. 87th Street, Wauwatosa; WE Energies, P.O. Box 1132, Milwaukee; Mark and Renee Dergin, 856 N. 117th Street
City Attorney
6. Letter from the Wauwatosa Historical Society, 7406 Hillcrest Drive, expressing concern that they were deterred from participating in the public discussion regarding the Little Red Store at the April 8th Community Development Committee meeting
Place in file
7. Email from the Bill Bode, Wauwatosa Rotary Foundation, requesting acknowledgement of the construction contract between the Foundation and Selzer-Ornst Co. and explicit approval to construct the Rotary Stage at Hart Park
Public Works Dir., City Engineer
8. City of Wauwatosa, Statement of Financial Condition as of March 31, 2008
Place on file

FROM THE COMMITTEE ON EMPLOYEE RELATIONS FOR INTRODUCTION

1. Ordinance authorizing a change in title from *Program Assistant to Consortium Trainer/Project Coordinator* for the Milwaukee/Waukesha County Consortium for Emergency Preparedness, and changing the salary to Grade 8
Re-refer to originating committee

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT FOR INTRODUCTION

1. Ordinance amending Section 9.08.020 and creating Section 9.08.050 to allow beekeeping in Conservancy zoned districts
Re-refer to originating committee

FROM THE COMMITTEE ON BUDGET & FINANCE FOR INTRODUCTION

1. Ordinance amending Section 3.08.030 of the Municipal Code to allow the option of extended repayment for assessments over \$5,000
(Passage requested under suspension of the rules)

It was moved by Ald. Stepaniak, seconded by Ald. Krol to adopt the forgoing ordinance under suspension of the rules. -14

The ordinance is as follows:

ORDINANCE O-08-07

AN ORDINANCE AMENDING WAUWATOSA CODE SECTION 3.08.030 OF THE WAUWATOSA MUNICIPAL CODE TO ALLOW EXTENDED REPAYMENTS ON SPECIAL ASSESSMENTS OVER \$5,000.00

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

Part I. The title of Section 3.08.030 is hereby amended to read as follows:

“Assessments over \$200.00”

Part II. The existing text of Section 3.08.030 is hereby redesignated as Section 3.08.030A.

Part III. A new subsection 3.08.030B is hereby created to read as follows:

For any special assessment for improvements levied in an amount exceeding \$5,000.00 against any single parcel of land in the City of Wauwatosa, the owner of said parcel, upon the owner’s request, may be granted a 10-year repayment period, with annual installments of not less than 1/10th of the total principal amount due in each year, with interest applied and determined by the method described in part A, above.

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

FROM THE COMMITTEE ON EMPLOYEE RELATIONS

ORDINANCE O-08-08

AN ORDINANCE AMENDING CHAPTERS 2.52, 2.58 AND 2.59 OF THE WAUWATOSA CODE OF ORDINANCES TO REGARDING WAGES AND BENEFITS PROVISIONS FOR NONREPRESENTED EMPLOYEES OF THE CITY OF WAUWATOSA

The Common Council of The City of Wauwatosa does hereby ordain as follows:

Part I. Subsection A of Section 2.52.020, within Chapter 2.52 “PERSONNEL REGULATIONS FOR POLICE AND FIRE DEPARTMENTS” is hereby amended to read as follows:

2.52.020 Vacations.

- A. Continuous Service. Following the completion of one year of continuous service, employees shall be entitled to an annual vacation with pay on the following bases:
 - 1. Two weeks after one year of service;
 - 2. Three weeks after five years of service;
 - 3. Four weeks after thirteen years of service;
 - 4. Five weeks after twenty years of service.

Part II. Section 2.52.070, within Chapter 2.52 “PERSONNEL REGULATIONS FOR POLICE AND FIRE DEPARTMENTS” is hereby amended to read as follows:

2.52.070 Health insurance.

- A. Eligibility for health insurance provided to employees shall be as described in the summary plan description available for review in the personnel office.
- B. Health insurance shall be provided to employees as set forth in Section 2.58.120 of this code except for that the Cost Sharing Contributions shall be as set forth in subsection C. of this section.

C. Cost Share Contributions.

Effective January 1, 2008, each employee shall pay the City \$6 single/\$15 family biweekly through a payroll pre-tax deduction as a cost sharing contribution.

Effective January 1, 2009, each employee shall pay the City \$12 single/\$30 family biweekly through a payroll pre-tax deduction as a cost sharing contribution. If the employee completes the minimum wellness requirements of the City's wellness program that employee's cost share contribution shall be reduced to \$6 single/\$15 family. The minimum wellness requirements shall be at City expense and shall include completion of the following: (1) comprehensive HRA including fasting blood screen; (2) age and gender appropriate routine screening to include mammograms, pap screens, colorectal cancer screening and PSA test for prostate cancer; and (3) employee wellness coaching.

Effective January 1, 2010, each employee shall pay the City \$16 single/\$40 family biweekly through a payroll pre-tax deduction as a cost sharing contribution. If the employee completes the minimum wellness requirements in the above paragraph that employee's cost share contribution shall be reduced to \$8 single/\$20 family

Part III. Subsections A and B of Section 2.52.080, within Chapter 2.52 "PERSONNEL REGULATIONS FOR POLICE AND FIRE DEPARTMENTS" are hereby amended to read as follows:

2.52.080 Retiree health insurance.

- A. Within the first thirty days after retirement from the city, a former employee is eligible for health insurance coverage contracted for by the city, if, on the last day of employment he/she was enrolled in one of the city's health plans and the health insurance premiums were paid entirely or almost entirely by the city and he/she is age fifty or older or terminates employment due to disability.
- B. For employees who are eligible under A above and are hired before January 1, 2008, the city shall pay the full amount of the premium for group health insurance coverage but not to exceed one hundred ten percent of the preceding premium. For eligible employees hired on or after January, 2008, the city shall pay 50% of the premium. Such payments will continue until the employee either becomes eligible for Medicare, becomes part of a new employer health insurance group which provides coverage equivalent to that of the city of Wauwatosa, or until the retired employee dies.

Part IV. Subsection F of Section 2.52.080, within Chapter 2.52 "PERSONNEL REGULATIONS FOR POLICE AND FIRE DEPARTMENTS" is hereby created to read as follows:

F. Retirement Health Care Savings Plan

The following applies to full time employees:

1. Annual Sick Leave Conversion

Employees shall convert $\frac{1}{4}$ of their accumulated unused annual sick leave at the end each year into their Retirement Health Care Savings Plan except Fire employees may convert a maximum 36 hours each year. The cash conversion will be at the employee's regular rate of pay on December 31 of that year.

2. Sick Leave Conversion at Retirement

Employees hired after January 1, 2008, shall convert all of their accumulated unused sick leave into their Retirement Health Care Savings Plan upon retirement except Fire employees may convert a maximum of 1,940 hours at retirement. The cash conversion will be at the employee's regular rate of pay on the date of retirement.

3. City Payments into Plan

- a. For employees hired after January 1, 2008 and who have satisfactorily completed probation, the City shall pay \$500 one time into the employee's Retirement Health Care Savings Plan.
- b. For employees hired before January 1, 2008, the City shall pay \$250 one time into the employee's Retirement Health Care Savings Plan.

4. Employee Payments into Plan

Each employee shall pay a \$10 biweekly pre-tax contribution, deducted from his/her payroll check, into the Retirement Health Care Savings Plan.

5. Vesting

For employees hired after January 1, 2008, the City's contributions into the plan, including payments under (3) above shall vest with employees after 15 years of service with the City. Funds contributed by employees either through sick leave conversion or through direct salary contributions shall vest immediately with employees.

Part V. Subsection A of Section 2.58.020, within Chapter 2.58, "PERSONNEL REGULATIONS FOR ADMINISTRATIVE, PROFESSIONAL, SUPERVISORY, MANAGEMENT, TECHNICAL AND CLERICAL PERSONNEL" is hereby amended to read as follows:

2.58.020 Vacations.

- A. A full time employee on biweekly salary shall be entitled to annual vacation with pay based on the following rates of accrual:
 1. Two weeks after one year of service;
 2. Three weeks after five years of service;
 3. Four weeks after thirteen years of service;
 4. Five weeks after twenty years of service.

Part VI. Section 2.58.120, within Chapter 2.58, "PERSONNEL REGULATIONS FOR ADMINISTRATIVE, PROFESSIONAL, SUPERVISORY, MANAGEMENT, TECHNICAL AND CLERICAL PERSONNEL" is hereby amended to read as follows:

2.58.120 Health insurance.

- A. Eligibility for health insurance and terms and conditions of health insurance coverage provided to employees shall be as described in the summary plan document as it may be amended from time to time. The summary plan document shall be available for review in the personnel office. In the event there is conflict between the ordinance

codified in this chapter and the summary plan document once amended to reflect the changes shown in this section, the provisions of the summary plan document shall control.

- B. The health insurance coverage provided to employees shall be identical to that provided to those employees prior to December 31, 2007, with the following modifications:

1. Cost Sharing On All Plans

Effective January 1, 2008, all employees on the City's health plans shall pay the City \$5 single/ \$13 family biweekly through a payroll pre-tax deduction as a cost sharing contribution.

Effective January 1, 2009, each employee shall pay the City \$10 single/\$26 family biweekly through a payroll pre-tax deduction as a cost sharing contribution. If the employee completes the minimum wellness requirements of the City's wellness program that employee's cost share contribution shall be reduced to \$5 single/\$13 family. The minimum wellness requirements shall be at City expense and shall include completion of the following: (1) comprehensive HRA including fasting blood screen; (2) age and gender appropriate routine screening to include, at a minimum, mammograms, pap screens, colorectal cancer screening and PSA test for prostate cancer; and (3) employee wellness coaching.

Effective January 1, 2010, each employee shall pay the City \$13 single/\$35 family biweekly through a payroll pre-tax deduction as a cost sharing contribution. If the employee completes the minimum wellness requirements in the above paragraph that employee's cost share contribution shall be reduced to \$6.50 single/\$17.50 family.

2. Preferred Provider Plan.

- a. Health Risk Assessment. The city will provide to full time members a health risk assessment within sixty days of the plan year.
- b. Routine and Preventive Care. Routine tests and procedures and preventive care shall be covered one hundred percent in-network, seventy percent out-of-network.
- c. Annual Deductibles For Employees Who Complete Minimum Wellness Requirements. Effective January 1, 2007 employees who have had a current health risk assessment shall pay the following annual deductibles: in-network two hundred dollars for single, four hundred dollars for family; out-of-network four hundred dollars for single, eight hundred dollars for family. Effective January 1, 2009 employees must complete the minimum wellness requirements set forth in section 1 above to qualify for these deductibles.
- d. Annual Deductibles For Employees Who Do Not Complete Minimum Wellness Requirements. Effective January 1, 2007 employees who have not had a current health risk assessment shall pay the following annual deductibles: in-network three hundred dollars for single, six hundred dollars for family; out-of-network five hundred dollars for single, one thousand dollars for family. Effective January 1, 2009, employees who do not complete the minimum wellness requirements set forth in section 1 above must pay the higher deductibles set forth in this paragraph.

