



CITY OF WAUWATOSA

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COMMON COUNCIL

Regular Meeting, Tuesday, March 6, 2012

PRESENT: Alds. Wilson, Berdan, Birschel, Causier, Donegan, Ewerdt, Hanson, Jay, McBride, Nikcevich, Organ, Pantuso, Roznowski, Walsh, Wilke -15

ALSO PRESENT: Mr. Archambo, City Administrator; Mr. Kesner, City Attorney; Mr. Porter, Public Works Director; Mr. Ruggini, Finance Director; Fire Chief Ugaste; Police Chief Weber; Ms. Enders, Economic Development Director/Interim Community Development Director; Ms. Aldana, HR Director/Asst. City Attorney; Ms. Ledesma, City Clerk

Mayor Meaux in the Chair

The Mayor called the meeting to order at 7:30 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. -15

OLD BUSINESS

Held after a public hearing at the last meeting was the confirmation of the improvement in 2012 of N. 90th Street, from Menomonee River Parkway to North Avenue, for the following parcels: 2206 N. 90th Street, 2207 N. 90th Street, 8925 Stickney Avenue, 2260 N. 90th Street, and 9004 Jackson Park Boulevard.

It was moved by Ald. Birschel, seconded by Ald. Causier to confirm the foregoing improvement which will affect the aforementioned properties. -15

APPLICATIONS, COMMUNICATIONS, ETC.

1. Wauwatosa Water Utility Statement of Receipts and Disbursements for the period ending January 31, 2012

Place on file

2. Notice of Claim: Beth Wilson, 4304 Glenway Street
City Attorney

3. Conditional Use request in the AA Business District to modify the drive-thru at the McDonald's restaurant at 3800 N. 124th Street, Stephen Jeske, Haag Muller, Inc. and Rafael Luciano, McDonald's, applicants
City Plan Commission, Community Development Committee
4. Conditional Use request in the AA Business District for a daycare at 346 N. 121st Street, Heather Bachmann, Diane Michael, and Gaulke Joint Revocable Trust, applicants
City Plan Commission, Community Development Committee
5. Special Use request in the Trade District for a dog grooming salon at 6519 W. North Avenue, Pamela A. Hilger, Pam's Paws and Aunt Peg's North Avenue, LLC, applicants
City Plan Commission
6. Conditional Use request in the Trade District for an O'Reilly auto parts store at 6102 W. North Avenue, John Hughes, PM Design Group and Dan Cohen DCBB Holdings, applicants
City Plan Commission, Community Development Committee
7. Request for a Land Division by Certified Survey Map in the Business Planned Development District at 11300 W. Burleigh, Tim Blum, Burleigh 45 LLC, applicant
City Plan Commission, Community Development Committee
8. Conditional Use request in the AA Business District for a communications facility at 4100 N. 124th Street, Tucker Lahr, NextNav, LLC and Margaret Robinson, Senior Counsel, US Tower, applicants
City Plan Commission, Community Development Committee
9. Conditional Use request in the Trade District for an O'Reilly Auto Parts store at 6102 W. North Avenue, Jon Hughes, PM Design Group, and Dan Cohen, DCBB Holdings, LLC, applicants
City Plan Commission, Community Development Committee
10. Email from Marshall Chay, 6614 Hillcrest Drive, in support of the O'Reillys' Auto Parts store proposed at 6102 W. North Avenue
Add to existing file

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT FOR INTRODUCTION

1. Ordinance amending Chapter 7.50 of the Wauwatosa Municipal Code to require permits from the Police Department for parades and special events which are held on public property or otherwise require a police presence
Re-refer to originating committee

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-12-34

WHEREAS, Mark Zierath, Blue Ribbon Pub, LLC. And John Picciurro, have applied for a Conditional Use in the AA Business District at 11302 West Blue Mound Road, to operate a tavern/restaurant with outdoor seating, 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 Mark Zierath, Blue Ribbon Pub, LLC. and John Picciurro, to operate a tavern/restaurant with outdoor dining in the AA Business District at 11302 West Blue Mound Road, subject to the following:

- 1) Hours of operation Sunday 11 a.m. to midnight; Monday through Thursday 11 a.m. to 2 a.m.; and Friday and Saturday 11 a.m. to 2:30 a.m.
- 2) Hours of operation for the outdoor dining 11 a.m. to 10 p.m. daily, weather permitting
- 3) obtaining all necessary licenses and permits

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-12-35

WHEREAS, Shacolia Gillespie has applied for a Conditional Use in the AA Business District at 7327 West Center Street, to operate a daycare center, 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 Shacolia Gillespie to operate a daycare center in the AA Business District at 7327 West Center Street, subject to the following:

