



CITY OF WAUWATOSA  
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**COMMON COUNCIL**  
**Regular Meeting, Tuesday, September 18, 2012**

PRESENT: Alds. Walz-Chojnacki, Wilke, Wilson, Berdan, Birschel, Causier, Dubinski, Ewerdt, Hanson, McBride, Moldenhauer, Organ, Pantuso, Roznowski, Tilleson -15

EXCUSED: Ald. Donegan

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. Ledesma, City Clerk

Mayor Ehley 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

**APPLICATIONS, COMMUNICATIONS, ETC.**

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

**Place on file**

2. Petition from Eagle Street residents supporting a traffic study regarding an unsafe, uncontrolled intersection at the corner of N. 78<sup>th</sup> and Eagle Streets

**Public Works Director**

3. Notice of Claims: Cheryl and Jim Bender, 6111 W. Wisconsin Avenue, Wauwatosa; William P. Clamton II, 1379 N. 58<sup>th</sup> Street, Milwaukee; Antonio Ferrer 10310 W. Montana Avenue, Milwaukee; Wisam Shana'a, 804 Geralayne Circle, Wauwatosa

**City Attorney**

4. Letter from Ald. Craig Wilson regarding repeal of Section 11.36.190(6) of the city code prohibiting left turns at the intersection of Capitol Drive and N. 110<sup>th</sup> Street

**Public Works Director**

5. Email from Erika Turner, no address, in support of preserving all three Eschweiler buildings

**City Engineer**

6. Wauwatosa Police Department 2011 Annual Report

**Place on file**

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

**RESOLUTION R-12-158**

WHEREAS, Wings on Mayfair LLC, d/b/a Buffalo Wild Wings, has asked for a transfer of their Class “B” beer and “Class B” liquor license to Blazin Wings, Inc., d/b/a Buffalo Wild Wings, 2635 N. Mayfair Road, Wauwatosa, WI, Dan Collicott, agent;

NOW, THEREFORE, BE IT RESOLVED THAT the Class “B” beer and “Class B” liquor license be transferred from Wings on Mayfair LLC, d/b/a Buffalo Wild Wings, to Blazin Wings, Inc., d/b/a Buffalo Wild Wings, 2635 N. Mayfair Road, Wauwatosa, WI, Dan Collicott, agent.

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

**RESOLUTION R-12-159**

WHEREAS, Jon Anne Willow, agent for North Avenue Partners LLC, d/b/a North Avenue Grill, 7225 W. North Avenue, Wauwatosa, WI, has applied for a Reserve “Class B” liquor license;

NOW, THEREFORE, BE IT RESOLVED THAT a Reserve “Class B” liquor license be awarded to Jon Anne Willow, agent for North Avenue Partners LLC, d/b/a North Avenue Grill, Wauwatosa, WI, for the period ending June 30, 2013;

BE IT FURTHER RESOLVED THAT an economic development grant in the sum of \$9,500.00 pursuant to Section 6.08.475 of the Wauwatosa Municipal Code be and hereby is granted.

It was moved by Ald. Ewerdt, seconded by Ald. Tilleson  
to approve the two foregoing resolutions. -15

**FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT**

**RESOLUTION R-12-160**

BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin that permission be and the same is hereby granted to John Standal for a Land Combination at 2545 North 100<sup>th</sup> Street. The location of the parcel is more particularly described as follows:

Lot 1 and Lot 2 of Certified Survey Map #8441

All in accordance with the application attached hereto and made a part of this resolution, and in compliance with Section 24.56.010 of the Code of the City of Wauwatosa and subject to the payment of all outstanding special assessments on the aforescribed property which is being subdivided.