- e. Out of Pocket Annual Maximum. Effective January 1, 2007, employees shall pay a one thousand dollars individual out-of-pocket annual maximum or a one thousand eight hundred dollar-family out-of-pocket annual maximum for in-network or out-of-network services.
 - f. Lifetime Maximum. Effective January 1, 2006 the individual lifetime maximum shall be increased to two million dollars with no more than one million dollars per year.
 - g. Retail Prescription. Effective January 1, 2007, employees shall pay fifteen dollars for first tier prescriptions, twenty-four dollars for second tier prescriptions, and forty dollars or twenty percent (whichever is greater) not to exceed eighty dollars per prescription for third tier prescriptions. Retail Prescriptions are limited to no more than a 30 day supply for one co-pay.
 - h. Mail Order Prescription. Effective January 1, 2007 for each maximum ninety day mail order prescription employees shall pay thirty dollars for each generic prescription, forty-eight dollars for each formulary prescription, and eighty dollars or twenty percent (whichever is greater) not to exceed one hundred sixty dollars for each non-formulary prescription. There shall be no reimbursement for employee prescription co-pays.
 - i. Over-the-Counter Medications. Effective January 1, 2005 the plan will include coverage as a generic for the purchase of over-the-counter medications for which a prescription drug exists, such as medications for acid reflux and allergy.
 - j. Effective January 1, 2005, there shall be a five thousand dollars lifetime maximum on the diagnosis and correction of infertility but excluding in-vitro fertilization, infertility and artificial insemination services.
 - k. Chiropractic. Effective January 1, 2005, for chiropractic services the plan will pay ninety percent in-network and seventy percent reasonable and customary out-of-network costs for a maximum of thirty-six visits per calendar year.
 - l. Optical Insurance. Effective January 1, 2005, the city shall provide VIPA 70 Gold or equivalent insurance with a ten dollars deductible.
3. HMO Plan
- a. Effective January 1, 2005 and continuing for the term of this agreement and its extensions, the HMO health insurance coverage, at the city's expense, shall be the same as those provided to full time employees on December 31, 2004 with the following modifications.
 - i. Office Visit Co-Pay. Effective January 1, 2007 employees shall pay twenty dollars for each office visit.
 - ii. Annual Deductible. Effective January 1, 2007 employees shall pay four hundred dollars for single and one thousand dollars for family.
 - iii. Emergency Room Co-Pay. Effective January 1, 2005 employees shall pay one hundred dollars for an emergency room visit, waived if the patient is admitted.
 - iv. Urgent Care Co-Pay. Effective January 1, 2005 employees shall pay fifty dollars for an urgent care visit.
 - v. In-Patient Co-Pay. Effective January 1, 2005 employees shall pay a two hundred fifty dollar per admission co-pay.

b. The pharmacy plan on the HMO is the same as for the PPO above.

Part VII. Section 2.58.130, within Chapter 2.58, "PERSONNEL REGULATIONS FOR ADMINISTRATIVE, PROFESSIONAL, SUPERVISORY, MANAGEMENT, TECHNICAL AND CLERICAL PERSONNEL" is hereby amended to read as follows:

2.58.130 Health insurance for retirees.

- A. Within the first thirty days after retirement from the city, a former employee is eligible for health insurance coverage contracted for by the city, if, on the last day of employment he/she was enrolled in one of the city's health plans and the health insurance premiums were paid entirely or almost entirely by the city and he/she has worked for the City for 15 or more years and is at least 55 years of age.
- B. For employees who retire and are eligible under subsection A of this section the City shall pay the following amount of the premium for group health insurance:
 - (1) For employees hired before January 1, 2008, the city shall pay the full amount of the premium for group health insurance coverage but not to exceed one hundred ten percent of the preceding year's premium;
 - (2) For employees hired on or after January 1, 2008, the City shall pay a percent of premium according to the following table:

Years of Service with the City	15 years	20 years	25 years	30 years
City Contribution of Premium	15%	30%	40%	50%

- C. An eligible retiree between the ages of fifty-five and sixty-five is protected to the same extent as active employees in the regular city group; those sixty-five and older are protected by Medicare Extended 365 and/or the Medicare Carve-Out coverage applicable and pay the full amount of the premium.
- D. The dependents covered by the employee's membership in the city's group on the last day of employment may be covered by his/her membership in the retired employees' group as long as they are otherwise eligible. The number of such dependents covered may be decreased from time to time, but new dependents may not be added, nor may any previously deleted ones be reinstated. Otherwise eligible dependents may retain their coverage in the group after the death of the retired employee at their own expense. The coverage for the retired employee's spouse is terminated on the date of the spouse's remarriage.
- E. Police Chief and Fire Chief. The eligibility of the Police Chief and Fire Chief for retirement health insurance shall be governed under this section. However, the City's premium contributions for retiree health insurance and the contributions into a Retirement Health Care Savings Plan for the Police Chief and Fire Chief shall be governed by Ord. 2.52.
- F. Retirement Health Care Savings Plan
 - a. Sick Leave Conversion at Retirement
At the time of retirement, full-time employees, hired after January 1, 2008, shall convert their accumulated unused sick leave, up to the maximum of 156 days, into their Retirement Health Care Savings Plan. The conversion will be at the employee's regular rate of pay on the date of retirement. The employee's conversion

amount is based upon total years of service at the time of retirement and will be based on the following table of conversion.

Retiree Health Insurance for FTEs Hired After January 1, 2008

Employee Years of Service	15 years	20 years	25 years	30 years
Sick Leave Conversion upon Retirement	100%	80%	60%	50%

- b. Annual Sick Leave Conversion
Employees hired before January 1, 2008, shall convert 1/6 of their annual unused sick leave (up to 2 days) at the end each year into their Retirement Health Care Savings Plan provided that the employee has over six (6) full days (50%) of unused sick leave remaining that year. The cash conversion will be at the employee's regular rate of pay on December 31 of that year.

Employees hired on or after January 1, 2008, shall convert ¼ of their annual unused sick leave (up to 3 days) at the end each year into their Retirement Health Care Savings Plan provided that the employee has any amount over six (6) full days (50%) of unused sick leave remaining in that year. The cash conversion will be at the employee's regular rate of pay on December 31 of that year.

- c. City Payments into Plan

- 1. For employees hired on or after January 1, 2008 and who have satisfactorily completed probation, the City shall pay \$500 one time into the employee's Retirement Health Care Savings Plan.
- 2. For employees hired before January 1, 2008, the City shall pay \$250 one time into the employee's Retirement Health Care Savings Plan.

- d. Employee Payments into Plan

Each employee shall pay a \$10 biweekly pre-tax contribution, deducted from his/her payroll check, into the Retirement Health Care Savings Plan.

- e. Vesting

The City's contributions into the plan, including payments under (c) above shall vest with employees after 15 years of service with the City. Funds contributed by employees either through sick leave conversion or through direct salary contributions shall vest immediately with employees.

Part VIII. The tables in Section 2.59.050 "Salary ranges for pay grades," are hereby amended to provide increases as follows:

- A. Effective for the pay period which includes January 1, 2008, all salary ranges are adjusted to reflect an increase of 3.25%
- B. Effective for the pay period which includes January 1, 2009, all salary ranges are adjusted to reflect an increase of 2.75%
- C. Effective for the pay period which includes January 1, 2010, all salary ranges are adjusted to reflect an increase of 2.75%

Part IX. The pay ranges in Section 2.59.070 A. “Temporary or casual employees” are hereby amended to provide increases as follows:

- A. Effective for the pay period which includes January 1, 2008, all salary ranges are adjusted to reflect an increase of 3.25%
- B. Effective for the pay period which includes January 1, 2009, all salary ranges are adjusted to reflect an increase of 2.75%
- C. Effective for the pay period which includes January 1, 2010, all salary ranges are adjusted to reflect an increase of 2.75%

Part X. Except as otherwise specifically provided, all provisions of this ordinance shall take effect on and after its date of publication.

Part XI. Non-codified provision relating to dental insurance. The City hereby resolves to provide the same dental benefit to the employees eligible under 2.52 and 2.58 as the employees represented by labor unions.

It was moved by Ald. Purins, seconded by Ald. Meaux
to adopt the foregoing ordinance. 13-1 (Meaux)

FROM THE COMMITTEE ON EMPLOYEE RELATIONS

RESOLUTION R-08-58

WHEREAS, a proposed administrative services agreement with the International City Management Association-Retirement Corporation was presented to the Committee on Employee Relations at its meeting of April 8, 2008; and

WHEREAS, the proposed agreement has no fiscal impact on funds expended by the City of Wauwatosa; and

WHEREAS, entry into the administrative services agreement for purposes of managing the employee post retirement healthcare plan is in the best interests of the City;

NOW, THEREFORE, BE IT RESOLVED THAT the proposed administrative services agreement with the International City Management Association-Retirement Corporation for purposes of managing the employee’s post retirement healthcare plan for employees of the City of Wauwatosa is hereby approved and the appropriate City officials are hereby authorized to execute said agreement.

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

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-08-59

WHEREAS, Lisa M. Anderson, 2215 Hi Mount Blvd., Milwaukee, WI, applied for an operator's license in conjunction with her employment at McCormick & Schmick's 2550 N. Mayfair Road, Wauwatosa; and

WHEREAS, the Committee on Legislation, Licensing & Communications requested that Ms. Anderson appear before the Committee on two occasions to discuss her record but applicant did not appear;

NOW, THEREFORE BE IT RESOLVED THAT the operator's license application of Lisa M. Anderson is hereby denied;

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

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-08-61

WHEREAS, Susan E. Katka, 13570 W. Radisson Drive, New Berlin, WI, has applied for an operator's license in conjunction with her employment at McCormick & Schmick's, 2550 N. Mayfair Road;

NOW, THEREFORE, BE IT RESOLVED THAT Susan E. Katka, 13570 W. Radisson Drive, New Berlin, WI, is hereby issued an operator's license for the period ending June 30, 2008.

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-08-62

WHEREAS, Jon P. Mankowski, 3555 S. Sunnyslope Road, New Berlin, WI, has applied for an operator's license in conjunction with his employment at Mo's Irish Pub, 10842 W. Blue Mound Road, Wauwatosa, WI;

NOW, THEREFORE, BE IT RESOLVED THAT Jon Mankowski is hereby issued an operator's license for the period ending June 30, 2008, contingent upon a review of his record in six months;

BE IT FURTHER RESOLVED THAT the Wauwatosa Police Department is directed to review Mr. Mankowski's record six months after issuance of this initial license and report back to the Committee on Legislation, Licensing and Communications if any new significant issues or concerns are revealed at that time.

