

CITY OF WAUWATOSA
MEMORIAL CIVIC CENTER
7725 WEST NORTH AVENUE
WAUWATOSA, WI 53213
Telephone: (414) 479-8917
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COMMON COUNCIL
Regular Meeting, Tuesday, April 15, 2003

PRESENT: Alds. Heins, Herzog, Jenkins, Kopischke, Krol (7:32 p.m.), Matthews, McCarthy, Stepaniak, Sullivan, Treis, Bruderle-Baran, Becker, Casey, Ecks, Grimm -15

EXCUSED: Ald. Subotich

ALSO PRESENT: Mr. Wontorek, City Administrator; Mr. Braier, Finance Director; Mr. Kesner; City Attorney; Mr. Kappel, Dir. of Public Works; Ms. Welch, Community Development Director; Police Capt. Sutter; Dr. Kreuser, Health Officer; Mr. Brown, Personnel Director; Mr. Wehrley, City Engineer; Mr. Coffaro, Asst. to the Administrator; Ms. Ledesma, City Clerk; Ms. Williams, Deputy City Clerk

Mayor Estness in the Chair

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

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

APPOINTMENTS BY THE MAYOR

Board of Zoning Appeals

Jim O'Connel, 2250 N. 85th Street (reappointment)
(Term ends 4/30/06)

Foregoing appointment ordered held as this was the first reading

(Ald. Krol present 7:32 p.m.) -15

APPLICATIONS, COMMUNICATIONS, ETC.

1. Notice of Claim: Raymond Spaziano, 8733 W. Concordia Ave., Milwaukee
Sergey Myaskovsky, 7524 W. Mequon Square Drive, Mequon
City Attorney
2. Letter from Bev Greenberg, Time Warner Cable, concerning completion of the restructuring of the Time Warner Entertainment Company partnership
Place on file
3. Wauwatosa Water Utility Statement of Receipts and Disbursements as of March 31, 2003
Place on file

4. Request by William Poull, The Club Tap, 8828 W. North Avenue, for a temporary extension of their liquor license on May 31 and June 1 to include the parking lot
Committee on Legislation, Licensing and Communications
5. Donation: \$100 from the Tobacco Outlet to the Police Community Support Donation Account
Place on file
6. Special Use application by Joseph and Dawn Alioto to construct an addition to a legal, non-conforming property at 7631 W. Wisconsin Avenue
Plan Commission, Board of Zoning Appeals
7. Land Division application to divide property located at 2303, 2323, 2351, and 2365 N. Mayfair Road
Plan Commission, Committee on Community Development
8. City of Wauwatosa Investment Summary as of March 31, 2003
Place on file
9. Request by Dimitrios Mavraganis, Sts. Constantine & Helen Church, 2160 Wauwatosa Avenue, for a street festival permit for June 6-8, 2003 for the church's annual Grecian Festival
Committee on Community Development
10. Petition with 84 signatures expressing opposition to the proposed freeway widening
Add to existing file

FROM THE COMMITTEE ON TRAFFIC AND SAFETY FOR INTRODUCTION

1. Ordinance amending Sections 11.36.190 and 11.36.210 to prohibit left and right turns at W. Burleigh Street and N. 122nd Street
Re-refer to originating committee

FROM THE COMMITTEE ON EMPLOYEE RELATIONS

ORDINANCE O-03-10

AN ORDINANCE TO AMEND CHARTER ORDINANCE SECTION 20.01(5) REGARDING THE NUMBER OF NAMES ON THE "CERTIFIED LIST" FOR CIVIL SERVICE POSITION VACANCIES

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

Part I. Section 20.01(5)(d) of the Charter Ordinances of the City of Wauwatosa is hereby amended by replacing the numeral "7" with the numeral "10" in all three locations where it appears in that paragraph.

Part II. This ordinance shall take effect 60 days following its passage and publication.

