

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, May 6, 2003

PRESENT: Alds. Herzog, Jenkins, Kopischke, Krol, Matthews, McCarthy, Stepaniak, Subotich, Sullivan, Treis, Becker, Casey, Ecks, Grimm, Heins -15

EXCUSED: Ald. Bruderle-Baran

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 Chief Weber; Mr. Wojcehowicz, Water Supt.; 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.

The first item on the agenda was the presentation of awards by the Wauwatosa Historic Preservation Commission and the Wauwatosa Historical Society for the elementary school art contest. Mayor Estness, Wauwatosa Historic Preservation Commission Chair Sharon Eiff, and Wauwatosa Historical Society representative Jill Gaertner presented awards to:

Sara Thao	Alek Henson	Nick Schiltz
Brandon Erkamaa	Audrey Grice	Logan Wedel
Morgan Kemmerling	Fadumo Hassan	Casey Horn
David O'Keeffe	Emily Helmers	Sean Orr
Nickolas Pridgeon	Stephanie Lerner	Calvin Raab
Dana Strothenke	Cassandra Osinski	

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. -15

APPOINTMENTS BY THE MAYOR

Board of Zoning Appeals

Jim O'Connel, 2550 N. 85th Street (reappointment)
(Term ends 4/30/06)

It was moved by Ald. Casey, seconded by Ald. Ecks to concur with the foregoing appointment. -5

APPLICATIONS, COMMUNICATIONS, ETC.

1. Request for a liquor license extension by Tim Capper, Colonel Hart's, 7342 W. State Street, for a fund raising event on May 31, 2003
Committee on Legislation, Licensing & Communications
2. City of Wauwatosa Bank Reconciliation of Depository Accounts and Statement of Financial Condition as of 3/31/03
Place on file
3. Notice of Claim: Laura Buege, 8206 Jackson Park Boulevard
Paul Klemens, 3152 N. 60th Street, Milwaukee
Chris Andrade, 5115 W. Lincoln Creek Dr., Milwaukee
City Attorney
4. Special Use application to operate a restaurant at 6030 W. North Avenue
Plan Commission, Board of Zoning Appeals
5. Special Use application to construct a detached garage with a height of 18 ft. at 2416 N. 118th Street
Plan Commission, Board of Zoning Appeals
6. Conditional Use application to permit outside storage of concrete castings at 3000 N. 114th Street
Plan Commission, Board of Zoning Appeals
7. Special Use application to construct a kitchen addition to a legal, non-conforming structure at 1627 Ridge Court
Plan Commission, Board of Zoning Appeals
8. Conditional Use application to construct an 80 ft. tall wireless communication pole and equipment shelter in Hart Park at 1155 N. 73rd Street
Plan Commission, Committee on Community Development
9. Conditional Use application to construct an addition to Wauwatosa Presbyterian Church, 2366 N. 80th Street
Plan Commission, Committee on Community Development
10. Special Use application to operate a Cold Stone Creamery store selling ice cream and frozen desserts at Mayfair Mall, 2500 W. North Avenue
Plan Commission, Board of Zoning Appeals
11. Special Use application to construct a garage with a height of 18 ft. 8 in. at 8029 Chestnut Street
Plan Commission, Board of Zoning Appeals
12. Special Use application to operate a Subway Sandwich Restaurant at 12227 W. North Avenue
Plan Commission, Board of Zoning Appeals
13. Letter from Benjamin Kolbeck, 4705 N. 104th Street, requesting a curfew at Mayfair Mall prohibiting anyone under the age of 16 after 6:00 P.M. without adult supervision
Add to existing file
14. Conditional Use application to install a drive-up ATM machine at Equitable Bank, 2290 N. Mayfair Road
Plan Commission, Committee on Community Development
15. Request by Carl Templer, Village of Wauwatosa Business Improvement District, for a street festival permit for the Hot Times/Cool Village Art Fair on August 16, 2003
Committee on Community Development
16. Letter from Ald. Sullivan requesting consideration of reducing the size of the Common Council to one alderman per district
City Attorney
17. Letter from Ald. Bruderle-Baran requesting the city's overnight parking restrictions be amended to between 3:00 a.m. and 5:00 a.m.
Director of Public Works; Police
18. Special Use application to construct a garage with a height 2 ft. 6 in. above the maximum allowed by code at 6611 W. Wisconsin Avenue