It was moved by Ald. Roznowski, seconded by Ald. Pantuso  
to approve the foregoing resolution. -15

**FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT**

**RESOLUTION R-12-161**

WHEREAS, the Wauwatosa Common Council has previously stated in a resolution dated February 7, 2012, that any proposed Western route for electrical transmission lines as part of the American Transmission Company's Western Milwaukee County Electric Reliability Project (WMCERP) should be routed in such a way that they would be entirely underground and would not cause structures to be placed in neighborhoods, parks, parkways, wetlands, or natural areas; and

WHEREAS, the Common Council has consistently opposed overhead routes along Underwood Parkway and Oak Leaf Trail due to the impact on natural areas and aesthetic features important to the continued viability of these natural areas within the City of Wauwatosa; and

WHEREAS, an additional concern has been addressed specifically to the need to avoid an overhead route such as that depicted in Segments 4, 5 and 6 of ATC's application, which would significantly disrupt present and future areas planned for significant economic development and improvement of the tax base in the City of Wauwatosa and Milwaukee County; and

WHEREAS, after significant discussion with representatives of ATC, it has been determined that all underground portions of the proposed segment 1UG could be placed entirely within the roadway of Walnut Road, instead of an a route north of the right-of-way, which would disrupt old trees and residential neighborhoods; and

WHEREAS, the underground segment known as 23UG in ATC's application is also shown and proven viable in conjunction with planned work by the Wisconsin Department of Transportation as part of the zoo interchange project; and

WHEREAS, ATC has indicated that the method of transitioning from overhead to underground routes at the location of 120<sup>th</sup> Street and Walnut Road in the City of Wauwatosa could be reduced to a far less impactful design than originally proposed; and

WHEREAS, Wauwatosa residents have expressed concern about all proposed western routes and their impact on the City of Wauwatosa, particularly the visual, aesthetic and economic impact of above ground routes in this established urban setting;

NOW, THEREFORE, BE IT RESOLVED THAT the Wauwatosa Common Council does hereby oppose all efforts to proceed with above ground segments of "Route B" as described in ATC's application in the Public Service Commission in Case No. 05-CE-139, due to the negative impact on natural areas, aesthetic enjoyment and future economic development due to the proposed above ground segments of said routes;

BE IT FURTHER RESOLVED THAT the City of Wauwatosa Common Council does hereby support efforts to establish a Western route for the Western Milwaukee County Electric Reliability Project which would be a modification of the proposed route A in ATC's application, as follows:

- Reduced impact transition structures at the intersection of 120<sup>th</sup> Street and Walnut Road in the City of Wauwatosa in order to lessen the impact on the immediate neighbors as much as possible;

- All underground route on Walnut Road should be under the road, rather than north of the right-of-way as originally proposed in ATC's application;
- An underground segment from the east end of Walnut Road to Watertown Plank shall be utilized with affordable and tested technologies which do not require directional drilling;
- The route should continue along that portion of proposed Segment 23UG eastward underneath Watertown Plank and into the proposed new WE Energies substation;

BE IT FINALLY RESOLVED THAT the City Attorney be authorized to continue representing this position to the Wisconsin Public Service Commission.

It was moved by Ald. Roznowski, seconded by Ald. Pantuso to approve the foregoing resolution supporting an underground route on the Walnut Road alternative. Roll call vote, Ayes 11, Noes 4 (Berdan, Birschel, Dubinski, Organ)

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

**RESOLUTION R-12-162**

WHEREAS, the Plaintiffs offered a settlement to the City of Wauwatosa in the matter of Walgreen Co. v. City of Wauwatosa, Milwaukee County Case No. 11-CV-12112; and

WHEREAS, the Committee on Budget and Finance considered the proposed Settlement Agreement in closed session at its meeting on September 11, 2012, and proposed a counter-offer; and

WHEREAS, the City Attorney's office has learned that Plaintiff has accepted the counter-offer;

NOW, THEREFORE, BE IT RESOLVED THAT the appropriate City officials are hereby authorized to enter into a Settlement Agreement in the matter of Walgreen Co. v. City of Wauwatosa, Milwaukee County Case No. 11-CV-12112, consistent with the terms proposed in the counter-offer which was accepted by Walgreens prior to the Common Council meeting of September 18, 2012.