FROM THE COMMITTEE ON EMPLOYEE RELATIONS

RESOLUITON R-03-87

WHEREAS, the City of Wauwatosa is a qualified political subdivision of the State of Wisconsin; and

WHEREAS, the Wisconsin Worker's Compensation Act (Act) provides that employers covered by the Act either insure their liability with worker's compensation insurance carriers authorized to do business in Wisconsin, or to be exempted (self-insured) from insuring liabilities with a carrier and thereby assuming the responsibility for its own worker's compensation risk and payment; and

WHEREAS, the State and its political subdivisions may self-insure worker's compensation without a special order from the Department of Workforce Development (Department) if they agree to report faithfully all compensable injuries and agree to comply with the Act and rules of the Department; and

WHEREAS, the Employee Relations Committee at its April 8, 2003 meeting approved the continuation of the self-insured worker's compensation program, in compliance with Wisconsin Administrative Code DWD 80.60(3); and

NOW, THEREFORE BE IT RESOLVED THAT the Common Council of the City of Wauwatosa does ordain as follows:

- (1) Provide for continuation of a self-insured worker's compensation program that is currently in effect.
- (2) Authorize the city clerk to forward certified copies of this resolution to the Worker's Compensation Division, Wisconsin Department of Workforce Development.

It was moved by Ald. Jenkins, seconded by Ald. Heins to adopt the foregoing ordinance and to approve the foregoing resolution. -15

FROM THE COMMITTEE ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-03-88

WHEREAS, Pizzeria Piccola, LLC, d/b/a Pizzeria Piccola, 7607 W. State Street, Wauwatosa, has applied for a Class B beer and Class B liquor license;

NOW, THEREFORE, BE IT RESOLVED THAT Pizzeria Piccola, LLC, d/b/a Pizzeria Piccola is hereby awarded a Class B beer license and Class B liquor license for its location at 7607 W. State Street, Wauwatosa, as more particularly described in the application materials on file in the office of the City Clerk, for the period April 21, 2003 through June 30, 2003.

FROM THE COMMITTEE ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-03-89

WHEREAS, Michele McDonald, 5410 W. Bluemound Road, Milwaukee, WI, has applied for an operator's license in conjunction with her employment at Eddie Martini's, 8612 Watertown Plank Road, Wauwatosa;

NOW, THEREFORE, BE IT RESOLVED THAT Michele McDonald, 5410 W. Bluemound Road, Milwaukee, WI, is hereby issued an operator's license for the period ending June 30, 2003.

FROM THE COMMITTEE ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-03-90

WHEREAS, Kelly Dierbeck, 4258 Bonmaur Terrace, Slinger, has applied for an operator's license in conjunction with her employment at Eddie Martini's, 8612 Watertown Plank Road, Wauwatosa; and

WHEREAS, Ms. Diebeck's history of law violations raises some concern;

NOW, THEREFORE, BE IT RESOLVED THAT Kelly Dierbeck, 4258 Bonmaur Terrace, Slinger, is hereby issued an operator's license for the period ending June 30, 2003;

BE IT FURTHER RESOLVED THAT the police department will review the record of Ms. Dierbeck in six months time and report back to the Committee for further action if there are additional concerns raised by new violations.

FROM THE COMMITTEE ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-03-91

WHEREAS, Kim Peot, 4116 S. 43rd Street #1, Greenfield, WI, has applied for an operator's license in conjunction with her employment at Eddie Martini's, 8612 Watertown Plank Road, Wauwatosa;

NOW, THEREFORE, BE IT RESOLVED THAT Kim Peot, 4116 S. 43rd Street, #1, Greenfield, WI, is hereby issued an operator's license for the period ending June 30, 2003.