Plan Commission, Board of Zoning Appeals

19. Letter from Philip Singleton, AMC Entertainment, Inc., recapping initiatives taken to address concerns regarding the theaters at Mayfair Mall
Add to existing file
20. Letter from Kevin Weiss, Laureate Group, regarding the proposed Hart Park Square Business Planned Development, 6600 River Parkway
Add to existing file

FROM THE COMMITTEE ON TRAFFIC AND SAFETY FOR INTRODUCTION

1. Ordinance amending Section 11.32.080 of the City Code by restricting parking on the north and south sides of Harley Davidson Avenue
Re-refer to originating committee

FROM THE COMMITTEE ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-03-104

WHEREAS, Jolene Henne, 3306 S. 20th Street, Milwaukee, WI applied for an operator's license in conjunction with her employment at Breeze-Thru Wine & Spirits, Wauwatosa, WI;

NOW, THEREFORE, BE IT RESOLVED THAT Jolene Henne is hereby issued an operator's license for the period ending June 30, 2003.

FROM THE COMMITTEE ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-03-105

WHEREAS, Erin Harnisch, 2244 N. Prospect Avenue, #20, Milwaukee, WI applied for an operator's license in conjunction with her employment at Marshall Field's, Wauwatosa, WI;

NOW, THEREFORE, BE IT RESOLVED THAT Erin Harnisch is hereby issued an operator's license for the period ending June 30, 2003.

FROM THE COMMITTEE ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-03-106

WHEREAS, William Poull of the Club Tap, 8828 W. North Avenue, has requested a temporary extension of the licensed premises to include the parking lot of his business on May 31, 2003 and June 1, 2003, for his annual corn roast; and

NOW, THEREFORE, BE IT RESOLVED THAT the licensed premises of the Club Tap be extended to include the parking area in the rear of the building on May 31 and June 1, 2003, between the hours of 12:00 and 8:00 PM with live music from 2:00 PM to 6:00 PM, on the condition that refuse resulting from the event will be thoroughly cleaned by the premises owner and any outdoor music will be kept to a minimal volume.

FROM THE COMMITTEE ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-03-107

WHEREAS, on April 16, 2003 Executive Action by the Wisconsin Assembly Natural Resources Committee on vote of 7 to 1 recommended Assembly passage of 2003 AB 187, regarding newspaper recycling fee and recycled content of newsprint used in newspapers; and

WHEREAS, the analysis by the Wisconsin Legislative Reference Bureau states "under current law, the publisher of a newspaper is generally required to pay a newspaper recycling fee based on the volume of newsprint used by the publisher unless the newsprint on which the newspaper is printed contains a specified minimum percentage of fiber derived from post-consumer waste. For 1998 to 2000, the specified minimum percentage is 33%. For 2001 and 2002, the specified minimum percentage is 37%. For 2003 and thereafter, the specified minimum percentage is 40%. Under this bill, the specified minimum percentage of fiber from post-consumer waste for newsprint used in newspapers is 33%, with no future increases"; and

WHEREAS, according to the Wisconsin Department of Natural Resources (WDNR) "The Department registered in opposition to this bill because the current recycled content standards appear to be working to facilitate the recovery of old newspaper and magazines"; and

WHEREAS, the City of Wauwatosa has historically benefited from lower recycling costs due to receiving revenues from the sale of recycled newsprint and mixed paper, and is now under current contract with Waste Management of Wisconsin, Inc. who had the lowest recycling cost because they retain all of the revenues from the sale of the City's recycled newsprint and mixed paper; and

