

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, October 1, 2002**

PRESENT: Alds. Kopischke, Krol, Matthews, McCarthy, Subotich, Sullivan, Treis, Becker, Casey, Ecks, Grimm, Heins, Herzog, Jenkins -14

EXCUSED: Alds. Stepaniak, Bruderle -Baran

ALSO PRESENT: Mr. Braier, Finance Director; Mr. Kesner; City Attorney; Mr. Kappel, Dir. of Public Works; Ms. Welch, Community Development Director; Police Capt. Bozicevich; Mr. Brown, Personnel Director; 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 7:35 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

**PUBLIC HEARING**

The first item of business was a public hearing to consider reallocation of \$675,736.63 of 2000 and 2001 Community Development Block Grant funds.

**RESOLUTION** R-02-240

WHEREAS, the Common Council of the City of Wauwatosa conducted a public hearing on Tuesday, October 1st at 7:30 P.M. in the Council Chambers at City Hall, 7725 West North Avenue for the purpose of considering the reallocation of in Community Development Block Grant funds; and

WHEREAS, the CDBG funds were previously designated for the following purposes:

<u>Project</u>	<u>Program</u> <u>Year</u>	<u>Amount</u>
Engineering Department – I&I removal in LMI areas	2001	\$283,769.12
Engineering Department – LMI Sewer Inspections	2001	\$313,507.51
Engineering Department – LMI Storm Sewers	2000	\$ 78,460.00

NOW, THEREFORE, BE IT RESOLVED THAT the Common Council of the City of Wauwatosa hereby reallocates 2001 and 2002 CDBG funds listed above to the following projects:

<u>Project</u>	<u>Program Year</u>	<u>Amount</u>
Engineering Department – I&I removal in LMI areas	2002	\$675,736.63

Proof of publication is in the file.

The Mayor declared the public hearing open. Ms. Welch explained that the reallocation request is being made to combine funds into one project so that this inflow/infiltration work can be completed. The reallocation will also simplify bookkeeping.

No one of the public present wished to be heard in favor of the proposed resolution.

No one of the public present wished to be heard in opposition to the proposed resolution.

No one of the public present wished to be heard either for or against the proposed resolution or had any comments or questions.

The public hearing was declared closed.

It was moved by Ald. Ecks, seconded by Ald. McCarthy to approve the foregoing resolution under suspension of the rules. -14

**OLD BUSINESS**

The following proposed ordinance was held following a public hearing on August 6, 2002 upon request of the owner of the property at 1060 N. 115th Street:

**ORDINANCE**

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF WAUWATOSA BY REZONING THE LAND AT 1060 N. 115<sup>th</sup> STREET FROM AA LIGHT MANUFACTURING DISTRICT TO BUSINESS PLANNED DEVELOPMENT DISTRICT

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

Part 1. The Official Zoning Map of the City of Wauwatosa is hereby amended to reflect the following change:

Homewood Comm at SW Cor of Blk 3 th N 0D34M00S W 74.97 ft th N 46D31M 33S E 341.32 ft th N 89D27M44S E, a Subdivision of Part of Section 30, in Township 7 North, Range 21 East, City of Wauwatosa, County of Milwaukee, State of Wisconsin is Rezoned from AA Business District to Business Planned Development District.

Part II. The City Administrator is hereby directed to change the Official Zoning Map of the City of Wauwatosa to conform to the provisions of the Ordinance, and said Map is declared amended accordingly.

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

The following proposed resolution, a companion document to the above-mentioned ordinance, was also held:

### **RESOLUTION**

WHEREAS, Helmut Toldt of Toldt Development, Inc. has submitted final plans for a Business Planned Development at 1060 N. 115<sup>th</sup> Street to construct a 60-unit apartment building; and

WHEREAS, these final plans have been reviewed and recommended by the City Plan Commission, the Design Review Board, and the Committee on Community Development; and

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin approves the Final Plans for a Business Planned Development to be located at 1060 N. 115th Street submitted by Helmut Toldt, Toldt Development, Inc based upon the plans submitted to the City and the public hearings conducted on this matter.

