



CITY OF WAUWATOSA
7725 WEST NORTH AVENUE
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COMMON COUNCIL

Regular Meeting, Tuesday, December 21, 2010

PRESENT: Alds. Roznowski, Pantuso, Walsh, Wilke, Wilson, Berdan, Birschel, Causier, Donegan, Ewerdt, Hanson, Jay, McBride, Meaux, Nikcevich, Organ – 16

ALSO Ms. Aldana, Asst. City Attorney/Human Resources Dir.; Ms. Plass, Acting Comptroller; Police Chief Weber; Mr. Wehrley, City Engineer; Ms. Welch, Community Development Director; Ms. Van Hoven, Deputy City Clerk

Mayor Didier in the Chair

The Mayor called the meeting to order at 7:50 p.m.

It was moved by Ald. McBride, seconded by Ald. Organ that the reading of the minutes of the last regular meeting be dispensed with and they be approved as printed – 16

OLD BUSINESS

The following item was held for additional information on December 7, 2010:

RESOLUTION R-10-224

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 \$12,500,000 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. Meaux to adopt the foregoing ordinance in an amount not to exceed \$12,500,000 contingent upon: 1) Ruby and Meinecke Avenues set as top priorities, 2) bi-monthly reports on what monies have been expended and projects left to finish, and 3) with the possibility that administration could call for more bonding in the future.
Ayes: 14, Noes: 2 (Pantuso, Wilson)

Ald. McBride was excused at 7:54 p.m. (-15)

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

It was moved by Ald. Pantuso, seconded by Ald. Birschel
to concur with the foregoing appointments. -15

APPLICATIONS, COMMUNICATIONS, ETC.

1. Statement of Financial Condition for the period ending November 30, 2010
Place on file
2. Water Utility Statement of Receipts and Disbursements for the period ending November 30, 2010
Place on file
3. Notice of Claim: Clarence McGee, 8827 B North 95th Street, Milwaukee; Victoria Hendrickson, 3075 S. Fountain Square Blvd., New Berlin
City Attorney
4. Emails in favor of the 2011-2015 Capital Improvements program in its entirety:
Edward Haydin, 2568 N. 71st Street
Scott Koranda, 2374 N. 65th Street
Jennifer Westphal, Roundys Supermarkets, Inc. 875 E. Wisconsin Avenue, Milwaukee
Nicole & John Spain, 2184 N. 66th Street
Mary E. and Luke C. Perry, 2519 N. 68th Street
Kay Tierney, 6118 Washington Circle
Tom McCormick, Broker/Owner, EXIT Realty Horizons
Stephanie Dodge, 2327 N. 70th Street
John B. Jentz, 1728 Martha Washington Drive
Meg Miller, 2466 N. 72nd Street
Ronald and Linda O'Connor, no address given
Place in existing file

FROM THE COMMITTEE ON TRAFFIC & SAFETY FOR INTRODUCTION

1. Ordinance amending Section 11.32.080 of the city code to add two-hour parking restrictions on the west side of the 2400 block of N. 86th Street
Re-refer to originating committee
2. Ordinance amending Section 11.32.080 of the city code changing one-hour to three-hour parking on the south side of W. North Avenue between N. 69th and N. 70th Streets
Re-refer to originating committee

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-10-225

WHEREAS, Haley Stoczek, Haleybird Studios, and Bob Kuesel, Key Management, have applied for a Conditional Use in the Village Trade District at 7400 W. State Street for a yoga studio with massage therapy, 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 Haley Stoczek, Haleybird Studios, and Bob Kuesel, Key Management, for a yoga studio with massage therapy in the Village Trade District at 7400 W. State Street subject to the following conditions:

- 1) hours of operation 5:00 a.m. to 9:00 p.m. daily, and
- 2) obtaining all necessary licenses and permits.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-10-226

WHEREAS, Cary Bilicki, Briohn Building Corp., and Ned Brickman, Midland 3521 LLC, have applied for a Conditional Use in the Business Planned Development District at 2751 Mayfair Road for a Quizno's Restaurant, 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 Cary Bilicki, Briohn Building Corp., and Ned Brickman, Midland 3521 LLC, for a Quizno's Restaurant in the Business Planned Development District at 2751 Mayfair Road subject to the following conditions:

- 1) hours of operation 10:00 a.m. to 10:00 p.m. daily, and
- 2) obtaining all necessary licenses and permits.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-10-227

WHEREAS, Cary Bilicki, Briohn Building Corp., and Siegel-Gallagher Management Company have applied for a Conditional Use in the AA Business District at 418 N. Mayfair Road for a Quizno's Restaurant, 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 Cary Bilicki, Briohn Building Corp., and Siegel-Gallagher Management Company for a Quizno's Restaurant in the AA Business District at 418 N. Mayfair Road subject to the following conditions:

- 1) hours of operation 10:00 a.m. to 10:00 p.m. daily, and
- 2) installation of trash enclosures, and
- 3) obtaining all necessary licenses and permits.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-10-228

WHEREAS, Meg Miller and Michael Phillips, on behalf of the North Avenue Alliance, has applied for a street festival permit to utilize that portion of North Avenue between 68th and 71st Streets on Saturday, July 23, 2011, for purposes of the "Chili'n on the Avenue" Chili Cook Off; and

WHEREAS, the Community Development Committee has reviewed the request and believes the issuance of the permit to be in the public interest; and

NOW, THEREFORE, BE IT RESOLVED THAT, a street festival permit shall be granted for the "Chili'n on the Avenue" Chili Cook Off to utilize that portion of North Avenue between 68th and 71st Streets on Saturday, July 23, 2011, between the hours of 11:00 a.m. and 5:00 p.m. consistent with the terms and conditions reflected in the attached Street Festival Permit which is incorporated as though fully set forth herein.