WHEREAS, one of the co-sponsors of 2003 AB 187 is Senator Tom Reynolds, representing the 5th Senate District that includes significant portions of the City of Wauwatosa; and

WHEREAS, the City of Wauwatosa is a member of both the Alliance of Cities and League of Municipalities; and

WHEREAS, the WDNR has proposed a viable compromise to the Wisconsin Newspaper Association and the Wisconsin Legislature, given that there already exists a legal option that for individual newsprint publishers to seek a temporary variance. According to the WDNR registered testimony: "One approach that strikes a reasonable balance between cost and environmental considerations would be to create a one year variance, renewable for up to three years, for publishers who use at least 37% recycled content, but anticipate having difficulty obtaining an average of 40% recycled content newsprint in any given year, beginning in 2004. Under this approach the deadline for achieving the 40% content standard would be extended from 2003 to 2004.

NOW, THEREFORE, BE IT RESOLVED THAT the City of Wauwatosa hereby opposes any further State action on 2003 AB 187 as currently written; and

BE IT FURTHER RESOLVED THAT if the Legislature seeks passage of this bill, it be amended according to a WDNR proposed compromise; and

BE IT FURTHER RESOLVED THAT the City request Senator Tom Reynolds to either withdraw his co-sponsorship or propose and promote the said WDNR compromise; and

BE IT FURTHER RESOLVED THAT the City work through its membership in the Alliance of Cities and League of Municipalities to have those organization and its members take similar actions to oppose or amend 2003 AB 187; and

BE IT FURTHER RESOLVED THAT copies of this resolution be sent to Governor James Doyle, members of the 2003 Legislature from the Wauwatosa area, the Wisconsin Alliance of Cities, League of Municipalities, and Wisconsin's other local government associations.

FROM THE COMMITTEE ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-03-108

WHEREAS, Alderman Herzog, in a letter dated February 18, 2003, requested that the City of Wauwatosa review the issuance of the licenses issued to AMC Entertainment, Inc. and Premium Theater of Mayfair, Inc. hold for operation of the Cinemas at Mayfair Mall; and

WHEREAS, the Committee on Legislation and Communications received extensive input on the question of whether such licenses should be revoked, including reports from the various enforcement departments of the City of Wauwatosa, as well as extensive commentary from a public listening session dated April 10, 2003 in the Wauwatosa Civic Center Auditorium; and

WHEREAS, current information available indicates that there are numerous concerns regarding the continued operation of the theaters at Mayfair Mall, although no information leads the Committee on Legislation, Licensing and Communications to believe that it is necessary to proceed to a formal revocation hearing at the present time; and

WHEREAS, AMC Entertainment has informed the Committee and the staff of the City of Wauwatosa in letters dated April 28, 2003 and March 6, 2003, of efforts to address the many concerns of the members of the public in the City of Wauwatosa regarding safety issues at Mayfair Mall Cinemas;

NOW, THEREFORE, BE IT RESOLVED THAT the City of Wauwatosa will not, at the present time, proceed toward a revocation hearing regarding the business licenses held by AMC Entertainment, Inc. and Premium Theaters of Mayfair, Inc. at Mayfair Mall;

BE IT FURTHER RESOLVED THAT the Committee on Legislation and Licensing and Communications is hereby directed to review in six months time the progress of efforts by AMC Entertainment, Inc. and Premium Theaters of Mayfair, Inc. toward correcting issues as addressed in their company's previous letters to the Committee;

BE IT FINALLY RESOLVED THAT if, at the time of the Committee's review, it appears that AMC Entertainment, Inc. or Premium Theaters of Mayfair, Inc. are not proceeding satisfactorily on the commitments made on their letters, or that any efforts made are not satisfactorily addressing the concerns of members of the public and staff of the City of Wauwatosa, the Committee shall at that time consider once again the question of whether a revocation hearing shall be scheduled for purposes of review of the cinemas' licenses.