- 1) Hours of operation Monday through Friday 6 a.m. to midnight
- 2) Obtaining state daycare licensing
- 3) Obtaining all necessary licenses and permits

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-12-36

WHEREAS, Cliff Goodhart, Eppstein Uhen Architects, and Curt Stang, UWM Real Estate Foundation, have applied for an Amendment to a Business Planned Development at approximately 9700 Watertown Plank Road to construct a technology incubator, 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 an Amendment to a Business Planned Development to Cliff Goodhart, Eppstein Uhen Architects, and Curt Stang, UWM Real Estate Foundation, to construct a technology incubator at approximately 9700 Watertown Plank Road, subject to the following:

- 1) Signage and landscaping shall return to the Committee on Community Development for further review and approval
- 2) obtaining all necessary licenses and permits

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-12-37

WHEREAS, a new road will be constructed as a part of the UW-Milwaukee Innovation Park development bounded by Watertown Plank Road on the south and Swan Boulevard on the north, and;

WHEREAS, the new road will provide a north/south connection between Watertown Plank Road and Swan Boulevard, and;

WHEREAS, it was determined that the name “Discovery Parkway” accurately reflects the public space, wildlife habitat, and development taking place along the roadway, and:

WHEREAS, the Committee on Community Development reviewed and recommended that the official street map is amended to include a new road named Discovery Parkway;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin amends the official street map to include a new road named Discovery Parkway.

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

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-12-38

WHEREAS, the Wauwatosa Fire Department has agreed as part of the countywide paramedic services contract that it will participate in the uniform ambulance fee rate setting process; and

WHEREAS, rate recommendations were approved by the Intergovernmental Cooperation Council at its February 13, 2012, meeting; and

WHEREAS, the City of Wauwatosa Fire Department has formerly proposed that the City adopt the uniform rates recommended by the ICC, which rates are reflected in the February 23, 2012, memorandum of the Assistant Fire Chief to the Budget & Finance Committee;

NOW, THEREFORE, BE IT RESOLVED THAT the consolidated fee schedule of the City of Wauwatosa is hereby amended by adopting the Uniform Paramedic Services rates recommended by the Intergovernmental Cooperation Council of Milwaukee County, which rates are more specifically reflected in the February 23, 2012, memorandum of the Assistant Fire Chief.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-12-39

WHEREAS, THE City of Wauwatosa is a qualified political subdivision of the State of Wisconsin; and

WHEREAS, the Wisconsin Worker's Compensation Act (Act) provides that employers covered by the Act either insure their liability with worker's compensation insurance carriers authorized to do business in Wisconsin, or to be exempted (self-insured) from insuring liabilities with a carrier and thereby assuming the responsibility for its own worker's compensation risk and payment; and

WHEREAS, the State and its political subdivisions may self-insure worker's compensation without a special order from the Department of Workforce Development (Department) if they agree to report faithfully all compensable injuries and agree to comply with the Act and rules of the Department; and

WHEREAS, the Budget and Finance Committee at its February 28, 2012, meeting, approved the continuation of the self-insured worker's compensation program, in compliance with Wisconsin Administrative Code DWD 80.60(3);

NOW, THEREFORE, BE IT RESOLVED THAT the Common Council of the City of Wauwatosa does ordain as follows:

- (1) Provide for the continuation of a self-insured worker's compensation program that is currently in effect.
- (2) Authorize the appropriate City officials to forward certified copies of this resolution to the Worker's Compensation Division, Wisconsin Department of Workforce Development.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-12-40

**RESOLUTION AUTHORIZING THE REDEMPTION OF GENERAL OBLIGATION
PROMISSORY NOTES, SERIES 2003, AND REDEVELOPMENT REFUNDING LEASE
REVENUE BONDS, SERIES 2007**

WHEREAS, the City of Wauwatosa, Milwaukee County, Wisconsin (the "City") has outstanding its General Obligation Promissory Notes, Series 2003, dated April 1, 2003 (the "2003 Notes") which mature on December 1, 2012;

WHEREAS, the City also has an obligation to make lease payments due under the Amended and Restated Lease Agreement dated October 30, 2007 (the "Lease") entered into between the City and the Redevelopment Authority of the City of Wauwatosa (the "Authority") in connection with the Authority's Redevelopment Refunding Lease Revenue Bonds, Series 2007, dated October 15, 2007 (the "2007 Bonds") which mature on December 1, 2012;

WHEREAS, Section 3.7 of the Lease provides that the City may redeem the 2007 Bonds on behalf of the Authority if it prepays rentals in an amount sufficient to pay or provide for the payment of the 2007 Bonds;

WHEREAS, the Common Council has determined that it is necessary and desirable to call the 2003 Notes and the 2007 Bonds for redemption on April 10, 2012 with funds of the City;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Wauwatosa, Milwaukee County, Wisconsin, that the 2003 Notes and the 2007 Bonds are called for prior payment on April 10, 2012 at the price of par plus accrued interest to the date of redemption.

