



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, September 16, 2003

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

EXCUSED: Ald. Subotich

ALSO PRESENT: Mr. Wontorek, City Administrator; Ms. Plass, Accounting Mgr.; Mr. Kesner; City Attorney; Mr. Kappel, Dir. of Public Works; Ms. Welch, Community Development Director; Police Chief Weber; Mr. Wojcehowicz, Water Utility Supt.; Mr. Tschudy, Water Utility Business Mgr.; Mr. Brown, Personnel Director; Mr. Otselberger, Info. Systems Mgr.; Ms. Ledesma, City Clerk; Ms. Williams, Deputy City Clerk

Mayor Estness in the Chair

The Mayor called the meeting to order at 7:42 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. -15

APPOINTMENTS BY THE MAYOR

Youth Commission

Brian Randall, 2602 N. 88th Street (26)
Lynne Schade, 6923 Wellauer Drive (13)
Lisa Winn, 8232 Avon Court (13)
(Terms end 8/31/06)

Foregoing ordered held as this was the first reading.

Board of Examiners and Appeals

Lisa Balistreri, 9302 Beverly Place (26) (reappointment)
(Term ends 5/30/05)

It was moved by Ald. Matthews, seconded by Ald. Heins to concur with the foregoing appointment. -15

APPLICATIONS, COMMUNICATIONS, ETC.

1. Special Use application to construct a second floor addition to a legal, non-conforming structure at 7004 Grand Parkway
Plan Commission, Board of Zoning Appeals
2. City of Wauwatosa Bank Reconciliation of Depository Accounts as of July 31, 2003 and Statement of Financial Condition as of August 31, 2003
Place on file
3. Wauwatosa Water Utility Statement of Receipts and Disbursements for month ended August 31, 2003
Place on file
4. Letter from Police Chief Barry Weber supporting the proposed smoke-free restaurant ordinance
Add to existing file
5. Letter from Fr. Robert Marsicek, St. Pius X Congregation, requesting repeal of the “no parking” restriction on Wauwatosa Avenue in front of the parish office
Director of Public Works
6. Letter from David Geisthardt, Wauwatosa Economic Development Corporation, requesting a temporary rescinding of the one hour parking in the area of W. Center and N. 72nd Streets
Director of Public Works
7. Letter from Sue Szymanski, 2258 N. 104th Street, commenting on the 90-day trial of two hour parking on 104th and 105th Streets
Add to existing file
8. E-mail from Eric S. Eastmo, M.D., 4465 N. 107th Street, in support of the proposed smoke-free restaurant ordinance
Add to existing file

FROM THE COMMITTEE ON EMPLOYEE RELATIONS FOR INTRODUCTION

1. Ordinance amending Sections 2.59.050 and 2.59.060 of the City Code to reflect across-the-board increases in salary ranges for non-represented employees
Re-refer to originating committee

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT FOR INTRODUCTION

1. Resolution amending Section 15.14.020 of the City Code relating to signs
Re-refer to originating committee
2. Ordinance creating Chapter 8.12 of the City Code relating to smoke free restaurants
Re-refer to originating committee

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-03-214

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 October 18, and 19, 2003, for his annual pig 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 October 18 and 19, 2003, between the hours of 12:00 and 6:00 PM on the condition that refuse resulting from the event will be thoroughly cleaned by the premises owner.

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-03-215

WHEREAS, L.S. Properties, d/b/a Ray's Liquor, has applied for a Class B liquor license to be used on the second level at its business location at 8930 W. North Avenue, Wauwatosa, WI, the current location of Ray's Liquor to conduct non-profit wine education, seminars, and tastings, once a week, from 6:00 p.m. to 8:00 p.m., with no more than 20 people in attendance;

NOW, THEREFORE, BE IT RESOLVED THAT L.S. Properties, d/b/a Ray's Liquor, is hereby awarded a Class B liquor license for its location at 8930 W. North Avenue, as more particularly described above, for the period ending June 30, 2004.

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-03-216

WHEREAS, Eric Halfen, 2430 N. Booth Street, Milwaukee, WI, applied for an operator's license in conjunction with his employment at Buffalo Wild Wings, 2635 N. Mayfair Road, Wauwatosa, WI;

NOW, THEREFORE, BE IT RESOLVED THAT Eric Halfen is hereby issued an operator's license for the period ending June 30, 2004;

BE IT FURTHER RESOLVED THAT the Wauwatosa Police Department is hereby directed to conduct a further review of the criminal records concerning Mr. Halfen six months from the date of this license issuance and is directed to report back to the Legislation, Licensing and Communications Committee if any new concerns regarding Mr. Halfen's fitness for this operator's license are found.