FROM THE COMMITTEE ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-03-92

WHEREAS, beginning in April 2002, the City of Wauwatosa will be involved in a three year process to renegotiate the existing cable television franchise with Time Warner Communications of Wisconsin; and

WHEREAS, the renegotiation of this franchise will be best facilitated by receiving input from various parts of the community which will be affected by the franchise and its conditions;

NOW, THEREFORE, BE IT RESOLVED THAT the City of Wauwatosa will be advised in its cable franchise renegotiations by an ad hoc cable committee, membership of which is appointed by the Mayor, consisting of the following composition:

- 2 Common Council Members
- Senior Citizen Representative
- Library Board Representative
- School District Representative
- Neighborhood Associations
- 3 “Citizen” Representatives
- IT Department Staff
- TV/Cable Staff
- Engineering Department
- Assistant to City Administrator
- City Attorney

BE IT FINALLY RESOLVED THAT the actions of this Committee will be brought forth to the Common Council through the Committee on Legislation, Licensing and Communications, for final approval when negotiations have been completed or at any other such time as the Committee feels is necessary.

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

FROM THE COMMITTEE ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION

WHEREAS, the Southeastern Wisconsin Regional Planning Commission has prepared a preliminary plan for the reconstruction of the freeway system over the next thirty (30) years; and

WHEREAS, the preliminary plan alternatives indicate either an eight-lane or a six-lane construction configuration along US Highway 45, which bisects the City of Wauwatosa and Interstate 94 which borders Wauwatosa; and

WHEREAS, the City of Wauwatosa Common Council has reviewed alternatives and their probable impacts on the City.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Wauwatosa, Milwaukee County, Wisconsin, THAT the proposed eight-lane construction configurations of I-94 and US 45 are rejected as being an impediment to the economic and social well being of the City of Wauwatosa;

BE IT FURTHER RESOLVED THAT the Regional Planning Commission, along with the Wisconsin Department of Transportation, be requested to analyze very carefully the impact their plans may have on the public schools located along the US 45 corridor, including Wauwatosa West High School, Whitman Middle School, and Eisenhower Elementary. Air quality and noise levels appear to be negatively impacted by the freeway widening plans and would have a major financial impact on the City of Wauwatosa;

BE IT FURTHER RESOLVED THAT the Regional Planning Commission be requested to review the proposed impact the widening of the freeway system would have on adjacent residential subdivisions, specifically the added increase of noise, traffic, trucking and air pollution.

BE IT FURTHER RESOLVED THAT the impact of the construction of the freeway on property values and the quality of life within adjacent neighborhoods needs to be explored more carefully;

BE IT FINALLY RESOLVED THAT the Regional Planning Commission be requested to suggest alternative solutions to realistic future demands in an effort to design plans in a manner that improves freeway safety and convenience while reducing negative impacts upon surrounding communities.

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

It was moved by Ald. Herzog, seconded by Ald. McCarthy to call for the question. Upon roll call vote, the vote was Ayes 15.

Upon roll call vote, the vote was Ayes 5 (Kopischke, Stepaniak, Sullivan, Bruderle -Baran, Ecks), Noes 10. –Motion failed.

RECESS 8:30 p.m. – 8:37 p.m.

FROM THE COMMITTEE ON TRAFFIC AND SAFETY

ORDINANCE O-03-11

AN ORDINANCE AMENDING WAUWATOSA CODE SECTION 11.32.080 TO CREATE A TWO HOUR PARKING ZONE ON PORTIONS OF NORTH 115TH STREET IN THE CITY OF WAUWATOSA

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

Part I. The “North 115th Street – west side” portion of the “schedule of streets, and portions” subsection of Wauwatosa Code Section 11.32.080 are hereby amended by adding the following:

- (t) from the alley north of North Avenue to the north lot line at 2313 North 115th Street

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

FROM THE COMMITTEE ON TRAFFIC AND SAFETY

ORDINANCE O-03-12

AN ORDINANCE AMENDING WAUWATOSA CODE SECTION 11.32.080 TO CREATE A ONE-HALF HOUR PARKING RESTRICTION ON NORTH 108TH PLACE IN THE CITY OF WAUWATOSA

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

Part I. The “North 108TH Place – east side” portion of the “schedule of streets, and portions” subsection of Wauwatosa Code Section 11.32.080 is hereby amended by adding the following:

(f) from the driveway of 580 N. 108th Place to a point 150 feet north thereof

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

It was moved by Ald. McCarthy, seconded by Ald. Becker
to adopt the two foregoing ordinances. -15

FROM THE COMMITTEES ON TRAFFIC AND SAFETY & BUDGET AND FINANCE

RESOLUTION R-03-93

WHEREAS, The State of Wisconsin will be directing the rebuilding of certain portions of 124th street along the western border of the City of Wauwatosa during the Summer of 2003; and

WHEREAS, engineering studies have demonstrated that it would be desirable to have new traffic signals at the intersection of 124th Street and West Feerick Street; and

WHEREAS, with the unique combination of factors, including this summer construction work and the availability of STP-Urban credits from the State Department of Transportation, the installation of new traffic signals at the intersection of 124th street and West Feerick Street will be more economical now than it will be at any other time; and

WHEREAS, the City of Brookfield, in which a portion of the aforementioned intersection is located, does not have funds available to participate in the installation of the traffic signals, but numerous private businesses in the area, located in both Wauwatosa and Brookfield, may have an interest in making certain that the project moves forward;

NOW, THEREFORE, BE IT RESOLVED THAT the proposal of the Wauwatosa Department of Public Works for full installation of the traffic signals at 124th and Feerick Streets, reflected as “option 3” to the Committee on Budget and Finance at its April 15, 2003 special meeting, is hereby approved, to be included in the construction contract being finalized by the State Department of Transportation; and

BE IT FURTHER RESOLVED THAT Funding for this project will utilize the maximum amount of STP-Urban credits available, with the remainder being funded by a transfer of \$16,000 from the Streets and Alleys account to the Traffic Signal Account for this purpose; and

BE IT FINALLY RESOLVED THAT staff is directed to continue pursuing certain private and other funding sources which may be available to offset the City’s portion of the costs of traffic signal installation.

It was moved by Ald. Stepaniak, seconded by Ald. Krol
to approve the foregoing resolution. -15

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-03-94

BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin THAT permission be and the same is hereby granted to 7111 West Center Street LLC to combine the parcels located at 7111 – 7131 West Center Street in Wauwatosa. These four parcels are more particularly described as follows:

- (1) Lot 1, Block 16 in Ritter Oak Ridge Subdivision, in the Southwest ¼ of Section 15, in Township 7 North, Range 21 East, in the City of Wauwatosa, County of Milwaukee, State of Wisconsin.
- (2) Lot 2, Block 16 in Ritter Oak Ridge Subdivision, in the Southwest ¼ of Section 15, in Township 7 North, Range 21 East, in the City of Wauwatosa, County of Milwaukee, State of Wisconsin.
- (3) Lot 3, Block 16 in Ritter Oak Ridge Subdivision, in the Southwest ¼ of Section 15, in Township 7 North, Range 21 East, in the City of Wauwatosa, County of Milwaukee, State of Wisconsin.
- (4) Lots 2, Block 4 in West Lawn Park Subdivision, in the Southwest ¼ of Section 15, in Township 7 North, Range 21 East, in the City of Wauwatosa, County of Milwaukee, State of Wisconsin.

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

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-03-95

WHEREAS, the Community Development Block Grant Committee recommended allocating \$75,000.00 to the Milwaukee County Office for Persons with Disabilities for improvements to the Wil-O-Way Recreation Center as part of the 2003 Consolidated Plan; and

WHEREAS, the Common Council recommended placing those funds in a Contingency Fund pending further consideration; and

WHEREAS, upon further consideration, the Committee on Community Development recommended releasing these funds for this project:

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin hereby reallocates the 2003 CDBG funds listed above to the following project:

Wil-O-Way Recreation Center Improvements	\$75,000.00
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FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

ORDINANCE O-03-13

AN ORDINANCE AMENDING SECTION 14.20 OF THE CODE OF THE CITY OF WAUWATOSA PERTAINING TO MAINTENANCE OF WATER MAINS FOR FIRE PREVENTION