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-08-63

WHEREAS, Lori A. Fuhrmann, W337 N122 Rustic Lane, Oconomowoc, WI, has applied for an operator's license in conjunction with her employment at Crowne Plaza, 10499 Innovation Drive, Wauwatosa, WI;

NOW, THEREFORE, BE IT RESOLVED THAT Lori A. Fuhrmann is hereby issued an operator's license for the period ending June 30, 2008, contingent upon a review of her record in six months;

BE IT FURTHER RESOLVED THAT the Wauwatosa Police Department is directed to review Ms. Fuhrmann's record six months after issuance of this initial license and report back to the Committee on Legislation, Licensing and Communications if any new significant issues or concerns are revealed at that time.

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-08-64

WHEREAS, Matthew T. Ward, 10012 W. North Avenue, Wauwatosa, WI, has applied for an operator's license in conjunction with his employment at McCormick & Schmick's, 2550 N. Mayfair Road, Wauwatosa, WI;

NOW, THEREFORE, BE IT RESOLVED THAT Matthew T. Ward is hereby issued an operator's license for the period ending June 30, 2008, contingent upon a review of his record in six months;

BE IT FURTHER RESOLVED THAT the Wauwatosa Police Department is directed to review Mr. Ward's record six months after issuance of this initial license and report back to the Committee on Legislation, Licensing and Communications if any new significant issues or concerns are revealed at that time.

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

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-08-60

WHEREAS, Mary Ellen Hovet, 5818 W. Michigan Street, Milwaukee, WI, applied for an operator's license in conjunction with her employment at McCormick & Schmick's 2550 N. Mayfair Road, Wauwatosa; and

WHEREAS, the Committee on Legislation, Licensing & Communications requested that Ms. Hovet appear before the Committee to discuss her record on two occasions, but applicant did not appear;

NOW, THEREFORE BE IT RESOLVED THAT the operator's license application of Lisa M. Anderson is hereby denied;

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

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

FROM THE COMMITTEE ON TRAFFIC AND SAFETY

RESOLUTION R-08-65

WHEREAS, at its regular meeting on April 3, 2007, the Wauwatosa Common Council approved temporary suspension of a portion of the parking restrictions along North 99th Street, between West Blue Mound Road and West Wisconsin Avenue for purposes of allowing additional parking for Grede Foundries, Inc., 9898 W. Blue Mound Road, Wauwatosa; and

WHEREAS, the one year suspension of parking regulations will expire in the near future, but the project for which the suspension was granted will not be completed for some time; and

WHEREAS, the Wauwatosa Common Council deems it to be appropriate to extend the temporary suspension of parking regulations at that location for another 6 months in order to allow the requester to complete its project;

NOW, THEREFORE, BE IT RESOLVED THAT the temporary suspension of parking regulations on North 99th Street between Blue Mound Road and West Wisconsin Avenue originally granted by the Wauwatosa Common Council on April 7, 2007, is hereby extended for an additional 6 months under the same terms and conditions as granted at that time.

It was moved by Ald. Maher, seconded by Ald. Donegan to approve the foregoing resolution. -14

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

ORDINANCE O-08-09

AN ORDINANCE AMENDING CHAPTERS 15.02, 15.04, 15.05 AND 15.06 AND REPEALING CHAPTERS 15.08 AND 15.12 OF THE WAUWATOSA MUNICIPAL CODE TO PROVIDE REVISIONS TO THE BUILDING, ELECTRICAL AND PLUNBING CODES FOR CONFORMANCE TO STATE AND NATIONAL CODES.

Part I: Chapter 15.02 of the Wauwatosa Municipal Code is hereby repealed and recreated in its entirety to read as follows:

CHAPTER 15.02 BUILDING AND SAFETY DIVISION

15.02.010 Purpose and scope.

- A. There is established a building and safety division created to protect the health, safety and welfare of the city residents and general public as well as maintaining property values through the uniform enforcement of minimum code standards.

- B. The scope of this division shall include the enforcement of adopted codes and ordinances in Title 15 pertaining to building construction, condemnations, demolition, use, materials, property maintenance, electrical, mechanical, plumbing, signs, swimming pools, disaster assessment and recovery, and other items as the common council may from time-to-time adopt.

15.02.020 Organization.

The Building and Safety Division shall be supervised and managed by a Chief Building Official and shall include building, electrical, plumbing and property maintenance inspectors, physical plant maintenance and custodial staff, along with clerical staff as established by the common council.

15.02.030 Chief Building Official--Appointment.

The Chief Building Official shall be appointed by the Director of Community Development, subject to confirmation by the city administrator.

15.02.040 Chief Building Official--Duties.

The specific duties of the Chief Building Official shall be outlined and on file with the city personnel department.

15.02.050 Inspectors--Duties.

The specific duties of the inspectors shall be outlined and on file with the city personnel department.

15.02.060 Inspectors-- Authority.

- A. Any reference hereinafter to "inspector" shall mean the Chief Building Official, building inspector, electrical inspector, mechanical inspector, plumbing inspector, property maintenance inspector, or other authorized division representative.
 - B. The inspector shall have full power to pass upon any question arising under the provisions of this chapter, subject to conditions contained in this chapter.
 - C. The inspectors provided for in this chapter shall have the authority at all reasonable times, for any proper purpose, to enter upon any premises held open to the public or upon private premises with the consent of the owner or the person who is apparently in charge of such premises, upon presentation of the proper credentials, and make inspection thereof.
 - D. If the property owner, manager of the property or other person who is in apparent charge of the property denies consent, it shall constitute a refusal of consent to enter the premises. If refused consent, the inspector is authorized to seek an inspection warrant as provided for in Wisconsin Statutes 66.0119.
 - E. If an inspector has probable cause to believe that an urgent threat to public health or safety exists (eg: fire, blocked exits, structural integrity, flood, tornado, etc.) and because of the urgency of such threat, time does not permit the obtaining of a special inspection warrant, such inspector is empowered to go upon the premises to make such inspection.
 - F. The inspector may at any reasonable time and for proper purpose require the production of the permit for any building, electrical, mechanical or plumbing work or the required license therefor. Any person who refuses to produce such permit upon request shall be subject to the general penalty provisions of this code.
 - G. The inspector is authorized and directed to enforce all of the provisions of this code and for such purposes has the powers of a police officer, and in this capacity shall have the right to call the aid of the Police Department.

- H. Whenever any work is being done in an unsafe or dangerous manner, the inspector may order the work stopped by posting a notice in writing, serving notice on any persons engaged in doing or causing such work to be done, and any such person shall forthwith stop such work until authorized by the inspector to recommence and proceed with the work.

15.02.070 Building vacation order.

Whenever any building or portion thereof is being used or occupied contrary to the provisions of this code, the inspector shall order such use or occupancy discontinued and the building or portion thereof vacated by notice served on any person using or causing such use or occupancy to be continued, and such person shall vacate such building or portion thereof within ten days after receipt of such notice or make the building or portions thereof comply with the requirements of this code; provided, however, that in the event of any emergency, Section 15.02.130 of this chapter shall apply.

15.02.080 Authorization to condemn and raze buildings.

The chief building official is authorized and empowered to condemn and to raze buildings and structures which are so old, dilapidated, damaged or have become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation, occupancy or use, and unreasonable to repair in accordance with the provisions of Section 66.0413 of the Wisconsin Statutes and any amendments made thereto, and is further authorized to proceed in all matters.)

15.02.090 Safety at construction sites.

All construction sites/projects shall be rendered safe for employees and the general public.

- A. Where deemed necessary by the building inspector, all construction sites and/or areas shall be secured. Not limited to but including fencing, partitions, barricades, guardrails, etc.
- B. All exits shall be maintained, temporary exits shall provide safe passage to a public way.
- C. Each construction site/project shall comply with applicable O.S.H.A. and COMM safety regulations.
- D. Excavations for a foundation of a structure executed under a permit issued by the building inspector shall be secured in an approved manner, unless the construction of the structure proceeds immediately after the excavation has been completed, no such excavation, may be left open for more than six months whether secured or not without proceeding with the construction of the structure. Where such construction is not started within six months, the building inspector shall serve an order on the owner of the premises and on the holder of any encumbrance of record to the effect that the construction of the building or structure begin forthwith or that the excavation be filled within thirty days in an approved manner to lot grade. In case of the owner's neglect or refusal to abate such public hazard or nuisance, within the time herein prescribed, the chief inspector shall have the excavation filled to lot grade, and costs thereof be assessed and collected as a special tax in addition to the fine or penalty as provided herein.

15.02.100 Execution of work.

- A. No person, firm or corporation shall at any time between the hours of seven p.m. and seven a.m. Monday through Saturday, or during any hours on Sunday create any loud or sharp noises, concussions, or disturbing sounds associated with the construction, excavation, demolition, alteration, or repair of any building or development. The board

of public works may modify these times upon request for variance and based on exceptional circumstances.

- B. All construction work shall be performed in a neat and workmanlike manner.

15.02.110 Building and Safety division records.

- A. The building and safety division shall keep a record of all applications for permits in a book or electronic file for such purpose and regularly number each permit in the order of issuance.
- B. There shall be a record showing the number, description and size of all buildings erected and the estimated construction cost of each building. Records of property maintenance violations shall also be kept.
- C. There shall be a record of all inspections made, and of all removal and condemnations of buildings, and a record of all fees collected, showing the date of their receipt and delivery to the city treasurer. There shall be an annual report to the common council of the above matters.
- D. There shall be a record made of all new sewer connections and forwarded to the engineering department.

15.02.120 Permits

- A. Required. Except as otherwise provided for in this chapter, no person, firm, corporation shall construct, enlarge, alter, move, demolish, or change the occupancy of any building or structure or perform or have performed any electrical, gas, mechanical or plumbing work without having first obtained a valid permit from building and safety division. Building permits are typically required for the following, although the following list is not exclusive, and is used only as an example:
 - a. Building: new, addition, alterations and any structural repairs or modifications (e.g. foundation, beam, column, truss).
 - b. Garages, storage sheds and other accessory-buildings.
 - c. Fences, decks and pools.
 - d. Moving or razing of building.
 - e. Mechanical: new and replacement.
 - f. Solid fuel appliances and fireplaces.
 - g. Electrical
 - h. Plumbing
- B. Work exempt from permit

Work that is exempt from permit must still be constructed in accordance with any applicable code.

