



CITY OF WAUWATOSA
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COMMON COUNCIL
Regular Meeting, Tuesday, September 4, 2012

PRESENT: Alds. Wilke, Wilson, Berdan, Birschel, Causier, Donegan, Dubinski, Ewerdt, Hanson, McBride, Moldenhauer, Organ, Pantuso, Roznowski, Tilleson, Walz-Chojnacki -16

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, Development Director; Ms. Aldana, HR Director/Asst. City Attorney; Ms. Ledesma, City Clerk

Mayor Ehley in the Chair

The Mayor called the meeting to order at 7:33 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

APPLICATIONS, COMMUNICATIONS, ETC.

1. Conditional Use application in the AA Light Manufacturing District for a Meijer grocery store at 11123 W. Burleigh Street, David Behrens, GreenbergFarrow, applicant
Plan Commission, Community Development Committee
2. Request for Preliminary Planned Development approval for a Meijer grocery store at 11123 W. Burleigh Street, David Behrens, GreenbergFarrow, applicant
Plan Commission, Community Development Committee
3. Request for a Land Combination by Certified Survey Map of property at 11123 W. Burleigh Street, David Behrens, GreenbergFarrow, applicant
Plan Commission, Community Development Committee
4. Special Use application in the AA Single Family Residence District for a garage with roof height greater than 16 feet at 7805 Mary Ellen Place, Ken Krug, and John Kapriva, applicants
Plan Commission
5. Request for a Land Combination of property at 2545 N. 100th Street, John Standal, applicant
Plan Commission, Community Development Committee
6. Letter from John G. Movroydis, DeWitt Ross Stevens, 13935 Bishop's Drive, Brookfield, regarding Highway 45 project noise barriers
Public Works Director

APPLICATIONS, COMMUNICATIONS, ETC.

7. Wauwatosa Water Utility Statement of Receipts and Disbursements for the period ending July 31, 2012
Place on file
8. Notice of Claim: Taleisha Benson, 3930 N. 54th Street, Milwaukee;
City Attorney
9. Summons and Complaint: Target Corporation, P.O. Box 9454, Minneapolis, MN; Sears Holdings Corporation, 333 Beverly Road, Hoffman Estates, IL; Ron Collison, 2140 N. 93rd Street, Wauwatosa
City Attorney
10. Letter from Frank and Joanne Shansky, supporting the preservation of all four of the Eschweiler buildings on the County grounds
Place in existing file
11. Letter from Dennis Kramer, Vino 100, 1442 Underwood Avenue, requesting a liquor license extension to include their parking lot on September 7-8
Legislation, Licensing & Communications Committee
12. Revised application of Wisconsin Electric Power Company for authority to construct a new distribution substation and related electric distribution facilities in the City of Wauwatosa
Place on file

REPORTS FROM STANDING COMMITTEES

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-12-142

WHEREAS, Dennis W. Kramer of West End Wine LLC, d/b/a Vino 100, 1442 Underwood Avenue, Wauwatosa, WI, has requested a temporary extension of the licensed premises to include the parking lot on September 7 and 8, 2012; and

NOW, THEREFORE, BE IT RESOLVED THAT the licensed premises of Vino 100 be extended to include the parking lot of the building on September 7 and 8, 2012; until 11:30 PM each night;

BE IT FURTHER RESOLVED THAT the proprietors of Vino 100 shall perform garbage cleanup on neighboring properties resulting from the outdoor event and will cooperate with any requested noise abatement.

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-12-143

WHEREAS, Andrea K. Luke, 6044 N. 36th Street, Milwaukee, WI, applied for an operator's license in conjunction with her employment at The Cheesecake Factory on N. Mayfair Road; and

WHEREAS, a background investigation revealed the applicant had more than one conviction which she failed to disclose; and

WHEREAS, the circumstances surrounding these previous convictions and her failure to disclose them are substantially related to the responsibilities required of persons holding operator's licenses in the City of Wauwatosa;

NOW, THEREFORE, BE IT RESOLVED THAT the operator's license application of Andrea K. Luke is hereby denied;

BE IT FURTHER RESOLVED THAT the Clerk shall notify Ms. Luke in writing of this decision and the reasons for the denial.