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-03-217

WHEREAS, Amanda Schlei, 1823A N. 52nd Street, Milwaukee, WI, applied for an operator's license in conjunction with her employment at the Chancery, 7615 W. State Street, Wauwatosa, WI;

NOW, THEREFORE, BE IT RESOLVED THAT Amanda Schlei is hereby issued an operator's license for the period ending June 30, 2004;

BE IT FURTHER RESOLVED THAT the Wauwatosa Police Department is hereby directed to conduct a further review of the criminal records concerning Ms. Schlei six months from the date of

this license issuance and is directed to report back to the Legislation, Licensing and Communications Committee if any new concerns regarding Ms. Schlei's fitness for this operator's license are found.

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-03-218

WHEREAS, David J. Tiefel, 3227 W. McKinley Boulevard, Milwaukee, WI, applied for an operator's license in conjunction with his employment at Eddie Martinis, 8612 Watertown Plank Road, Wauwatosa, WI;

NOW, THEREFORE, BE IT RESOLVED THAT David J. Tiefel is hereby issued an operator's license for the period ending June 30, 2004;

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-03-219

WHEREAS, Jeana Dakouras, 2706 N. 67th Street, Milwaukee, WI, applied for an operator's license in conjunction with her employment at Buffalo Wild Wings, 2635 N. Mayfair Road, Wauwatosa, WI;

NOW, THEREFORE, BE IT RESOLVED THAT Jeana Dakouras is hereby issued an operator's license for the period ending June 30, 2004.

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

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-03-220

WHEREAS, Joseph Denor, 1329 E. Brady Street, Milwaukee, WI, applied for an operator's license in conjunction with his employment at Buffalo Wild Wings, 2635 N. Mayfair Road, Wauwatosa, WI;

NOW, THEREFORE, BE IT RESOLVED THAT Joseph Denor is hereby issued an operator's license for the period ending June 30, 2004;

BE IT FURTHER RESOLVED THAT the Wauwatosa Police Department is hereby directed to conduct a further review of the criminal records concerning Mr. Denor six months from the date of this license issuance and is directed to report back to the Legislation, Licensing and Communications Committee if any new concerns regarding Mr. Denor's fitness for this operator's license are found.

It was moved by Ald. Treis, seconded by Ald. Ecks
to approve the foregoing resolution. Ayes 13, Noes 2
(Sullivan, Kopischke)

FROM THE COMMITTEE ON EMPLOYEE RELATIONS

ORDINANCE O-03-21

AN ORDINANCE AMENDING WAUWATOSA CODE SECTIONS 2.52.070, 2.52.071, 2.58.120 AND 2.58.125 PERTAINING TO ELIGIBILITY AND BENEFITS UNDER HEALTH AND DENTAL INSURANCE PLANS FOR NON-REPRESENTED EMPLOYEES

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

Part I. Section 2.52.070 of the Wauwatosa Municipal Code is hereby repealed and recreated as follows:

- 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. The health insurance coverage provided to employees shall be identical to that provided to those employees prior to December 31, 2001, with the following modifications:
 - 1. Effective January 1, 2003, employees shall pay a six-hundred dollar individual out-of-pocket annual maximum or a twelve-hundred dollar family out-of-pocket annual maximum for in-network or out-of-network services. Effective January 1, 2004, employees shall pay thirty percent co-payment for out-of-network services.
 - 2. Effective January 1, 2002, there shall be an annual maximum of thirty days for inpatient/ transitional mental health services at one hundred percent. After the first thirty days, the next forty days shall be at ninety percent for in-network and eighty percent for out-of-network. Annual maximum of seventy days.
 - 3. Effective January 1, 2002, employees shall pay ten dollars for generic prescriptions, fourteen dollars for formulary prescriptions, and twenty dollars for non-formulary prescriptions. Employees shall pay eight dollars for mail order generic prescriptions and thirteen dollars for mail order brand prescriptions.
 - 4. Effective January 1, 2002, there shall be a twenty-thousand dollar lifetime maximum on fertility (including in vitro fertilization, infertility and artificial insemination) services.
- C. The City agrees to make available to the employees a Health Maintenance Organization (HMO).