The City hereby directs the City Clerk to work with Hutchinson, Shockey, Erley & Co. to cause timely notice of redemption, in substantially the forms attached hereto as Exhibits A and B and incorporated herein by this reference (the "Notices"), to be provided at the times, to the parties and in the manner set forth on the Notices.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-12-41

WHEREAS, the City of Wauwatosa's contract for curbside pickup of recycling expires prior to July 1, 2012; and

WHEREAS, the Director of Public Works, in a memorandum dated February 24, 2012, has proposed utilizing City staff and equipment for such curbside pickup for a six-month period from July 1, 2012, to December 31, 2012; and

WHEREAS, the proposal of the Director of Public Works is projected to result in a savings of more than \$125,000.00 for the six-month period; and

WHEREAS, the proposal of the Director of Public Works includes the transfer of recyclables collected to John's Disposal Service, Inc. at its Norway, WI, recycling facility; and

WHEREAS, at the end of the calendar year 2012, all City-wide recycling, transfer station operation, and yard waste contracts will be eligible to be rebid together;

NOW, THEREFORE, BE IT RESOLVED THAT the proper City officials are hereby authorized to begin the process of instituting a City operated curbside recycling program consistent with the proposal of the Director of Public Works in his memorandum dated February 24, 2012;

BE IT FURTHER RESOLVED THAT appropriate City officials are hereby authorized to enter into a contract with John's Disposal Service, Inc. for the balance of the calendar year 2012 to accept the City's collected recycling products consistent with the proposal provided by John's Disposal Service, Inc. for this purpose.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-12-42

WHEREAS, the Common Council has previously approved the purchase of automated garbage collection trucks for the purpose of proceeding with automated garbage collection beginning in July, 2012; and

WHEREAS, implementation of automated garbage collection requires the purchase of new garbage carts which are compatible with automated collection vehicles; and

WHEREAS, the City of Wauwatosa has reviewed proposals from garbage cart manufacturing companies which have been provided in competitive and nationwide bidding processes; and

WHEREAS, the proposal of Toter Company for the purchase of its EVR II 96 gallon collection carts is within the budget of the City of Wauwatosa, which provides one of the highest quality carts available in the current marketplace, in order to reduce ongoing maintenance and replacement costs, is in the best interest of the City;

NOW, THEREFORE, BE IT RESOLVED THAT the appropriate City officials are hereby authorized to purchase up to 15,120 Toter EVR II carts at a cost of \$770,062.00, with additional authorization to pay for pickup of used carts, consistent with the National IPA quotation provided to the City of Wauwatosa by Toter dated February 6, 2012, for an estimated total cost of \$786,862.00, with the ability to exceed said amount as necessary to provide for pickup of all carts which residents choose to return to the City.

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

FROM THE COMMITTEE ON BUDGET AND FINANCE

BILLS AND CLAIMS FOR THE PERIOD 2/22/12 – 3/6/12 --

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 2/22/12 – 3/6/12: \$22,897,838.48

It was moved by Ald. Causier, seconded by Ald. Berdan
that each and every account of bills and claims be allowed
and ordered paid. Roll call vote, Ayes 14, Present 1 (Donegan)

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-12-43

WHEREAS, the Common Council of the City of Wauwatosa did, by resolutions passed and dated February 15, 2011(1), January 19, 2010(2) and December 2, 2008(3), approve and adopt a report of the Board of Public Works in connection with repaving, and work appurtenant thereto, in the following streets:

<u>Street & Location</u>	<u>Ald. Dist.</u>	<u>Exist & (Prop.) Width</u>	<u>Pavement Construction Type</u>	<u>Assessed Sidewalk Work</u>
Blue Mound Road, Mayfair Rd. to Underwood Creek (1)	3,7	28-22-28	A-Conc	Yes
Concordia Avenue, 96th Street to Argonne Drive (2)	6	30'	C-Asph	Yes
Ruby Avenue, 100 th Street to 106 th Street (3)	8	30'	C-Asph	No

WHEREAS, the construction of the improvement above-described having now been completed in the aforementioned streets, it is the desire of the Board of Public Works to place the special assessments on the tax roll.