1. No permit shall be required for storage, play, recreational structures or other accessory structures that do not exceed one hundred square feet in area and twelve feet in height.
2. No permit shall be required for decks that are detached and less than twenty-four inches high above grade.
3. No permit shall be required for reroofing or residing unless the new material alters the original architectural style of the existing building.
4. No permit shall be required for replacement door(s) or windows unless structural modifications are required and/or the new door(s) or window(s) alters the original architectural style of the existing building.
5. No permit shall be required for bird houses.

6. No permit shall be required for bus shelters approved by the common council or for other structures or uses located within a public right-of-way which have received the approval of the board of public works and/or the common council.
 7. No permit shall be required for any person, firm or corporation testing or servicing electrical equipment or apparatus.
 8. No permit shall be required for minor electrical repair work, replacing switches, receptacles, luminaires, appliances, and other such work as determined by the electrical inspector.
 9. No permit shall be required for minor plumbing repair work, replacing fixtures and appliances, the clearing of stoppages, repairing leaks and other such work as determined by the plumbing inspector.
- C. Licenses
1. No person, firm or corporation shall apply for permit or perform building, electrical or plumbing work in the city without the required state and/or city license and/or certification. (e.g. Electrical Contractor's License, Master Electrician's Certification, Master Plumber's License, Dwelling Contractor Certification, Dwelling Contractor Qualifier)
 2. Notwithstanding subsection 1 of this section, a license is not required for an owner of an owner-occupied one or two family dwelling to repair or replace appliances, pipes, valves, faucets, fixtures, or a water heater; or to install a clearwater sump and discharge pump located in said dwelling, or install a stormwater conveyance system that does not connect directly to a city storm sewer.
- D. Annual Permit. In lieu of an individual permit, an annual permit in accordance with division procedure may be issued.
- E. Emergency work. In emergency work, the person, firm or corporation doing or causing such work to be done shall report the same to the inspector immediately after beginning work, and such work shall be done in accordance with the provisions of this chapter. A permit is required to be obtained within twenty-four hours of the work performed.
- F. Denial of permit for violation. A permit may be denied where any person, firm or corporation applying for a permit has any outstanding violations.
- G. Approvals by other departments and agencies.
1. No permit shall be issued for a building or structure in connection with which zoning approval is required until approved by the planning division and/or common council.
 2. No permit shall be issued for a building or structure in connection with which a "conditionally approved" plan is required by the State Department of Commerce or State Department of Health and Family Services.
 3. No permit shall be issued for a building or structure in connection with which compliance is required by the fire prevention code until approved by fire prevention bureau.
 4. No permit shall be issued for a building or structure where an encroachment on city property exists until such time as the provisions of Chapter 12.42 of this code pertaining to encroachments have been complied with.
 5. No permit shall be issued for a building or structure in connection with which a parking area, driveway or approach is required until approved by the board of public works, except those serving one family residences.
 6. No permit shall be issued for a building or structure in connection with which compliance is required by Chapter 24.57, construction site soil erosion until approved by the proper city and/or state departments.

- H. Expiration of applications and permits. Every permit application or permit shall expire by limitation and become null and void as follows:
 - 1. One and two-family application--Six months from date of application;
 - 2. One and two-family permit--Two years from date of permit;
 - 3. Commercial and multi-family application--Six months from date of application;
 - 4. Commercial and multi-family permit--Two years from date of permit;
 - 5. Razing. One and two-family--One month from date of permit;
 - 6. Razing. Commercial and multi-family--Three months from date of permit;
 - 7. Unused excavations--Three months from date of permit.

Before any work can be recommenced, a new application and permit shall be obtained and new fees paid.

- I. Completion of work--Time limits.
 - A. After a permit has been issued, and the work started, there shall be a time limit for completion in accordance with approved plans or conditions of the permits as follows:
 - 1. Residential.
 - a. Remodeling, alterations, additions--One year from date of permit;
 - b. New construction--Two years from date of permit.
 - 2. Nonresidential--Two years from date of permit.
 - 3. Razing.
 - a. Residential--One month;
 - b. Nonresidential--Three months.
 - 4. Unused excavations--Three months.
 - B. The chief building official shall report to the common council any building or structure which has not been completed within the time limits specified under this section or as extended by the chief building official. The report of the chief building official shall state the reasons and such other facts pertaining to the delay in the completion of the building or structure.
 - C. The common council after considering the report of the chief building official may within its discretion direct the chief building official to condemn and cause to be raised such incomplete building or structure or may extend the time within which such building or structure is to be completed.

15.02.130 Application for Permit

- A. Any person, firm or corporation desiring a permit as required by this code shall file with the building and safety division an application therefor in writing on a blank form to be furnished for that purpose.
- B. Such application shall be accompanied by a preliminary fee or plan review fee which shall be credited toward the regular permit fee.
- C. Every such application for a permit shall describe the land upon which the proposed building or work is to be performed by address.
- D. Every such application shall show the use or occupancy of all parts of the building and such other reasonable information as may be required by the building and safety division.
- E. Every such application shall be accompanied by the required construction documents.

15.02.140 Issuance of permit.

The permit application becomes a valid permit to perform work upon signature of the chief building official or designated representative. The construction documents shall be stamped "conditionally approved", initialed and dated by the plans examiner. One such approved set of construction

documents shall be retained by the building and safety division as a public record, and one such approved set of construction documents shall be returned to the applicant, which set shall be kept on such building or work site at all times during which the work authorized thereby is in progress and shall be open to inspection by public officials. Such approved construction documents shall not be changed, modified or altered without permission from the building and safety division.

15.02.150 Fees.

- A. Before issuance of a permit, the owner or their agent shall pay to the city treasury permit fees as outlined in the city consolidated fee schedule.
- B. Double Fees. Upon failure to obtain a permit before work on a building has been started, except in emergency cases, the total fees shall be double the fees charged.
- C. Reinspection--Fee. Where additional inspections are made necessary by reason of neglect in work found faulty, defective or incomplete at the time of inspection, or at the expiration of time permitted in an order of noncompliance, a reinspection fee may be charged.
- D. Inspection--Mileage Allowance Fees. Wherever the inspections herein required must be made outside the corporate limits of the city, there shall be added to the ordinary fees herein specified a sum per mile from the corporate limits of the city to the place of inspection and return, as outlined in the city consolidated fee schedule.
- E. Fees--Refunds. The fees for permits provided by this chapter shall become the property of the city and shall not be refundable even though the permit issued is not used, unless such fees exceed the sum of one hundred dollars. In such cases only that portion of the permit fee in excess of one hundred dollars shall be refunded if the permit is not used.
- F. The restriction set out in subsection E of this section on fee refunds shall not apply to refund amounts paid for the voluntary code compliance inspection program.
- G. Municipal construction work. A permit is required but no fee shall be charged for work performed on buildings owned by the City or the Wauwatosa School District.

15.02.160 Construction Documents

Every application for a permit shall be accompanied by two complete sets of plans and specifications, along with a survey prepared and certified by a Wisconsin registered surveyor.

- A. Plans and Specifications. All plans shall be drawn to a scale not less than one-eighth inch per foot, and all plan sets shall not exceed twenty-four inches by thirty-six inches. All dimensions shall be accurately figured. Elevations: showing the sizes, location and configuration of doors, windows and skylights, exterior wall covering material, roof design and exterior material, and any architectural features relating to the building's architectural style. A rendering and material sample board(s) shall be submitted for any commercial project for review by the design review board. Other required details shall be in accordance with the Wisconsin Administrative Code.

Electronic media documents may be submitted with prior approval of the division.

- B. Surveys. The survey shall indicate the following:
 - 1. A complete and accurate legal description of the lot or parcel of land involved;
 - 2. Name and address of the owner;
 - 3. Location and dimensions of the lot lines and all buildings on the lot, both existing and proposed;
 - 4. Dimensions showing all setbacks to the building;
 - 5. Information to the lot or parcel to nearest one quarter section corner or block corner;
 - 6. Proposed grade at the proposed structure, along with grades at adjacent buildings, lot corners, and road right-of-way opposite lot or parcel;

7. Location and dimensions of easements, encroachments, etc.;
 8. Names and right-of-way widths of adjoining streets;
 9. A north arrow and the scale of drawing;
 10. Seal and signature of the surveyor, along with the date of the survey.
- C. Establishment of Grades. Every building hereafter erected, structurally altered or relocated, shall be at a grade approved by the city with particular consideration for proper drainage. The proposed grades shall be indicated on the survey or site plan.
 - D. Waiver of Some Requirements. At the option of the chief building official, plans, data, specifications and survey need not be submitted with an application for permit to execute minor alterations and repairs to any building, structure or equipment, provided the proposed construction is sufficiently described in the application for permit.
 - E. Plans and specifications shall be kept on file in the building and safety division until the completion of the building and for seven years thereafter.
 - F. Expiration. All plans which have been submitted for a permit shall become null and void and may be destroyed by the building and safety division if the permit is not procured within six months of the day of approval, or six months have expired since the plans have been rejected, or the applicant has failed within six months of the day of notice to complete items or make corrections necessary for the issuance of a permit.

15.02.170 Certificate of occupancy required.

- A. It is unlawful to use or permit the use of any building or premises or part thereof without first obtaining a certificate of occupancy. A certificate of occupancy is required for:
 1. Residential. New buildings only;
 2. Commercial. New buildings, additions, change of use and change of business or tenant; change of owner.
 3. As outlined in subsections C, D and E of this section.
- B. Inspections for occupancy shall be requested by the owner or tenant on forms supplied by the division at least ten days prior to anticipating occupancy. If upon inspection, no violations of city code are found, the chief building official shall issue a certificate of occupancy.
- C. Certificate of Occupancy--Nonconformity. If on any inspection, the condition of a building or premises or its use are found not to conform to city code, the building inspector shall issue written notice to the owner or occupant specifying the nonconformance and ordering the owner or occupant to bring the building or premises in compliance within thirty days. Upon failure to comply or if it is necessary for the protection and safety of the occupants, the building inspector shall revoke the certificate of occupancy and order the building or premises vacated.
- D. Certificate of Occupancy--Vacated or Damaged Buildings. The building inspector shall be notified of any building or premises vacated, damaged or vandalized which might make such building or premises unsafe or uninhabitable. If the building inspector determines that such building is unsafe or uninhabitable, the building shall be ordered secure, and the certificate of occupancy revoked. A new certificate of occupancy is required prior to reoccupying of the building or premises.
- E. Certificate of Occupancy--Temporary Certificates. The building inspector may issue a temporary certificate of occupancy for a part or parts of a building or premises under construction, alterations or other hardship; providing, that the area(s) to be occupied are safe and sanitary. A temporary certificate may be issued for a period not exceeding six months.