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

**RESOLUTION R-12-163**

WHEREAS, the Director of Public Works briefed the Committee on Budget & Finance regarding the lateral lining program on Eagle and 65<sup>th</sup> Streets which is planned to be completed in the next 6-8 weeks; and

WHEREAS, the City Engineer outlined a proposed chemical grouting program which would address peak wet weather sanitary sewer flows exceeding MMSD limits by applying a chemical grout to the area of sewer laterals nearest the sanitary sewer main, which would be much less expensive and would be faster to implement than a full lateral lining program; and

WHEREAS, Phase I of the programs proposed to utilize up to \$250,000 of MMSD private property infiltration and inflow (PPI/I) funding which would allow the work to begin by the end of 2012; and

WHEREAS, Phase II would consist of lateral and mainline grouting in the remainder of the proposed service area by utilizing a cost of approximately \$300.00-600.00 per property compared to \$6,000.00 per property with full lateral lining; and

WHEREAS, utilizing MMSD's funds would also require the City enter into an Agreement with Brown and Caldwell for up to \$100,000.00 in professional services for design and administration of the program;

NOW, THEREFORE, BE IT RESOLVED THAT the appropriate City officials are hereby authorized to enter into an Agreement with Brown and Caldwell for up to \$100,000.00 for professional services associated with the lateral grouting program proposed by the City Engineer at the meeting of the Committee on Budget & Finance on September 11, 2012;

BE IT FURTHER RESOLVED THAT the appropriate City officials are hereby authorized to utilize available funds from MMSD PPI/I funding for the purpose of conducting the proposed lateral lining program in 2012-2013, as further described to the Committee on Budget and Finance.

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

**RESOLUTION R-12-164**

WHEREAS, the City of Wauwatosa and the City of Milwaukee worked together to address local costs associated with the Wisconsin DOT project to repair W. Capitol Drive between 84<sup>th</sup> Street and Highway 100; and

WHEREAS, the City of Wauwatosa's estimated share of local costs on this project is approximately \$200,000.00; and

WHEREAS, it is anticipated that the funds for this local share will be included in the 2013 Capital Improvements budget;

NOW, THEREFORE, BE IT RESOLVED THAT the appropriate City officials are hereby authorized to enter into a Cost Share Agreement with the City of Milwaukee for Project ID #2025-11-01 regarding local costs associated with the repair of W. Capitol Drive between 84<sup>th</sup> Street and Highway 100, a project which encompasses both the City of Milwaukee and the City of Wauwatosa.

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

**RESOLUTION R-12-165**

WHEREAS, the Wauwatosa Water Utility has expressed concern over a succession of water main breaks in the area north of West Wisconsin Avenue between north 76<sup>th</sup> Street and Honey Creek Parkway; and

WHEREAS, in order to alleviate the ongoing concerns, the utility is suggesting an emergency repair using a cured-in-place pipe lining process to address the problem of failing water mains; and WHEREAS, due to the urgency and the potential damage from such water main breaks, the Wauwatosa Water Utility is proposing to waive the bidding requirements in favor of an emergency purchase order process due to the time element necessary for construction; and

WHEREAS, the firm of Short Elliot Hendrickson, Inc. has provided engineering services for the cities of Marshfield and Wausau projects this year in conjunction with similar repairs which were shown to the Committee;

NOW, THEREFORE, BE IT RESOLVED THAT the appropriate City officials are hereby authorized to enter into an Agreement with the firm of Short Elliot Hendrickson, Inc. to provide engineering services and contract administration for emergency water main rehabilitation in using a cured-in-place pipe lining process in the area between north 76<sup>th</sup> Street and Menomonee River Parkway north of Wisconsin Avenue;

BE IT FURTHER RESOLVED THAT the appropriate City officials are hereby authorized to seek proposals for the construction of repairs designed by Short Elliot Hendrickson, Inc. and enter into an Agreement for emergency repairs by waiving the bidding process for this project, provided that repairs can be completed within the available budget.

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

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

BILLS AND CLAIMS FOR THE PERIOD 9/5/12 – 9/18/12 --

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 the period 9/5/12 – 9/18/12: \$4,232,733.52

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 15

**FROM THE BOARD OF PUBLIC WORKS**

**RESOLUTION** R-12-166

BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin that a public hearing be held before the Common Council in the Council Chambers at 7:30 p.m. Local Time, on Tuesday, October 16, 2012 in the City Hall of the City of Wauwatosa, Wisconsin at which time all persons interested, or their agents or attorneys, will be heard concerning special assessments relating to the city's intent to perform street construction work in the City of Wauwatosa.

There being no further business, the meeting adjourned at 8:50 p.m.

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