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-12-144

WHEREAS, Ava J. Azinger, W201N16668 Hemlock Street, #12, Jackson, WI, has applied for an operator's license in conjunction with her employment at Noodles, 12132 W. Capitol Drive, Wauwatosa, WI;

NOW, THEREFORE, BE IT RESOLVED THAT Ava J. Azinger is hereby issued an operator's license for the period ending June 30, 2013.

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-12-145

WHEREAS, Christopher C. Cummings, 5449 Town Hall Road, Delavan, WI, has applied for an operator's license in conjunction with his employment at McCormick & Schmick's, 2550 N. Mayfair Road, Wauwatosa, WI;

NOW, THEREFORE, BE IT RESOLVED THAT Christopher C. Cummings is hereby issued an operator's license for the period ending June 30, 2013, contingent upon a review of his record in six months;

BE IT FURTHER RESOLVED THAT the Wauwatosa Police Department is directed to review Mr. Cummings' record six months after issuance of this initial license and report back to the Committee on Legislation, Licensing and Communications if any new significant issues or concerns are revealed at this time.

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

FROM THE COMMITTEE ON TRAFFIC AND SAFETY

RESOLUTION R-12-141

WHEREAS, the Traffic and Safety Committee has reviewed efforts to extend CSS designs along State Highway 100 through areas north of the current project area in order to provide consistent treatment along the entire route in the City of Wauwatosa; and

WHEREAS, the Director of Public Works has provided a draft letter which would make the appropriate requests to the Wisconsin Department of Transportation as well as providing that the City can remove the items from the final construction project in the event that they exceed the budget available;

NOW, THEREFORE, BE IT RESOLVED THAT the appropriate City officials are hereby authorized to forward the letter presented by the Public Works Director at their meeting of September 4, 2012, regarding inclusion of certain design elements in portions of the State Highway 100 construction projects.

It was moved by Ald. Wilke, seconded by Ald. Wilson
to approve the foregoing resolution. -16

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-12-146

WHEREAS, Jody Janus, Janus Massage & Yoga, has applied for a Conditional Use in the AA Business District at 824 North 68th Street to operate massage therapy and yoga studio, and;

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

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin hereby grants a Conditional Use to Jody Janus, Janus Massage & Yoga, to operate a massage and yoga studio in the AA Business District at 824 North 68th Street, subject to the following:

1. Hours of operation Monday through Saturday 7 a.m. to 10 p.m.
2. obtaining any additional permits and licenses

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-12-147

WHEREAS, Chris Prissel, Firefly restaurant, and Rod Schmidt, GDR Partnership, have applied for a Conditional Use in the Village Trade District at 7754 Harwood Avenue to add outdoor sidewalk 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 Chris Prissel, Firefly restaurant, and Rod Schmidt, GDR Partnership to add outdoor sidewalk seating in the Village Trade District at 7754 Harwood Avenue, subject to the following:

1. Limited to 20 seats per revised plans developed by the City Engineering Division
2. Hours of operation Monday through Saturday 4:30 pm to midnight
3. Modification of liquor license to include outdoor seating areas
4. obtaining any additional permits and licenses

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

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-12-149

WHEREAS, the City of Wauwatosa Purchasing Coordinator has indicated that the City has the opportunity through the V.A.L.U.E. Cooperative Consortium Group to participate in procurement card (Pcard) program through J P Morgan Chase Bank; and

WHEREAS, the Pcard program would allow goods and services to be procured without utilizing traditional purchasing processes and would also provide rebates to the City on these purchases, therefore, reducing costs and internal paperwork required to make routine small dollar amount purchases; and

WHEREAS, minimal startup fees associated with the program will be recouped early in the process;

NOW, THEREFORE, BE IT RESOLVED THAT appropriate City officials are hereby authorized to enter into a 5 year agreement with J P Morgan Chase for the procurement card program for the City of Wauwatosa as proposed by the Purchasing Coordinator in a memo dated August 27, 2012.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-12-150

BE IT RESOLVED, by the Common Council of the City of Wauwatosa, THAT the appropriate City officials are hereby authorized to execute a Cooperative Intergovernmental Agreement for Fleet Maintenance Services relating to fire/rescue and emergency medical services with the North Shore Fire Department consistent with the attached agreement.