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

Ms. Welch advised that the owner of the property at 1060 N. 115th Street has requested that these items be held pending finalization of negotiations with the buyer.

At the consent of the Second, Ald. McCarthy withdrew his motion.

It was moved by Ald. McCarthy, seconded by Ald. Heins to hold this matter until the owner of 1060 N. 115th Street, Circle Electric, Inc., presents proper documentation confirming agreement on the terms upon which the transaction is to close. -14

### **APPOINTMENTS BY THE MAYOR**

#### **Civic Celebration Commission**

Kathy Schauer, 9405 Beverly Place (26)

(Term ends 12/31/06)

It was moved by Ald. Casey, seconded by Ald. Grimm to concur with the foregoing appointment. -14

### **APPLICATIONS, COMMUNICATIONS, ETC.**

1. Letter from the Board of Parks & Forestry Commissioners supporting an increase in the limits on capital borrowing by the City to \$5.25 million annually and \$1.5 million for individual projects  
**Budget Committee**
2. Special Use application to construct a two story addition on a legal, non-conforming property at 2254 N. 61st Street  
**Plan Commission, Board of Zoning Appeals**
3. Special Use application to construct a dormer addition on a legal, non-conforming property at 6466 Upper Parkway North  
**Plan Commission, Board of Zoning Appeals**
4. Special Use application to construct a Taco Bell restaurant and multi-tenant retail building at 510 N. Mayfair Road  
**Plan Commission, Board of Zoning Appeals**
5. Land Combination application to combine two lots at 8707 W. Hawthorne Avenue  
**Plan Commission, Committee on Community Development**
6. Special Use application to construct an addition to a legal, non-conforming property at 11725 W. Martha Drive  
**Plan Commission, Board of Zoning Appeals**
7. Letter from Mayor Timothy T. Seider, City of Greenfield, transmitting a resolution passed by the Executive Council of the Intergovernmental Cooperation Council supporting MMSD's plan for the development of a flood management project on the County Grounds  
**Add to existing file**
8. Letter from William C. Fontanazza, Chair, Christ King Home & School Assn., regarding traffic problems in the area surrounding Christ King School  
**Police, Engineering Departments**
9. Letter from Gregory A. Stano, 4430 N. 108th Street, contesting the city's decision to award the 2003 street sweeping contract to the City of Milwaukee  
**City Attorney**
10. City of Wauwatosa Bank Reconciliation of Depository Accounts as of August 31, 2002; and Investment Summary as of September 30, 2002  
**Place on file**
11. Land Combination application to combine 2 lots at 10517 W. Woodward Avenue  
**Plan Commission, Committee on Community Development**
12. Special Use application to construct a rear addition to a legal, non-conforming residence at 6313 Washington Circle  
**Plan Commission, Board of Zoning Appeals**
13. Letter from Kent A. Peterson, Commander, C. K. Pier Badger Camp #1, Sons of Union Veterans of the Civil War, requesting assistance from the city to re-set and repair headstones at Oak Hill Cemetery  
**Director of Public Works**
14. Letter from Russel J. Drover opposing the proposed ordinance requiring recording of ownership of buildings  
**Add to existing file**

**FROM THE COMMITTEE ON EMPLOYEE RELATIONS FOR INTRODUCTION**

1. Ordinance amending Section 2.59.070 of the City Code and granting 3 part time non-represented employees across the board increases for 2001 and 2002

**Re-refer to originating committee and Budget & Finance Committee**

**FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS**

**RESOLUTION R-02-241**

WHEREAS, Chamkaur, LLC, d/b/a Indian Palace Restaurant, applied for a Class B beer and Class B liquor license to be used at its business location at 11302 W. Blue Mound Road, Wauwatosa;

NOW, THEREFORE, BE IT RESOLVED THAT Chamkaur, LLC, d/b/a Indian Palace Restaurant, is hereby awarded a Class B beer and Class B liquor license for its location at 11302 W. Blue Mound Road, Wauwatosa, as more particularly described in the application materials on file with the City Clerk's office, for the period ending June 30, 2003.

**FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS**

**RESOLUTION R-02-242**

WHEREAS, Colin Walker, 2631 N. Bartlett Avenue, Milwaukee, has applied for an operator's license in conjunction with his employment at Applebee's Neighborhood Grill & Bar, 2500 N. Mayfair Road, Wauwatosa; and

WHEREAS, Mr. Walker's past record indicates some unresolved matters regarding community service credit in conjunction with a previous conviction;

NOW, THEREFORE, BE IT RESOLVED THAT Colin Walker is hereby issued an operator's license for the period ending June 30, 2003, with the following conditions:

(1) the final issuance of the operator's license is contingent upon Mr. Walker providing evidence of successful completion of his previous community service requirement to the Wauwatosa police department, and

(2) the police department will review Mr. Walker's record in six months to assure continued compliance with applicable law.

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

**FROM THE COMMITTEE ON EMPLOYEE RELATIONS**

**RESOLUTION** R-02-243

WHEREAS, the City of Wauwatosa has not previously provided a plan for payroll deductions to be withheld from employee pay on a pre-tax basis pursuant to Section 125 of the Internal Revenue Code, 26 U.S.C. Section 125; and

WHEREAS, the City of Wauwatosa Human Resources Department has determined that making such a plan available to employees would be a desirable and fairly inexpensive employee benefit to administer; and

WHEREAS, the Committee on Employee Relations has determined that an appropriate maximum withholding amount annually would be a maximum of \$3,000.00 for unreimbursed medical expenses and up to \$5,000.00 for dependent care;

NOW, THEREFORE, BE IT RESOLVED THAT the employees of the City of Wauwatosa are hereby authorized to implement a pre-tax withholding program for unreimbursed medical expenses and dependent care pursuant to Section 125 of the Internal Revenue Code, 26 U.S.C. Section 125, with the maximum annual withholding of \$3,000.00 for unreimbursed medical expenses and \$5,000.00 for dependent care.

It was moved by Ald. Jenkins, seconded by Ald. Heins  
to approve the foregoing resolution. -14

**FROM THE COMMITTEE ON TRAFFIC AND SAFETY**

**ORDINANCE** O-02-29

AN ORDINANCE AMENDING WAUWATOSA CODE SECTION 11.32.080 TO ESTABLISH FRIDAY AND SATURDAY NIGHT PARKING RESTRICTIONS ON A PORTION OF NORTH 69<sup>TH</sup> STREET

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

Part I. The schedule of parking restrictions at the beginning of Wauwatosa Code Section 11.32.080 is hereby amended by adding an additional description as follows:

(uu) between 11:30 PM and 2:00 AM Friday and Saturday.

Part II. The “North 69<sup>th</sup> Street – west side” portion of the “Schedule of streets, and portions” of Wauwatosa Code Section 11.32.080 is hereby amended by adding one additional restriction as follows:

(uu) from the south property line at 2243 North 69<sup>th</sup> Street to 175 feet south of West North Avenue.

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

It was moved by Ald. Becker, seconded by Ald. Herzog  
to adopt the foregoing ordinance. -14

**FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT**

**ORDINANCE O-02-30**

**AN ORDINANCE CREATING WAUWATOSA CODE CHAPTER 15.21 REQUIRING RECORDING OF OWNERSHIP OF BUILDINGS.**

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

Part I. Chapter 15.21 of the Wauwatosa Municipal Code is hereby created as follows:

**15.21 Recording of Ownership for Residential and Commercial Buildings.**

15.21.010 Owners of all residential or commercial buildings in the City of Wauwatosa shall file with the assessor a form to record the ownership of such buildings, accompanied by payment of the appropriate fee as set forth in the fee schedule. A form shall be filed for each tax key-numbered parcel containing a residential or commercial building. Multiple buildings on a parcel with a single tax key number shall be recorded on one form.

15.21.020 For the purpose of this ordinance, “owner” means a person who jointly or severally is vested with all or part of the legal title to the premises, or is vested with all or part of the beneficial ownership and right to present use and enjoyment of the premises. The term includes, but is not limited to a mortgagee in possession, trustees, life estate holders, condominium associations, land contract vendors (sellers), land contract vendees (purchasers), general and limited partnerships, corporations, limited liability companies and cooperatives.