Part II. Section 2.52.071 of the Wauwatosa Municipal Code is hereby amended to read as follows:

Eligibility for dental insurance provided to employees shall be as described in the summary plan description available for review in the Personnel Office.

Part III. Section 2.58.120 of the Wauwatosa Municipal Code is hereby amended by deleting the section in its entirety and replacing it with the following language:

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. The health insurance coverage provided to employees shall be identical to that provided to those employees prior to December 31, 2001, with the following modifications:

1. Effective January 1, 2003, employees shall pay a six-hundred dollar individual out-of-pocket annual maximum or a twelve-hundred dollar family out-of-pocket annual maximum for in-network or out-of-network services. Effective January 1, 2004, employees shall pay thirty percent co-payment for out-of-network services.

2. Effective January 1, 2002, there shall be an annual maximum of thirty days for inpatient/ transitional mental health services at one hundred percent. After the first thirty days, the next forty days shall be at ninety percent for in-network and eighty percent for out-of-network. Annual maximum of seventy days.

3. Effective January 1, 2002, employees shall pay ten dollars for generic prescriptions, fourteen dollars for formulary prescriptions, and twenty dollars for non-formulary prescriptions. Employees shall pay eight dollars for mail order generic prescriptions and thirteen dollars for mail order brand prescriptions.

4. Effective January 1, 2002, there shall be a twenty-thousand dollar lifetime maximum on fertility (including in vitro fertilization, infertility and artificial insemination) services.

C. The City agrees to make available to the employees a Health Maintenance Organization (HMO).

Part IV. Section 2.58.125 of the Wauwatosa Municipal Code is hereby repealed and recreated as follows:

Eligibility for dental insurance provided to employees shall be as described in the summary plan description available for review in the Personnel Office.

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

It was moved by Ald. Jenkins, seconded by Ald. Casey to adopt the foregoing ordinance. -15

FROM THE COMMITTEE ON EMPLOYEE RELATIONS

TO THE COMMON COUNCIL, CITY OF WAUWATOSA, WI –

The Committee on Employee Relations, to whom was referred the amendment to Ordinance Section 2.36.060 (E) regarding authorization to hire a health officer with qualifications for a Level II local health department, recommends to the Common Council that the matter of the amendment to Ordinance 2.36.060 (E) be placed on file.

Dated this 9th day of September 2003.

Committee on Employee Relations

It was moved by Ald. Jenkins, seconded by Ald. Casey to place the foregoing report on file. -15

FROM THE COMMITTEE ON TRAFFIC AND SAFETY

ORDINANCE O-03-22

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

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

Part I. The “North Avenue - North side” portion of the “schedule of streets, and portions” subsection of Wauwatosa Code Section 11.32.080 is hereby amended by deleting the following sections:

- (c) from N. 61st Street to N. 63rd Street
- (c) from N. 66th Street to N. 67th Street

and

- (bb) from N. 63rd Street to N. 64th Street
- (c) from N. 64th Street to N. 66th Street

and adding the following:

- (c) from N. 61st Street to N. 67th Street

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

It was moved by Ald. Krol, seconded by Ald. Herzog to adopt the foregoing ordinance. -15

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-03-221

BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin THAT permission be and the same is hereby granted to Dorothy Bunke to combine the parcels located at 6524 Romona Avenue, Wauwatosa. These parcels are more particularly described as follows:

Lot 7, Block 2 in Vliet Street Subdivision, in the Southeast ¼ of Section 22, 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-03-222

WHEREAS, Ceis Farnia and Navid Vafaei have applied for a Conditional Use in the AA Business District at 7215 W. North Avenue to sell secondhand merchandise 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 Ceis Farnia and Navid Vafaei to sell secondhand merchandise in the AA Business District at 7215 W. North Avenue.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-03-223

WHEREAS, Timothy Birkenstock has applied for a Conditional Use to construct a parking structure with 1,600 spaces for Children's Hospital of Wisconsin 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 Timothy Birkenstock for construction of parking structure with 1,600 spaces for Children's Hospital of Wisconsin in the Medical Center and Institutions District at 9200 Connell Avenue subject to the following conditions:

- 1) providing staff with utility information and storm water permit;
- 2) reviewing plans with the engineering department;
- 3) meeting the parking requirements.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-03-224

WHEREAS, Rich Johnson of San Camillo and John Gettrust of Sprint Spectrum have applied for a Conditional Use to install six new PCS panel antennas and a new GPS antenna at 10200 W. Blue Mound Road, located in the AA Institutions District, and;

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

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Wauwatosa, Wisconsin hereby grants a Conditional Use to Rich Johnson of San Camillo and John Gettrust of Sprint Spectrum to install wireless telecommunications antennas and equipment at 10200 W. Blue Mound Road, located in the AA Institutions District.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-03-226

WHEREAS, Jody Janus, has applied for a Conditional Use in the AA Business District at 6101 W. Vliet Street to operate a massage therapy establishment 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 Jody Janus for the operation of a massage therapy establishment in the AA Business District at 6101 W. Vliet Street.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-03-227

WHEREAS, Lauri Ashley Guerdon, has applied for a Conditional Use in the AA Business District at 7332 W. State Street to operate a massage therapy establishment 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 Lauri Ashley Guerdon for the operation of a massage therapy establishment in the AA Business District at 7332 W. State Street.

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

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION

WHEREAS, William Heinlein and Keith Nygren have applied for a Conditional Use to construct a 48,000 square foot addition in the Medical Center and Institutions District at 8700 Watertown Plank Road 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 William Heinlein and Keith Nygren to construct a 48,000 addition in the Medical Center and Institutions District at 8700 Watertown Plank Road subject to the following conditions:

- 1) obtaining the proper city licensing and permits, 2) engineering approval of storm water/water quality issues, 3) parking lot plan approval, and 4) the installation of 155 new parking spaces shown on the site plan shall be delayed pending a six month and one year review of on-site parking needs

It was moved by Ald. Heins, seconded by Ald. Kopischke to approve the foregoing resolution. –

It was moved by Ald. Casey, seconded by Ald. Ecks to amend the foregoing resolution such that if the City requires any additional parking on new hard surface within the six-month review period or the one-year review period, that the issue come before the Community Development Committee and the Common Council for approval before proceeding. Upon roll call vote, the vote was Ayes 15, Noes 1 (Treis.)

Vote on original motion, as amended, -15.

The amended resolution is as follows:

AMENDED RESOLUTION R-03-225

WHEREAS, William Heinlein and Keith Nygren have applied for a Conditional Use to construct a 48,000 square foot addition in the Medical Center and Institutions District at 8700 Watertown Plank Road 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 William Heinlein and Keith Nygren to construct a 48,000 addition in the Medical Center and Institutions District at 8700 Watertown Plank Road subject to the following conditions:

- 1) obtaining the proper city licensing and permits, 2) engineering approval of storm water/water quality issues, 3) parking lot plan approval, and 4) the requirement for installation of 155 new parking spaces shown on the site plan shall be waived pending a six month and one year review of on-site parking needs, and 5) if the city requires any additional parking on new hard surface within the six-month or the one-year review period, that the matter come before the Community Development Committee and the Common Council for approval before proceeding

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-03-228

WHEREAS, the Board of Parks and Forestry Commissioners has approved the 2004 rental rates for rental of facilities in the Muellner Building at Charles Hart Park; and

WHEREAS, the 2004 rental rates include modest increases in the rental rates for some facilities and are in line with other rentals in the area; and

WHEREAS, the Committee on Budget & Finance has reviewed the attached proposed rental rate and recommends approval;

NOW, THEREFORE, BE IT RESOLVED THAT the Common Council approves the attached 2004 rental rates for the rental of facilities in the Muellner Building at Charles Hart Park.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-03-229

WHEREAS, the Wauwatosa Water Utility has filed an application with the Public Service Commission (PSC) to increase water rates; and

WHEREAS, the PSC issued a final decision on August 1, 2003, in which it authorized increased rates; and

WHEREAS, the PSC's authorized increase will produce an additional \$564,830.00 in operating revenue for the utility in the next fiscal year, raising the average residential customer's water charges from \$49.36 to \$54.18 per quarter; and

WHEREAS, the Budget and Finance Committee has reviewed the proposed rate increase and recommends approval;

NOW, THEREFORE, BE IT RESOLVED THAT the Wauwatosa Water Utility rates be increased 7%.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-03-230