Part II: Chapter 15.04 of the Wauwatosa Municipal Code is hereby repealed and recreated in its entirety to read as follows:

CHAPTER 15.04 STATE CODE ADOPTED

Note: The Wisconsin Administrative Codes are available online at:
<http://www.commerce.state.wi.us/SB/SB-DivCodesListing.html>

15.04.010 Purpose and scope.

- A. The purpose of this chapter is to provide a minimum set of standards for safe and stable design, methods of construction, and uses of materials in buildings and structures hereafter constructed, enlarged, altered, repaired, moved, demolished or converted to other uses, and to regulate the equipment, maintenance, use and occupancy of all buildings or structures. Also to provide practical safeguarding of persons and property from hazards arising from the installation and use of electricity and potable water.
- B. The scope of this chapter shall include all buildings or structures constructed, enlarged, altered, repaired, moved, demolished or converted to other uses; electrical installations from the point of the electrical utility connection to the point of the termination, all mechanical installations and plumbing installations from the point of the water and/or sewer utility to the point of termination. (e.g. The point of termination for electrical will typically be at an outlet and for plumbing, at a control valve)

15.04.020 Definitions.

"Approved" refers to an approval by the building and safety division or its authorized representative. (Approval is not to be construed as an assumption of any legal responsibility for the design or construction).

"Building, addition" means new construction which increases the outside dimensions of a building.

"Building, alteration/remodel" means an enhancement, upgrading or substantial change or modification other than an addition, a repair or modifications to electrical, plumbing, heating, ventilating, air conditioning and other systems within a building.

"Building, existing" means any structure that is already constructed or one for which a legal permit has been issued prior to the adoption of this code.

"Building, height" means the vertical distance from grade to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the average height of the highest gable of a pitch or hip roof.

"Building, new" means any construction that results in the creation of a structure for the support, shelter or enclosure of persons, animals, chattel or movable property of any kind.

"Building, repair" means the act or process of restoring to original soundness.

"Building, structural repair" means the reconstruction or replacement of any load bearing component that has been damaged, deteriorated or is failing.

"Ceiling height" means the clear vertical distance from the finished floor to the finished ceiling. Any part of any room where the ceiling height is less than five feet, shall not be considered in computing the total floor area of the room for the purpose of determining the habitable occupancy thereof.

"Garage" means a structure used for storing motorized vehicles that has more than two sides completely enclosed.

"Garage, attached" means a private garage attached directly to the principal building or attached by means of an enclosed or open breezeway, porch, terrace, or vestibule, or a private garage so constructed as to form an integral part of the principal building.

"Garage, detached" means a private garage entirely separated from the principal building.

"Grade beam" means a concrete footing designed to carry all imposed loads and placed above the frost line with the top of the beam at or near grade.

"Imminent life or health safety violation" means a condition where the public may be seriously harmed unless immediate action is taken to remedy the violation. Examples include, but are not limited to, blocked exit or path of egress, structural deformity or condition suspected of imminent failure in the opinion of the inspector or a Wisconsin registered professional, non-operable required fire suppression or detection system, non-potable water due to cross-connection or other source of contamination, electrical shock hazard due to an ungrounded system or condition.

"Plumbing Appliance" means any one of a special class of plumbing fixtures intended to perform a special function. Included are fixtures having the operation or control dependent on one or more energized components, such as motors, controls, heating elements, or pressure- or temperature-sensing elements.

"Plumbing Fixture" means a receptacle or device that is either permanently or temporarily connected to the water distribution system of the premises and demands a supply of water there-from; discharges wastewater, liquid-borne waste materials or sewerage directly or indirectly to the drainage system of the premises; or requires both a water supply connection and a discharge to the drainage system of the premises.

"Stair riser height" means the distance in inches as measured vertically from tread to tread.

"Stair tread depth" means the distance in inches as measured horizontally from nosing to nosing.

15.04.030 Wisconsin Commercial Building Code.

- A. Adopted by Reference. The administrative code of the State of Wisconsin, Chapters COMM 60 through 66 - Wisconsin Commercial Building Code and COMM 75 through 79 – Buildings Constructed Prior to 1914 are adopted and all amendments thereto are adopted and incorporated by reference except as herein modified.
- B. Chief Building Official. The chief building official or delegated representatives are authorized and directed to administer and enforce all of the provisions of the ordinance codified in this chapter, State Statute, and the State Administrative Code.
- C. Inspections. In addition to the items outlined in Section COMM 61.41 the following inspections shall be made:
 1. The International Building Code, Section 109 is adopted and all amendments thereto are adopted and incorporated by reference. In addition, where

suspended ceilings are used, an inspection is required after grid work is installed and before tiles are set.

2. The International Mechanical Code, Section 107 is adopted and all amendments thereto are adopted and incorporated by reference.
 3. The International Energy Conservation Code, Section 105 is adopted and all amendments thereto are adopted and incorporated by reference.
 4. The International Fuel Gas Code, Section 107 is adopted and all amendments thereto are adopted and incorporated by reference.
 5. The International Existing Building Code, Section 109 is adopted and all amendments thereto are adopted and incorporated by reference. In addition, where suspended ceilings are used, an inspection is required after grid work is installed and before tiles are set.
 6. The building inspector periodically shall make thorough examinations of all buildings under construction within the city and, when such construction is found to be in a dangerous or unsafe condition, shall notify the person, firm or corporation owning, using, operating or constructing same, to place them in a safe condition. Any person, firm or corporation failing or refusing to make the necessary repairs or changes shall be further subject to the penal provisions as set forth under Section 1.12.010 of the Wauwatosa Municipal Code.
- D. Fire walls. In addition to the items outlined in Section COMM 62.0705, all interior fire-rated walls shall be identified as to their hourly rating and permanently marked with red color using one-half-inch by three-inch letters and numerals every twenty-five lineal feet above the finished ceiling. Other identification acceptable to the Wisconsin Department of Health and Human Services and the Wisconsin Department of Commerce may also be acceptable.

15.04.040 Uniform Dwelling Code.

- A. Adopted by Reference. The administrative code of the state of Wisconsin, Chapter 20 through 25 - Uniform Dwelling Code, is adopted and all amendments thereto are adopted and incorporated in this code by reference except as herein modified.
- B. Chief Building Official. The chief building official or delegated representatives are authorized and directed to administer and enforce all of the provisions of the ordinance codified in this chapter, State Statute, and the State Administrative Code.
- C. Existing one and two family dwellings constructed prior to June 1, 1980, all additions, alterations, remodeling, etc., thereto shall comply with the Uniform Dwelling Code except as herein modified:
 1. Alterations and Additions. Alterations and additions that comply with the Wisconsin Uniform Building Code Chapter VII – ALTERATIONS AND REMODELING FOR PRE-1980 ONE AND TWO-FAMILY DWELLINGS as approved and amended by the Building Inspectors Association of Southeastern Wisconsin, are permitted as an accepted practice.

Note: This code is available online at: <http://www.biasew.org/>

2. Mechanical
 - a. The mechanical portion of an air conditioning unit outside of the exterior walls of the building shall have such outside unit located at least ten feet from any rear lot line and in no case closer to the front or side lot line than that required for the wall of the primary building on the site. Replacement units relocated at the same location do not have to

comply with this section provided that the adjoining property owner gives approval as to location.

- b. Appeal to Board of Public Works. Any person who feels aggrieved by orders or decisions of the buildings and safety division or any person seeking a variance from this rule may, within fifteen days from the date of said orders or decisions, appeal to the board of public works, and such board shall conduct a hearing in connection therewith within fifteen days of said appeal and submit its findings and decision within five days thereafter. The board's decision shall be final and binding.
 - c. Excessive Noise Prohibited. The issuance of a permit for air conditioning installations shall not be deemed or construed to permit any violation of the provisions of Section 7.48.090 of the Wauwatosa Municipal Code, relating to excessive noise which disturbs peace, quiet or repose of persons in the vicinity therein.
3. Garages and Accessory Buildings. Garages and Accessory Buildings shall comply with the Wisconsin Uniform Building Code Chapter III – GARAGES AND ACCESSORY BUILDINGS as approved and amended by the Building Inspectors Association of Southeastern Wisconsin.

Note: This code is available online at: <http://www.biasew.org/>

4. Decks. Deck construction shall comply with the Wisconsin Uniform Building Code Chapter IV – DECKS as approved and amended by the Building Inspectors Association of Southeastern Wisconsin.

Note: This code is available online at: <http://www.biasew.org/>

5. Foundation Repair and Damproofing. Foundation repairs performed that comply with the "Best Management Standards for Foundation Repair" as approved by the Building Inspectors Association of Southeastern Wisconsin are permitted as an accepted practice.

Note: This Code is available online at: <http://www.biasew.org/>

15.04.050 Wisconsin State Electrical Code.

- A. Adopted by Reference. The administrative code of the State of Wisconsin, Chapter COMM. 16 - Electrical is adopted and all amendments thereto are adopted and incorporated by reference except as herein modified.
- B. Chief Building Official. The chief building official or delegated representatives are authorized and directed to administer and enforce all of the provisions of the ordinance codified in this chapter, State Statute, and the State Administrative Code.
- C. Inspections. In addition to the items outlined in Section COMM 16.65, the electrical inspector upon notification from the permit holder or agent, shall cause the following inspections to be made and shall either approve that portion of the installation as completed, or shall notify the permit holder or agent wherein the same fails to comply with this code. Additionally, the electrical inspector periodically shall make thorough examinations of all electrical systems installed within the city and, when such electrical systems are found to be in a dangerous or unsafe condition, shall notify the person, firm or corporation owning, using, operating or installing the same, to place them in a safe condition. Any person, firm or corporation failing or refusing to make the necessary

repairs or changes shall be further subject to the penal provisions as set forth under Section 1.12.010 of Wauwatosa Municipal Code.

1. Services. All new, altered or replaced electrical services shall be inspected.
2. Underground. Underground inspection shall be made after trenches or ditches are excavated and bedded, piping or conductors installed and before backfill is placed.

D. Services.

1. All services to any building except one through six family dwellings shall be connected to a single main disconnect unless, in the determination of the chief building official, an equivalent degree of safety can be provided by alternate means.
2. All permit applications for a service shall be accompanied by an outlet location letter from the electrical utility.
3. No service with an available interrupting current of more than ten thousand AMPS will be approved without the licensee supplying data showing how the electrical equipment supplied by this service is properly protected.

E. Signs. Overhead wiring is prohibited.

F. Illumination of apartment buildings.

1. In every apartment building within the city, the public passageways and stairways and exit doors shall be illuminated from sunset to sunrise. This illumination shall include lights at all intersections of passageways, at all exits, and at the head, foot and landing of every stairway.
2. The electrical wiring shall be installed in accordance with the provisions set forth for "emergency lighting" as outlined in the Wisconsin State Electrical Code.