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

Part I. Section 14.20.080 of the Code of the City of Wauwatosa is hereby amended to read as follows:

14.20.080 Fire Hydrant And Private Fire Service Main Requirements.

- A. Owner-installed Hydrants Required When. When substantial portions of a building are set back two hundred fifty feet or more from the street or highway or are more than three hundred feet from a city hydrant, the owner shall install at his expense approved fire hydrants. Hydrants shall be free standing and be installed not more than fifty feet or less than twenty-five feet from the building. One hydrant shall be located at the main entrance to such building. Additional hydrants shall be provided around the perimeter of the building so that no hydrant is more than two hundred fifty feet from any other approved hydrant measured by normal access routes. The fire chief or his designee shall approve the locations of all private fire hydrants.
- B. "Approved fire hydrant" means a fire hydrant connected to a city water main with 1 four-and-one-half-inch and 2 two-and-one-half-inch fire department connections. The make and model of fire hydrants and valves shall be approved by the Water Utility. Fire hydrants shall be installed in compliance with the standards of the city water department. An isolation valve shall be provided to each fire hydrant. All fire hydrants shall be installed in such a manner and location so as to be accessible at all times to the fire department.
- C. Private Fire Mains. The connection waterline between the city water main and the approved water hydrant shall be properly sized by performing hydraulic calculations approved by the engineering department and shall be not less than eight inches in diameter. The engineering department and water utility shall approve locations of private fire mains, valves, and domestic water services, and location of connection(s) to the public water main. The water utility shall approve all pipe materials. (Ord. O-81-72 § 2 (part), 1981)
- D. Fire Flow. The required fire flow for sprinklered properties shall consist of the flow required for sprinklers and other on-site water consumption, plus an external hose-stream allowance of 500 gpm. If the public water supply cannot provide the required fire flow, the property owner shall make such improvements to the public water system, at the property owner's cost, to provide such required flow. The engineering department and Water Utility shall review and approve such improvements. The engineering department shall review all hydraulic calculations exclusive of the internal domestic and sprinkler systems.
- E. Testing. The city shall approve the location and method of testing of existing fire hydrants for design purposes. After construction is completed, hydrants and mains shall be tested in conformance with NFPA and Department of Commerce or Department of Natural Resources requirements as appropriate.

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

It was moved by Ald. Heins, seconded by Ald. Sullivan to approve the two foregoing resolutions and to adopt the foregoing ordinance. -15

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-03-96

WHEREAS, the Medical College of Wisconsin is currently the provider of post exposure blood borne pathogen treatment for the City of Wauwatosa; and

WHEREAS, contracting for future provision of this service with the Medical College of Wisconsin would assure the City of obtaining the most benefit from this type of treatment due to the improved outcomes from employees by utilizing the expertise of the Medical College of Wisconsin;

NOW, THEREFORE BE IT RESOLVED THAT the City of Wauwatosa's staff are hereby authorized to enter into a contract for post-exposure blood borne pathogen treatment with the Medical College of Wisconsin as reflected in the memorandum of the payroll and benefits manager of April 3, 2003.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-03-97

WHEREAS, on March 18, 2003 the Common Council authorized the engineering department to solicit proposals from qualified engineering firms to perform flow monitoring at the City's existing gravity sanitary sewer bypass locations; and

WHEREAS, nine engineering firms were sent proposals for the above-stated work of which five provided responses; and

WHEREAS, of the five responses received, Earth Tech had the lowest fee for flow monitoring, thus making its proposal the most advantageous to the City;

NOW, THEREFORE, BE IT RESOLVED THAT the proposal of Earth Tech to provide sanitary sewer bypass flow monitoring is hereby accepted and City staff is authorized to enter into an agreement for provision of this service;

BE IT FURTHER RESOLVED THAT the cost of such flow monitoring will be provided by utilizing a combination of CDBG funds available where appropriate and up to \$30,000.00 in City funds, to be provided by a change in purposes in the engineering services sundry contractual services account of \$30,000.00 from hydrologic modeling to flow monitoring purposes.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-03-98