It was moved by Ald. Organ, seconded by Ald. Birschel to approve the foregoing resolutions – 15

FROM THE COMMITTEE ON BUDGET & FINANCE

RESOLUTION R-10-229

BE IT RESOLVED, by the Common Council of the City of Wauwatosa, THAT renewal of the contract of Safety National Casualty Corporation as the City's excess worker's compensation carrier in the sum of \$40,559.00 for 2011 be and hereby is approved.

FROM THE COMMITTEE ON BUDGET & FINANCE

RESOLUTION R-10-230

WHEREAS, various City departments have filed forms with the Acting Comptroller requesting that specific funds within various accounts be carried over from the 2010 to the 2011 budget year; and

WHEREAS, those forms were provided to the Committee on Budget and Finance at its December 14, 2010, meeting and are available for review at the office of the City Clerk;

NOW, THEREFORE, BE IT RESOLVED THAT the carryover requests presented to the Budget & Finance Committee at its December 14, 2010, meeting and further retained in the files of the City Clerk and Finance Director are hereby approved for carryover into the 2011 budget year, and the 2011 City of Wauwatosa Budget is hereby amended accordingly.

FROM THE COMMITTEE ON BUDGET & FINANCE

RESOLUTION R-10-231

WHEREAS, the retirement of two of the City's survey crew members has presented an opportunity to utilize deferred wages and benefit funds to fund the purchase of new surveying equipment and CAD software which would improve productivity within the department; and

WHEREAS, surveying equipment upgrades can be purchased for \$53,446.00 and upgraded AutoCAD software and associated hardware upgrades will cost \$18,412.06, with training on the new products costing approximately \$5,000.00, for a total of approximately \$77,000, (which includes the value of a trade-in of old equipment); and

WHEREAS, sufficient funds will be available within specific personnel budget lines within the department, which shall be identified as openings persist and tracked accordingly;

NOW, THEREFORE, BE IT RESOLVED THAT the level three transfer of \$77,000.00 from the Engineering Services Division personnel account savings attributable to wage and benefit savings from retirements is hereby authorized for the purchase of new survey equipment and upgraded AutoCAD capabilities, which funds shall be carried over into the 2011 budget year.

FROM THE COMMITTEE ON BUDGET & FINANCE

RESOLUTION R-10-232

WHEREAS, the Acting Director of Public Works has received proposals for design of 2010-2011 Storm Sewer Spot Improvements from seven qualified engineering and design firms; and

WHEREAS, the proposal from Crispell-Snyder, Inc. of Milwaukee, Wisconsin in the amount of \$30,084.00 is the lowest cost proposal and is in the best interest of the City of Wauwatosa; and

WHEREAS, funding for the project is available from applicable surplus funds;

NOW, THEREFORE, BE IT RESOLVED THAT the appropriate City officials are authorized to enter into a professional services agreement with Crispell-Snyder, Inc., of Milwaukee, Wisconsin, for design of 2010-2011 Storm Sewer Spot Improvements, consistent with that firm's proposal dated December 6, 2010, in an amount not to exceed \$30,084.00, with such work to be conducted in 2010-11 and funded with available surplus funds.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-10-233

WHEREAS, the Community Development Director obtained proposals for the rewriting of the Wauwatosa Zoning Code; and

WHEREAS, Duncan Associates submitted a bid in the best interest of the City in the amount of \$99,900.00;

NOW, THEREFORE, BE IT RESOLVED THAT the Community Development Department is hereby authorized to issue a purchase order to Duncan Associates in the amount of \$99,900.00 for the rewriting of the Wauwatosa Zoning Code.

It was moved by Ald. Ewerdt, seconded by Ald. Donegan to approve the foregoing resolutions – 15

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-10-234

BE IT RESOLVED, by the Common Council of the City of Wauwatosa THAT the claim filed by Kevin Galezewski 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;

NOW, THEREFORE, BE IT 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. Ewerdt, seconded by Ald. Donegan to approve the forgoing resolution – 15

FROM THE COMMITTEE ON BUDGET AND FINANCE

BILLS AND CLAIMS FOR THE PERIOD 12/08/10 – 12/21/10

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 12/08/10 – 12/21/10: \$7,076,559.75

It was moved by Ald. Meaux, seconded by Ald. Causier that each and every one of the accounts of bills and claims be allowed and ordered paid. Roll call vote, Ayes 15.

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-10-235

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 *prorata* 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 1/3 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.

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-10-236

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 Cardinal Construction Co. for the work of Vehicle Storage Building Wauwatosa Police Department and work incidental thereto under contract 10-77 at and for their bid price of \$168,260.00 this being the lowest and best bid.

It was moved by Ald. Hanson, seconded by Ald. Birschel to approve the foregoing resolutions – 15

There being no further business, the meeting adjourned at 8:04 p.m.

Susan Van Hoven, Deputy City Clerk