G. Electrical license.

1. Application/renewal application for a license shall be made to the building and safety division on forms furnished by the department. A fee shall be paid to the city treasurer and no license shall be valid unless signed by the city clerk. Licenses shall be valid for a period of one year expiring June 30th of every year.
2. No license shall be issued to any person, firm or corporation without evidence to the electrical inspector indicating at least one full time employee with a valid state of Wisconsin master electrician certificate or restricted master electrician certificate. This supervising electrician shall superintend all work performed by the licensee and be available during regular city business hours to discuss any matters involving the installations permitted under the license, the license is not transferable to any other person, firm or corporation, and permits the person(s) named to procure permits only for the use of license named. In the event the supervising electrician resigns or is not able to perform such the license holder shall immediately notify the electrical inspector in writing. This license shall become null and void until a qualified successor has been appointed.

H. Maintenance license.

Any firm or corporation may be granted a maintenance license upon the condition that such firm or corporation regularly employs a city-approved electrician who has charge of the electrical work in the plant. Such license shall permit the holder to install or repair electrical wires and apparatus within the plant of the firm or corporation. At the time of making application for a license, the firm or corporation making the application shall file, in writing, a certificate with affidavit naming the person who shall be in charge of such maintenance work and the number of years they have been engaged as a

practical electrician. This electrician shall be qualifieded by an examination given by the electrical inspector.

I. Revocation and suspension.

Any license granted under the provisions of this chapter may be suspended by the board of examiners and appeals for such period of time as they shall determine if the licensee violates any ordinance or law relating to electrical work or is guilty of installing electrical construction which is a hazard to life or property, but no license shall be suspended or revoked unless the licensee has been notified in writing of charges against him and the time, place, when and where he may appear before the board to answer such charges. When a license is suspended, such license shall be automatically reinstated on the date specified in the order of suspension unless the suspension shall have been because of a faulty installation of electrical construction, in which case such license shall be reinstated only upon correction of the faulty installation. When a license is revoked, a new license shall not again be granted to the licensee until such licensee shall have applied for a new license and met all the requirements of this chapter.

15.04.060 Wisconsin State Plumbing Code.

- A. Adopted by Reference. The administrative code of the State of Wisconsin, Chapter COMM 81 through 87 - Plumbing is adopted and all amendments thereto are adopted and incorporated by reference except as herein modified.
- B. Chief Building Official. The chief building official or delegated representatives are authorized and directed to administer and enforce all of the provisions of the ordinance codified in this chapter, State Statute, and the State Administrative Code.
- C. Inspections. In addition to the items outlined in Section COMM 82.21, the plumbing inspector upon notification from the permit holder or agent, shall cause the following inspections to be made and shall either approve that portion of the installation as completed, or shall notify the permit holder or agent wherein the same fails to comply with this code. Additionally, the plumbing inspector periodically shall make thorough examinations of all plumbing systems installed within the city and, when such plumbing systems are found to be in a dangerous or unsanitary condition, shall notify the person, firm or corporation owning, using, operating or installing the same to place them in a safe condition. Any person, firm or corporation failing or refusing to make the necessary repairs or changes shall be further subject to the penal provisions as set forth under Section 1.12.010 of Wauwatosa Municipal Code.
 - 1. Underground. Underground inspection shall be made after trenches or ditches are excavated and bedded, piping installed and before backfill is placed
- D. Report of unsanitary conditions. Whenever it is reported to the plumbing inspector that the plumbing in any building is contrary to this code or is of faulty construction and liable to breed sickness or disease, or is a menace to health, or when upon a complaint made to the health officer by any person that the plumbing in any building is defective as aforesaid, then the plumbing inspector shall examine all the plumbing in said building and cause all violations to be corrected and shall fix a limit of time for compliance.
- E. Drain ends and connections guarded.
 - 1. The ends of all sewer and drain pipes not immediately connected and completed shall be securely sealed so as to prevent the introduction of water, sand or earth.
 - 2. No building sewer or sewer lateral connecting to the sanitary sewer shall be constructed past or over a lot line or extended from an easement until the building

it is to serve is fully enclosed by complete roof and building walls, and the foundation excavation has been backfilled.

3. The board of public works is authorized to make exceptions to subsection B of this section in the event that the owner and/or plumbing contractor submits a request in writing stating a justified reason for such exception.

F. Draining of roof water into sanitary and storm sewers.

1. It is unlawful to drain the rain water from the roof of any building in the city into the sanitary sewer system of the city, or to connect or maintain connection with the sanitary sewer system any rain water conductor or pipe designed or used to carry or drain off water.
2. It is unlawful to drain the rain water from any roof, foundation drainwater from tiles or conductors, clearwater wastes or surface water from any property or building, including buildings under construction in any area within the city where storm sewer is available except through an underground conductor directly connected to the storm sewer. Conveyance of clear water from any roof to an underground conductor must be in gutters and downspouts or in landscape beds specifically designed and approved for roof runoff. Exception: an approved stormwater management plan may allow discharge to on-site areas other than the city storm sewer.

G. Discharge of stormwater other than that from roof drains into the sanitary sewer system.

1. It is unlawful for any person, firm or corporation to discharge stormwater including that of cistern overflows as well as other clear waters including those from foundation drains and groundwater infiltration into the sanitary sewer system of the city.
2. The exclusion of stormwater from the sanitary sewer system of the city as provided in subsection A of this section shall be applicable to all existing and proposed sanitary sewers in the city except that said exclusion does not apply to existing connections from foundation drains to sanitary sewers.
3. The above provisions of this section shall apply to all new buildings or other structures constructed after the effective date of the ordinance codified in this chapter.

H. Sumps.

All sumps installed for the purpose of discharging stormwater, cistern overflows and other clear waters including those from foundation drains and ground infiltration where the plumbing fixtures in the building are connected to the sanitary sewer shall be discharged in a manner not to create a public nuisance on public right-of-way. No thread or fitting shall be on the end.

Part III: Chapter 15.05 of the Wauwatosa Municipal Code is hereby repealed and recreated in its entirety to read as follows:

15.05 PRIVATE WELLS

15.05.010 Purpose and scope.

- A. The purpose of this chapter is to provide practical safeguarding of persons and property from hazards arising from the operation of private well for potable water.
- B. The scope of this chapter shall include all private wells as defined in NR 811 and 812.

15.05.020 Operation permit.

Application for a well operation permit shall be made in writing by the owner or owners of a well to the plumbing inspector upon a form provided for the same and shall be issued, upon payment of the fee herein provided and after inspection to insure that the well and related equipment are in operable condition, that no connection exists between such well and municipal water supply and verification of a safe water sample.

15.05.030 Inspection.

- A. A well permit is valid for five years.
- B. The owner, upon notice and prior to expiration, shall at their own expense, hire a master plumber or Department of Natural Resources certified well inspector to perform an on-site inspection to verify that:
 - 1. No cross-connection exists between the well and municipal water supply;
 - 2. The well is operable by bringing water to the surface;
 - 3. The well water is potable as evidenced by a safe water report; and
 - 4. The well complies with the Wisconsin Administrative Code NR 811 and 812.
- C. The owner shall supply the Wauwatosa building and safety division with a copy of the safe water sample and Wisconsin Well and Pressure System Inspection Report (DNR form 3300-221).

15.05.040 Suspension and revocation.

In the event any cross-connection shall be found between the municipal water supply system and the piping of a private well water supply system, the owner or owners of such well shall immediately be notified in writing of such cross-connection, and that the permit for the use of such well stands suspended as of the date of the notice. In the event such cross-connection is not discontinued within five days of the date of notice of such violation, the permit for the use of such well shall stand permanently revoked. In the event it shall be found, upon any inspection, that the well equipment is inoperable, the owner or owners of such well shall immediately be notified of such condition and that the well operation permit is suspended for a period of thirty days from the date of such notice. In the event such condition is corrected within such thirty-day period, the well operation permit shall be automatically reinstated for the balance of its term. In the event such condition is not corrected within thirty days, the permit for the use of such well shall stand permanently revoked. Well equipment is inoperable within the meaning of this section when water from a well cannot be brought to ground level by the application of an adequate, available power supply, whether manual or otherwise, to such equipment. A safe water report is required prior to renewal or issuance of a well permit. Failure to provide this report prior to permit expiration shall require abandonment of the well.

15.05.050 Expiration or revocation--Well abandonment.

- A. A private well operation permit shall expire every five years unless the well is inspected as provided in Section 15.05.030 and meets the requirements of this chapter.
- B. All private wells shall, within thirty days after expiration of a well operation permit or within forty-eight hours after revocation of a permit, be permanently abandoned, and the owner thereof shall fill and seal such well in such manner as to prevent it from acting as a channel for contamination or vertical movement of water by methods set forth in the Wisconsin Administrative Code NR 812.

15.05.060 Fees.

An annual fee as outlined in the city consolidated fee schedule, for the five year well operation permit shall be placed on the owner's property tax bill. Note: The division must be notified prior to

November 1st of any well abandonment in order to have this fee removed from the owner's property tax bill.

15.05.070 Sealing Method.

Whenever a private well is sealed, it shall be sealed in accordance with the state of Wisconsin Administrative Code Section NR 812. Prior to the sealing of any well all equipment shall be removed from the casing. The sealing operation shall be observed by the plumbing inspector. An inspection fee is required.

15.05.080 Abandonment Notice.

A report shall be made to the plumbing inspector and the Department of Natural Resources by the owner of every well which has been permanently abandoned or removed from service. Such report shall include a detailed description of location, construction and geologic features and method of sealing.

15.05.090 Appeals.

Any person who feels aggrieved by orders or decisions of the building and safety division or any person seeking a variance from this section may, within fifteen days from the date of said orders or decisions, appeal to the board of public works, and such board shall conduct a hearing in connection therewith within fifteen days of said appeal and submit its findings and decision within five days thereafter. The board's decision shall be final and binding.

Part IV: Chapter 15.06 of the Wauwatosa Municipal Code is hereby repealed and recreated in its entirety to read as follows:

CHAPTER 15.06 BOARD OF EXAMINERS AND APPEALS

15.06.010 Purpose.

In order to determine the suitability of alternate materials, types of construction or fire-protection systems and to permit the interpretations of the provisions of building, electrical and fire codes, there is created a board of examiners and appeals.

15.06.020 Membership.

The board of examiners and appeals shall consist of eight members. The members shall be comprised of a general contractor, a professional engineer, a fire professional, a journeyman electrician, a professional in the field of real estate development, valuation or related area of expertise, a professional architect, a resident of the city, and the chief building official who shall act as secretary to the board. Members, other than the chief building official, shall be appointed by the mayor and confirmed by the common council for terms of three years. The mayor shall appoint one member as a chairperson and the board shall elect a vice-chairperson at the first meeting in June annually. Where a determination of the chief building official is being appealed, the chief building official shall abstain from voting on the question.