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

FROM THE COMMITTEE ON BUDGET AND FINANCE

BILLS AND CLAIMS FOR THE PERIOD 8/8/12 – 9/4/12 --

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 8/8/12 – 9/4/12: \$11,750,831.89

It was moved by Ald. Causier, seconded by Ald. Dubinski 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 R-12-151

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 water main relay, repair and extension under Contract 12-12/Projects 1001 and 5005, at and for their bid price of \$315,024.50, 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-12-152

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 Marvin Gleason Contractor, Inc., for the work of State Street Median and work incidental thereto under Contract 12-77/Project 9009 at and for their bid price of \$62,213.50, this being the lowest and best price.

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

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-12-154

WHEREAS, the Director of Public Works and the City Engineer were required to issue an emergency order for professional services in the amount of \$40,315.50 for the purpose of providing emergency repairs to the sanitary sewer line connected to a manhole replacement on N. 66th Street after it was determined the sanitary sewer line was in need of immediate replacement; and

WHEREAS, the construction firm of MJ Construction, Inc. was selected to provide the services because the firm had already been contracted by the City to rehabilitate and replace sanitary manholes;

NOW, THEREFORE, BE IT RESOLVED THAT the Common Council finds that the need to replace the sanitary sewer line constitutes an emergency under the purchasing ordinance;

BE IT FURTHER RESOLVED THAT the purchase of professional services from MJ Construction, Inc. in the amount described above is hereby approved and the competitive bidding procedure is hereby waived.

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-12-153

WHEREAS, the Director of Public Works and the City Engineer were required to issue an emergency order for professional services in the amount of \$2,425.90 for the purpose of providing emergency repairs to a collapsed sanitary sewer line at N. 73rd Street north of Milwaukee Avenue after it was determined the sanitary sewer line was in need of immediate replacement; and

WHEREAS, the construction firm of American Sewer Services, Inc. was selected to provide the services because the firm was already under contract with the City for a water main project;

NOW, THEREFORE, BE IT RESOLVED THAT the Common Council finds that the need to replace the sanitary sewer line constitutes an emergency under the purchasing ordinance;

BE IT FURTHER RESOLVED THAT the purchase of professional services from American Sewer Services, Inc. in the amount described above is hereby approved and the competitive bidding procedure is hereby waived.

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-12-155

WHEREAS, the Director of Public Works and the City Engineer were required to issue an emergency order for professional services in the amount of \$6,164.33 for the purpose of providing emergency repairs to a collapsed sanitary sewer line at Hillcrest Drive and Church Street after it was determined the sanitary sewer line was in need of immediate replacement; and

WHEREAS, the construction firm of American Sewer Services, Inc. was selected to provide the services because the firm was doing work on another project in the area;

NOW, THEREFORE, BE IT RESOLVED THAT the Common Council finds that the need to replace the sanitary sewer line constitutes an emergency under the purchasing ordinance;

BE IT FURTHER RESOLVED THAT the purchase of professional services from American Sewer Services, Inc. in the amount described above is hereby approved and the competitive bidding procedure is hereby waived.

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-12-156

WHEREAS, the Wauwatosa Water Utility was required to conduct emergency repairs on a water main which was damaged by a construction contractor at 1901 N. Mayfair Road on June 29, 2012; and

WHEREAS, the City was unable to obtain bids for the project in a timely fashion and, therefore, the City contracted directly with MJ Construction, Inc. for this emergency repair; and

WHEREAS, following payment of said invoice, the Water Utility intends to seek reimbursement from Outdoor Lighting, Inc., which caused the damage to the water main;

NOW, THEREFORE, BE IT RESOLVED THAT the emergency purchase of repairs to the damaged water main at approximately 1901 N. Mayfair Road on June 29, 2012, is hereby approved.

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-12-157

WHEREAS, the Board of Public Works reviewed the proposed agreement between the City and the Wisconsin Department of Transportation for the location of a sanitary sewer on Mayfair Road at Watertown Plank Road in conjunction with the DOT project to improve State Highway 100; and

WHEREAS, the Wisconsin Department of Transportation will reimburse the City of Wauwatosa for 90% of the cost and the City will be responsible for \$11,530.00 as part of the contract;

NOW, THEREFORE, BE IT RESOLVED THAT the appropriate City officials are hereby authorized to enter into the proposed agreement with the Wisconsin Department of Transportation for relocation of a sanitary sewer on Mayfair Road at Watertown Plank Road.

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

There being no further business, the meeting adjourned at 7:45 p.m.

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