WHEREAS, it is the desire of the Board of Public Works to adjust the assessments for approaches and service walks, contained in said report, in relation to the costs of construction involved.

WHEREAS, the Director of Public Works has prepared amended special assessments taking into account the aforementioned differences.

NOW, THEREFORE, BE IT RESOLVED, By the Common Council of the City of Wauwatosa, Wisconsin, as follows:

Section 1. That the special assessments for paving set forth in the aforesaid reports of the Board of Public Works, approved by resolution passed and dated as listed are hereby directed to be entered upon the tax roll as hereinafter set forth and as reiterated in the special assessments attached hereto.

Section 2. That the attached amended special assessments for approaches and service walks, against the respective lots, tracts, and parcels of land abutting on the aforementioned streets be and the same are hereby approved and adopted and are directed to be entered upon the tax roll as hereinafter set forth.

Section 3. That the owners of the respective parcels of land fronting or abutting the street improvements on which public hearings have been held and preliminary assessments have been confirmed, shall have payment of the special assessments scheduled as follows:

(a) Each special assessment and special charge, pursuant to Section 66.0627 of the Wisconsin Statutes, levied in an amount of \$200 or less against any parcel of land in the City of Wauwatosa shall be entered in the tax rolls in one installment.

(b) Each special assessment for improvements levied in an amount exceeding \$200. against any parcel of land in the City of Wauwatosa shall be entered in the tax rolls in five equal annual installments of principal together with interest at the rate of twelve percent (12%) per year or the

percentage rounded out to the next highest whole percentage number above the interest rate paid by the City for the sale of corporate purpose bonds, which include the project which is the subject of the special assessment, whichever figure is less, on the unpaid balance of said assessment. Individual assessments shall run concurrently except as provided under Section 3.08.040 of the City Code.

(c) Each special assessment levied against any parcel of land in the City of Wauwatosa for the installation of sanitary sewer main or water main or construction of permanent street pavement shall not be entered in the tax roll until all installments of special assessments for sanitary sewer or water main or construction of permanent street pavement levied previously against the same parcel of land have been entered into the tax rolls and have been paid. Such subsequent special assessment shall be deferred and only interest at the rate of twelve percent (12%) per year, or the percentage rounded out to the next highest whole percentage number above the interest rate paid by the City for the issuance of General Obligation Debt, which include the project which is the subject of the special assessment, whichever figure is less, on such subsequent special assessment shall be carried into the tax rolls in addition to the scheduled installments of such prior assessments. After the last installment of such prior special assessment has been entered in the tax rolls, installments of the subsequent special assessment shall, beginning with the next subsequent tax roll, be entered in the tax rolls pursuant to Section 3.08.030 of the City Code.

(d) Whenever special assessments are levied against the frontage and side of a corner parcel of land in the City of Wauwatosa for the installation of sanitary sewers or water mains or construction of permanent pavements arising out of the same public works project, such special assessments levied against a corner parcel of land shall be deemed to be two separate special assessments, and the special assessment levied against the frontage of the corner parcel of land shall first be scheduled on the tax rolls for payment as provided in Section 3.08.030 of the City Code and the special assessment levied against the side of the corner parcel of land shall be scheduled on the tax rolls pursuant to (c) above, following such scheduling of the special assessment levied against the frontage of the corner parcel of land.

(e) Notwithstanding the provisions of (c) and (d) above, any owners of parcels of land assessed may at their option elect to pay both the scheduled installments of prior assessments as well as scheduled installments of subsequent special assessments on the same tax rolls as entered on those tax rolls pursuant to Section 3.08.030 of the City Code.

(f) If, after special assessments have been placed on the tax rolls in installments or otherwise, the taxpayer fails to pay the same within the time allowed for payment of general taxes, the same shall become delinquent and shall be treated in the same manner and subject to the same laws as delinquent general property taxes.

Section 4. That the City Clerk publish the installment assessment notice, as by Section 66.54 of the Wisconsin Statutes provided, including therein that the owners of the property benefited by said improvement may elect within thirty (30) days from the date of said notice to pay the said assessment on their property on or before the next succeeding November 1.

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-12-44

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 Outdoor Lighting

Construction Company for the work of street lighting improvements, N. Mayfair Road, under Contract 12-10, 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-12-45

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 American Sewer Services, Inc., for the work of sanitary sewer relay, repair and relining under Contract 12-02/Project 1003, this being the lowest and best bid.

BE IT FURTHER RESOLVED that the surety deposits, if any, be returned to the unsuccessful bidders.

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

There being no further business, the meeting adjourned at 7:40 p.m.

cal

Carla A. Ledesma
Carla A. Ledesma, CMC, City Clerk