15.06.030 Appeals.

- A. Any person whose application for a building permit for use of a new material or method of construction or alternate fire-protection system has been refused by the chief building official, building inspector, electrical inspector, or fire marshal or who may consider that the provisions of this code do not cover the point raised, or that any particular provision would cause a manifest injustice, may appeal to the board of examiners and appeals by serving written notice on the chief inspector, electrical

inspector, or fire marshal in which it shall be stated that the applicant desiring to use the alternate material or type of construction or alternate fire-protection system shall guarantee payments of all expenses for necessary tests made or ordered by the board of examiners and appeals. Such notice shall be at once transmitted to the board, which board shall arrange for a hearing on the particular point raised.

- B. Such written notice of appeal shall be accompanied by the proper fee as outlined in the consolidated fee schedule and all fees shall be retained by the city without refund.
- C. Application and meeting dates shall be established each year by the building and safety division and made available to the public.

15.06.040 Powers.

- A. The board is empowered to adopt reasonable rules and regulations for conducting its investigations and hearing and shall make findings and render decisions based thereon in writing to the chief building official or fire marshal when applicable to this title, with a duplicate copy to the applicant. The board may recommend to the common council such changes in legislation as are consistent therewith.
- B. The board of examiners and appeals may interpret the provisions in this code in a special case if it appears that the provisions of the code do not cover the point raised or that a manifest injustice might be done and there exists a practical difficulty or hardship, provided that every such decision shall be by a majority vote of the board of examiners and appeals. Decisions as to the use of alternate materials and type of construction shall be by majority vote, and if not covered by this code, shall become effective only when authorized by amendments to this code.
- C. The board of examiners and appeals, by a majority vote, may approve the use of types of construction or materials offered as alternatives.
- D. The board of examiners and appeals may, by a majority vote, approve an alternate fire-protection system. Factors that may be considered in approving such alternate system include the characteristics of the fire hazard on the specific premises, the threat to human life, the likelihood of damage to property, suitability of an alternate system in providing early warning of fire, practical difficulty or hardship and other factors relating to the adequate protection of public safety and prevention of the spread of fire.
- E. Any license granted under the provisions of the electrical code may be suspended by the board of examiners and appeals for such period of time as they shall determine if the licensee violates any ordinance or law relating to electrical work or is guilty of installing electrical construction which is a hazard to life or property.

15.06.050 Notice--Mailing.

- A. The building official shall give written notice of the time, date and place of the board of examiners and appeals meeting at which the appeal or variance will be considered as follows:
 - 1. Regular first class mail to the last known address of owners of any real estate for which application for an appeal or variance has been made, when such owners are not the applicants;
 - 2. Regular first class mail to the last known address of adjoining property owners for which an appeal or variance has been requested;
 - 3. Regular first class mail or interdepartmental mail to district alderpersons.
- B. Notices shall be deposited in the United States mail at least seven days prior to the appeals board meeting.

Part V: Chapters 15.08 and 15.12 of the Wauwatosa Municipal Code are hereby repealed in their entirety.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-08-66

WHEREAS, the owner of Mayfair Mall located in the City of Wauwatosa has requested that the City execute a Memorandum of Understanding regarding the master parking plan for Mayfair Mall which would designate appropriate parking accommodations for the Mall at present, as well as outlining a method of calculating appropriate parking accommodation as a result of potential future construction and expansion of mall facilities; and

WHEREAS, a proposed Memorandum of Understanding was presented to the Community Development Committee at its meeting of April 8, 2008, which the Committee determined would be in the best interests of the City of Wauwatosa and Mayfair Mall;

NOW, THEREFORE, BE IT RESOLVED THAT the proposed Memorandum of Understanding presented to the Committee on Community Development at its meeting on April 8, 2008, is hereby approved and the appropriate City officials are hereby authorized to execute said Memorandum of Understanding.

It was moved by Ald. Herzog, seconded by Ald. Meaux to adopt the foregoing ordinance and to approve the foregoing resolution. -14

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-08-69

WHEREAS, following a fire at the City of Wauwatosa’s Recycling Sorting Facility on November 25, 2006, all necessary repairs to the existing facilities were completed and additional insurance funds were available to the City of Wauwatosa, as the recycling facility was not rebuilt to its previous configuration; and

WHEREAS, the specific details of the final insurance claim settlement proposal for the Recycling Center fire are contained and described by the April 3, 2008, memorandum of the Director of Public Works to the Budget & Finance Committee; and

WHEREAS, a final insurance settlement in the amount of \$404,867.63 requires that the City sign its proof of loss and waive future claims against the insurance carrier for expenses related to this incident;

NOW, THEREFORE, BE IT RESOLVED THAT the appropriate City officials are hereby authorized to execute the Proof of Loss Statement and Waiver of Future Claims in regard to the November 25, 2006 fire at the City of Wauwatosa Recycling Sorting Facility, and acceptance of the final settlement as described in the April 3, 2008, memorandum of the Director of Public Works is hereby approved.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-08-70

WHEREAS, the Associate Planner in the Department of Community Development has presented to the Committee on Community Development a revision of allocations of community development block grant funds for 2008 CDBG projects; and

WHEREAS, the specific revisions are more particularly described in the memorandum of the Associate Planner which was presented to the Committee on Budget & Finance at its meeting on April 8, 2008;

NOW, THEREFORE, BE IT RESOLVED THAT the revised distribution of CDBG funds for 2008 as described and presented to the Committee on Budget & Finance at its meeting of April 8, 2008, is hereby approved.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-08-71

BE IT RESOLVED, by the Common Council of the City of Wauwatosa, THAT the claim filed by:

Sargeant Health Center, Account No. 094-200
Wisconsin Health Fund, Parcel No. 384-0473-01 & 384-0474-01
Sports Medicine Center, Account No. 248-000

be and the same are 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 claimants of this action of the Common Council as provided by law.

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

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-08-67

RESOLUTION AWARDED THE SALE OF \$6,200,000;
GENERAL OBLIGATION PROMISSORY NOTES, SERIES 2008;
PROVIDING THE FORM OF THE NOTES; AND LEVYING A
TAX IN CONNECTION THEREWITH

WHEREAS, pursuant to a resolution adopted on March 4, 2008 (the "Set Sale Resolution"), the Common Council has hereto found and determined that it is necessary, desirable and in the best interest of the City of Wauwatosa, Milwaukee County, Wisconsin (the "City") to raise funds for the

purpose of paying the cost of various public improvements included in the City's 2008 Capital Project Plan, including repairing and upgrading streets, storm and sanitary sewers (the "Project");

WHEREAS, the general nature and location of each element of the Project is set forth in the City's Capital Project Plan which is incorporated herein by this reference;

WHEREAS, the Common Council has heretofore found and determined that the Project is within the City's power to undertake and serves a "public purpose" as that term is defined in Section 67.04(1)(b) of the Wisconsin Statutes;

WHEREAS, cities are authorized by the provisions of Section 67.12(12) of the Wisconsin Statutes to borrow money and to issue general obligation promissory notes for such public purposes; and

WHEREAS, the Common Council now deems it to be necessary, desirable and in the best interest of the City to authorize the issuance of and to award the sale of its general obligation promissory notes to Hutchinson, Shockey, Erley & Co.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City that:

Section 1. Authorization of the Notes. For the purpose of paying the cost of the Project, there shall be borrowed pursuant to Section 67.12(12) of the Wisconsin Statutes, the principal sum of SIX MILLION TWO HUNDRED THOUSAND DOLLARS (\$6,200,000) from Hutchinson, Shockey, Erley & Co. (the "Purchaser") in accordance with the terms and conditions of its purchase proposal (the "Proposal") attached hereto as Exhibit A and incorporated herein by this reference.

Section 2. Sale of the Notes. To evidence such indebtedness, the Mayor and City Clerk are hereby authorized, empowered and directed to make, execute, issue and sell to the Purchaser for, on behalf of and in the name of the City, General Obligation Promissory Notes, Series 2008 aggregating the principal amount of SIX MILLION TWO HUNDRED THOUSAND DOLLARS (\$6,200,000) (the "Notes") for the sum set forth on the Proposal, plus accrued interest to the date of delivery.

Section 3. Terms of the Notes. The Notes shall be designated "General Obligation Promissory Notes, Series 2008"; shall be dated May 1, 2008; shall be in the denomination of \$5,000 or any integral multiple thereof; shall be numbered 1 and upward; shall bear interest at the rates and shall mature on December 1 of each year, in the years and principal amounts as set forth on the schedule prepared by the Purchaser and attached hereto as Exhibit B (the "Schedule"). Interest is payable semi-annually on June 1 and December 1 of each year commencing on December 1, 2008.

Section 4. Redemption Provisions. The Notes maturing on December 1, 2016 and thereafter shall be subject to redemption prior to maturity, at the option of the City, on December 1, 2015 or on any date thereafter. Said Notes shall be redeemable as a whole or in part, and if in part, from maturities selected by the City and within each maturity, by lot, at the principal amount thereof, plus accrued interest to the date of redemption.

Section 5. Form of the Notes. The Notes shall be issued in registered form and shall be executed and delivered in substantially the form attached hereto as Exhibit C and incorporated herein by this reference.

Section 6. Direct Annual Irrepealable Tax Levy. For the purpose of paying the principal of and interest on the Notes as the same becomes due, the full faith, credit and resources of the City are

hereby irrevocably pledged, and there is hereby levied upon all of the taxable property of the City a direct annual irrevocable tax in the years 2008 through 2016 for the payments due in the years 2009 through 2017 in the amounts set forth on the Schedule.

The direct annual irrevocable tax hereby levied shall be carried onto the tax roll and collected in addition to all other taxes and in the same manner and at the same time as other taxes of the City for said years are collected. So long as any part of the principal of or interest on the Notes remains unpaid, the tax hereinabove levied shall be and continues irrevocable except that the amount of tax carried onto the tax roll may be reduced in any year by the amount of any surplus in the Debt Service Fund Account created below.

The City has heretofore levied a direct annual irrevocable ad valorem debt service tax in anticipation of the sale of the Notes. Upon receipt, a sufficient sum shall be used to pay the interest on the Notes coming due on December 1, 2008 as set forth on the Schedule.

