



CITY OF WAUWATOSA
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COMMON COUNCIL
Regular Meeting, Tuesday, December 7, 2010

PRESENT: Alds. Pantuso, Walsh, Wilke, Wilson, Berdan, Birschel, Causier, Donegan, Ewerdt, Hanson, Jay (7:32 p.m.), McBride, Meaux, Nikceovich, Organ (7:32 p.m.), Roznowski -16

ALSO PRESENT: Mr. Archambo, City Administrator; Mr. Kesner, City Attorney; Mr. Wehrley, City Engineer/Acting Public Works Director; Ms. Plass Acting Comptroller; Deputy Fire Chief Rice; Ms. Ledesma, City Clerk

Mayor Didier in the Chair

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

It was moved by Ald. McBride, seconded by Ald. Hanson 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

Village of Wauwatosa Business Improvement District
Tom Schuler, 6228 W. State Street
Catherine Ross, 7810 Harwood Avenue
Linda Craite, 1457 Underwood Avenue
Chris Leffler, 7208 W. State Street

Foregoing appointments ordered held as this was the first reading.

APPLICATIONS, COMMUNICATIONS, ETC.

1. Special Use application in the AA Single Family Residence District for a garage with a roof height over 16 feet at 2454 N. 96th Street, Traci Elliott, Homescaping LLC, and Brian and Shana Callahan, applicants
City Plan Commission
2. Conditional Use application in the Trade District for yoga and massage at 7400 W. State Street, Haley Stozek, Haleybird Studios and Bob Kuesel, Key Management, applicants
City Plan Commission, Community Development Committee

3. Conditional Use application in the Business Planned Development District for a Quiznos restaurant at 2751 N. Mayfair Road, Cary Bilicki, Briohn Building Corp., and Ned Brickman, One Mayfair, LLC, applicants
City Plan Commission, Community Development Committee
4. Conditional Use application in the AA Business District for a Quiznos restaurant at 418 N. Mayfair Road, Cary Bilicki, Briohn Building Corp., and Siegel-Gallagher Management Company, applicants
City Plan Commission, Community Development Committee
5. Email from Randall L. Daut and Patricia Ryan, 2420 N. 84th Street, supporting the 2011 Capital Improvements budget and specifically the work that needs to be done on Meinecke Avenue
Place on file
6. Southeastern Wisconsin Regional Planning Commission 2009 Annual Report
Place on file

FROM THE COMMITTEE ON TRAFFIC AND SAFETY

RESOLUTION R-10-219

WHEREAS, the Wisconsin Department of Transportation has authorized the execution of an Agreement with the City of Wauwatosa Police Department as part of its 2011-2012 Traffic Mitigation Project associated with I-94 East/West freeway repaving project; and

WHEREAS, the Agreement provides up to \$20,000.00 to the City of Wauwatosa Police Department for purposes of planning, coordination and staffing in an effort to mitigate impacts in the project area through traffic control, speed enforcement and other enforcement enhancement;

NOW, THEREFORE, BE IT RESOLVED THAT appropriate City officials are hereby authorized to enter into a contract with the Wisconsin Department of Transportation to accept \$20,000.00 in 2011-2012 Traffic Mitigation funds, which contract is attached hereto and incorporated herein.

It was moved by Ald. Meaux, seconded by Ald. McBride to approve the foregoing resolution. -16

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-10-220

WHEREAS, Theresa Hittman, agent for Le Reve Patisserie & Café LLC, d/b/a Le Reve Patisserie & Café, 7610 W. Harwood Avenue, Wauwatosa, WI, has applied for a Class B liquor license;

NOW, THEREFORE, BE IT RESOLVED THAT a Class B liquor license be awarded to Theresa Hittman, agent for Le Reve Patisserie & Café LLC, d/b/a Le Reve Patisserie & Café, 7610 W. Harwood Avenue, Wauwatosa, WI, for the period ending June 30, 2011.

BE IT FURTHER RESOLVED THAT an economic development grant in the sum of \$9,708.31 pursuant to Section 6.08.475 of the Wauwatosa Municipal Code be and hereby is granted.