WHEREAS, the original 2000 contract with Virchow Krause & Co. contain an option clause that allows the City to extend the contract for three additional years; and

WHEREAS, Virchow Krause & Company has submitted a pricing proposal for a three-year extension on the auditing contract it has with the City; and

WHEREAS, it is in the City's best interests to extend the contract with Virchow Krause & Company because they have provided assistance to the City during the conversion to the new Governmental Accounting Standards Board (GASB) 34 requirements and further assistance would be received from the firm over the next three years; and

WHEREAS, the Committee on Budget & Finance recommends approval of the three-year extension;

NOW, THEREFORE, BE IT RESOLVED THAT the City of Wauwatosa is authorized to enter into a three-year extension of its contract with Virchow Krause & Company.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-03-232

BE IT RESOLVED by the Common Council of the City of Wauwatosa that the claim filed by Kathleen Bernel-Danner for 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.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-03-233

WHEREAS, the Purchasing Manager and the Information Systems Manager of the City of Wauwatosa have recommended upgrading the financial software supplied by Government E-Management Solutions (GEMS) as the current software will no longer be supported after December 31, 2003; and

WHEREAS, the cost to migrate to the suggested Microsoft NT server applications from GEMS will not exceed \$90,000.00 with payment terms of three years with 0% interest; and

WHEREAS, it is projected that current and future budgets will accommodate the need to provide \$30,000.00 per year for this function; and

WHEREAS, acceptable language for an agreement has been reached between the City of Wauwatosa and GEMS for purposes of conducting this NT server migration;

NOW, THEREFORE, BE IT RESOLVED THAT the proposed contract with Government E-Management Solutions (GEMS) for migration of the City of Wauwatosa's GEMS Applications to the Microsoft NT Server Platform is hereby approved and City staff are authorized to enter into an agreement for this effect; and the competitive bidding process is hereby waived.

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

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-03-231

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 September 22, 2003, there will exist a vacancy in the Municipal Clerk II position in the office of the City Clerk; and

WHEREAS, the vacant Municipal Clerk II position is responsible for licensing, paperwork and renewals, minutes of the Legislation, Licensing and Communications Committee, and elections; and

WHEREAS, there will be four elections in the year 2004, including a presidential preference election in February, 2004; and

WHEREAS, the office of the Wauwatosa City Clerk has already met its required budget reductions under the Budget Reduction Implementation Plan for 2003;

NOW, THEREFORE, BE IT RESOLVED THAT the request for an exception to the hiring freeze to fill the position of Municipal Clerk II in the office of the City Clerk is hereby approved.

It was moved by Ald. Stepaniak, seconded by Ald. Matthews to approve the foregoing resolution. 14-1 (Ecks)

FROM THE COMMITTEE ON BUDGET AND FINANCE

BILLS AND CLAIMS FOR THE PERIOD 9/3/03 – 9/16/03 --

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 9/3/03 – 9/16/03: \$1,678,746.66

It was moved by Ald. Casey, seconded by Ald. Bruderle - Baran 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-03-236

WHEREAS, Wisconsin Heart Hospital, 10000 W. Blue Mound Road has requested permission to encroach onto City property in the right-of-way along W. Blue Mound Road and N. 99th Street; and

WHEREAS, this encroachment would be for the purpose of installing irrigation piping between the sidewalk and the curb;

NOW, THEREFORE, BE IT RESOLVED THAT the application of Wisconsin Heart Hospital to encroach onto City of right-of-way to install irrigation piping between the sidewalk and the curb be and hereby is approved.

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-03-234

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 Snorek Construction, Inc., of Eagle, Wisconsin for the work of pavement repair and work incidental thereto under Contract 03-20 at and for their bid price of \$138,208.10, 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-03-235

WHEREAS, First Service Credit Union, 7600 W. Blue Mound Road has requested permission to encroach onto City property in the right-of-way along W. Blue Mound Road; and

WHEREAS, this encroachment would be for the purpose of extending the parking lot;

NOW, THEREFORE, BE IT RESOLVED THAT the application of First Service Credit Union to encroach onto City of right-of-way to extend its parking lot be and hereby is approved.

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

There being no further business, the meeting adjourned at 8:22 p.m.

cal

Carla A. Ledesma, CMC, City Clerk