WHEREAS, the 2003 budget provided in the Department of Public Works General Purpose Equipment Expenses – passenger vehicle account for the purchase of three automobiles and one pickup truck at a total cost of \$56,000.00; and

WHEREAS, due to layoffs, the purchase of the pickup truck originally requested is no longer necessary; and

WHEREAS, the City intended to pay up to \$14,000.00 in budget year 2004 for the purchase of additional vehicles; and

WHEREAS, the City of Wauwatosa currently has the opportunity to purchase five Chrysler Neons under the State of Wisconsin Purchasing Contract at the 2002 prices of \$10,635.00 each; and

WHEREAS, this purchase of five vehicles would be very cost effective for the City of Wauwatosa in the current budget year;

NOW, THEREFORE, BE IT RESOLVED THAT the change of purpose in the General Purpose Equipment Expenses – passenger vehicle account is hereby approved to authorize the purchase of five passenger vehicles through the State of Wisconsin contract for a total of \$53,175.00;

BE IT FINALLY RESOLVED THAT the competitive bidding process is hereby waived.

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

FROM THE COMMITTEE ON BUDGET AND FINANCE

BILLS AND CLAIMS FOR THE PERIOD 4/2/03 – 4/15/03 --

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 4/2/03 – 4/15/03: \$639,493.24

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

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-03-99

BE IT RESOLVED by the Common Council of the City of Wauwatosa THAT the competitive bidding process be waived and the quote of Badger Ford to furnish one LT8500 tandem cab & chassis that was used by the Ford Motor Corporation in trade shows for their price of \$60,611.00, without trade-in, be and the same is hereby accepted.

BE IT FURTHER RESOLVED THAT the low bid of Brake and Equipment to furnish one Swenson Salt Body and one Root Plow all for their bid price of \$40,360.00 be and the same is hereby accepted.

BE IT FURTHER RESOLVED THAT Fleet equipment T-55, a 1985 GMC dump truck be declared surplus and that the Purchasing Manager is hereby authorized to dispose of this unit in a manner most advantageous to the City.

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-03-100

BE IT RESOLVED by the Common Council of the City of Wauwatosa that the proper city officials be and they are hereby authorized and directed to enter into a contract with American Sewer Services, Inc., of Hartford, Wisconsin for the work of sanitary sewer, storm sewer, and water main relay, repair and relining and work incidental thereto, under Contract 03-02 at and for their bid price of \$662,127.70, this being the lowest and best bid.

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

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-03-101

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 Cable-Lite, Inc., of Watertown, Wisconsin for street lighting able replacement and work incidental thereto under Contract 03-10 at and for their bid price of \$42,457.50 plus Alternate Bids A1 and A2, for a total of \$72,495, this being the lowest and best base bid.

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

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-03-102

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 Gibraltar Construction, LLC of Wauwatosa, Wisconsin for Bleacher Seat Replacement and work incidental thereto under Contract 03-24 at and for their bid price of \$78,224, this being the lowest and best bid.

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

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-03-103

WHEREAS, Gracious Catering, d/b/a Bjonda, 7754 Harwood Avenue, Wauwatosa, has requested permission to encroach above the City right-of-way by the placement of awnings at the above address; and

WHEREAS, previous awnings at this location have not raised any concerns regarding safety or access to City property;

NOW, THEREFORE, BE IT RESOLVED THAT the request of Gracious Catering, d/b/a Bjonda to encroach upon City right-of-way with an awning above the sidewalk at 7754 Harwood Avenue is hereby approved, on condition that no part of said awning shall be closer than eight feet above the sidewalk;

BE IT FURTHER RESOLVED THAT City staff are authorized to draft and execute an appropriate encroachment agreement in this regard.

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

There being no further business, the meeting adjourned at 8:45 p.m.

cal

Carla A. Ledesma, CMC, City Clerk