It was moved by Ald. Birschel, seconded by Ald. Hanson to approve the foregoing resolution. -16

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-10-221

WHEREAS, the 2011 Capital Improvements Plan includes construction of certain improvements in Hart Park between 68th and 70th Streets in the City of Wauwatosa; and

WHEREAS, in order to begin construction of the improvements in the Spring of 2011, it is necessary to proceed with the design of the improvements immediately; and

WHEREAS, responses to a request for proposals for such design were heard from numerous engineering and architectural firms, the most advantageous of which was Engberg Anderson, Inc. in an amount not to exceed \$137,140.00;

NOW, THEREFORE, BE IT RESOLVED THAT appropriate City officials are hereby authorized to enter into an agreement with Engberg Anderson, Inc. for professional services related to the design of improvements to Hart Park in the area between 68th and 70th Streets consistent with the proposal received from that firm in an amount not to exceed \$137,140.00;

BE IT FURTHER RESOLVED THAT any available funds in the account for this purpose in 2010 are hereby authorized for carryover to the 2011 budget and the 2011 budget is amended to include that carryover amount;

BE IT FINALLY RESOLVED THAT appropriate City officials are hereby authorized to execute an Intent to Reimburse from a future bond issue consistent with authority previously delegated by this Council.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-10-223

WHEREAS, the Office of Justice Assistance (OJA) has authorized a grant of \$42,500.00 toward the \$50,000.00 cost to purchase new VHF radios for the Wauwatosa Fire Department; and

WHEREAS, the City of Wauwatosa Fire Chief has recommended the purchase of an additional ten portable radios at an additional cost of \$17,500.00 in City funds; and

WHEREAS, federal law mandates that the City purchase and implement these particular types of VHF radios beginning January 1, 2013;

NOW, THEREFORE, BE IT RESOLVED THAT appropriate City officials are hereby authorized to accept the OJA grant for purchase of VHF radios with a 15% local match on the estimated \$50,000.00 purchase;

BE IT FURTHER RESOLVED THAT an additional \$17,500.00 is hereby authorized in the 2011 budget to purchase additional portable VHS radios;

BE IT FINALLY RESOLVED THAT the sum of \$25,000.00 for the matching City funds and the additional purchase is hereby authorized from the 2011 Fire Apparatus Reserve Account.

It was moved by Ald. Ewerdt, seconded by Ald. Hanson to approve the two foregoing resolutions. -16

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-10-222

WHEREAS, the City of Wauwatosa contract for paramedic services requires each participating municipality to adopt uniform rates for ambulance fees and basic life support transports; and

WHEREAS, the Milwaukee County Association of Fire Chiefs have forwarded recommendations to the Intergovernmental Cooperation Council (ICC) which rates were confirmed by the ICC at its November 8, 2010, meeting; and

WHEREAS, the rates for paramedic fees and Basic Life Support mileage rates recommended to become effective January 1, 2011, were given to the Committee on Budget & Finance at its November 30, 2010, meeting;

NOW, THEREFORE, BE IT RESOLVED THAT paramedic fees and basic life support mileage rates effective January 1, 2011, for the City of Wauwatosa shall be consistent with those recommended by the Milwaukee County Association of Fire Chiefs and confirmed by the Intergovernmental Cooperation Council, a copy of which rates are attached hereto and incorporated herein;

BE IT FURTHER RESOLVED THAT the City of Wauwatosa consolidated fee schedule shall be adjusted to include these rates.

It was moved by Ald. Ewerdt, seconded by Ald. Hanson to approve the foregoing resolutions. Ayes 14, Noes 2 (Ewerdt, Walsh)

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION

WHEREAS, the Engineering Services Manager and the Director of Public Works have recommended a 5-year Capital Improvement Plan for the years 2011-2015; and

WHEREAS, the 5-year Capital Improvement Plan reviewed by the Committee on Budget & Finance includes the borrowing of \$17.3 million for improvements; and

WHEREAS, the 2011-2015 5-year Capital Improvement Plan as written is in the best interests of the City of Wauwatosa;

NOW, THEREFORE, BE IT RESOLVED THAT the 5-year Capital Improvement Plan for the years 2011-2015, as proposed by the Director of Public Works and the Engineering Services Manager, and reviewed by the Committee on Budget & Finance, is hereby approved.