15.21.030 If the address of the owner or contact is outside of Milwaukee, Ozaukee, Kenosha, Racine, Walworth, Washington or Waukesha County, the owner shall designate an operator of the building, whose address shall be located within any of these counties. The operator shall be a real person or persons authorized to maintain the premises, accept service of process relating to code violations, and who can be contacted readily by the City of Wauwatosa or any tenant in the building.

15.21.040 The form shall contain all of the following information:

- A. The tax key number of the parcel containing the residential or commercial building,
- B. The legal name and date of birth of the owner of the property, a business or personal address and a business telephone number or a personal telephone number of the owner where the owner can be contacted readily by a tenant or the City of Wauwatosa. A post office box number shall not be acceptable as a required address.
  - 1. If a building has multiple owners, the form shall contain the legal names, business or personal addresses, and business or personal telephone numbers of all owners holding a 10% or greater interest in the property.
  - 2. Corporations, limited partnerships, limited liability companies, limited liability partnerships, churches or other religious institutions, trusts and estates shall provide at least one real person’s name, address and telephone number as a contact.

C. The legal name, business address or personal address, and business or personal telephone number of the operator of the building, if any. A post office box number shall not be acceptable as a required address.

D. A preferred mailing address such as a post office box number may be provided in addition to the addresses required in this subsection.

E. If there is a person acting as an operator, that person shall sign a statement acknowledging acceptance of service for notices of code violations.

F. The number of residential dwelling units in residential buildings.

G. The notarized signature of at least one of the owners, except that in cases where the owners are land contract vendors (sellers), and land contract vendees (purchasers), at least one vendor (seller) and one vendee (purchaser) must sign and notarize the form.

15.21.050 This ordinance shall not apply to owners of:

A. Owner-occupied one and 2-family buildings or condominium units where actual ownership is recorded with the Milwaukee County Register of Deeds;

B. Jails, convents, monasteries, parish rectories, parsonages and similar facilities, hospitals and residential facilities licensed by the City of Wauwatosa or the State of Wisconsin;

C. Government-owned buildings;

D. Schools, unless the school's building is owned by an entity other than the school itself;

E. Newly constructed residential and commercial buildings, until actual occupancy of the units in the buildings commences; or

F. Residential and commercial buildings owned for less than 15 calendar days prior to sale or other transfer of the buildings to new owners.

15.21.060 An owner who conveys any ownership interest in any building regulated by this section shall notify the City within 15 days of the conveyance of that ownership interest in such building and shall provide the name and address of the buyer and the date of conveyance at no charge on forms provided by the City.

15.21.070 In the event of a change in ownership, or a change in address of the recorded owner or building operator, a recording form shall be filed by the new owner within 15 days of such event, except that in the event of the death of the owner of a building recorded under this section, the estate or subsequent purchaser shall have 60 days to file such form. Any form submitted past the due date shall result in the doubling of the fee provided in the consolidated fee schedule and shall subject the owner to sanctions as described below. A change in any of the general partners shall be considered a change in ownership.

15.21.080 In the case of a land contract, both the land contract vendor (seller) and land contract vendee (purchaser) shall file the form for the subject property and provide the legal name, business or personal address and business or personal telephone numbers of both parties on the form. Upon satisfaction of the land contract the vendor (seller) shall file a notification of the conveyance of

interest as required in 15.21.060, above, and the contract vendee (purchaser) who has acquired the fee interest in the building shall file an updated form as required in this subsection. There shall be no fee for the filing of such an amendment.

15.21.090 There shall be no fee for the filing of a revision to an existing recording where the change in information does not involve a change of ownership in the property, unless such form is filed in an untimely manner, in which case the fee shall be two times the fee provided in the consolidated fee schedule.

15.21.100 There shall be no fee for the filing of an amendment to an existing recording where the change in information results from the sale or transfer of ownership between husband, wife, father, mother, son, daughter, brother, sister, grandfather, grandmother, grandson or granddaughter.