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

FROM THE COMMITTEE ON TRAFFIC AND SAFETY

RESOLUTION R-03-109

WHEREAS, a recently completed second 90 day trial of 1 hour parking restrictions on N. 77th Street has made the parking situation better, although not completely solving the issues between the neighbors; and

WHEREAS, it is apparent that additional discussions between the neighbors and the businesses on Bluemound would assist in achieving a final resolution of the parking problems in that area; and

WHEREAS, the Common Council must approve an extension of the 90 day trial in appropriate situations;

NOW, THEREFORE, BE IT RESOLVED THAT the 90 day trial of the following parking regulations is hereby extended for an additional 90 days or until a permanent resolution of the matter can be obtained:

It shall be unlawful to park for more than one hour from 9 a.m. to 3 p.m., except Saturdays, Sundays, and Holidays, at the following locations:

North 77th Street – west side. From West Bluemound Road to the north property line of 529 N. 77th Street; and

Mary Ellen Place – south side. From the east property line of 7705 Mary Ellen Place to the west lot line of 7729 Mary Ellen Place.

FROM THE COMMITTEE ON TRAFFIC AND SAFETY

RESOLUTION R-03-110

WHEREAS, at the meeting of January 7, 2003, the Traffic and Safety Committee instituted a 90 day trial by placing a stop sign for traffic on West Wells Street at North 74th Street; and

WHEREAS, the Department of Public Works has reported that there were no accidents during the 90 day trial of stop signs and that the stop signs have been well liked by the neighborhood;

NOW, THEREFORE, BE IT RESOLVED THAT the official stop sign map of the City of Wauwatosa shall hereby be amended by adding the installed stop signs on West Wells Street at the corners of North 74th Street in the City of Wauwatosa.

FROM THE COMMITTEE ON TRAFFIC AND SAFETY

ORDINANCE O-03-14

AN ORDINANCE REMOVING LEFT AND RIGHT TURN PROHIBITIONS FROM WEST BURLEIGH STREET AT NORTH 122ND STREET

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

Part I. Section 11.36.190 of the Wauwatosa Municipal Code is hereby amended by deleting subsection 8. of that section.

Part II. Section 11.36.210 of the Wauwatosa Municipal Code is hereby amended by deleting subsection 5. of that section..

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

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

FROM THE COMMITTEE ON EMPLOYEE RELATIONS

RESOLUTION R-03-111

WHEREAS, the City of Wauwatosa has reached agreement with the Wauwatosa Peace Officer’s Association regarding the use of compensatory time off by members of WPOA;

NOW, THEREFORE, BE IT RESOLVED THAT the proposed Memorandum of Understanding reflecting the agreement between the City of Wauwatosa and the Wauwatosa Peace Officer’s Association regarding the use of compensatory time off by members of the WPOA is hereby approved.

It was moved by Ald. Jenkins, seconded by Ald. Kopischke to approve the foregoing resolution. -15

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-03-112

WHEREAS, Maudood Ahmad has applied for a Conditional Use in the AA Business District at 6600 W. North Avenue to sell and service motorcycles and;

WHEREAS, this request was reviewed and recommended by the City Plan Commission and the Committee on Community Development and determined to be necessary for the public convenience at that location; located and proposed to be operated in such manner which will protect the public health, safety, and welfare; and was found to be compatible with surrounding uses;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin hereby grants a Conditional Use to Maudood Ahmad for a Conditional Use in the AA Business District at 6600 W. North Avenue to sell and service motorcycles contingent upon the following conditions:

- 1) Compliance with fire department requirements;
- 2) Issuance of appropriate city licenses and permits;
- 3) No outdoor storage of motorcycles;
- 4) No test driving of motorcycles in the surrounding residential neighborhoods;
- 5) Obtaining appropriate state licenses;
- 6) Review of the Conditional Use after one year.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-03-113