It was moved by Ald. Ewerdt, seconded by Ald. Birschel to approve the foregoing resolution, but with a total amount of \$12.5 million dollars, and with the specific provision that the work proposed for Meinecke Avenue and Ruby Avenue be performed in 2011. --

It was moved by Ald. Meaux, seconded by Ald. Donegan to hold the item for two weeks so that additional updated information can be provided. -15-1 (Jay)

FROM THE COMMITTEE ON BUDGET AND FINANCE

BILLS AND CLAIMS FOR THE PERIOD 11/17/10 – 12/07/10 --

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 11/17/10 – 12/07/10: \$6,179,423.37

It was moved by Ald. Meaux, seconded by Ald. Hanson that each and every account of bills and claims be allowed and ordered paid. Roll call vote, Ayes 16

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION

BE IT RESOLVED, By the Common Council of the City of Wauwatosa, Wisconsin that the following be and hereby are the policies for 2011 construction pertaining to street improvements and corresponding rates:

- (1) Due to the relative value of the benefits conferred upon different types of properties by the public improvements described herein, assessments for original permanent pavement shall be at the following rates per assessable foot based upon property classification:
 - a) \$58.00 for one or two family residences, churches, schools, public parks (“single family rate”)
 - b) \$72.50 for multiple family residences of three or more (1-1/4 x single family rate)
 - c) \$87.00 for business or commercial property (1-1/2 x single family rate)

- d) \$116.00 for industrial property (2 x single family rate)
- (1.1) a) A pavement improvement that terminates only partially abutting a parcel of land, shall have only such *pro rata* portion assessed in the year that the Final Resolution is adopted by the Common Council
- b) On streets that Federal and/or State Aid is not available, the rate of assessment may be adjusted to recover 60% of the paving costs.
- c) On streets where sidewalks are to be newly constructed on one side only, in conjunction with a street scheduled for improvement, the cost of the sidewalk plus 25% for engineering and overhead may be prorated by total street frontage and added to the basic assessment for each property abutting said improvement or on both sides of that portion of said street.
- (2) The assessments for reconstruction of a permanent pavement shall be at the following rates per assessable foot (average width) for one or two family residences (other classes proportioned as in (1) above).
- a) Repaving Type "A" \$42.00 for completely removing existing curb and pavement regrading and replacing with new concrete curb and gutter and either concrete pavement or asphalt pavement with a new road base.
- b) Repaving Type "B" \$33.60 for completely removing existing curb and gutter, milling the existing pavement as required, and replacing with concrete curb and gutter and asphalt pavement on the existing road base.
- c) Repaving Type "C" \$16.80 for replacing defective curb and gutter (not to exceed 25% of the total length of curb and gutter existing on the street segment to be improved), milling the existing pavement surface as required, and surfacing with new asphalt pavement.

If Type "C" repaving is required on arterial streets less than 25 years after Type "A" repaving has been performed, all one and two family residences shall receive total assessment credit equal to 4% of their previous Type "A" paving assessment for each year under 25 years.

If Type "A" Repaving is required on arterial streets less than 20 years after Type "C" repaving has been performed, all one and two family residences shall receive an assessment credit equal to 5% of their previous Type "C" repaving assessment for each year under 20 years.

To recover the cost of public sidewalk replacement when done in conjunction with repaving, the assessable rates may reflect an amount of \$12.00 added against each frontage foot of adjacent properties.

Sidewalk replacement when not assessed by frontage foot shall be assessed at actual cost plus the cost of engineering and overhead as described in paragraph 11.

Any property where the entire city sidewalk was replaced within twelve years may be exempt from sidewalk assessment provided walk is at proper grade and condition.

Drive approach replacement shall be assessed at actual cost plus the cost of engineering and overhead as described in paragraph 11.