15.21.110 Any owner, former owner or operator of the property failing to comply with this section or providing false, misleading or fraudulent information in violation of this section shall be subject to the penalties provided in s. 1.12.010.

Part II. This ordinance shall be published pursuant to the process outlined in Section 66.0103(1), Wis. Stats. The full text is available to the public for inspection during regular office hours. The revised code shall become effective 14 days after date of publication.

**FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT**

**RESOLUTION R-02-244**

WHEREAS, the City of Wauwatosa currently owns a 17 acre unimproved parcel of land south of Walnut Road and west of North 113<sup>th</sup> Street at the Wauwatosa Public Works facility; and

WHEREAS, the City of Wauwatosa previously solicited proposals for development of this site, which resulted in only three proposals, none of which were acceptable to the City; and

WHEREAS, additional filling of the site has created a more desirable parcel; and

WHEREAS, a new Request for Proposals with different requirements would allow more flexibility to potential developers; and

WHEREAS, the Director of Community Development has prepared a list of specific factors which can be included in a new RFP to make the site more desirable to potential developers;

NOW, THEREFORE, BE IT RESOLVED THAT the appropriate officials of the City of Wauwatosa are hereby authorized to develop and disseminate a Request for Proposals regarding the purchase and/or development of the 17 acre site at the southeast corner of the Wauwatosa Public Works yard, south of Walnut Road and West of North 113<sup>th</sup> Street;

BE IT FURTHER RESOLVED THAT the Request for Proposals shall include the parameters outlined by the Director of Community Development in her September 19, 2002 memorandum, a copy of which is attached and incorporated herein;

BE IT FINALLY RESOLVED THAT the final approval of any proposals received shall be at the discretion of the Committee on Community Development and the Common Council, which shall

have the option of not accepting any proposals if none are acceptable nor in the best interests of the City of Wauwatosa.

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

**FROM THE COMMITTEES ON EMPLOYEE RELATIONS AND BUDGET AND FINANCE**

**RESOLUTION**

WHEREAS, Tom Novara, Fire and Building Code Specialist, has applied for a demotion to the vacant position of Municipal Clerk II, Court Clerk;

WHEREAS, the appointing power and Personnel Director concur with his request and intend to appoint him to the position of Municipal Clerk II;

WHEREAS, Mr. Novara has requested that the Common Council approve his request for a wage adjustment in the new position for a limited period of time;

WHEREAS, the Committee on Employee Relations has considered his request and recommends approval for the reasons, and with the conditions, set forth in the attached agreement;

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Wauwatosa, THAT the attached agreement by and between the City, Mr. Novara and Local 35 approving a wage adjustment for Mr. Novara be and the same is hereby approved.

The foregoing resolution was held by committee to the next regularly scheduled committee meetings on October 8.

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

**RESOLUTION** R-02-245

WHEREAS, the Department of Public Works has requested approval of a purchase order for handheld 800 MHZ two-way radios similar to models previously purchased by the City of Wauwatosa; and

WHEREAS, to insure compatibility, the new radios should be identical to those previously purchased, except that 19 of the new handheld radios will not require the “intrinsically safe” feature which is necessary for firefighters and police; and

WHEREAS, the vendor, Motorola Communications and Electronics, Inc., has agreed to maintain the same pricing as provided during the year 2001;

NOW, THEREFORE, BE IT RESOLVED THAT the City of Wauwatosa is hereby authorized to issue a purchase order to Motorola Communications and Electronics, Inc. for an amount not to exceed \$32,999.00 for the purchase of 800 MHZ two-way radios and associated equipment, pursuant

to the recommendations of the Wauwatosa Purchasing Manager in his memo dated September 10, 2002;

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

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

**RESOLUTION R-02-246**

BE IT RESOLVED, by the Common Council of the City of Wauwatosa THAT the claim filed by Alfreda Durrah for damages and injuries 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-02-247**

WHEREAS the Wauwatosa Common Council previously authorized Torke Wirth Pujara to develop construction documents and secure bids for purposes of constructing a community based residential facility at 12131 W. Blue Mound Road to replace the existing Marjorie C. Home currently located at 1222 N. 71<sup>st</sup> Street; and