Section 7. Segregated Debt Service Fund Account. There is hereby established in the City treasury a fund account separate and distinct from all other funds or accounts of the City designated "Debt Service Fund Account for \$6,200,000 City of Wauwatosa General Obligation Promissory Notes, Series 2008, dated May 1, 2008", which fund account shall be used solely for the purpose of paying the principal of and interest on the Notes. There shall be deposited in said fund account all accrued interest paid on the Notes at the time the Notes are delivered to the Purchaser, any premium, all money raised by taxation pursuant to Section 6 hereof and all other sums as may be necessary to pay principal of and interest on the Notes as the same becomes due. Said fund account shall be used for the sole purpose of paying the principal of and interest on the Notes and shall be maintained for such purpose until such indebtedness is fully paid or otherwise extinguished, and shall at all times be invested in a manner that conforms with the provisions of the Internal Revenue Code of 1986, as amended (the "Code"), and any applicable income tax regulations (the "Regulations").

Section 8. Borrowed Money Fund; Reimbursement. The proceeds of the Notes (the "Note Proceeds") (other than any premium and accrued interest which must be paid at the time of the delivery of the Notes into the Debt Service Fund Account created above) shall be deposited into an account separate and distinct from all other funds and disbursed solely for the purposes for which borrowed or for the payment of the principal of and the interest on the Notes.

The City declares its reasonable expectation to reimburse itself from the Note Proceeds for expenditures relating to the Project which it pays from other funds of the City prior to receipt of the Note Proceeds no more than 60 days prior to the date the Set Sale Resolution was adopted. The City may also reimburse itself for preliminary expenditures relating to the Project (such as architectural, engineering, surveying, soil testing, costs of issuance and similar costs but not including land acquisition, site preparation and similar costs incident to the commencement of construction) which are in an amount which is less than 20% of the issue price of the Notes. This declaration and the Resolution of which it is a part, shall be publicly available in the official books, records or proceedings of the Common Council.

Section 9. Arbitrage Covenant. The City shall not take any action with respect to the Note Proceeds which, if such action had been reasonably expected to have been taken, or had been deliberately and intentionally taken on the date of the delivery of and payment for the Notes (the "Closing"), would cause the Notes to be "arbitrage bonds" within the meaning of Section 148 of the Code and the Regulations.

The Note Proceeds may be temporarily invested in legal investments until needed, provided however, that the City hereby covenants and agrees that so long as the Notes remain outstanding, moneys on deposit in any fund or account created or maintained in connection with the Notes, whether such moneys were derived from the Note Proceeds or from any other source, will not be used or invested in a manner which would cause the Notes to be "arbitrage bonds" within the meaning of the Code or Regulations. The City covenants that it will not invest in any obligation if such investment would violate the "prohibited payment" requirement of Section 148 of the Code.

The City Clerk, or other officer of the City charged with responsibility for issuing the Notes, shall provide an appropriate certificate of the City, for inclusion in the transcript of proceedings, setting forth the reasonable expectations of the City regarding the amount and use of the Note Proceeds and the facts and estimates on which such expectations are based, all as of the Closing.

Section 10. Additional Tax Covenants; Two Year Expenditure Exemption from Rebate; Qualified Tax-Exempt Obligation Status. The City hereby further covenants and agrees that it will take all necessary steps and perform all obligations required by the Code and Regulations (whether prior to or subsequent to the issuance of the Notes) to assure that the Notes are obligations described in Section 103(a) of the Code, the interest on which is excludable from gross income for federal income tax purposes, throughout their term. The City further covenants that it will not take any action, omit to take any action or permit the taking or omission of any action within its control (including, without limitation, making or permitting any use of the proceeds of the Notes) if taking, permitting or omitting to take such action would cause any of the Notes to be an arbitrage bond or a private activity bond within the meaning of the Code or would otherwise cause interest on the Notes to be included in the gross income of the recipients thereof for federal income tax purposes. The City Clerk or other officer of the City charged with the responsibility of issuing the Notes, shall provide an appropriate certificate of the City as of the Closing, for inclusion in the transcript of proceedings, certifying that it can and covenanting that it will comply with the provisions of the Code and Regulations. Further, it is the intent of the City to take all reasonable and lawful actions to comply with any new tax laws enacted so that the Notes will continue to be obligations described in Section 103(a) of the Code, the interest on which is excludable from gross income for federal income tax purposes throughout their term.

The City covenants that it is a governmental unit with general taxing powers and that the Notes are not "private activity bonds" as defined in Section 141 of the Code.

In accordance with Section 148(f)(4)(C) of the Code, the City covenants that at least 75% of the available construction proceeds of the Notes shall be used for construction expenditures with respect to property owned by the City as provided in Section 148(f)(4)(C)(iv) of the Code. If at least 10% of the available construction proceeds of the Notes (including investment earnings thereon) are expended for the governmental purposes of the issue within six months of the Closing; at least 45% are expended for such purposes within one year; at least 75% are expended for such purposes within eighteen months; and 100% are expended for such purposes within two years, the Notes will qualify for the two year expenditure exception from the rebate requirements of the Code. If for any reason the City did not qualify for the two year expenditure exemption from the rebate requirements of the Code, the City covenants that it would take all necessary steps to comply with such requirements. The Common Council hereby designates the Notes to be "qualified tax-exempt obligations" pursuant to the provisions of Section 265(b)(3) of the Code and in support of such designation, the City Clerk or other officer of the City charged with the responsibility for issuing the Notes, shall provide an appropriate certificate of the City, all as of the Closing.

Section 11. Execution of the Notes. The Notes shall be issued in typewritten or printed form, executed on behalf of the City by the manual or facsimile signatures of the Mayor and City Clerk, authenticated, if required, by its fiscal agent, if any, sealed with its official or corporate seal, if any, or a facsimile thereof, and delivered to the Purchaser upon payment to the City of the purchase price thereof, plus accrued interest to the date of delivery. In the event that either of the officers whose signatures appear on the Notes shall cease to be such officers before the delivery of the Notes, such signatures shall, nevertheless, be valid and sufficient for all purposes to the same extent as if they had remained in office until such delivery. The aforesaid officers are hereby authorized to do all acts and execute and deliver all documents as may be necessary and convenient to effectuate the Closing.

Section 12. Payment of the Notes. The principal of and interest on the Notes shall be paid in lawful money of the United States of America by the City Clerk or City Treasurer.

Section 12A. Persons Treated as Owners; Transfer of Notes. The City shall keep books for the registration and for the transfer of the Notes. The person in whose name any Note shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes and payment of either principal or interest on any Note shall be made only to the registered owner thereof. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Note to the extent of the sum or sums so paid.

Any Note may be transferred by the registered owner thereof by surrender of the Note at the office of the City Clerk, duly endorsed for the transfer or accompanied by an assignment duly executed by the registered owner or his attorney duly authorized in writing. Upon such transfer, the Mayor and City Clerk shall execute and deliver in the name of the transferee or transferees a new Note or Notes of a like aggregate principal amount, series and maturity and the City Clerk shall record the name of each transferee in the registration book. No registration shall be made to bearer. The City Clerk shall cancel any Note surrendered for transfer.

The City shall cooperate in any such transfer, and the Mayor and City Clerk are authorized to execute any new Note or Notes necessary to effect any such transfer.

The fifteenth day of each calendar month next preceding each interest payment date shall be the record date for the Notes. Payment of interest on the Notes on any interest payment date shall be made to the registered owners of the Notes as they appear on the registration book of the City at the close of business on the corresponding record date.

Section 13. Utilization of The Depository Trust Company Book-Entry-Only System. In order to make the Notes eligible for the services provided by The Depository Trust Company, New York, New York ("DTC"), the City agrees to the applicable provisions set forth in the Blanket Issuer Letter of Representations previously executed on behalf of the City and on file in the City Clerk's office.

Section 14. Undertaking to Provide Continuing Disclosure. The City hereby covenants and agrees, for the benefit of the holders of the Notes, to enter into a written undertaking (the "Undertaking") required by SEC Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934 (the "Rule") to provide continuing disclosure of certain financial information and operating data and timely notices of the occurrence of certain events in accordance with the Rule. This Undertaking shall be enforceable by the holders of the Notes or by the Purchaser on behalf of such holders (provided that the rights of the holders and the Purchaser to enforce the Undertaking shall be limited to a right to obtain specific performance of the obligations

hereunder and any failure by the City to comply with the provision of this Undertaking shall not be an event of default with respect to the Notes).

The City Clerk, or other officer of the City charged with the responsibility for issuing the Notes, shall provide a Continuing Disclosure Certificate for inclusion in the transcript of proceedings, setting forth the details and terms of the City's Undertaking.

Section 15. Conflicting Resolutions; Severability; Effective Date. All prior resolutions, rules or other actions of the Common Council or any parts thereof in conflict with the provisions hereof shall be, and the same are, hereby rescinded insofar as the same may so conflict. In the event that any one or more provisions hereof shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions hereof. The foregoing shall take effect immediately upon adoption and approval in the manner provided by law.

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

It was moved by Ald. Ewerdt, seconded by Ald. Hanson to refer the matter back to committee. –

Following further discussion, Ald. Ewerdt withdrew his motion with the consent of the Second.

Roll call vote on original motion, Ayes 12, Noes 2 (Ewerdt, Jay)

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-08-68

WHEREAS, the City of Wauwatosa Health Department has been awarded a \$15,000.00 non-matching grant from the National Association of County and City Health Officials to assist the Health Department in building its data infrastructure for program, planning, evaluation, budgeting and continuous quality improvement processes;

NOW, THEREFORE, BE IT RESOLVED THAT the City of Wauwatosa Health Department is hereby authorized to accept and execute the \$15,000.00 non-matching grant from the National Association of County and City Health Officials for the purposes described in the grant material.

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

FROM THE COMMITTEE ON BUDGET AND FINANCE

BILLS AND CLAIMS FOR THE PERIOD 4/2/08 – 4/15/08 --

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 4/2/08 – 4/15/08:

\$1,961,631.40

It was moved by Ald. Meaux, seconded by Ald. Donegan 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-08-72

WHEREAS, the City of Milwaukee intends to resurface North 76th Street (State Highway 181) between West Center Street and West Appleton Avenue; and

WHEREAS, portions of this work would necessarily occur within the City of Wauwatosa; and

WHEREAS, the City of Wauwatosa's share of work in this project is approximately 4% of the overall project; and

WHEREAS, a cost sharing agreement between the City of Milwaukee and the City of Wauwatosa has been developed which would provide the necessary terms for payment by Wauwatosa to Milwaukee for costs associated with this project;

NOW, THEREFORE, BE IT RESOLVED THAT the appropriate City officials are hereby authorized to enter into the proposed cost sharing agreement with the City of Milwaukee for the Wauwatosa share of costs incurred in conjunction with the resurfacing of North 76th Street between West Center Street and West Appleton Avenue, a copy of which agreement is attached hereto and incorporated herein.

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-08-73

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 Wm. Beaudoin & Sons, Inc., at and for their bid price of \$91,337.25, this being the lowest and best bid.

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

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

There being no further business, the meeting adjourned at 9:18 p.m.