WHEREAS, Stelios Georgakas, Parish Treasurer of St. Constantine and Helen Greek Orthodox Church at 2160 Wauwatosa Avenue has applied for a street festival permit for the church's annual festival on June 6-8, 2003; and

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

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

1. The permit shall be valid only for conduct of Greekfest.
2. The festival shall be conducted on June 6 through 8, 2003. Hours of operation shall be June 6th 4:00 p.m. to 10:00 p.m.; June 7th Noon to 10:00 p.m.; and June 8th Noon to 10:00 p.m.
3. The permittee shall pay all costs incurred by the City for this event. At this time these costs are estimated to be police costs in the amount of \$159.16, public works department charges in the amount of \$90, for an estimated total cost of \$349.16. Actual costs incurred by the City may vary from these estimates and shall be the responsibility of the permittee.
4. Noise associated with music and exhibits shall not be excessive as that term is defined by Section 7.48.040 of the Wauwatosa Municipal Code. The City in its sole discretion shall determine whether noise associated with the festival is excessive and upon request of the City the permittee shall immediately reduce the volume of said noise.
5. The permittee shall be responsible for removing all refuse associated with the event. Failure of the permittee to do so will result in additional charges by the City.
6. No carnival rides will be used.
7. Live music is permitted on Saturday, June 7 and Sunday, June 8 from 3:30 p.m. to 9:30 p.m.
8. The Police Department will develop a plan to eliminate parking on one side of the streets in the immediate area, as appropriate.
9. The church shall be responsible to provide and install signs directing patrons to the City Hall parking lot and to M & I Wauwatosa State Bank; the church parishioners shall be encouraged to park in the City Hall parking lot; a mechanism will be established to make announcements at the festival if a driveway is reported to be blocked.
10. Security will be provided during the event.
11. The church grounds and immediate neighborhood shall be patrolled daily to remove litter.
12. Neighbors will be invited to meet with church officials to review plans and discuss solutions to other potential concerns before the event.

13. The dumpster on the church grounds shall be removed by 8 p.m. on Monday, June 9, 2003. Permittee shall provide a copy of its contract for removal of the garbage dumpster to the Director of Public Works. The semi-trailers shall be removed from the grass by 8 p.m. on June 9, 2003.
14. Beer sales shall end one-half hour before the closing of the festival each evening.
15. Temporary “NO PARKING AT ANY TIME” restrictions will be posted and will be in effect only during the hours of the festival on the north side of Rogers Avenue, between Wauwatosa Avenue and Underwood Avenue, and the west side of North 74th Street, between Kenwood and Garfield Avenues.
16. Officers assigned to this area and adjacent streets are to check the area frequently for traffic congestion and parking violations. No parking permission has been given in any of the “No Parking At Any Time” zones.
17. Barricades will be placed across Garfield Avenue and Wauwatosa Avenue, and at the north driveway to the church parking lot. A barricade and sign will also be placed on Garfield Avenue at North 74th Street indicating that the street is open to local traffic only.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-03-114

WHEREAS, the Community Development Block Grant Committee recommended allocating \$50,000.00 to Milwaukee County for purposes of rehabilitation of the Eschweiler Buildings located on the County Grounds 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 has recommended releasing funds for this project;

NOW, THEREFORE, BE IT RESOLVED THAT the 2003 CDBG funds listed above shall be reallocated in the amount of \$50,000.00 for purposes of rehabilitation of the Eschweiler Buildings located on Milwaukee County Grounds.