WHEREAS, construction of the new CBRF is required as an element of the Hart Park Flood Mitigation Improvement Project; and

WHEREAS, funding for construction of this CBRF will be facilitated through funds provided by the Milwaukee Metropolitan Sewerage District; and

WHEREAS, the Wauwatosa Common Council had previously award the contract for constructing the new facility to Stone Creek Development, L.L.C., contingent upon that company securing performance and labor material bonds in a timely fashion; and

WHEREAS, Stone Creek Development, L.L.C., has failed to secure the required bonds;

NOW, THEREFORE, BE IT RESOLVED THAT the contract for the new facility for the Marjorie C. Home to be located at 12231 W. Blue Mound Road, Wauwatosa, shall hereby be awarded to the next lowest responsible bidder, Selzer-Ornst Company.

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

**RESOLUTION R-02-248**

WHEREAS, Walter Lewis, 3408 N. 67<sup>th</sup> Street, Milwaukee, was involved in an automobile accident with a Wauwatosa police officer on September 3, 2002, near the corner of 97<sup>th</sup> Street and Hampton Avenue in the City of Wauwatosa; and

WHEREAS, investigation into the matter reveals that the Wauwatosa police officer was likely at fault for the accident; and

WHEREAS, damage to the car driven by Walter H. Lewis resulted in a total loss of the car, a 1999 Mercury Sable belonging to Mr. Lewis' daughter, Tanya Lewis;

NOW, THEREFORE, BE IT RESOLVED THAT the claim for Walter H. Lewis, 3408 N. 67<sup>th</sup> Street, Milwaukee, for property damage related to an automobile accident occurring on September 3, 2002 is hereby granted and officials of the City of Wauwatosa are authorized to pay \$10,000.00 to the owner of the automobile, Tanya Lewis, and the lien holder Rosemurgy Motors, said amount to be paid from the Automobile Liability Reserve Account.

It was moved by Ald. Matthews, seconded by Ald. McCarthy to approve the four foregoing resolutions. -14

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

**BILLS AND CLAIMS FOR THE PERIOD 9/18/02 – 10/01/02 --**

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 9/18/02 – 10/01/02: \$1,203,651.16

It was moved by Ald. Casey, 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 14.

**FROM THE BOARD OF PUBLIC WORKS**

**RESOLUTION R-02-249**

WHEREAS, Douglas Drake, 7432 W. Blue Mound Road has requested an encroachment agreement to maintain the retaining wall within the City right-of-way along the sidewalk bordering the west side of his property at the above address; and

WHEREAS, the requester constructed the retaining wall due to a miscommunication between himself and the City of Wauwatosa Building Department regarding the need for permits or an encroachment agreement; and

WHEREAS, the owner has agreed that the City will not be liable for any damage caused to the retaining wall in the event that the City must perform work within its right-of-way at this location;

NOW, THEREFORE, BE IT RESOLVED THAT the request of Douglas Drake, 7432 W. Blue Mound Road for an encroachment agreement allowing the maintenance of a retaining wall in the City right-of-way along the west border of that parcel is hereby approved and the application fee for the encroachment agreement is hereby waived.

**FROM THE BOARD OF PUBLIC WORKS**

**RESOLUTION R-02-250**

WHEREAS, the Fleet Maintenance Department has reviewed bids for an electronic wheel alignment system with lift mechanism, received September 24, 2002; and

WHEREAS, Harborside Distributing has submitted a bid for a Hunter DSP306-HFSS in an amount of \$34,847.01; and

WHEREAS, the bid of Harborside Distributing described above is the lowest price and the most advantageous to the City of Wauwatosa; and

WHEREAS, the bid received is within the amount budgeted for this expenditure;

NOW, THEREFORE, BE IT RESOLVED THAT the bid of Harborside Distributing of Kenosha, WI for the purchase of an electronic wheel alignment system with lift mechanism pursuant to the bid received September 24, 2002, is hereby approved in an amount not to exceed \$34,847.01.

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

There being no further business, the meeting adjourned at 8:00 p.m.

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Carla A. Ledesma, CMC, City Clerk