- (3) Alleys shall be considered individually assessable at actual cost plus the cost of engineering and overhead as described in paragraph 11 with the abutting property owner being assessed at a unit rate per assessable foot for permanent new construction, reconstruction, or asphaltic resurfacing, as follows:

Property Classification Factors

- (a) 1-Unit - one and two family residences, churches, schools, public parks
- (b) 1-1/2 Units - three or more family residences, apartments (3 or more units)
- (c) 2 Units - business, commercial, industrial

Assessable Factors

- (a) Rear alley - Average of front and rear lot lines.
 - (b) Side alley - Average of front and rear lot lines.
 - (c) Rear and side alley - Single assessment only: average of front and rear lot lines.
 - (d) One and two family lots with primary vehicle access from a public street assessed at 50% of the unit rate.
- (4) (a) Side yards, consistent with the definition in sec. 24.02.340 of the Wauwatosa Municipal Code, for original permanent pavement, reconstruction of permanent pavement, and asphalt resurfacing shall be assessed at the rate of 50% of the assessable side yard footage, abutting on the street being improved, for 1 and 2 family, church, school, and public park uses only. All other classes of property shall be assessed for full assessable footage.
- (b) A platted or divided lot that extends through and abuts two streets, provided such lot does not consist of two or more platted or divided lots, shall have the longer of the two sides considered a side yard for purposes of assessment. The rate of assessment shall be determined as described in Paragraph (4) (a) herein.
- Should both abutting frontages be equal in length, the frontage first improved or reconstructed or resurfaced, as the case may be, shall be considered the front for assessment purposes. Irregular shaped lots may be assessed based on the actual abutting frontages.
- (c) Properties with 3 sides adjacent to streets shall have the two longest assessable footage sides assessed at 50%. Remaining side is assessed at 100% of assessable footage.
- (5) Permanent asphalt driveway approaches placed at existing driveways, in connection with the construction of original permanent pavement, shall be assessed at cost plus 12.5% for engineering and overhead.
- (6) Concrete drive approaches replaced under public contract, in connection with the construction of all permanent paving, shall be assessed at actual cost plus the cost of engineering and overhead as described in paragraph 11. Concrete drive approaches six years old or less are to be replaced at no cost, and those seven to twelve years old at one-half cost.
- (7) Defective permanent curb replaced either by contract or City forces, when requested by the property owner in writing, or replacements not in connection with the resurfacing of a permanent street, shall be assessed at the rate of \$45.00 per foot replaced.

- (8) Service walk replacement shall be assessed at actual cost plus the cost of engineering and overhead as described in paragraph 11, when done in conjunction with all permanent paving.
- (9) Costs of service walks removed and replaced with sod in conjunction with permanent paving or sidewalk repair contract are not assessed to abutting property owners.
- (10) Sidewalk, driveway approaches, and service walk removal and replacement, when not done in conjunction with permanent paving or when ordered replaced by the Board of Public Works due to deterioration or defective condition, when done under public contract, shall be assessed at cost plus 25% for engineering and overhead. Sidewalks and service walks when not done in conjunction with permanent paving, which require replacement because of city tree roots damaging same, shall receive a one-third credit.
- (11) To recover the cost of engineering and overhead in connection with repaving and related work involving special assessments, a charge of 12.5% shall be made against the contract amount of such work, unless a different amount is specifically stated in this resolution.
- (12) Drive approaches, sidewalk, service walk, and/or sodding replaced under public contract in excess of that required for construction of all permanent paving as determined by the Engineering Department, when requested by the property owner in writing, shall be assessed at actual cost plus the cost of engineering and overhead as described in paragraph 11.
- (13) Federal, state, and railroad properties are exempt from special assessments.
- (14) Street projects that have been postponed shall be assessed at the rate the project was originally approved by the Common Council unless the Common Council subsequently sets a new rate.
- (15) This policy of assessment shall apply commencing with the date of adoption and will remain in effect until such time as modified by the Common Council.

It was moved by Ald. Hanson, seconded by Ald. Jay
to hold this item until the capital improvements budget
is also brought back before the Council for a vote. -16

There being no further business, the meeting adjourned at 9:02 p.m.

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Carla A. Ledesma, CMC, City Clerk