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

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-03-115

WHEREAS, the new City of Wauwatosa web site at Wauwatosa.net has been designed for a future capability of on-line bill payment and customer services purposes; and

WHEREAS, Northwoods Software Development, Inc., the developer of the City web site, has developed a proposal to provide an on-line water bill payment mechanism, customer services interface, and an elected official information system for a total cost of \$26,500.00; and

WHEREAS, development of the system by Northwoods Software Development would introduce efficiencies due to Northwoods' familiarity with the previous development of the City web site; and

WHEREAS, the cost of on-line bill payment will be absorbed by the users of the system;

NOW, THEREFORE, BE IT RESOLVED THAT the City of Wauwatosa is hereby authorized to enter into an Agreement with Northwoods Software Development, Inc. for development of an on-line water bill payment system, a customer services interface, and an elected official information system at a total cost of \$26,500.00, with \$5,000.00 of such cost coming from the Water Utility and \$21,500.00 being paid from the Information Systems Web Site Account.

BE IT FURTHER RESOLVED THAT the competitive bidding process is hereby waived for this purchase.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-03-116

WHEREAS, the budget reduction implementation plan for the year 2003 requires a hiring freeze for all vacant positions without specific approval of the Common Council; and

WHEREAS, beginning early August, 2003, there will exist a vacancy in the position of Health Officer in the Wauwatosa Health Department; and

WHEREAS, the Wauwatosa Health Department has already met its required 2% budget adjustment under the budget reduction implementation plan;

NOW, THEREFORE, BE IT RESOLVED THAT the request for an exception to the hiring freeze to fill the position of Health Officer in the Wauwatosa Health Department is hereby approved.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-03-117

WHEREAS, the City of Wauwatosa has had a long term relationship with Health Care Systems Consultants, Inc. for purposes of structuring and management of the City's self-insured health insurance plan; and

WHEREAS, budgetary constraints and healthcare cost issues require increasing vigilance and efforts at change in managing health care costs for the City of Wauwatosa; and

WHEREAS, Health Care Systems Consultants, Inc. has provided the City a discount on standard hourly rates;

NOW, THEREFORE, BE IT RESOLVED THAT the City of Wauwatosa staff are hereby authorized to enter into an Agreement with Health Care Systems Consultants, Inc. for the provision of consulting services related to the redesign and renegotiation of the health insurance package offered by the City of Wauwatosa to its employees, said contract to be effective for the period June 1, 2003 to June 30, 2004, and not to exceed \$18,000.00 in total cost.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-03-118

WHEREAS, the Wauwatosa Civic Celebration Commission has recommended that the July 4th fireworks display at Hart Park be provided by Bartolotta Fireworks Company; and

WHEREAS, the 2003 fireworks program will reduce maximum shell size to 4 inches due to safety concerns and space allowances at Hart Park;

NOW, THEREFORE, BE IT RESOLVED THAT the City of Wauwatosa is hereby authorized to contract with Bartolotta Fireworks Company for the July 4th, 2003 fireworks display at Hart Park in an amount not to exceed \$12,000.00 in accordance with the recommendation of the Purchasing Manager and the Civic Celebration Commission;

BE IT FURTHER RESOLVED THAT the competitive bidding process is hereby waived for this purchase.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-03-119

WHEREAS, the budget reduction guidelines for 2003 have required various departments to propose cost reductions during the year 2003; and

WHEREAS, the Buildings and Safety Division of the Community Development Department has proposed restructuring of the City's well inspection program, resulting in a reduction of hours for one part-time plumbing inspector, in order to provide approximately \$10,000.00 budget savings for the current and future years; and

WHEREAS, reduction of the well inspection program to a five year review rotation process will maintain compliance with the Department of Natural Resources Administrative Rules for Private Wells;

NOW, THEREFORE BE IT RESOLVED THAT the proposal of the Chief Inspector, as reflected in his April 8, 2003 memorandum to the Committee on Budget and Finance, to reorganize the well inspection program for purposes of reducing costs associated with the salary of one plumbing inspector is hereby approved;

BE IT FURTHER RESOLVED THAT an appropriation transfer of \$10,000.00 from Account 01-231-5100-000 to Account 01-619-5985-000 to reflect this budget savings is hereby approved.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-03-120

BE IT RESOLVED, by the Common Council of the City of Wauwatosa THAT the claim filed by Jimmy Harris for injuries and damages be and the same is hereby denied and placed on file for the reason that no liability exists on the part of the City.

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

It was moved by Ald. Stepaniak, seconded by Ald. Matthews to approve the six foregoing resolutions. -15

FROM THE COMMITTEE ON BUDGET AND FINANCE

BILLS AND CLAIMS FOR THE PERIOD 4/16/03 – 5/6/03 --

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 4/16/03 – 5/6/03: \$1,858,949.40

It was moved by Ald. Casey, seconded by Ald. Sullivan 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-03-121

WHEREAS, St. John’s Evangelical Lutheran Church, 7809 Harwood Avenue requested permission to encroach onto City property to install a communication cable underneath Dewey Avenue via directional boring techniques between the church property and St. John’s School currently under construction; and

WHEREAS, additional permission is requested to cut an 8 inch hole to look at the gas line within Dewey Avenue in order to avoid it in the directional boring for replacement of the communication line;

NOW, THEREFORE, BE IT RESOLVED THAT the encroachment onto the City right-of-way beneath Dewey Avenue requested by St. John’s Evangelical Lutheran Church at 7809 Harwood Avenue is hereby approved, contingent upon execution of an appropriate encroachment agreement.

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-03-122

WHEREAS, the Purchasing Manager has requested authorization for the proprietary purchase of residential refuse carts and miscellaneous repair parts from Ameri-Kart Company; and

WHEREAS, competitive prices and bids were not obtained because there is only one manufacturer of this proprietary style of cart utilized by the City of Wauwatosa;

NOW, THEREFORE, BE IT RESOLVED THAT the purchase of 90 gallon residential refuse carts and miscellaneous repair parts from Ameri-Kart Company in an amount not to exceed \$17,830.05 is hereby approved;

BE IT FURTHER RESOLVED THAT the competitive bidding process is waived for this purchase.

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-03-123

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 Payne & Dolan, Inc., of Waukesha, Wisconsin for the work of asphaltic concrete repaving and work incidental thereto under Contract 03-7, at and for their bid price of \$264,269.40, 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-03-125

WHEREAS, the Wauwatosa Village Business Improvement District has applied for an encroachment onto City property at up to 24 locations within the Village Business District in connection with the “Off Your Rocker” promotional event; and

WHEREAS, the event will consist of decorated rocking chairs being displayed in public from June 10, 2003 through August 16, 2003, at which time they will be auctioned with proceeds going to local charities; and

WHEREAS, the placement of the rocking chairs on City property would be done in a manner which would not inhibit traffic or otherwise impede use of the sidewalks in question;

NOW, THEREFORE, BE IT RESOLVED THAT the request for an encroachment on the City right-of-way for the “Off Your Rocker” promotional event is hereby approved, subject to review of individual locations by the office of the City Attorney in coordination with other departments of the City government and execution of a “Hold Harmless Agreement” with regard to placement of the items.

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

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-03-124

WHEREAS, Public Works operations require the purchase of sodium chloride (road salt) for the 2003-2004 winter season; and

WHEREAS, the Wisconsin Department of Transportation takes bids for road salt by combining the requirements of multiple counties, cities, villages and towns, as well as state government; and

WHEREAS, ordering road salt through the Wisconsin Department of Transportation taking a “early fill” would likely save the City as much as \$2.00 per ton; and

WHEREAS, projected needs for 2003-04 snow season are approximately 3,000 tons with a vendor reserve of 4,000 tons;

NOW, THEREFORE, BE IT RESOLVED THAT the City of Wauwatosa Purchasing Manager is hereby authorized to issue an order for road salt in the above-described amount for the 2003-04 season on the basis of a “early fill” in order to obtain the best price possible to the Wisconsin Department of Transportation.

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

There being no further business, the meeting adjourned at 7:50 p.m.

cal

Carla A. Ledesma, CMC, City Clerk